

HB 2402

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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2402

(By Delegates Davis, Stemple, Ennis, Williams,
Houston, Stalnaker and Armstead)



Passed March 13, 1999

In Effect July 1, 1999

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STATE OF WEST VIRGINIA

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FOR
H. B. 2402

(BY DELEGATES DAVIS, STEMPLE, ENNIS, WILLIAMS,
HOUSTON, STALNAKER AND ARMSTEAD)

[Passed March 13, 1999; in effect July 1, 1999.]

AN ACT to amend and reenact sections five-a and seven, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section eight-a, article four, chapter eighteen-a of said code, all relating to funding of public education; increasing the maximum ratio of service personnel per one thousand students in net enrollment from forty-three and one-half to forty-three and six-tenths for low density counties and to forty-four and one-half for high density counties; changing the percent of the replacement value of bus fleets included in the calculation of the allowance in the foundation school program for transportation; and increasing the monthly pay of service personnel for college or comparable credit.

Be it enacted by the Legislature of West Virginia:

That sections five-a and seven, article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section eight-a, article

four, chapter eighteen-a of said code be amended and reenacted, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-5a. Ratio of foundation allowances for professional educators and service personnel to net enrollment.

1 (a) The purpose of this section is to establish maximum
2 ratios between the numbers of professional educators and
3 service personnel in the counties which are funded through the
4 public school support plan and the net enrollment in the
5 counties, such ratios are in addition to the ratios provided for in
6 sections four and five of this article. It is the intent of the
7 Legislature to adjust these ratios pursuant to legislative act as
8 may be appropriate when additional personnel are needed to
9 perform additional duties.

10 (b) Commencing with the school year one thousand nine
11 hundred eighty-nine—ninety, and each year thereafter, in
12 computing the basic foundation allowance to a county for
13 professional educators and the basic foundation allowance to a
14 county for service personnel under sections four and five of this
15 article, a county shall not receive an allowance for such
16 personnel which number per one thousand students in net
17 enrollment is in excess of the number of professional educators
18 and the number of service personnel in the county computed as
19 follows:

20		Maximum professional	Maximum service	
21	For the	educators per 1000	personnel per 1000	
22	school year	net enrollment the	net enrollment the	
23		preceding year	preceding year	
24	1998-99	74.0	43.5	
25		Maximum professional	Maximum service	Maximum service
26	For the	educators per 1000	personnel per 1000	personnel per 1000
27	school year	net enrollment the	net enrollment the	net enrollment the
28		preceding year	preceding year for	preceding year for
29			each high density	each low density
30			county	county

31	1999-2000 and			
32	thereafter	74.0	43.6	44.5

33 (c) Every county shall utilize methods other than reductions
 34 in force, such as attrition and early retirement, before imple-
 35 menting their reductions in force policy to comply with the
 36 limitations of this section.

§18-9A-7. Foundation allowance for transportation cost.

1 The allowance in the foundation school program for each
 2 county for transportation shall be the sum of the following
 3 computations:

4 (1) Eighty-five percent of the transportation cost within
 5 each high density county and ninety percent of the transporta-
 6 tion cost within each low density county for maintenance,
 7 operation and related costs, exclusive of all salaries: *Provided,*
 8 That for the school year beginning the first day of July, one
 9 thousand nine hundred ninety-eight, and thereafter, in the event
 10 a county uses an alternative fuel such as compressed natural gas
 11 or other acceptable alternative fuel for the operation of all or
 12 any portion of its school bus system, then the allowance in the
 13 foundation school program for each such county for that portion
 14 of its school bus system shall be ninety-five percent of the
 15 transportation cost for maintenance, operation and related costs,
 16 exclusive of all salaries, incurred by the use of the alternatively
 17 fueled school buses: *Provided, however,* That any county using
 18 an alternative fuel and qualifying for the additional allowance
 19 shall submit a plan regarding the intended future use of alterna-
 20 tively fueled school buses;

21 (2) The total cost, within each county, of insurance premi-
 22 ums on buses, buildings and equipment used in transportation:
 23 *Provided,* That such premiums were procured through competi-
 24 tive bidding;

25 (3) For the school year beginning the first day of July, one
 26 thousand nine hundred ninety-nine, and thereafter, an amount
 27 equal to eight and one-third percent of the current replacement
 28 value of the bus fleet within each county as determined by the
 29 state board, such amount to be used only for the replacement of

30 buses. Buses purchased after the first day of July, one thousand
31 nine hundred ninety-nine that are driven one hundred eighty
32 thousand miles regardless of year model will be subject to the
33 replacement value of eight and one-third percent as determined
34 by the state board. In addition, in any school year in which its
35 net enrollment increases when compared to the net enrollment
36 the year immediately preceding, a school district may apply to
37 the state superintendent for funding for an additional bus. The
38 state superintendent shall make a decision regarding each
39 application based upon an analysis of the individual school
40 district's net enrollment history and transportation needs:
41 *Provided*, That the superintendent shall not consider any
42 application which fails to document that the county has applied
43 for federal funding for additional buses. If the state superinten-
44 dent finds that a need exists, a request for funding shall be
45 included in the budget request submitted by the state board for
46 the upcoming fiscal year;

47 (4) Eighty-five percent of the cost of contracted transporta-
48 tion services and public utility transportation within each high
49 density county and ninety percent of the cost of contracted
50 transportation services and public utility transportation within
51 each low density county;

52 (5) Aid in lieu of transportation equal to the state average
53 amount per pupil for each pupil receiving such aid within each
54 county; and

55 (6) Ninety-five percent of the transportation cost for
56 maintenance, operation and related costs, exclusive of all
57 salaries, for transporting students to and from classes at a
58 multicounty vocational center.

59 The total state share for this purpose shall be the sum of the
60 county shares: *Provided*, That no county shall receive an
61 allowance which is greater than one-third above the computed
62 state average allowance per transportation mile multiplied by
63 the total transportation mileage in the county: *Provided*,
64 *however*, That one half of one percent of the transportation
65 allowance distributed to each county shall be for the purpose of
66 trips related to academic classroom curriculum and not related

67 to any extracurricular activity: *Provided further*, That any
68 remaining funds credited to a county for the purpose of trips
69 related to academic classroom curriculum during the fiscal year
70 shall be carried over for use in the same manner the next fiscal
71 year and shall be separate and apart from, and in addition to, the
72 appropriation for the next fiscal year: *And provided further*,
73 That the state board may request a county to document the use
74 of funds for trips related to academic classroom curriculum if
75 the board deems it necessary.

76 The state department of education shall cause a comprehen-
77 sive study to be made relating to student transportation. The
78 study shall examine, but is not limited to, the issues of funding,
79 timeliness of data used for formula distribution, service
80 personnel needed, inter-county service, regionalization of
81 services, bus routes, amount of time students spend on buses,
82 maintenance, safety training, and alternative transportation
83 systems. The state department of education shall submit a
84 report of the study to the legislative oversight commission on
85 education accountability by the fifteenth day of January, one
86 thousand nine hundred ninety-nine.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

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

1 (1) The minimum monthly pay for each service employee
2 whose employment is for a period of more than three and
3 one-half hours a day shall be at least the amounts indicated in
4 the “state minimum pay scale pay grade I” and the minimum
5 monthly pay for each service employee whose employment is
6 for a period of three and one-half hours or less a day shall be at
7 least one-half the amount indicated in the “state minimum pay
8 scale pay grade I” set forth in this section.

STATE MINIMUM PAY SCALE PAY GRADE I

	A	B	C	D	E	F	G	H
11 0	1,100	1,120	1,160	1,210	1,260	1,320	1,350	1,420
12 1	1,127	1,147	1,187	1,237	1,287	1,347	1,377	1,447

13		A	B	C	D	E	F	G	H
14	2	1,154	1,174	1,214	1,264	1,314	1,374	1,404	1,474
15	3	1,181	1,201	1,241	1,291	1,341	1,401	1,431	1,501
16	4	1,208	1,228	1,268	1,318	1,368	1,428	1,458	1,528
17	5	1,235	1,255	1,295	1,345	1,395	1,455	1,485	1,555
18	6	1,262	1,282	1,322	1,372	1,422	1,482	1,512	1,582
19	7	1,289	1,309	1,349	1,399	1,449	1,509	1,539	1,609
20	8	1,316	1,336	1,376	1,426	1,476	1,536	1,566	1,636
21	9	1,343	1,363	1,403	1,453	1,503	1,563	1,593	1,663
22	10	1,370	1,390	1,430	1,480	1,530	1,590	1,620	1,690
23	11	1,397	1,417	1,457	1,507	1,557	1,617	1,647	1,717
24	12	1,424	1,444	1,484	1,534	1,584	1,644	1,674	1,744
25	13	1,451	1,471	1,511	1,561	1,611	1,671	1,701	1,771
26	14	1,478	1,498	1,538	1,588	1,638	1,698	1,728	1,798
27	15	1,505	1,525	1,565	1,615	1,665	1,725	1,755	1,825
28	16	1,532	1,552	1,592	1,642	1,692	1,752	1,782	1,852
29	17	1,559	1,579	1,619	1,669	1,719	1,779	1,809	1,879
30	18	1,586	1,606	1,646	1,696	1,746	1,806	1,836	1,906
31	19	1,613	1,633	1,673	1,723	1,773	1,833	1,863	1,933
32	20	1,640	1,660	1,700	1,750	1,800	1,860	1,890	1,960
33	21	1,667	1,687	1,727	1,777	1,827	1,887	1,917	1,987
34	22	1,694	1,714	1,754	1,804	1,854	1,914	1,944	2,014
35	23	1,721	1,741	1,781	1,831	1,881	1,941	1,971	2,041
36	24	1,748	1,768	1,808	1,858	1,908	1,968	1,998	2,068
37	25	1,775	1,795	1,835	1,885	1,935	1,995	2,025	2,095
38	26	1,802	1,822	1,862	1,912	1,962	2,022	2,052	2,122
39	27	1,829	1,849	1,889	1,939	1,989	2,049	2,079	2,149
40	28	1,856	1,876	1,916	1,966	2,016	2,076	2,106	2,176
41	29	1,883	1,903	1,943	1,993	2,043	2,103	2,133	2,203
42	30	1,910	1,930	1,970	2,020	2,070	2,130	2,160	2,230
43	31	1,937	1,957	1,997	2,047	2,097	2,157	2,187	2,257
44	32	1,964	1,984	2,024	2,074	2,124	2,184	2,214	2,284
45	33	1,991	2,011	2,051	2,101	2,151	2,211	2,241	2,311
46	34	2,018	2,038	2,078	2,128	2,178	2,238	2,268	2,338
47	35	2,045	2,065	2,105	2,155	2,205	2,265	2,295	2,365
48	36	2,072	2,092	2,132	2,182	2,232	2,292	2,322	2,392

49 Subject to a recommendation by the governor for a pay
50 raise through the delivery of an executive message to the

51 Legislature and an appropriation by the Legislature for a pay
 52 raise, effective the first day of July, one thousand nine hundred
 53 ninety-nine and thereafter, the minimum monthly pay for each
 54 service employee whose employment is for a period of more
 55 than three and one-half hours a day shall be at least the amounts
 56 indicated in the “state minimum pay scale pay grade II” and the
 57 minimum monthly pay for each service employee whose
 58 employment is for a period of three and one-half hours or less
 59 a day shall be at least one-half the amount indicated in the
 60 “state minimum pay scale pay grade II” set forth in this section.

61 **STATE MINIMUM PAY SCALE PAY GRADE II**

62	Years of	Pay Grade							
63	Employment	A	B	C	D	E	F	G	H
64		A	B	C	D	E	F	G	H
65	0	1,160	1,180	1,220	1,270	1,320	1,380	1,410	1,480
66	1	1,188	1,208	1,248	1,298	1,348	1,408	1,438	1,508
67	2	1,216	1,236	1,276	1,326	1,376	1,436	1,466	1,536
68	3	1,244	1,264	1,304	1,354	1,404	1,464	1,494	1,564
69	4	1,272	1,292	1,332	1,382	1,432	1,492	1,522	1,592
70	5	1,300	1,320	1,360	1,410	1,460	1,520	1,550	1,620
71	6	1,328	1,348	1,388	1,438	1,488	1,548	1,578	1,648
72	7	1,356	1,376	1,416	1,466	1,516	1,576	1,606	1,676
73	8	1,384	1,404	1,444	1,494	1,544	1,604	1,634	1,704
74	9	1,412	1,432	1,472	1,522	1,572	1,632	1,662	1,732
75	10	1,440	1,460	1,500	1,550	1,600	1,660	1,690	1,760
76	11	1,468	1,488	1,528	1,578	1,628	1,688	1,718	1,788
77	12	1,496	1,516	1,556	1,606	1,656	1,716	1,746	1,816
78	13	1,524	1,544	1,584	1,634	1,684	1,744	1,774	1,844
79	14	1,552	1,572	1,612	1,662	1,712	1,772	1,802	1,872
80	15	1,580	1,600	1,640	1,690	1,740	1,800	1,830	1,900
81	16	1,608	1,628	1,668	1,718	1,768	1,828	1,858	1,928
82	17	1,636	1,656	1,696	1,746	1,796	1,856	1,886	1,956
83	18	1,664	1,684	1,724	1,774	1,824	1,884	1,914	1,984
84	19	1,692	1,712	1,752	1,802	1,852	1,912	1,942	2,012
85	20	1,720	1,740	1,780	1,830	1,880	1,940	1,970	2,040
86	21	1,748	1,768	1,808	1,858	1,908	1,968	1,998	2,068
87	22	1,776	1,796	1,836	1,886	1,936	1,996	2,026	2,096

		A	B	C	D	E	F	G	H
88									
89	23	1,804	1,824	1,864	1,914	1,964	2,024	2,054	2,124
90	24	1,832	1,852	1,892	1,942	1,992	2,052	2,082	2,152
91	25	1,860	1,880	1,920	1,970	2,020	2,080	2,110	2,180
92	26	1,888	1,908	1,948	1,998	2,048	2,108	2,138	2,208
93	27	1,916	1,936	1,976	2,026	2,076	2,136	2,166	2,236
94	28	1,944	1,964	2,004	2,054	2,104	2,164	2,194	2,264
95	29	1,972	1,992	2,032	2,082	2,132	2,192	2,222	2,292
96	30	2,000	2,020	2,060	2,110	2,160	2,220	2,250	2,320
97	31	2,028	2,048	2,088	2,138	2,188	2,248	2,278	2,348
98	32	2,056	2,076	2,116	2,166	2,216	2,276	2,306	2,376
99	33	2,084	2,104	2,144	2,194	2,244	2,304	2,334	2,404
100	34	2,112	2,132	2,172	2,222	2,272	2,332	2,362	2,432
101	35	2,140	2,160	2,200	2,250	2,300	2,360	2,390	2,460
102	36	2,168	2,188	2,228	2,278	2,328	2,388	2,418	2,488

103 If "state minimum pay scale pay grade II" becomes
 104 effective on the first day of July, one thousand nine hundred
 105 ninety-nine, and the governor recommends a pay raise through
 106 the delivery of an executive message to the Legislature and the
 107 Legislature appropriates money for a pay raise, the minimum
 108 monthly pay for each service employee whose employment is
 109 for a period of more than three and one-half hours a day shall
 110 be at least the amounts indicated in the "state minimum pay
 111 scale pay grade III" and the minimum monthly pay for each
 112 service employee whose employment is for a period of three
 113 and one-half hours or less a day shall be at least one-half the
 114 amount indicated in the "state minimum pay scale pay grade
 115 III" set forth in this section.

116 **STATE MINIMUM PAY SCALE PAY GRADE III**

117	Years of								
118	Employment	Pay Grade							
119		A	B	C	D	E	F	G	H
120	0	1,220	1,240	1,280	1,330	1,380	1,440	1,470	1,540
121	1	1,249	1,269	1,309	1,359	1,409	1,469	1,499	1,569
122	2	1,278	1,298	1,338	1,388	1,438	1,498	1,528	1,598
123	3	1,307	1,327	1,367	1,417	1,467	1,527	1,557	1,627

124		A	B	C	D	E	F	G	H
125	4	1,336	1,356	1,396	1,446	1,496	1,556	1,586	1,656
126	5	1,365	1,385	1,425	1,475	1,525	1,585	1,615	1,685
127	6	1,394	1,414	1,454	1,504	1,554	1,614	1,644	1,714
128	7	1,423	1,443	1,483	1,533	1,583	1,643	1,673	1,743
129	8	1,452	1,472	1,512	1,562	1,612	1,672	1,702	1,772
130	9	1,481	1,501	1,541	1,591	1,641	1,701	1,731	1,801
131	10	1,510	1,530	1,570	1,620	1,670	1,730	1,760	1,830
132	11	1,539	1,559	1,599	1,649	1,699	1,759	1,789	1,859
133	12	1,568	1,588	1,628	1,678	1,728	1,788	1,818	1,888
134	13	1,597	1,617	1,657	1,707	1,757	1,817	1,847	1,917
135	14	1,626	1,646	1,686	1,736	1,786	1,846	1,876	1,946
136	15	1,655	1,675	1,715	1,765	1,815	1,875	1,905	1,975
137	16	1,684	1,704	1,744	1,794	1,844	1,904	1,934	2,004
138	17	1,713	1,733	1,773	1,823	1,873	1,933	1,963	2,033
139	18	1,742	1,762	1,802	1,852	1,902	1,962	1,992	2,062
140	19	1,771	1,791	1,831	1,881	1,931	1,991	2,021	2,091
141	20	1,800	1,820	1,860	1,910	1,960	2,020	2,050	2,120
142	21	1,829	1,849	1,889	1,939	1,989	2,049	2,079	2,149
143	22	1,858	1,878	1,918	1,968	2,018	2,078	2,108	2,178
144	23	1,887	1,907	1,947	1,997	2,047	2,107	2,137	2,207
145	24	1,916	1,936	1,976	2,026	2,076	2,136	2,166	2,236
146	25	1,945	1,965	2,005	2,055	2,105	2,165	2,195	2,265
147	26	1,974	1,994	2,034	2,084	2,134	2,194	2,224	2,294
148	27	2,003	2,023	2,063	2,113	2,163	2,223	2,253	2,323
149	28	2,032	2,052	2,092	2,142	2,192	2,252	2,282	2,352
150	29	2,061	2,081	2,121	2,171	2,221	2,281	2,311	2,381
151	30	2,090	2,110	2,150	2,200	2,250	2,310	2,340	2,410
152	31	2,119	2,139	2,179	2,229	2,279	2,339	2,369	2,439
153	32	2,148	2,168	2,208	2,258	2,308	2,368	2,398	2,468
154	33	2,177	2,197	2,237	2,287	2,337	2,397	2,427	2,497
155	34	2,206	2,226	2,266	2,316	2,366	2,426	2,456	2,526
156	35	2,235	2,255	2,295	2,345	2,395	2,455	2,485	2,555
157	36	2,264	2,284	2,324	2,374	2,424	2,484	2,514	2,584

158	CLASS TITLE	PAY GRADE
159	Accountant I	D
160	Accountant II	E
161	Accountant III	F

162	CLASS TITLE	PAY GRADE
163	Aide I	A
164	Aide II	B
165	Aide III	C
166	Aide IV	D
167	Audiovisual Technician	C
168	Auditor	G
169	Autism Mentor	E
170	Braille or Sign Language Specialist	E
171	Bus Operator	D
172	Buyer	F
173	Cabinetmaker	G
174	Cafeteria Manager	D
175	Carpenter I	E
176	Carpenter II	F
177	Chief Mechanic	G
178	Clerk I	B
179	Clerk II	C
180	Computer Operator	E
181	Cook I	A
182	Cook II	B
183	Cook III	C
184	Crew Leader	F
185	Custodian I	A
186	Custodian II	B
187	Custodian III	C
188	Custodian IV	D
189	Director or Coordinator of Services	H
190	Draftsman	D
191	Electrician I	F
192	Electrician II	G
193	Electronic Technician I	F
194	Electronic Technician II	G
195	Executive Secretary	G
196	Food Services Supervisor	G
197	Foreman	G
198	General Maintenance	C
199	Glazier	D
200	Graphic Artist	D

201	CLASS TITLE	PAY GRADE
202	Groundsman	B
203	Handyman	B
204	Heating and Air Conditioning Mechanic I	E
205	Heating and Air Conditioning Mechanic II	G
206	Heavy Equipment Operator	E
207	Inventory Supervisor	D
208	Key Punch Operator	B
209	Locksmith	G
210	Lubrication Man	C
211	Machinist	F
212	Mail Clerk	D
213	Maintenance Clerk	C
214	Mason	G
215	Mechanic	F
216	Mechanic Assistant	E
217	Office Equipment Repairman I	F
218	Office Equipment Repairman II	G
219	Painter	E
220	Paraprofessional	F
221	Plumber I	E
222	Plumber II	G
223	Printing Operator	B
224	Printing Supervisor	D
225	Programmer	H
226	Roofing/Sheet Metal Mechanic	F
227	Sanitation Plant Operator	F
228	School Bus Supervisor	E
229	Secretary I	D
230	Secretary II	E
231	Secretary III	F
232	Supervisor of Maintenance	H
233	Supervisor of Transportation	H
234	Switchboard Operator-Receptionist	D
235	Truck Driver	D
236	Warehouse Clerk	C
237	Watchman	B
238	Welder	F

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

242 (3) An additional ten dollars per month also shall be added
243 to the minimum monthly pay of each service employee for each
244 of the following:

245 (A) A service employee who holds twelve college hours or
246 comparable credit obtained in a trade or vocational school as
247 approved by the state board;

248 (B) A service employee who holds twenty-four college
249 hours or comparable credit obtained in a trade or vocational
250 school as approved by the state board;

251 (C) A service employee who holds thirty-six college hours
252 or comparable credit obtained in a trade or vocational school as
253 approved by the state board; and

254 (D) A service employee who holds forty-eight college hours
255 or comparable credit obtained in a trade or vocational school as
256 approved by the state board.

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

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

265 (6) Any full-time service personnel required to work in
266 excess of their normal working day during any week which
267 contains a school holiday for which they are paid shall be paid
268 for the additional hours or fraction of the additional hours at a
269 rate of one and one-half times their usual hourly rate and paid
270 entirely from county board funds.

271 (7) No service employee may have his or her daily work
272 schedule changed during the school year without the em-
273 ployee's written consent, and the employee's required daily

274 work hours may not be changed to prevent the payment of time
275 and one-half wages or the employment of another employee.

276 (8) The minimum hourly rate of pay for extra duty assign-
277 ments as defined in section eight-b of this article shall be no
278 less than one seventh of the employee's daily total salary for
279 each hour the employee is involved in performing the assign-
280 ment and paid entirely from local funds: *Provided*, That an
281 alternative minimum hourly rate of pay for performing extra
282 duty assignments within a particular category of employment
283 may be utilized if the alternate hourly rate of pay is approved
284 both by the county board and by the affirmative vote of a two-
285 thirds majority of the regular full-time employees within that
286 classification category of employment within that county:
287 *Provided, however*, That the vote shall be by secret ballot if so
288 requested by a service personnel employee within that classifi-
289 cation category within that county. The salary for any fraction
290 of an hour the employee is involved in performing the assign-
291 ment shall be prorated accordingly. When performing extra
292 duty assignments, employees who are regularly employed on a
293 one-half day salary basis shall receive the same hourly extra
294 duty assignment pay computed as though the employee were
295 employed on a full-day salary basis.

296 (9) The minimum pay for any service personnel employees
297 engaged in the removal of asbestos material or related duties
298 required for asbestos removal shall be their regular total daily
299 rate of pay and no less than an additional three dollars per hour
300 or no less than five dollars per hour for service personnel
301 supervising asbestos removal responsibilities for each hour
302 these employees are involved in asbestos related duties. Related
303 duties required for asbestos removal include, but are not limited
304 to, travel, preparation of the work site, removal of asbestos
305 decontamination of the work site, placing and removal of
306 equipment and removal of structures from the site. If any
307 member of an asbestos crew is engaged in asbestos related
308 duties outside of the employee's regular employment county,
309 the daily rate of pay shall be no less than the minimum amount
310 as established in the employee's regular employment county for
311 asbestos removal and an additional thirty dollars per each day

312 the employee is engaged in asbestos removal and related duties.
313 The additional pay for asbestos removal and related duties shall
314 be payable entirely from county funds. Before service personnel
315 employees may be utilized in the removal of asbestos material
316 or related duties, they shall have completed a federal Environ-
317 mental Protection Act approved training program and be
318 licensed. The employer shall provide all necessary protective
319 equipment and maintain all records required by the Environ-
320 mental Protection Act.

321 (10) For the purpose of qualifying for additional pay as
322 provided in section eight, article five of this chapter, an aide
323 shall be considered to be exercising the authority of a supervi-
324 sory aide and control over pupils if the aide is required to
325 supervise, control, direct, monitor, escort or render service to a
326 child or children when not under the direct supervision of
327 certificated professional personnel within the classroom,
328 library, hallway, lunchroom, gymnasium, school building,
329 school grounds or wherever supervision is required. For
330 purposes of this section, "under the direct supervision of
331 certificated professional personnel" means that certificated
332 professional personnel is present, with and accompanying the
333 aide.

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



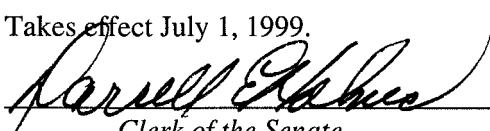
Chairman Senate Committee



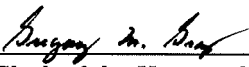
Chairman House Committee

Originating in the House.

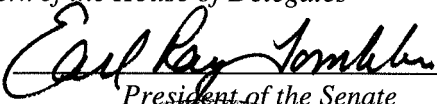
Takes effect July 1, 1999.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within approved this the 2nd
day of April, 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 3:25pm