

SB 590

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

SENATE BILL NO. 590

(ORIGINATING IN THE COMMITTEE
(By Senator ON FINANCE)



PASSED MARCH 9, 1996

In Effect JULY 1, 1996 Passage-

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill No. 590

(Originating in the Committee on Finance.)

[Passed March 9, 1996; to take effect July 1, 1996.]

AN ACT to amend and reenact section two-a, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend section eleven, article two, chapter eighteen of said code; to amend and reenact section one, article three of said chapter; to amend and reenact sections eighteen, twenty-two and thirty-nine, article five of said chapter; to amend article seven-a, by adding thereto two new sections, designated sections twenty-six-n and twenty-six-o; to amend and reenact section ten, article nine-a of said chapter; to further amend said article by adding thereto a new section, designated section twenty-five; to amend and reenact section two, article seventeen of said chapter; to amend and reenact section thirteen, article two, chapter eighteen-a of said code; to amend and reenact sections two, three, eight, eight-a, eight-b, eight-g, fifteen and sixteen, article four of said chapter; to

further amend said article by adding thereto a new section, designated section eight-h; and to amend and reenact section eight, article five of said chapter, all relating to public education; compensation and allowances for appointive state officers; sabbatical leaves for teachers and certain aides; compensation of state superintendent of schools; kindergarten programs; specialized health procedures; establishment of summer school programs; supplemental benefits for certain teachers; foundation allowance to improve instructional programs; state allowance for state teacher of the year salary; admission of students to schools for the deaf and blind; recommended guidelines for full-day and half-day cooks; state minimum salary schedule for teachers; the principals' index; employment term and class titles of service personnel; service personnel minimum monthly salaries; seniority rights for school service personnel; determination of seniority for service personnel; limitation on number of school service personnel positions to be held by an employee; employment of service personnel substitutes; extracurricular assignments; authority of certain aides to exercise control over pupils.

Be it enacted by the Legislature of West Virginia:

That section two-a, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section eleven, article two, chapter eighteen of said code be amended and reenacted; that section one, article three of said chapter be amended and reenacted; that sections eighteen, twenty-two and thirty-nine, article five of said chapter be amended and reenacted; that article seven-a of said chapter be amended by adding thereto two new sections, designated sections twenty-six-n and twenty-six-o; that section ten, article nine-a of said chapter be amended and reenacted; that said article be further amended by adding thereto a new section, designated section twenty-five; that section two, article seventeen of said chapter be amended and reenacted; that section thirteen, article two, chapter eighteen-a of said code be amended and reenacted; that sections two, three, eight, eight-a, eight-b, eight-g, fifteen

and sixteen, article four of said chapter be amended and reenacted; that said article be further amended by adding thereto a new section, designated section eight-h; that section eight, article five of said chapter be amended and reenacted, all to read as follows:

**CHAPTER 6. GENERAL PROVISIONS
RESPECTING OFFICERS.**

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers and salaries of such officers.

1 (a) Notwithstanding any other provision of this code to
2 the contrary enacted prior to the first day of January,
3 one thousand nine hundred ninety-four, each of the
4 following appointive state officers named in this subsection
5 shall be appointed by the governor, by and with the
6 advice and consent of the Senate. Each of such appointive
7 state officers shall serve at the will and pleasure of
8 the governor for the term for which the governor was
9 elected and until the respective state officers' successors
10 have been appointed and qualified. Each of such appointive
11 state officers shall hereafter be subject to the
12 existing qualifications for holding each such respective
13 office and each shall have and is hereby granted all of
14 the powers and authority and shall perform all of the
15 functions and services heretofore vested in and performed
16 by virtue of existing law respecting each such
17 office.

18 Beginning on the first day of July, one thousand nine
19 hundred ninety-four, the annual salary of each such
20 named appointive state officer shall be as follows:

21 Administrator, division of highways, sixty-five thousand
22 dollars; administrator, division of health, fifty-seven
23 thousand two hundred dollars; administrator,
24 division of human services, forty-seven thousand eight
25 hundred dollars; administrator, state tax division,
26 forty-nine thousand nine hundred dollars; administrator,

27 division of energy, sixty-five thousand dollars; adminis-
28 trator, division of corrections, fifty-five thousand
29 dollars; administrator, division of natural resources,
30 sixty-five thousand dollars; administrator, division of
31 public safety, sixty thousand dollars; administrator,
32 lottery division, sixty thousand dollars; director, public
33 employees insurance agency, fifty-five thousand dollars;
34 administrator, division of banking, fifty-five thousand
35 dollars; administrator, division of insurance, fifty-five
36 thousand dollars; administrator, division of culture and
37 history, fifty thousand dollars; administrator, alcohol
38 beverage control commission, sixty thousand dollars;
39 administrator, division of motor vehicles, fifty-five
40 thousand dollars; director, division of personnel, fifty
41 thousand dollars; adjutant general, fifty thousand
42 dollars; chairman, health care cost review authority,
43 fifty-five thousand dollars; members, health care cost
44 review authority, fifty-one thousand two hundred
45 dollars; director, human rights commission, forty thou-
46 sand dollars; administrator, division of labor, fifty-five
47 thousand dollars; administrator, division of veterans
48 affairs, forty thousand dollars; administrator, division of
49 emergency services, forty thousand dollars; members,
50 board of parole, forty thousand dollars; members,
51 employment security review board, seventeen thousand
52 dollars; members, workers' compensation appeal board,
53 seventeen thousand eight hundred dollars.

54 Prior to the first day of July, one thousand nine hun-
55 dred ninety-four, each of the aforesaid officers shall
56 continue to receive the annual salaries they were receiv-
57 ing as of the last day of December, one thousand nine
58 hundred ninety-three.

59 (b) Notwithstanding any other provisions of this code
60 to the contrary enacted prior to the first day of January,
61 one thousand nine hundred ninety-four, each of the state
62 officers named in this subsection shall continue to be
63 appointed in the manner prescribed in this code, and,
64 prior to the first day of July, one thousand nine hundred
65 ninety-four, each of the state officers named in this

66 subsection shall continue to receive the annual salaries
67 they were receiving as of the last day of December, one
68 thousand nine hundred ninety-three, and shall thereafter
69 be paid an annual salary as follows: Administrator,
70 division of risk and insurance management, fifty thou-
71 sand dollars; director, division of rehabilitation services,
72 fifty-five thousand dollars; executive director, educa-
73 tional broadcasting authority, fifty-five thousand
74 dollars; secretary, library commission, forty-seven
75 thousand five hundred dollars; director, geologic and
76 economic survey, forty-seven thousand five hundred
77 dollars; executive director, water development authority,
78 fifty-four thousand two hundred dollars; executive
79 director, public defender services, fifty-five thousand
80 dollars; director, commission on aging, forty thousand
81 dollars; commissioner, oil and gas conservation commis-
82 sion, forty thousand dollars; director, farm management
83 commission, thirty-two thousand five hundred dollars;
84 director, railroad maintenance authority, fifty thousand
85 dollars; executive secretary, women's commission, thirty
86 thousand one hundred dollars; director, regional jail
87 authority, fifty-five thousand dollars; director, hospital
88 finance authority, twenty-five thousand eight hundred
89 dollars.

90 (c) No increase in the salary of any appointive state
91 officer pursuant to this section shall be paid until and
92 unless such appointive state officer shall have first filed
93 with the state auditor and the legislative auditor a sworn
94 statement, on a form to be prescribed by the attorney
95 general, certifying that his or her spending unit is in
96 compliance with any general law providing for a salary
97 increase for his or her employees. The attorney general
98 shall prepare and distribute such form to the affected
99 spending units: *Provided*, That no decrease in salary
100 shall be effective for any current appointive state officer
101 appointed prior to the first day of January, one thousand
102 nine hundred eighty-nine: *Provided, however*, That such
103 decreases shall take effect at such time as any appointive
104 office is vacated: *Provided further*, That the increase

105 provided for the state superintendent of schools enacted
106 during the regular session, one thousand nine hundred
107 ninety-four, should not become effective until the first
108 day of January, one thousand nine hundred ninety-seven.

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-11. Sabbatical leaves for teachers and certain aides.

1 (a) The state board shall by the first day of December,
2 one thousand nine hundred eighty-eight, establish by
3 policy a sabbatical leave program. Such program partici-
4 pation shall be considered optional for each county
5 board. Individuals employed as professional educators,
6 as defined in section one, article one, chapter eighteen-a
7 of this code, and aides shall be eligible for the sabbatical
8 leave program: *Provided*, That such aides have a cumu-
9 lative grade point of three and two tenths on a possible
10 four point scale pursuant to successful completion of at
11 least sixty-four semester hours of course work at an
12 approved institution of higher education. Such policy
13 shall establish the educational objectives, peer selection
14 criteria and other guidelines the board deems necessary.
15 The sabbatical leave policy shall provide that not less
16 than ninety-five percent of sabbatical leaves granted
17 shall be for classroom teachers and such policy shall not
18 provide for the granting of sabbatical leave to any
19 employee who has fewer than ten years of West Virginia
20 public school service, nor shall compensation during
21 such leave be more than one half of the employee's
22 regular salary. While on sabbatical leave the employee
23 shall be deemed to be a full-time employee for purposes
24 of years of experience and participation in the teachers
25 retirement system and the public employee insurance
26 program. Any employee receiving a sabbatical leave shall
27 be required to return to employment by the board which
28 granted the leave for a period of at least one year or
29 repay the compensation and benefits received during
30 that time and have deducted the retirement credit and
31 years of service credit accrued during sabbatical leave:

32 *Provided, however,* That sabbatical leaves for teachers
 33 and certain aides shall be optional by the respective
 34 boards.

35 (b) Notwithstanding any other provision of this code to
 36 the contrary, if the state teacher of the year either works
 37 with programs approved by the state department or
 38 attends school at a college or university to further his or
 39 her education, the teacher shall receive a sabbatical from
 40 his or her position for up to one year in which the
 41 teacher has been selected as state teacher of the year:
 42 *Provided,* That if the state teacher of the year chooses to
 43 take a sabbatical, then the state department shall
 44 provide the county from where the teacher is taking the
 45 sabbatical with an allowance equal to the state average
 46 contractual salary for teachers.

ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

§18-3-1. Appointment; qualifications; compensation; traveling expenses; office and residence.

1 There shall be appointed by the state board a state
 2 superintendent of schools. He shall be a person of good
 3 moral character, of recognized ability as a school admin-
 4 istrator, holding at least a master's degree in educational
 5 administration, and shall have had not less than five
 6 years of experience in public school work. He shall
 7 receive an annual salary set by the state board, to be
 8 paid monthly: *Provided,* That the annual salary may not
 9 exceed one hundred thousand dollars. The state superin-
 10 tendent shall also receive necessary traveling expenses
 11 incident to the performance of his duties, the same to be
 12 paid out of the general school fund upon warrants of the
 13 state auditor. The superintendent shall have his office at
 14 the state capital.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18. Kindergarten programs.

1 County boards shall provide by the school year one
 2 thousand nine hundred eighty-three—eighty-four, and
 3 continue thereafter, kindergarten programs for all

4 children who shall have attained the age of five prior to
5 the first day of September of the school year in which
6 the pupil enters such kindergarten program and may
7 establish kindergarten programs designed for children
8 below the age of five: *Provided*, That beginning with the
9 school year one thousand nine hundred ninety-
10 six—ninety-seven, such programs shall be full-day
11 everyday: *Provided, however*, That nothing contained
12 herein shall prevent the state superintendent from
13 granting an extension to those counties currently with
14 building or renovation projects that will provide ade-
15 quate space or counties having at least two percent net
16 enrollment increase over the previous five years. The
17 county board must apply with the supporting data to
18 meet the criteria for which they are eligible on or before
19 the twenty-fifth day of March for the following school
20 year. The state superintendent shall grant or deny the
21 requested waiver on or before the fifteenth day of April
22 of that same year.

23 Persons employed as kindergarten teachers, as distin-
24 guished from paraprofessional personnel, shall be
25 required to hold a certificate valid for teaching at the
26 assigned level as prescribed by regulations established
27 by the state board. The state board shall establish and
28 prescribe guidelines and criteria setting forth the
29 minimum requirements for all paraprofessional person-
30 nel employed in kindergarten programs established
31 pursuant to the provisions of this section and no such
32 paraprofessional personnel shall be employed in any
33 kindergarten program unless he meets such minimum
34 requirements.

35 The state board with the advice of the state superin-
36 tendent of free schools shall establish and prescribe
37 guidelines and criteria relating to the establishment,
38 operation and successful completion of kindergarten
39 programs in accordance with the other provisions of this
40 section. Guidelines and criteria so established and
41 prescribed are also intended to serve for the establish-
42 ment and operation of nonpublic kindergarten programs

43 and shall be used for the evaluation and approval of such
44 programs, provided application for such evaluation and
45 approval is made in writing to the state board by proper
46 authorities in control of such programs. The state
47 superintendent of free schools at intervals not to exceed
48 two years shall publish a list of nonpublic kindergarten
49 programs that have been approved in accordance with
50 the provisions of this section and a list of Montessori
51 kindergartens established and operated in accordance
52 with usual and customary practices for the use of the
53 Montessori method. Teachers who have training or
54 experience in the use of the Montessori method of
55 instruction for kindergartens shall be deemed to be
56 approved to teach in such kindergartens using the
57 Montessori method without additional certification.

58 Pursuant to such guidelines and criteria, and only
59 pursuant to such guidelines and criteria, the county
60 boards may establish programs taking kindergarten to
61 the homes of the children involved, using educational
62 television, paraprofessional personnel in addition to and
63 to supplement regularly certified teachers, mobile or
64 permanent classrooms and other means developed to
65 best carry kindergarten to the child in its home and
66 enlist the aid and involvement of its parent or parents in
67 presenting the program to the child; or may develop
68 programs of a more formal kindergarten type, in existing
69 school buildings, or both, as such county board may
70 determine, taking into consideration the cost, the terrain,
71 the existing available facilities, the distances each child
72 may be required to travel, the time each child may be
73 required to be away from home, the child's health, the
74 involvement of parents and such other factors as each
75 county board may find pertinent. Such determinations
76 by any county board shall be final and conclusive.

77 Funds for implementing the kindergarten programs
78 during the fiscal year one thousand nine hundred
79 seventy-two, and thereafter, shall be allocated to coun-
80 ties from a special appropriation to the state department
81 from the general revenue fund: *Provided*, That except for

82 expenditures from the general revenue funds for regional
83 kindergarten demonstration centers, in no event shall
84 any state money from the general fund be expended
85 under the provisions of this section unless federal funds
86 are available for the purposes of this section.

87 Allocations to counties will be made on the basis of
88 approved kindergarten programs. The state board shall
89 establish criteria and standards necessary to guide
90 counties in developing approvable kindergarten pro-
91 grams and shall determine funding levels of said pro-
92 grams on local operating costs.

93 An additional appropriation shall be made to the state
94 department from the general revenue fund to establish
95 and operate during the fiscal year one thousand nine
96 hundred seventy-two, regional kindergarten demonstra-
97 tion centers in educational regions three, four, five, six
98 and seven, and thereafter in regions one through seven.
99 Said funds shall be allocated to said regions for estab-
100 lishing and operating regional demonstration centers in
101 accordance with criteria and standards established by
102 the state board. Said regional centers shall be estab-
103 lished to provide exemplary and innovative kindergarten
104 programs, to provide laboratory experiences for pre-
105 service and in-service education for professional person-
106 nel and staff development programs for training para-
107 professional personnel, to establish organizational and
108 administrative machinery designed to promote coopera-
109 tion between and among all agencies involved in the
110 education and development of young children and to
111 promote cooperation between counties in providing high
112 cost supervisory, developmental, research and evaluative
113 services not currently available to individual counties.

**§18-5-22. Medical and dental inspection; school nurses; spe-
cialized health procedures; establishment of
council of school nurses.**

1 County boards shall provide proper medical and dental
2 inspections for all pupils attending the schools of their
3 county and shall further have the authority to take any
4 other action necessary to protect the pupils from infec-

5 tious diseases, including the authority to require from all
6 school personnel employed in their county, certificates of
7 good health and of physical fitness.

8 Each county board shall employ full time at least one
9 school nurse for every one thousand five hundred
10 kindergarten through seventh grade pupils in net enroll-
11 ment or major fraction thereof: *Provided*, That each
12 county shall employ full time at least one school nurse:
13 *Provided, however*, That a county board may contract
14 with a public health department for services considered
15 equivalent to those required by this section in accor-
16 dance with a plan to be approved by the state board:
17 *Provided further*, That the state board shall promulgate
18 rules requiring the employment of school nurses in
19 excess of the number required by this section to ensure
20 adequate provision of services to severely handicapped
21 pupils.

22 Any person employed as a school nurse shall be a
23 registered professional nurse properly licensed by the
24 West Virginia board of examiners for registered profes-
25 sional nurses in accordance with article seven, chapter
26 thirty of this code.

27 Specialized health procedures that require the skill,
28 knowledge and judgment of a licensed health profes-
29 sional, shall be performed only by school nurses, other
30 licensed school health care providers as provided for in
31 this section, or school employees who have been trained
32 and retrained every two years who are subject to the
33 supervision and approval by school nurses. After assess-
34 ing the health status of the individual student, a school
35 nurse, in collaboration with the student's physician,
36 parents and in some instances an individualized educa-
37 tion program team, may delegate certain health care
38 procedures to a school employee who shall be trained
39 pursuant to this section, considered competent, have
40 consultation with, and be monitored or supervised by the
41 school nurse: *Provided*, That nothing herein shall
42 prohibit any school employee from providing specialized

43 health procedures or any other prudent action to aid any
44 person who is in acute physical distress or requires
45 emergency assistance. For the purposes of this section
46 "specialized health procedures" means, but is not limited
47 to, catheterization, suctioning of tracheostomy, naso-
48 gastric tube feeding or gastrostomy tube feeding.
49 "School employee" means "teachers", as defined in
50 section one, article one of this chapter and aides as
51 defined in section eight, article four, chapter eighteen-a
52 of this code.

53 Any school employee who elects, or is required by this
54 section, to undergo training or retraining to provide, in
55 the manner specified in this section, the specialized
56 health care procedures for those students for which the
57 selection has been approved by both the principal and
58 the county board, shall receive additional pay of at least
59 one pay grade higher than the highest pay grade for
60 which the employee is paid: *Provided*, That any training
61 required in this section may be considered in lieu of
62 required in-service training of the school employee and
63 a school employee may not be required to elect to
64 undergo the training or retraining: *Provided, however*,
65 That commencing with the first day of July, one thou-
66 sand nine hundred eighty-nine, any newly employed
67 school employee in the field of special education shall be
68 required to undergo the training and retraining as
69 provided for in this section: *Provided further*, That if an
70 employee who holds a class title of an aide is employed
71 in a school and such aide has received the training,
72 pursuant to this section, then an employee in the field of
73 special education shall not be required to perform the
74 specialized health care procedures.

75 Each county school nurse, as designated and defined
76 by this section, shall perform a needs assessment. These
77 nurses shall meet on the basis of the area served by their
78 regional educational service agency, prepare recommen-
79 dations and elect a representative to serve on the council
80 of school nurses established under this section.

81 There shall be established a council of school nurses
82 which shall be convened by the state board of education.
83 This council shall prepare a procedural manual and shall
84 provide recommendations regarding a training course to
85 the director of the state division of health who shall
86 consult with the state department of education. The state
87 division of health then has the authority to promulgate
88 rules to implement the training and to create standards
89 used by those school nurses and school employees
90 performing specialized health procedures. The council
91 shall meet every two years to review the certification and
92 training program regarding school employees.

93 The state board of education shall work in conjunction
94 with county boards to provide training and retraining
95 every two years as recommended by the council of school
96 nurses and implemented by the state division of health.

§18-5-39. Establishment of summer school programs; tuition.

1 Inasmuch as the present county school facilities for the
2 most part lie dormant and unused during the summer
3 months, and inasmuch as there are many students who
4 are in need of remedial instruction and others who desire
5 accelerated instruction, it is the purpose of this section
6 to provide for the establishment of a summer school
7 program, which is to be separate and apart from the full
8 school term as established by each county.

9 The board of any county has the authority to establish
10 a summer school program utilizing the public school
11 facilities and to charge tuition for students who attend
12 the summer school. The tuition may not exceed in any
13 case the actual cost of operation of the summer school
14 program: *Provided*, That any deserving pupil whose
15 parents, in the judgment of the board, are unable to pay
16 the tuition, may attend the summer school program at a
17 reduced charge or without charge. The county board
18 shall have the authority to determine the term and
19 curriculum of the summer schools based upon the
20 particular needs of the individual county. The curricu-
21 lum may include, but is not limited to, remedial instruc-

22 tion, accelerated instruction and the teaching of manual
23 arts. The term of the summer school program may not be
24 established in such a manner as to interfere with the
25 regular school term.

26 The county boards may employ any certified teacher as
27 teachers for this summer school program. Certified
28 teachers employed by the county board to teach in the
29 summer school program shall be paid an amount to be
30 determined by the county board and shall enter into a
31 contract of employment in such form as is prescribed by
32 the county board: *Provided*, That teachers who teach
33 summer courses of instruction which are offered for
34 credit and which are taught during the regular school
35 year shall be paid at the same daily rate they would
36 receive if paid in accordance with the then current
37 minimum monthly salary in effect for teachers in that
38 county.

39 Any funds accruing from the tuitions shall be credited
40 to and expended within the existing framework of the
41 general current expense fund of the county board.

42 Notwithstanding any other provision of this code to the
43 contrary, the board shall fill professional positions
44 established pursuant to the provisions of this section on
45 the basis of certification and length of time the profes-
46 sional has been employed in the county's summer school
47 program. In the event that no employee who has been
48 previously employed in the summer school program
49 holds a valid certification or licensure, a board shall fill
50 the position as a classroom teaching position in accor-
51 dance with section eight-b, article four, chapter
52 eighteen-a of this code.

53 Notwithstanding any other provision of the code to the
54 contrary, the county board is authorized to employ
55 school service personnel to perform any related duties
56 outside the regular school term as defined in section
57 eight, article four, chapter eighteen-a of this code. An
58 employee who was employed in any service personnel job
59 or position during the previous summer shall have the

60 option of retaining the job or position if the job or
61 position exists during any succeeding summer. If the
62 employee is unavailable or if the position is newly
63 created, the position shall be filled pursuant to section
64 eight-b, article four, chapter eighteen-a of this code.
65 When any summer employee who is employed in a
66 summer position is granted a leave of absence for the
67 summer months, the board shall give regular employ-
68 ment status to the employee for that summer position
69 which shall be filled under the procedure set forth in
70 section eight-b, article four, chapter eighteen-a of this
71 code. The summer employee on leave of absence shall
72 have the option of returning to that summer position if
73 the position exists the succeeding summer or whenever
74 the position is reestablished if it were abolished. The
75 salary of a summer employee shall be in accordance with
76 the salary schedule of persons regularly employed in the
77 same position in the county where employed and persons
78 employed in those positions are entitled to all rights,
79 privileges and benefits provided in sections five-b, eight,
80 eight-a, ten and fourteen, article four, chapter eighteen-a
81 of this code: *Provided*, That those persons are not
82 entitled to a minimum employment term of two hundred
83 days for their summer position.

84 If a county board reduces in force the number of
85 employees to be employed in a particular summer
86 program or classification from the number employed in
87 that position in previous summers, the reductions in
88 force and priority in reemployment to that summer
89 position shall be based upon the length of service time in
90 the particular summer program or classification.

91 For the purpose of this section, summer employment
92 for service personnel includes, but is not limited to,
93 filling jobs and positions as defined in section eight,
94 article four, chapter eighteen-a of this code and espe-
95 cially established for and which are to be predominantly
96 performed during the summer months to meet the needs
97 of a county board.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-26n. Supplemental benefits for certain teachers who retired on or after July 1, 1984, but prior to July 1, 1986.

1 As an additional supplement to other retirement
2 allowances provided, each annuitant who retired on or
3 after the first day of July, one thousand nine hundred
4 eighty-four, and before the first day of July, one thou-
5 sand nine hundred eighty-six, shall receive a monthly
6 amount equal to two dollars multiplied by his or her
7 total service credit.

§18-7A-26o. Supplemental benefits for certain teachers who retired prior to July 1, 1986.

1 As an additional supplement to other retirement
2 allowances provided, each annuitant who retired before
3 the first day of July, one thousand nine hundred eighty-
4 six, and who is receiving a monthly pension of three
5 hundred dollars or less, shall receive a monthly total
6 amount equal to one dollar multiplied by his or her total
7 service credit.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-10. Foundation allowance to improve instructional programs.

1 (a) For the school year beginning on the first day of
2 July, one thousand nine hundred ninety-four, and
3 thereafter, the sum of the allocations shall be in an
4 amount at least equal to the amount appropriated by the
5 Legislature, in addition to funds which accrue from
6 balances in the general school fund, or from appropria-
7 tions for such purposes:

8 (1) One hundred fifty thousand dollars shall be allo-
9 cated to each county;

10 (2) Distribution to the counties of the remainder of
11 these funds shall be made proportional to the average of
12 each county's average daily attendance for the preceding
13 year and the county's second month net enrollment.

14 Moneys allocated by provision of this section shall be
15 used to improve instructional programs according to a
16 plan for instructional improvement which the affected
17 county board shall file with the state board by the first
18 day of August of each year, to be approved by the state
19 board by the first day of September of that year if such
20 plan substantially complies with standards to be adopted
21 by the state board: *Provided*, That notwithstanding any
22 other provision of this code to the contrary, moneys
23 allocated by provision of this section may also be used in
24 the implementation and maintenance of the uniform
25 integrated regional computer information system; and

26 (3) Up to twenty-five percent of this allocation may be
27 used to employ professional educators and/or service
28 personnel in counties after all applicable provisions of
29 sections four and five of this article have been fully
30 utilized: *Provided*, That for the school year beginning on
31 the first day of July, one thousand nine hundred ninety-
32 six, only, up to an additional twenty-five percent of this
33 allocation may be used to employ classroom teachers, as
34 defined in section one, article one, chapter eighteen-a of
35 this code, and/or service personnel in counties after all
36 applicable provisions of sections four and five of this
37 article have been fully utilized: *Provided, however*, That
38 service personnel employed with the additional twenty-
39 five percent for the school year beginning on the first
40 day of July, one thousand nine hundred ninety-six, only,
41 may not include directors, coordinators or supervisors.

42 Prior to the use of any funds from this section for
43 personnel costs, the county board must receive authori-
44 zation from the state superintendent of schools. The state
45 superintendent shall require the district board to demon-
46 strate: (1) The need for the allocation; (2) efficiency and
47 fiscal responsibility in staffing; and (3) sharing of
48 services with adjoining counties and the regional educa-
49 tional service agency for that county in the use of the
50 total local district board budget. District boards shall
51 make application for available funds for the next fiscal
52 year by the first day of May of each year. On or before

53 the first day of June, the state superintendent shall
54 review all applications and notify applying district
55 boards of the distribution of the allocation: *Provided,*
56 That for the school year beginning on the first day of
57 July, one thousand nine hundred ninety-three, only, the
58 state superintendent shall review all applications and
59 notify applying district boards of the distribution of the
60 allocation on or before the first day of July, one thousand
61 nine hundred ninety-three. Such funds shall be distrib-
62 uted during the fiscal year as appropriate. The state
63 superintendent shall require the county board to demon-
64 strate the need for an allocation for personnel based
65 upon the county's inability to meet the requirements of
66 state law or state board policy: *Provided, however,* That
67 the funds available for personnel under this section may
68 not be used to increase the total number of professional
69 noninstructional personnel in the central office beyond
70 four. Such instructional improvement plan shall be made
71 available for distribution to the public at the office of
72 each affected county board.

73 (b) Commencing with the school year beginning on the
74 first day of July, one thousand nine hundred ninety-
75 three, an amount not less than the amount required to
76 meet debt service requirements on any revenue bonds
77 issued prior to the first day of January, one thousand
78 nine hundred ninety-four, and the debt service require-
79 ments on any revenue bonds issued for the purpose of
80 refunding revenue bonds issued prior to the first day of
81 January, one thousand nine hundred ninety-four, shall
82 be paid into the school building capital improvements
83 fund created by section six, article nine-d of this chap-
84 ter, and shall be used solely for the purposes of said
85 article. The school building capital improvements fund
86 shall not be utilized to meet the debt services require-
87 ment on any revenue bonds or revenue refunding bonds
88 for which moneys contained within the school building
89 debt service fund have been pledged for repayment
90 pursuant to said section.

§18-9A-25. State allowance for state teacher of the year

salary.

1 To provide for the support of a sabbatical for the state
 2 teacher of the year, there shall be appropriated for that
 3 purpose from the general revenue fund an amount equal
 4 to the state average contractual salary for teachers for
 5 the year in which the teacher is selected as state teacher
 6 of the year.

ARTICLE 17. WEST VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND.

§18-17-2. Admission and record of applicants; special programs and services.

1 Deaf and/or blind youth residents in the state, between
 2 the ages of five and twenty-three, inclusive, shall be
 3 enrolled in the schools on application to the superinten-
 4 dent, until the schools are filled. Applicants shall be
 5 admitted by the superintendent on the basis of need and
 6 degree of impairment as determined by the schools'
 7 admissions committee. It shall be the duty of the super-
 8 intendent to keep a careful record of the names of all
 9 applicants with the dates of their admission and dis-
 10 charge, their ages, post-office addresses, the names of
 11 their parents or guardians, and the degree, cause and
 12 circumstances of their deafness or blindness.

13 Nothing in this section shall be construed to prevent
 14 the school from providing special education programs
 15 including, but not limited to, classes, parent education,
 16 home teaching or visiting teacher services for deaf and
 17 blind children from birth. The schools may also enter
 18 into contractual arrangements with counties to provide
 19 evaluation, short-term instruction and other educational
 20 services, including direct instruction.

21 Any deaf or blind youth who is not a resident of the
 22 state of West Virginia may apply to the state board for
 23 admission to the school. The state board may approve
 24 such admission: *Provided*, That such youth shall be
 25 required to pay all related costs of attending the school.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.**§18A-2-13. Recommended guidelines for full-day and half-day cooks.**

1 The following guidelines are optional guidelines that
 2 county boards may use when scheduling full-day and
 3 half-day cooks:

4	<i>Number of</i>	<i>Number of</i>	<i>Average Number of</i>
5	<i>Meals</i>	<i>Cooks</i>	<i>Meals Served Per</i>
6			<i>Cook's Hours Worked</i>
7	1-90	1	12.00
8	91-135	1.5	12.00
9	136-180	2	12.00
10	181-225	2.5	12.00
11	226-270	3	12.00
12	271-315	3.5	12.00
13	316-360	4	12.00
14	361-405	4.5	12.00
15	406-450	5	12.00
16	451-495	5.5	12.00
17	496-540	6	12.00
18	541-585	6.5	12.00
19	586-630	7	12.00
20	631-675	7.5	12.00
21	676-720	8	12.00
22	721-765	8.5	12.00
23	766-810	9	12.00
24	811-855	9.5	12.00
25	856-900	10	12.00

26 A meal prepared for a school lunch shall be established
 27 as a whole meal. Other meals shall be equal to three
 28 fourths of a school lunch meal.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**§18A-4-2. State minimum salaries for teachers.**

1 (a) Each teacher shall receive the amount prescribed in
 2 the "state minimum salary schedule" as set forth in this
 3 section, specific additional amounts prescribed in this

4 section or article, and any county supplement in effect in
 5 a county pursuant to section five-a of this article during
 6 the contract year.

7 **STATE MINIMUM SALARY SCHEDULE**

8 (1)	(2)	(3)	(4)	(5)	(6)	(7)
9 Years	4th	3rd	2nd		A.B.	
10 Exp.	Class	Class	Class	A.B.	+15	M.A.
11 0	17,816	18,453	18,708	19,918	20,653	22,361
12 1	18,097	18,734	18,989	20,383	21,118	22,826
13 2	18,378	19,016	19,271	20,848	21,583	23,291
14 3	18,660	19,297	19,552	21,313	22,048	23,756
15 4	19,177	19,814	20,070	22,014	22,749	24,457
16 5	19,458	20,096	20,351	22,479	23,214	24,922
17 6	19,740	20,377	20,632	22,944	23,679	25,387
18 7		20,658	20,914	23,409	24,144	25,852
19 8		20,940	21,195	23,874	24,609	26,317
20 9			21,476	24,339	25,074	26,782
21 10			21,757	24,805	25,540	27,248
22 11				25,270	26,005	27,713
23 12				25,735	26,470	28,178
24 13				26,200	26,935	28,643
25 14						29,108
26 15						29,573
27 16						30,038
28 17						
29 18						
30 19						
31 (1)	(8)	(9)	(10)	(11)		
32 Years	M.A.	M.A.	M.A.	Doc-		
33 Exp.	+15	+30	+45	torate		
34 0	23,096	23,831	24,566	25,566		
35 1	23,561	24,296	25,031	26,031		
36 2	24,026	24,761	25,496	26,496		
37 3	24,491	25,226	25,961	26,961		
38 4	25,192	25,927	26,662	27,662		
39 5	25,657	26,392	27,127	28,127		
40 6	26,122	26,857	27,592	28,592		

41	7	26,587	27,322	28,057	29,057
42	8	27,052	27,787	28,522	29,522
43	9	27,517	28,252	28,987	29,987
44	10	27,983	28,718	29,453	30,453
45	11	28,448	29,183	29,918	30,918
46	12	28,913	29,648	30,383	31,383
47	13	29,378	30,113	30,848	31,848
48	14	29,843	30,578	31,313	32,313
49	15	30,308	31,043	31,778	32,778
50	16	30,773	31,508	32,243	33,243
51	17		31,973	32,708	33,708
52	18		32,438	33,173	34,173
53	19		32,903	33,638	34,638

54 (b) Six hundred dollars shall be paid annually to each
55 classroom teacher who has at least twenty years of
56 teaching experience. The payments: (i) Shall be in
57 addition to any amounts prescribed in the "state mini-
58 mum salary schedule"; (ii) shall be paid in equal monthly
59 installments; and (iii) shall be considered a part of the
60 state minimum salaries for teachers.

§18A-4-3. State minimum annual salary increments for principals and assistant principals.

1 In addition to any salary increments for principals and
2 assistant principals, in effect on the first day of January,
3 one thousand nine hundred ninety-six, and paid from
4 local funds, and in addition to the county schedule in
5 effect for teachers, the county board shall pay each
6 principal, a principal's salary increment and each
7 assistant principal an assistant principal's salary incre-
8 ment as prescribed by this section commencing on the
9 first day of July, one thousand nine hundred ninety-six,
10 from state funds appropriated for the salary increments.

11 State funds for this purpose shall be paid within the
12 West Virginia public school support plan in accordance
13 with article nine-a, chapter eighteen of this code.

14 The salary increment in this section for each principal
15 shall be determined by multiplying the basic salary for

16 teachers in accordance with the classification of certifi-
 17 cation and of training of the principal as prescribed in
 18 this article, by the appropriate percentage rate pre-
 19 scribed in this section according to the number of
 20 teachers supervised.

21 **STATE MINIMUM SALARY INCREMENT**
 22 **RATES FOR PRINCIPALS**

23	No. of Teachers	
24	Supervised	Rates
25	1-7	6.0%
26	8-14	6.5%
27	15-24	7.0%
28	25-38	7.5%
29	39-57	8.0%
30	58 and up	8.5%

31 The salary increment in this section for each assistant
 32 principal shall be determined in the same manner as that
 33 for principals, utilizing the number of teachers super-
 34 vised by the principal under whose direction the assis-
 35 tant principal works, except that the percentage rate
 36 shall be fifty percent of the rate prescribed for the
 37 principal.

38 Salaries for employment beyond the minimum employ-
 39 ment term shall be at the same daily rate as the salaries
 40 for the minimum employment terms.

41 For the purpose of determining the number of teachers
 42 supervised by a principal, the county board shall use
 43 data for the second school month of the prior school term
 44 and the number of teachers shall be interpreted to mean
 45 the total number of professional educators assigned to
 46 each school on a full-time equivalency basis: *Provided,*
 47 That if there is a change in circumstances because of
 48 consolidation or catastrophe, the county board shall
 49 determine what is a reasonable number of supervised

50 teachers in order to establish the appropriate increment
51 percentage rate.

52 No county may reduce local funds allocated for salary
53 increments for principals and assistant principals in
54 effect on the first day of January, one thousand nine
55 hundred ninety-six, and used in supplementing the state
56 minimum salaries as provided for in this article, unless
57 forced to do so by defeat of a special levy, or a loss in
58 assessed values or events over which it has no control
59 and for which the county board has received approval
60 from the state board prior to making the reduction.

61 Nothing in this section prevents a county board from
62 providing, in a uniform manner, salary increments
63 greater than those required by this section.

§18A-4-8. Employment term and class titles of service personnel; definitions.

1 The purpose of this section is to establish an employ-
2 ment term and class titles for service personnel. The
3 employment term for service personnel may be no less
4 than ten months. A month is defined as twenty employ-
5 ment days: *Provided*, That the county board may con-
6 tract with all or part of these service personnel for a
7 longer term. The beginning and closing dates of the
8 ten-month employment term may not exceed forty-three
9 weeks.

10 Service personnel employed on a yearly or twelve-
11 month basis may be employed by calendar months.
12 Whenever there is a change in job assignment during the
13 school year, the minimum pay scale and any county
14 supplement are applicable.

15 Service personnel employed in the same classification
16 for more than the two hundred-day minimum employ-
17 ment term shall be paid for additional employment at a
18 daily rate of not less than the daily rate paid for the two
19 hundred-day minimum employment term.

20 No service employee, without his or her agreement,

21 may be required to report for work more than five days
22 per week and no part of any working day may be accu-
23 mulated by the employer for future work assignments,
24 unless the employee agrees thereto.

25 Should an employee whose regular work week is
26 scheduled from Monday through Friday agree to perform
27 any work assignments on a Saturday or Sunday, the
28 employee shall be paid for at least one half day of work
29 for each day he or she reports for work, and if the
30 employee works more than three and one-half hours on
31 any Saturday or Sunday, he or she shall be paid for at
32 least a full day of work for each day.

33 Custodians, aides, maintenance, office and school
34 lunch employees required to work a daily work schedule
35 that is interrupted, that is, who do not work a continuous
36 period in one day, shall be paid additional compensation
37 equal to at least one eighth of their total salary as
38 provided by their state minimum salary and any county
39 pay supplement, and payable entirely from county funds:
40 *Provided*, That when engaged in duties of transporting
41 students exclusively, aides shall not be regarded as
42 working an interrupted schedule.

43 Upon the change in classification or upon meeting the
44 requirements of an advanced classification of or by any
45 employee, the employee's salary shall be made to comply
46 with the requirements of this article, and to any county
47 salary schedule in excess of the minimum requirements
48 of this article, based upon the employee's advanced
49 classification and allowable years of employment.

50 An employee's contract as provided in section five,
51 article two of this chapter shall state the appropriate
52 monthly salary the employee is to be paid, based on the
53 class title as provided in this article and any county
54 salary schedule in excess of the minimum requirements
55 of this article.

56 The column heads of the state minimum pay scale and
57 class titles, set forth in section eight-a of this article, are

58 defined as follows:

59 "Pay grade" means the monthly salary applicable to
60 class titles of service personnel.

61 "Years of employment" means the number of years
62 which an employee classified as service personnel has
63 been employed by a board in any position prior to or
64 subsequent to the effective date of this section and
65 including service in the armed forces of the United
66 States, if the employee were employed at the time of his
67 or her induction. For the purpose of section eight-a of
68 this article, years of employment shall be limited to the
69 number of years shown and allowed under the state
70 minimum pay scale as set forth in section eight-a of this
71 article.

72 "Class title" means the name of the position or job held
73 by service personnel.

74 "Accountant I" means personnel employed to maintain
75 payroll records and reports and perform one or more
76 operations relating to a phase of the total payroll.

77 "Accountant II" means personnel employed to main-
78 tain accounting records and to be responsible for the
79 accounting process associated with billing, budgets,
80 purchasing and related operations.

81 "Accountant III" means personnel who are employed
82 in the county board office to manage and supervise
83 accounts payable and/or payroll procedures.

84 "Aide I" means those personnel selected and trained
85 for teacher-aide classifications such as monitor aide,
86 clerical aide, classroom aide or general aide.

87 "Aide II" means those personnel referred to in the
88 "Aide I" classification who have completed a training
89 program approved by the state board, or who hold a high
90 school diploma or have received a general educational
91 development certificate. Only personnel classified in an
92 Aide II class title may be employed as an aide in any
93 special education program.

94 "Aide III" means those personnel referred to in the
95 "Aide I" classification who hold a high school diploma or
96 a general educational development certificate, and have
97 completed six semester hours of college credit at an
98 institution of higher education or are employed as an
99 aide in a special education program and have one year's
100 experience as an aide in special education.

101 "Aide IV" means personnel referred to in the "Aide I"
102 classification who hold a high school diploma or a
103 general educational development certificate and who
104 have completed eighteen hours of state board-approved
105 college credit at a regionally accredited institution of
106 higher education, or who have completed fifteen hours of
107 state board-approved college credit at a regionally
108 accredited institution of higher education and success-
109 fully completed an in-service training program deter-
110 mined by the state board to be the equivalent of three
111 hours of college credit.

112 "Audiovisual technician" means personnel employed
113 to perform minor maintenance on audiovisual equip-
114 ment, films, supplies and the filling of requests for
115 equipment.

116 "Auditor" means personnel employed to examine and
117 verify accounts of individual schools and to assist
118 schools and school personnel in maintaining complete
119 and accurate records of their accounts.

120 "Autism mentor" means personnel who work with
121 autistic students and who meet standards and experience
122 to be determined by the state board: *Provided*, That the
123 state board shall determine these standards and experi-
124 ence on or before the first day of July, one thousand nine
125 hundred ninety-two: *Provided, however*, That if any
126 employee has held or holds an aide title and becomes
127 employed as an autism mentor, the employee shall hold
128 a multiclassification status that includes aide and autism
129 mentor titles, in accordance with section eight-b of this
130 article.

131 "Braille or sign language specialist" means personnel
132 employed to provide braille and/or sign language assis-
133 tance to students: *Provided*, That if any employee has
134 held or holds an aide title and becomes employed as a
135 braille or sign language specialist, the employee shall
136 hold a multiclassification status that includes aide and
137 braille or sign language specialist title, in accordance
138 with section eight-b of this article.

139 "Bus operator" means personnel employed to operate
140 school buses and other school transportation vehicles as
141 provided by the state board.

142 "Buyer" means personnel employed to review and
143 write specifications, negotiate purchase bids and recom-
144 mend purchase agreements for materials and services
145 that meet predetermined specifications at the lowest
146 available costs.

147 "Cabinetmaker" means personnel employed to con-
148 struct cabinets, tables, bookcases and other furniture.

149 "Cafeteria manager" means personnel employed to
150 direct the operation of a food services program in a
151 school, including assigning duties to employees, approv-
152 ing requisitions for supplies and repairs, keeping inven-
153 tories, inspecting areas to maintain high standards of
154 sanitation, preparing financial reports and keeping
155 records pertinent to food services of a school.

156 "Carpenter I" means personnel classified as a carpen-
157 ter's helper.

158 "Carpenter II" means personnel classified as a jour-
159 neyman carpenter.

160 "Chief mechanic" means personnel employed to be
161 responsible for directing activities which ensure that
162 student transportation or other board-owned vehicles
163 are properly and safely maintained.

164 "Clerk I" means personnel employed to perform
165 clerical tasks.

166 "Clerk II" means personnel employed to perform
167 general clerical tasks, prepare reports and tabulations
168 and operate office machines.

169 "Computer operator" means qualified personnel
170 employed to operate computers.

171 "Cook I" means personnel employed as a cook's helper.

172 "Cook II" means personnel employed to interpret
173 menus, to prepare and serve meals in a food service
174 program of a school and shall include personnel who
175 have been employed as a "Cook I" for a period of four
176 years, if the personnel have not been elevated to this
177 classification within that period of time.

178 "Cook III" means personnel employed to prepare and
179 serve meals, make reports, prepare requisitions for
180 supplies, order equipment and repairs for a food service
181 program of a school system.

182 "Crew leader" means personnel employed to organize
183 the work for a crew of maintenance employees to carry
184 out assigned projects.

185 "Custodian I" means personnel employed to keep
186 buildings clean and free of refuse.

187 "Custodian II" means personnel employed as a watch-
188 man or groundsman.

189 "Custodian III" means personnel employed to keep
190 buildings clean and free of refuse, to operate the heating
191 or cooling systems and to make minor repairs.

192 "Custodian IV" means personnel employed as head
193 custodians. In addition to providing services as defined
194 in "Custodian III", their duties may include supervising
195 other custodian personnel.

196 "Director or coordinator of services" means personnel
197 who are assigned to direct a department or division.
198 Nothing herein may prohibit professional personnel or
199 professional educators as defined in section one, article
200 one of this chapter, from holding this class title, but

201 professional personnel may not be defined or classified
202 as service personnel unless the professional personnel
203 held a service personnel title under this section prior to
204 holding class title of "director or coordinator of ser-
205 vices": *Provided*, That funding for professional person-
206 nel in positions classified as directors or coordinators of
207 services who were assigned prior to the first day of May,
208 one thousand nine hundred ninety-four, may not be
209 required to be redirected from service personnel catego-
210 ries as a result of this provision until the first day of
211 July, one thousand nine hundred ninety-six. Thereafter,
212 directors or coordinators of service positions shall be
213 classified as either a professional personnel or service
214 personnel position for state aid formula funding pur-
215 poses and funding for directors or coordinators of service
216 positions shall be based upon the employment status of
217 the director or coordinator either as a professional
218 personnel or service personnel.

219 "Draftsman" means personnel employed to plan,
220 design and produce detailed architectural/engineering
221 drawings.

222 "Electrician I" means personnel employed as an
223 apprentice electrician helper or who holds an electrician
224 helper license issued by the state fire marshal.

225 "Electrician II" means personnel employed as an
226 electrician journeyman or who holds a journeyman
227 electrician license issued by the state fire marshal.

228 "Electronic technician I" means personnel employed at
229 the apprentice level to repair and maintain electronic
230 equipment.

231 "Electronic technician II" means personnel employed
232 at the journeyman level to repair and maintain electronic
233 equipment.

234 "Executive secretary" means personnel employed as
235 the county school superintendent's secretary or as a
236 secretary who is assigned to a position characterized by
237 significant administrative duties.

238 "Food services supervisor" means qualified personnel
239 not defined as professional personnel or professional
240 educators in section one, article one of this chapter,
241 employed to manage and supervise a county school
242 system's food service program. The duties would include
243 preparing in-service training programs for cooks and
244 food service employees, instructing personnel in the
245 areas of quantity cooking with economy and efficiency
246 and keeping aggregate records and reports.

247 "Foremen" means skilled persons employed for super-
248 vision of personnel who work in the areas of repair and
249 maintenance of school property and equipment.

250 "General maintenance" means personnel employed as
251 helpers to skilled maintenance employees and to perform
252 minor repairs to equipment and buildings of a county
253 school system.

254 "Glazier" means personnel employed to replace glass
255 or other materials in windows and doors and to do minor
256 carpentry tasks.

257 "Graphic artist" means personnel employed to prepare
258 graphic illustrations.

259 "Groundsmen" means personnel employed to perform
260 duties that relate to the appearance, repair and general
261 care of school grounds in a county school system. Addi-
262 tional assignments may include the operation of a small
263 heating plant and routine cleaning duties in buildings.

264 "Handyman" means personnel employed to perform
265 routine manual tasks in any operation of the county
266 school system.

267 "Heating and air conditioning mechanic I" means
268 personnel employed at the apprentice level to install,
269 repair and maintain heating and air conditioning plants
270 and related electrical equipment.

271 "Heating and air conditioning mechanic II" means
272 personnel employed at the journeyman level to install,
273 repair and maintain heating and air conditioning plants

274 and related electrical equipment.

275 "Heavy equipment operator" means personnel em-
276 ployed to operate heavy equipment.

277 "Inventory supervisor" means personnel who are
278 employed to supervise or maintain operations in the
279 receipt, storage, inventory and issuance of materials and
280 supplies.

281 "Key punch operator" means qualified personnel
282 employed to operate key punch machines or verifying
283 machines.

284 "Locksmith" means personnel employed to repair and
285 maintain locks and safes.

286 "Lubrication man" means personnel employed to
287 lubricate and service gasoline or diesel-powered equip-
288 ment of a county school system.

289 "Machinist" means personnel employed to perform
290 machinist tasks which include the ability to operate a
291 lathe, planer, shaper, threading machine and wheel
292 press. Such personnel should also have ability to work
293 from blueprints and drawings.

294 "Mail clerk" means personnel employed to receive,
295 sort, dispatch, deliver or otherwise handle letters,
296 parcels and other mail.

297 "Maintenance clerk" means personnel employed to
298 maintain and control a stocking facility to keep adequate
299 tools and supplies on hand for daily withdrawal for all
300 school maintenance crafts.

301 "Mason" means personnel employed to perform tasks
302 connected with brick and block laying and carpentry
303 tasks related to such laying.

304 "Mechanic" means personnel employed who can
305 independently perform skilled duties in the maintenance
306 and repair of automobiles, school buses and other
307 mechanical and mobile equipment to use in a county
308 school system.

309 “Mechanic assistant” means personnel employed as a
310 mechanic apprentice and helper.

311 “Multiclassification” means personnel employed to
312 perform tasks that involve the combination of two or
313 more class titles in this section. In such instances the
314 minimum salary scale shall be the higher pay grade of
315 the class titles involved.

316 “Office equipment repairman I” means personnel
317 employed as an office equipment repairman apprentice
318 or helper.

319 “Office equipment repairman II” means personnel
320 responsible for servicing and repairing all office ma-
321 chines and equipment. Personnel shall be responsible for
322 parts being purchased necessary for the proper operation
323 of a program of continuous maintenance and repair.

324 “Painter” means personnel employed to perform duties
325 of painting, finishing and decorating of wood, metal and
326 concrete surfaces of buildings, other structures, equip-
327 ment, machinery and furnishings of a county school
328 system.

329 “Paraprofessional” means a person certified pursuant
330 to section two-a, article three of this chapter to perform
331 duties in a support capacity including, but not limited to,
332 facilitating in the instruction and direct or indirect
333 supervision of pupils under the direction of a principal,
334 a teacher or another designated professional educator:
335 *Provided*, That no person employed on the effective date
336 of this section in the position of an aide may be reduced
337 in force or transferred to create a vacancy for the
338 employment of a paraprofessional: *Provided, however*,
339 That if any employee has held or holds an aide title and
340 becomes employed as a paraprofessional, the employee
341 shall hold a multiclassification status that includes aide
342 and paraprofessional titles in accordance with section
343 eight-b of this article: *Provided further*, That once an
344 employee who holds an aide title becomes certified as a
345 paraprofessional and is required to perform duties that

346 may not be performed by an aide without paraprofes-
347 sional certification, he or she shall receive the parapro-
348 fessional title pay grade.

349 "Plumber I" means personnel employed as an appren-
350 tice plumber and helper.

351 "Plumber II" means personnel employed as a journey-
352 man plumber.

353 "Printing operator" means personnel employed to
354 operate duplication equipment, and as required, to cut,
355 collate, staple, bind and shelve materials.

356 "Printing supervisor" means personnel employed to
357 supervise the operation of a print shop.

358 "Programmer" means personnel employed to design
359 and prepare programs for computer operation.

360 "Roofing/sheet metal mechanic" means personnel
361 employed to install, repair, fabricate and maintain roofs,
362 gutters, flashing and duct work for heating and ventila-
363 tion.

364 "Sanitation plant operator" means personnel employed
365 to operate and maintain a water or sewage treatment
366 plant to ensure the safety of the plant's effluent for
367 human consumption or environmental protection.

368 "School bus supervisor" means qualified personnel
369 employed to assist in selecting school bus operators and
370 routing and scheduling of school buses, operate a bus
371 when needed, relay instructions to bus operators, plan
372 emergency routing of buses and promoting good rela-
373 tionships with parents, pupils, bus operators and other
374 employees.

375 "Secretary I" means personnel employed to transcribe
376 from notes or mechanical equipment, receive callers,
377 perform clerical tasks, prepare reports and operate office
378 machines.

379 "Secretary II" means personnel employed in any
380 elementary, secondary, kindergarten, nursery, special

381 education, vocational or any other school as a secretary.
382 The duties may include performing general clerical
383 tasks, transcribing from notes or stenotype or mechani-
384 cal equipment or a sound-producing machine, preparing
385 reports, receiving callers and referring them to proper
386 persons, operating office machines, keeping records and
387 handling routine correspondence. There is nothing
388 implied herein that would prevent the employees from
389 holding or being elevated to a higher classification.

390 “Secretary III” means personnel assigned to the county
391 board office administrators in charge of various instruc-
392 tional, maintenance, transportation, food services,
393 operations and health departments, federal programs or
394 departments with particular responsibilities of purchas-
395 ing and financial control or any personnel who have
396 served in a position which meets the definition of
397 “Secretary II” or “Secretary III” herein for eight years.

398 “Supervisor of maintenance” means skilled personnel
399 not defined as professional personnel or professional
400 educators as in section one, article one of this chapter.
401 The responsibilities would include directing the upkeep
402 of buildings and shops, issuing instructions to subordi-
403 nates relating to cleaning, repairs and maintenance of all
404 structures and mechanical and electrical equipment of a
405 board.

406 “Supervisor of transportation” means qualified
407 personnel employed to direct school transportation
408 activities, properly and safely, and to supervise the
409 maintenance and repair of vehicles, buses and other
410 mechanical and mobile equipment used by the county
411 school system.

412 “Switchboard operator-receptionist” means personnel
413 employed to refer incoming calls, to assume contact with
414 the public, to direct and to give instructions as neces-
415 sary, to operate switchboard equipment and to provide
416 clerical assistance.

417 “Truck driver” means personnel employed to operate

418 light or heavy duty gasoline and diesel-powered vehicles.

419 "Warehouse clerk" means personnel employed to be
420 responsible for receiving, storing, packing and shipping
421 goods.

422 "Watchman" means personnel employed to protect
423 school property against damage or theft. Additional
424 assignments may include operation of a small heating
425 plant and routine cleaning duties.

426 "Welder" means personnel employed to provide
427 acetylene or electric welding services for a school
428 system.

429 In addition to the compensation provided for in section
430 eight-a of this article, for service personnel, each service
431 employee is, notwithstanding any provisions in this code
432 to the contrary, entitled to all service personnel em-
433 ployee rights, privileges and benefits provided under this
434 or any other chapter of this code without regard to the
435 employee's hours of employment or the methods or
436 sources of compensation.

437 Service personnel whose years of employment exceed
438 the number of years shown and provided for under the
439 state minimum pay scale set forth in section eight-a of
440 this article may not be paid less than the amount shown
441 for the maximum years of employment shown and
442 provided for in the classification in which he or she is
443 employed.

444 The county boards shall review each service personnel
445 employee job classification annually and shall reclassify
446 all service employees as required by the job classifica-
447 tions. The state superintendent of schools is hereby
448 authorized to withhold state funds appropriated pursu-
449 ant to this article for salaries for service personnel who
450 are improperly classified by the county boards. Further,
451 the state superintendent shall order county boards to
452 correct immediately any improper classification matter
453 and with the assistance of the attorney general shall take
454 any legal action necessary against any county board to

455 enforce the order.

456 No service employee, without his or her written
457 consent, may be reclassified by class title, nor may a
458 service employee, without his or her written consent, be
459 relegated to any condition of employment which would
460 result in a reduction of his or her salary, rate of pay,
461 compensation or benefits earned during the current
462 fiscal year or which would result in a reduction of his or
463 her salary, rate of pay, compensation or benefits for
464 which he or she would qualify by continuing in the same
465 job position and classification held during that fiscal
466 year and subsequent years.

467 Any board failing to comply with the provisions of this
468 article may be compelled to do so by mandamus, and is
469 liable to any party prevailing against the board for court
470 costs and the prevailing party's reasonable attorney fee,
471 as determined and established by the court.

472 Notwithstanding any provisions in this code to the
473 contrary, service personnel who hold a continuing
474 contract in a specific job classification and who are
475 physically unable to perform the job's duties as con-
476 firmed by a physician chosen by the employee shall be
477 given priority status over any employee not holding a
478 continuing contract in filling other service personnel job
479 vacancies if qualified as provided in section eight-e of
480 this article.

§18A-4-8a. Service personnel minimum monthly salaries.

1 STATE MINIMUM PAY SCALE PAY GRADE

2	3	Years of					
4	5	A	B	C	D	E	F
6	7	Employment					
8	0	1,040.00	1,060.00	1,100.00	1,150.00	1,200.00	1,260.00
9	1	1,066.00	1,086.00	1,126.00	1,176.00	1,226.00	1,286.00
10	2	1,092.00	1,112.00	1,152.00	1,202.00	1,252.00	1,312.00
11	3	1,118.00	1,138.00	1,178.00	1,228.00	1,278.00	1,338.00
12	4	1,144.00	1,164.00	1,204.00	1,254.00	1,304.00	1,364.00
13	5	1,170.00	1,190.00	1,230.00	1,280.00	1,330.00	1,390.00
14	6	1,196.00	1,216.00	1,256.00	1,306.00	1,356.00	1,416.00
15	7	1,222.00	1,242.00	1,282.00	1,332.00	1,382.00	1,442.00
16	8	1,248.00	1,268.00	1,308.00	1,358.00	1,408.00	1,468.00
17	9	1,274.00	1,294.00	1,334.00	1,384.00	1,434.00	1,494.00
18	10	1,300.00	1,320.00	1,360.00	1,410.00	1,460.00	1,520.00
19	11	1,326.00	1,346.00	1,386.00	1,436.00	1,486.00	1,546.00
20	12	1,352.00	1,372.00	1,412.00	1,462.00	1,512.00	1,572.00
21	13	1,378.00	1,398.00	1,438.00	1,488.00	1,538.00	1,598.00
22	14	1,404.00	1,424.00	1,464.00	1,514.00	1,564.00	1,624.00
23	15	1,430.00	1,450.00	1,490.00	1,540.00	1,590.00	1,650.00
24	16	1,456.00	1,476.00	1,516.00	1,566.00	1,616.00	1,676.00
25	17	1,482.00	1,502.00	1,542.00	1,592.00	1,642.00	1,702.00
26	18	1,508.00	1,528.00	1,568.00	1,618.00	1,668.00	1,728.00
27	19	1,534.00	1,554.00	1,594.00	1,644.00	1,694.00	1,754.00
28	20	1,560.00	1,580.00	1,620.00	1,670.00	1,720.00	1,780.00
29	21	1,586.00	1,606.00	1,646.00	1,696.00	1,746.00	1,806.00
30	22	1,612.00	1,632.00	1,672.00	1,722.00	1,772.00	1,832.00
31	23	1,638.00	1,658.00	1,698.00	1,748.00	1,798.00	1,858.00
32	24	1,664.00	1,684.00	1,724.00	1,774.00	1,824.00	1,884.00
33	25	1,690.00	1,710.00	1,750.00	1,800.00	1,850.00	1,910.00
34	26	1,716.00	1,736.00	1,776.00	1,826.00	1,876.00	1,936.00
35	27	1,742.00	1,762.00	1,802.00	1,852.00	1,902.00	1,962.00
36	28	1,768.00	1,788.00	1,828.00	1,878.00	1,928.00	1,988.00
37	29	1,794.00	1,814.00	1,854.00	1,904.00	1,954.00	2,014.00

35 30 1,820.00 1,840.00 1,880.00 1,930.00 1,980.00 2,040.00

36	Years of		
37	Employ-	G	H
38	ment		
39	0	1,290.00	1,360.00
40	1	1,316.00	1,386.00
41	2	1,342.00	1,412.00
42	3	1,368.00	1,438.00
43	4	1,394.00	1,464.00
44	5	1,420.00	1,490.00
45	6	1,446.00	1,516.00
46	7	1,472.00	1,542.00
47	8	1,498.00	1,568.00
48	9	1,524.00	1,594.00
49	10	1,550.00	1,620.00
50	11	1,576.00	1,646.00
51	12	1,602.00	1,672.00
52	13	1,628.00	1,698.00
53	14	1,654.00	1,724.00
54	15	1,680.00	1,750.00
55	16	1,706.00	1,776.00
56	17	1,732.00	1,802.00
57	18	1,758.00	1,828.00
58	19	1,784.00	1,854.00
59	20	1,810.00	1,880.00
60	21	1,836.00	1,906.00
61	22	1,862.00	1,932.00
62	23	1,888.00	1,958.00
63	24	1,914.00	1,984.00
64	25	1,940.00	2,010.00

65	26	1,966.00	2,036.00	
66	27	1,992.00	2,062.00	
67	28	2,018.00	2,088.00	
68	29	2,044.00	2,114.00	
69	30	2,070.00	2,140.00	
70	CLASS TITLE			PAY GRADE
71	Accountant I			D
72	Accountant II			E
73	Accountant III			F
74	Aide I			A
75	Aide II			B
76	Aide III			C
77	Aide IV			D
78	Audiovisual Technician			C
79	Auditor			G
80	Autism Mentor			E
81	Braille or Sign Language Specialist			E
82	Bus Operator			D
83	Buyer			F
84	Cabinetmaker			G
85	Cafeteria Manager			D
86	Carpenter I			E
87	Carpenter II			F
88	Chief Mechanic			G
89	Clerk I			B
90	Clerk II			C
91	Computer Operator			E
92	Cook I			A
93	Cook II			B
94	Cook III			C
95	Crew Leader			F
96	Custodian I			A
97	Custodian II			B
98	Custodian III			C
99	Custodian IV			D
100	Director or Coordinator of Services			H
101	Draftsman			D

102	Electrician I	F
103	Electrician II	G
104	Electronic Technician I	F
105	Electronic Technician II	G
106	Executive Secretary	G
107	Food Services Supervisor	G
108	Foreman	G
109	General Maintenance	C
110	Glazier	D
111	Graphic Artist	D
112	Groundsman	B
113	Handyman	B
114	Heating and Air Conditioning Mechanic I	E
115	Heating and Air Conditioning Mechanic II	G
116	Heavy Equipment Operator	E
117	Inventory Supervisor	D
118	Key Punch Operator	B
119	Locksmith	G
120	Lubrication Man	C
121	Machinist	F
122	Mail Clerk	D
123	Maintenance Clerk	C
124	Mason	G
125	Mechanic	F
126	Mechanic Assistant	E
127	Office Equipment Repairman I	F
128	Office Equipment Repairman II	G
129	Painter	E
130	Paraprofessional	F
131	Plumber I	E
132	Plumber II	G
133	Printing Operator	B
134	Printing Supervisor	D
135	Programmer	H
136	Roofing/Sheet Metal Mechanic	F
137	Sanitation Plant Operator	F
138	School Bus Supervisor	E
139	Secretary I	D
140	Secretary II	E
141	Secretary III	F

142	Supervisor of Maintenance	H
143	Supervisor of Transportation	H
144	Switchboard Operator-Receptionist	D
145	Truck Driver	D
146	Warehouse Clerk	C
147	Watchman	B
148	Welder	F

149 (1) The minimum monthly pay for each service em-
 150 ployee whose employment is for a period of more than
 151 three and one-half hours a day shall be at least the
 152 amounts indicated in the "state minimum pay scale pay
 153 grade" and the minimum monthly pay for each service
 154 employee whose employment is for a period of three and
 155 one-half hours or less a day shall be at least one-half the
 156 amount indicated in the "state minimum pay scale pay
 157 grade" set forth in this section.

158 (2) An additional ten dollars per month shall be added
 159 to the minimum monthly pay of each service employee
 160 who holds a high school diploma or its equivalent.

161 (3) An additional ten dollars per month shall also be
 162 added to the minimum monthly pay of each service
 163 employee who holds twelve college hours or comparable
 164 credit obtained in a trade or vocational school as ap-
 165 proved by the state board.

166 (4) When any part of a school service employee's daily
 167 shift of work is performed between the hours of six
 168 o'clock p.m. and five o'clock a.m. the following day, the
 169 employee shall be paid no less than an additional ten
 170 dollars per month and one half of the pay shall be paid
 171 with local funds.

172 (5) Any service employee required to work on any legal
 173 school holiday shall be paid at a rate one and one-half
 174 times the employee's usual hourly rate.

175 (6) Any full-time service personnel required to work in
 176 excess of their normal working day during any week
 177 which contains a school holiday for which they are paid
 178 shall be paid for the additional hours or fraction of the

179 additional hours at a rate of one and one-half times their
180 usual hourly rate and paid entirely from county board
181 funds.

182 (7) No service employee may have his or her daily work
183 schedule changed during the school year without the
184 employee's written consent, and the employee's required
185 daily work hours may not be changed to prevent the
186 payment of time and one-half wages or the employment
187 of another employee.

188 (8) The minimum hourly rate of pay for extra duty
189 assignments as defined in section eight-b of this article
190 shall be no less than one seventh of the employee's daily
191 total salary for each hour the employee is involved in
192 performing the assignment and paid entirely from local
193 funds: *Provided*, That an alternative minimum hourly
194 rate of pay for performing extra duty assignments within
195 a particular category of employment may be utilized if
196 the alternate hourly rate of pay is approved both by the
197 county board and by the affirmative vote of a two-thirds
198 majority of the regular full-time employees within that
199 classification category of employment within that
200 county: *Provided, however*, That the vote shall be by
201 secret ballot if so requested by a service personnel
202 employee within that classification category within that
203 county. The salary for any fraction of an hour the
204 employee is involved in performing the assignment shall
205 be prorated accordingly. When performing extra duty
206 assignments, employees who are regularly employed on
207 a one-half day salary basis shall receive the same hourly
208 extra duty assignment pay computed as though the
209 employee were employed on a full-day salary basis.

210 (9) The minimum pay for any service personnel em-
211 ployees engaged in the removal of asbestos material or
212 related duties required for asbestos removal shall be
213 their regular total daily rate of pay and no less than an
214 additional three dollars per hour or no less than five
215 dollars per hour for service personnel supervising
216 asbestos removal responsibilities for each hour these

217 employees are involved in asbestos related duties.
218 Related duties required for asbestos removal include, but
219 are not limited to, travel, preparation of the work site,
220 removal of asbestos decontamination of the work site,
221 placing and removal of equipment and removal of
222 structures from the site. If any member of an asbestos
223 crew is engaged in asbestos related duties outside of the
224 employee's regular employment county, the daily rate of
225 pay shall be no less than the minimum amount as estab-
226 lished in the employee's regular employment county for
227 asbestos removal and an additional thirty dollars per
228 each day the employee is engaged in asbestos removal
229 and related duties. The additional pay for asbestos
230 removal and related duties shall be payable entirely from
231 county funds. Before service personnel employees may be
232 utilized in the removal of asbestos material or related
233 duties, they shall have completed a federal Environmen-
234 tal Protection Act approved training program and be
235 licensed. The employer shall provide all necessary
236 protective equipment and maintain all records required
237 by the Environmental Protection Act.

238 (10) For the purpose of qualifying for additional pay as
239 provided in section eight, article five of this chapter, an
240 aide shall be considered to be exercising the authority of
241 a supervisory aide and control over pupils if the aide is
242 required to supervise, control, direct, monitor, escort or
243 render service to a child or children when not under the
244 direct supervision of certificated professional personnel
245 within the classroom, library, hallway, lunchroom,
246 gymnasium, school building, school grounds or wherever
247 supervision is required. For purposes of this section,
248 "under the direct supervision of certificated professional
249 personnel" means that certificated professional person-
250 nel is present, with and accompanying the aide.

§18A-4-8b. Seniority rights for school service personnel.

1 A county board shall make decisions affecting promo-
2 tions and the filling of any service personnel positions of
3 employment or jobs occurring throughout the school year

4 that are to be performed by service personnel as pro-
5 vided in section eight of this article, on the basis of
6 seniority, qualifications and evaluation of past service.

7 Qualifications shall mean that the applicant holds a
8 classification title in his category of employment as
9 provided in this section and must be given first opportu-
10 nity for promotion and filling vacancies. Other employ-
11 ees then must be considered and shall qualify by meeting
12 the definition of the job title as defined in section eight
13 of this article, that relates to the promotion or vacancy.
14 If requested by the employee, the board must show valid
15 cause why an employee with the most seniority is not
16 promoted or employed in the position for which he or she
17 applies. Applicants shall be considered in the following
18 order:

- 19 (1) Regularly employed service personnel;
- 20 (2) Service personnel whose employment has been
21 discontinued in accordance with this section;
- 22 (3) Professional personnel who held temporary service
23 personnel jobs or positions prior to the ninth day of June,
24 one thousand nine hundred eighty-two, and who apply
25 only for such temporary jobs or positions;
- 26 (4) Substitute service personnel; and
- 27 (5) New service personnel.

28 The county board may not prohibit a service employee
29 from retaining or continuing his employment in any
30 positions or jobs held prior to the effective date of this
31 section and thereafter.

32 A promotion shall be defined as any change in his
33 employment that the employee deems to improve his
34 working circumstance within his classification category
35 of employment and shall include a transfer to another
36 classification category or place of employment if the
37 position is not filled by an employee who holds a title
38 within that classification category of employment. Each
39 class title listed in section eight of this article shall be

40 considered a separate classification category of employ-
41 ment for service personnel, except for those class titles
42 having Roman numeral designations, which shall be
43 considered a single classification of employment. The
44 cafeteria manager class title shall be included in the
45 same classification category as cooks. The executive
46 secretary class title shall be included in the same clas-
47 sification category as secretaries. Paraprofessional,
48 autism mentor and braille or sign language specialist
49 class titles shall be included in the same classification
50 category as aides.

51 For purposes of determining seniority under this
52 section an employee's seniority begins on the date that
53 he or she enters into his assigned duties.

54 Notwithstanding any other provisions of this chapter
55 to the contrary, decisions affecting service personnel
56 with respect to extra-duty assignments shall be made in
57 the following manner: An employee with the greatest
58 length of service time in a particular category of employ-
59 ment shall be given priority in accepting extra duty
60 assignments, followed by other fellow employees on a
61 rotating basis according to the length of their service
62 time until all such employees have had an opportunity to
63 perform similar assignments. The cycle then shall be
64 repeated: *Provided*, That an alternative procedure for
65 making extra-duty assignments within a particular
66 classification category of employment may be utilized if
67 the alternative procedure is approved both by the county
68 board and by an affirmative vote of two thirds of the
69 employees within that classification category of employ-
70 ment. For the purpose of this section, "extra-duty
71 assignments" are defined as irregular jobs that occur
72 periodically or occasionally such as, but not limited to,
73 field trips, athletic events, proms, banquets and band
74 festival trips.

75 Boards shall be required to post and date notices of all
76 job vacancies of established existing or newly created
77 positions in conspicuous working places for all school

78 service employees to observe for at least five working
79 days. The notice of the job vacancies shall include the
80 job description, the period of employment, the amount of
81 pay and any benefits and other information that is
82 helpful to the employees to understand the particulars of
83 the job. After the five day minimum posting period all
84 vacancies shall be filled within twenty working days
85 from the posting date notice of any job vacancies of
86 established existing or newly created positions.

87 All decisions by county boards concerning reduction in
88 work force of service personnel shall be made on the
89 basis of seniority, as provided in this section.

90 The seniority of any service personnel shall be deter-
91 mined on the basis of the length of time the employee has
92 been employed by the county board within a particular
93 job classification. For the purpose of establishing
94 seniority for a preferred recall list as provided in this
95 section, when an employee has been employed in one or
96 more classifications, the seniority accrued in each
97 previous classification shall be retained by the employee.

98 If a county board is required to reduce the number of
99 employees within a particular job classification, the
100 employee with the least amount of seniority within that
101 classification or grades of classification shall be properly
102 released and employed in a different grade of that
103 classification if there is a job vacancy: *Provided*, That if
104 there is no job vacancy for employment within the
105 classification or grades of classification, he or she shall
106 be employed in any other job classification which he or
107 she previously held with the county board if there is a
108 vacancy and shall retain any seniority accrued in the job
109 classification or grade of classification.

110 If two or more employees accumulate identical senior-
111 ity, the priority shall be determined by a random selec-
112 tion system established by the employees and approved
113 by the county board.

114 All employees whose seniority with the county board

115 is insufficient to allow their retention by the county
116 board during a reduction in work force shall be placed
117 upon a preferred recall list and shall be recalled to
118 employment by the county board on the basis of senior-
119 ity.

120 Employees placed upon the preferred list shall be
121 recalled to any position openings by the county board
122 within the classification(s), where they had previously
123 been employed, or to any lateral position for which the
124 employee is qualified or to a lateral area for which an
125 employee has certification and/or licensure.

126 Employees on the preferred recall list shall not forfeit
127 their right to recall by the county board if compelling
128 reasons require an employee to refuse an offer of reem-
129 ployment by the county board.

130 The county board shall notify all employees on the
131 preferred recall list of all position openings that from
132 time to time exist. The notice shall be sent by certified
133 mail to the last known address of the employee; it is the
134 duty of each such employee to notify the county board of
135 any change in the address of the employee.

136 No position openings may be filled by the county
137 board, whether temporary or permanent, until all
138 employees on the preferred recall list have been properly
139 notified of existing vacancies and have been given an
140 opportunity to accept reemployment.

141 Any board failing to comply with the provisions of this
142 article may be compelled to do so by mandamus and is
143 liable to any party prevailing against the board for court
144 costs and the prevailing party's reasonable attorney fee,
145 as determined and established by the court. Further,
146 employees denied promotion or employment in violation
147 of this section shall be awarded the job, pay and any
148 applicable benefits retroactively to the date of the
149 violation and shall be paid entirely from local funds.
150 Further, the board is liable to any party prevailing
151 against the board for any court reporter costs including

152 copies of transcripts.

§18A-4-8g. Determination of seniority for service personnel.

1 The seniority for service personnel shall be determined
2 in the following manner:

3 Seniority accumulation for a regular school service
4 employee begins on the date the employee enters upon
5 regular employment duties pursuant to a contract as
6 provided in section five, article two of this chapter and
7 continues until the employee's employment as a regular
8 employee is severed with the county board. Seniority
9 shall not cease to accumulate when an employee is
10 absent without pay as authorized by the county board or
11 the absence is due to illness or other reasons over which
12 the employee has no control as authorized by the county
13 board. Seniority accumulation for a substitute employee
14 shall begin upon the date the employee enters upon the
15 duties of a substitute as provided in section fifteen of
16 this article, after executing with the board a contract of
17 employment as provided in section five, article two of
18 this chapter. The seniority of a substitute employee, once
19 established, shall continue until such employee enters
20 into the duties of a regular employment contract as
21 provided in section five, article two of this chapter or
22 employment as a substitute with the county board is
23 severed. Seniority of a regular or substitute employee
24 shall continue to accumulate except during the time
25 when an employee is willfully absent from employment
26 duties because of a concerted work stoppage or strike or
27 is suspended without pay.

28 For all purposes including the filling of vacancies and
29 reduction in force, seniority shall be accumulated within
30 particular classification categories of employment as
31 those classification categories are referred to in section
32 eight-e of this article: *Provided*, That when implement-
33 ing a reduction in force, an employee with the least
34 seniority within a particular classification category shall
35 be properly released and placed on the preferred recall
36 list. The particular classification title held by an em-

37 ployee within the classification category shall not be
38 taken into consideration when implementing a reduction
39 in force.

40 On or before the first day of September and the
41 fifteenth day of January of each school year, county
42 boards shall post at each county school or working
43 station the current seniority list or lists of each school
44 service classification. Each list shall contain the name of
45 each regularly employed school service personnel
46 employed in each classification and the date that each
47 employee began performing his or her assigned duties in
48 each classification. Current seniority lists of substitute
49 school service personnel shall be available to employees
50 upon request at the county board office.

51 The seniority of an employee who transfers out of a
52 class title or classification category of employment and
53 subsequently returns to that class title or classification
54 category of employment shall be calculated as follows:

55 The county board shall establish the number of calen-
56 dar days between the date the employee left the class
57 title or category of employment in question and the date
58 of return to the class title or classification category of
59 employment. This number of days shall be added to the
60 employee's initial seniority date to establish a new
61 beginning seniority date within the class title or clas-
62 sification category. The employee shall then be consid-
63 ered as having held uninterrupted service within the
64 class title or classification category from the newly
65 established seniority date. The seniority of an employee
66 who has had a break in the accumulation of seniority as
67 a result of being willfully absent from employment
68 duties because of a concerted work stoppage or strike
69 shall be calculated in the same manner.

70 A substitute school service employee shall acquire
71 regular employment status and seniority if said employee
72 receives a position pursuant to subsections (2) and (5),
73 section fifteen of this article: *Provided*, That a substitute
74 employee who accumulates regular employee seniority

75 while holding a position acquired pursuant to said
76 subsections shall simultaneously accumulate substitute
77 seniority. County boards shall not be prohibited from
78 providing any benefits of regular employment for
79 substitute employees, but the benefits shall not include
80 regular employee status and seniority.

81 If two or more employees accumulate identical senior-
82 ity, the priority shall be determined by a random selec-
83 tion system established by the employees and approved
84 by the county board.

85 A board shall conduct the random selection within
86 thirty days upon the employees establishing an identical
87 seniority date. All employees with an identical seniority
88 date within the same class title or classification category
89 shall participate in the random selection. As long as the
90 affected employees hold identical seniority within the
91 same classification category, the initial random selection
92 conducted by the board shall be permanent for the
93 duration of the employment within the same classifica-
94 tion category of the employees by the board. This ran-
95 dom selection priority shall apply to the filling of
96 vacancies and to the reduction in force of school service
97 personnel: *Provided*, That if another employee or em-
98 ployees subsequently acquire seniority identical to the
99 employees involved in the original random selection, a
100 second random selection shall be held within thirty days
101 to determine the seniority ranking of the new employee
102 or employees within the group. The priority between the
103 employees who participated in the original random
104 selection shall remain the same. The second random
105 selection will be performed by placing numbered pieces
106 of paper equal to the number of employees with identical
107 seniority in a container. The employees who were not
108 involved in the original random selection will draw a
109 number from the container which will determine their
110 seniority within the group as a whole. This process will
111 be repeated if additional employees subsequently
112 acquire identical seniority. The same process will be
113 utilized if additional employees are subsequently discov-

114 ered to have the same seniority as the original group of
115 employees but who did not participate in the original
116 random selection through oversight or mistake.

117 Service personnel who are employed in a classification
118 category of employment at the time when a vacancy is
119 posted in the same classification category of employment
120 shall be given first opportunity to fill the vacancy.

121 Seniority acquired as a substitute and as a regular
122 employee shall be calculated separately and shall not be
123 combined for any purpose. Seniority acquired within
124 different classification categories shall be calculated
125 separately: *Provided*, That when a school service em-
126 ployee makes application for a position outside of the
127 classification category currently held, if the vacancy is
128 not filled by an applicant within the classification
129 category of the vacancy, the applicant shall combine all
130 regular employment seniority acquired for the purposes
131 of bidding on the position.

132 School service personnel who hold multi-classification
133 titles shall accrue seniority in each classification cate-
134 gory of employment which said employee holds and shall
135 be considered an employee of each classification cate-
136 gory contained within his or her multi-classification
137 title. Multi-classified employees shall be subject to
138 reduction in force in any category of employment
139 contained within their multi-classification title based
140 upon the seniority accumulated within said category of
141 employment: *Provided*, That if a multi-classified em-
142 ployee is reduced in force in one classification category,
143 said employee shall retain employment in any of the
144 other classification categories that he holds within his
145 multi-classification title. In such a case, the county
146 board shall delete the appropriate classification title or
147 classification category from the contract of the multi-
148 classified employee.

149 When applying to fill a vacancy outside the classifica-
150 tion categories held by the multi-classified employee,
151 seniority acquired simultaneously in different classifica-

152 tion categories shall be calculated as if accrued in one
153 classification category only.

154 The seniority conferred in this section applies retroac-
155 tively to all affected school service personnel, but the
156 rights incidental thereto shall commence as of the
157 effective date of this section.

§18A-4-8h. Limitation on number of school service personnel positions to be held by an employee.

1 Upon the effective date of this section, no school
2 service personnel shall be permitted to become employed
3 in more than one regular full-day position, nor more
4 than two one-half day positions at the same time:
5 *Provided*, That nothing herein shall be construed to
6 prohibit a school service personnel from holding an
7 extracurricular assignment or assignments, as provided
8 in section sixteen of this article, or summer positions, as
9 provided in section thirty-nine, article five, chapter
10 eighteen of this code, nor from performing extra-duty
11 assignments, as provided in section eight-b of this
12 article, in addition to his or her regular position.

§18A-4-15. Employment of service personnel substitutes.

1 The county board shall employ and the county superin-
2 tendent, subject to the approval of the county board,
3 shall assign substitute service personnel on the basis of
4 seniority to perform any of the following duties:

5 (1) To fill the temporary absence of another service
6 employee;

7 (2) To fill the position of a regular service employee on
8 leave of absence: *Provided*, That if such leave of absence
9 is to extend beyond thirty days, the board, within twenty
10 working days from the commencement of the leave of
11 absence, shall give regular employee status to a person
12 hired to fill such position. The person employed on a
13 regular basis shall be selected under the procedure set
14 forth in section eight-b of this article. The substitute
15 shall hold such position and regular employee status only

16 until the regular employee shall be returned to such
17 position and the substitute shall have and shall be
18 accorded all rights, privileges and benefits pertaining to
19 such position: *Provided, however,* That if a regular or
20 substitute employee fills a vacancy that is related to a
21 leave of absence in any manner as provided herein, upon
22 termination of the leave of absence said employee shall
23 be returned to his or her original position;

24 (3) To perform the service of a service employee who is
25 authorized to be absent from duties without loss of pay;

26 (4) To temporarily fill a vacancy in a permanent
27 position caused by severance of employment by the
28 resignation, transfer, retirement, permanent disability,
29 dismissal pursuant to section eight, article two of this
30 chapter, or death of the regular service employee who
31 had been assigned to fill such position: *Provided,* That
32 within twenty working days from the commencement of
33 the vacancy, the board shall fill such vacancy under the
34 procedures set out in section eight-b of this article and
35 section five, article two of this chapter and such person
36 hired to fill the vacancy shall have and shall be accorded
37 all rights, privileges and benefits pertaining to such
38 position;

39 (5) To fill the vacancy created by a regular employee's
40 suspension: *Provided,* That if the suspension is for more
41 than thirty working days the substitute service employee
42 shall be assigned to fill the vacancy on a regular basis
43 and shall have and be accorded all rights, privileges and
44 benefits pertaining to such position until such termina-
45 tion by the county board becomes final. If the suspended
46 employee is not returned to his job, the board shall fill
47 the vacancy under the procedures set out in section
48 eight-b of this article and section five, article two of this
49 chapter; and

50 (6) To temporarily fill a vacancy in a newly created
51 position prior to employment of a service personnel on a
52 regular basis under the procedure set forth in section
53 eight-b of this article.

54 Substitutes shall be assigned in the following manner:
55 A substitute with the greatest length of service time, that
56 is, from the date he began his assigned duties as a
57 substitute in that particular category of employment,
58 shall be given priority in accepting the assignment
59 throughout the period of the regular employee's absence
60 or until the vacancy is filled on a regular basis under the
61 procedures set out in section eight-b of this article. All
62 substitutes shall be employed on a rotating basis accord-
63 ing to the length of their service time until each substi-
64 tute has had an opportunity to perform similar assign-
65 ments: *Provided*, That if there are regular service
66 employees employed in the same building or working
67 station as the absent employee and who are employed in
68 the same classification category of employment, such
69 regular employees shall be first offered the opportunity
70 to fill the position of the absent employee on a rotating
71 and seniority basis with the substitute then filling the
72 regular employee's position. A regular employee assigned
73 to fill the position of an absent employee shall be given
74 the opportunity to hold that position throughout such
75 absence.

76 The salary of a substitute service employee shall be
77 based upon his years of employment as defined in section
78 eight of this article and as provided in the state mini-
79 mum pay scale set forth in section eight-a of this article
80 and shall be in accordance with the salary schedule of
81 persons regularly employed in the same position in the
82 county in which he is employed.

83 Before any substitute service employee enters upon his
84 or her duties, he shall execute with the county board a
85 written contract as provided in section five, article two
86 of this chapter.

87 To establish a uniform system of providing a fair and
88 equitable opportunity for substitutes to enter upon their
89 duties for the first time, the following method shall be
90 used: The initial order of assigning newly employed
91 substitutes shall be determined by a random selection

92 system established by the affected substitute employees
93 and approved by the county board. This initial priority
94 order shall be in effect only until the substitute service
95 personnel have entered upon their duties for the first
96 time.

97 Substitute service employees who have worked thirty
98 days for a school system shall have all rights pertaining
99 to suspension, dismissal and contract renewal as is
100 granted to regular service personnel in sections six,
101 seven, eight and eight-a, article two of this chapter.

§18A-4-16. Extracurricular assignments.

1 (1) The assignment of teachers and service personnel to
2 extracurricular assignments shall be made only by
3 mutual agreement of the employee and the superinten-
4 dent, or designated representative, subject to board
5 approval. Extracurricular duties shall mean, but not be
6 limited to, any activities that occur at times other than
7 regularly scheduled working hours, which include the
8 instructing, coaching, chaperoning, escorting, providing
9 support services or caring for the needs of students, and
10 which occur on a regularly scheduled basis: *Provided,*
11 That all school service personnel assignments shall be
12 considered extracurricular assignments, except such
13 assignments as are considered either regular positions, as
14 provided by section eight of this article, or extra-duty
15 assignments, as provided by section eight-b of this
16 article.

17 (2) The employee and the superintendent, or a desig-
18 nated representative, subject to board approval, shall
19 mutually agree upon the maximum number of hours of
20 extracurricular assignment in each school year for each
21 extracurricular assignment.

22 (3) The terms and conditions of the agreement between
23 the employee and the board shall be in writing and
24 signed by both parties.

25 (4) An employee's contract of employment shall be
26 separate from the extracurricular assignment agreement

27 provided for in this section and shall not be conditioned
28 upon the employee's acceptance or continuance of any
29 extracurricular assignment proposed by the superinten-
30 dent, a designated representative, or the board.

31 (5) The board shall fill extracurricular school service
32 personnel assignments and vacancies in accordance with
33 section eight-b of this article: *Provided*, That an alterna-
34 tive procedure for making extracurricular school service
35 personnel assignments within a particular classification
36 category of employment may be utilized if the alterna-
37 tive procedure is approved both by the county board and
38 by an affirmative vote of two thirds of the employees
39 within that classification category of employment.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

**§18A-5-8. Authority of certain aides to exercise control over
pupils; compensation; transfers.**

1 (a) Within the limitations provided herein, any aide
2 who agrees to do so shall stand in the place of the parent
3 or guardian and shall exercise such authority and control
4 over pupils as is required of a teacher as defined and
5 provided in section one of this article. The principal shall
6 designate aides in the school who agree to exercise that
7 authority on the basis of seniority as an aide and shall
8 enumerate the instances in which the authority shall be
9 exercised by an aide when requested by the principal,
10 assistant principal or professional employee to whom the
11 aide is assigned: *Provided*, That the authority does not
12 extend to suspending or expelling any pupil, participat-
13 ing in the administration of corporal punishment or
14 performing instructional duties as a teacher or substitute
15 teacher.

16 An aide designated by the principal under this subsec-
17 tion shall receive a salary not less than one pay grade
18 above the highest pay grade held by the employee under
19 section eight-a, article four of this chapter, and any
20 county salary schedule in excess of the minimum re-
21 quirements of this article.

22 (b) An aide may not be required by the operation of
23 this section to perform noninstructional duties for an
24 amount of time which exceeds that required under the
25 aide's contract of employment or that required of other
26 aides in the same school, unless the assignment of such
27 duties is mutually agreed upon by the aide and the
28 county superintendent, or the superintendent's desig-
29 nated representative, subject to board approval. The
30 terms and conditions of the agreement shall be in
31 writing, signed by both parties, and may include addi-
32 tional benefits. The agreement shall be uniform as to
33 aides assigned similar duties for similar amounts of time
34 within the same school. Aides shall have the option of
35 agreeing to supervise students and of renewing related
36 assignments annually: *Provided*, That should an aide
37 elect not to renew the previous agreement to supervise
38 students, the minimum salary of the aide shall revert to
39 the pay grade specified in section eight-a, article four of
40 this chapter for the classification title held by the aide
41 and any county salary schedule in excess of the minimum
42 requirements of this article.

43 (c) For the purposes of this section, aide shall mean and
44 include any aide class title as defined in section eight,
45 article four of this chapter, regardless of numeric
46 classification.

47 (d) An aide may transfer to another position of employ-
48 ment one time only during any one half of a school term,
49 unless otherwise mutually agreed upon by the aide and
50 the county superintendent, or the superintendent's
51 designee, subject to board approval: *Provided*, That
52 during the first year of employment as an aide, an aide
53 may not transfer to another position of employment
54 during the first one-half school term of employment,
55 unless mutually agreed upon by the aide and county
56 superintendent, subject to board approval.

57 (e) Regular service personnel employed in a category of
58 employment other than aide who seek employment as an
59 aide shall hold a high school diploma or shall have

60 received a general educational development certificate
61 and shall have the opportunity to receive appropriate
62 training pursuant to subsection (10), section thirteen,
63 article five, chapter eighteen of this code and section
64 two, article twenty of said chapter.

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That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schoonover
.....
Chairman Senate Committee

Judy Seacrest
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1996.

Carroll Adams
.....
Clerk of the Senate

Gregory W. Ho
.....
Clerk of the House of Delegates

Carl Kay Tomblin
.....
President of the Senate

Paul Abner
.....
Speaker House of Delegates

The within *is approved* this the *20th*
day of *March*, 1996.

Govt Capl
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/96

Time 11:35 am