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# **WEST VIRGINIA LEGISLATURE**

**SECOND REGULAR SESSION, 2000**



# **ENROLLED**

## **House Bill No. 4777**

(By Delegates Mezzatesta, Williams, Stemple,  
Davis, Ennis, Shelton and Romine)



Passed March 11, 2000

In Effect July 1, 2000



## ENROLLED

### H. B. 4777

(BY DELEGATES MEZZATESTA, WILLIAMS, STEMPLER,  
DAVIS, ENNIS, SHELTON AND ROMINE)

[Passed March 11, 2000; in effect July 1, 2000.]

AN ACT to amend and reenact section thirty-nine, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections eight, eight-a, eight-e, eight-g and fifteen, article four, chapter eighteen-a of said code, all relating to priority for service personnel working during the normal school year when selecting a substitute for summer school personnel; increasing the number of years that service personnel receive the salary increment; increasing the number of college hours or comparable credit for which service personnel receive additional pay; competency tests for service personnel; defining maintenance personnel; seniority of substitute service personnel; employment of service personnel substitutes; leaves of absence; suspension; and time off for sickness or injury.

*Be it enacted by the Legislature of West Virginia:*

That section thirty-nine, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections eight, eight-a, eight-e, eight-g and fifteen, article four, chapter eighteen-a of said code be amended and reenacted, all to read as follows:

**CHAPTER 18. EDUCATION.****ARTICLE 5. COUNTY BOARD OF EDUCATION.****§18-5-39. Establishment of summer school programs; tuition.**

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

8 (b) The board of any county has the authority to establish  
9 a summer school program utilizing the public school facilities  
10 and to charge tuition for students who attend the summer  
11 school. The tuition may not exceed in any case the actual cost  
12 of operation of the summer school program: *Provided*, That any  
13 deserving pupil whose parents, in the judgment of the board, are  
14 unable to pay the tuition, may attend the summer school  
15 program at a reduced charge or without charge. The county  
16 board may determine the term and curriculum of the summer  
17 schools based upon the particular needs of the individual  
18 county. The curriculum may include, but is not limited to,  
19 remedial instruction, accelerated instruction and the teaching of  
20 manual arts. The term of the summer school program may not  
21 be established in such a manner as to interfere with the regular  
22 school term.

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

34 (d) Any funds accruing from the tuitions shall be credited  
35 to and expended within the existing framework of the general  
36 current expense fund of the county board.

37 (e) Notwithstanding any other provision of this code to the  
38 contrary, the board shall fill professional positions established  
39 pursuant to the provisions of this section on the basis of  
40 certification and length of time the professional has been  
41 employed in the county's summer school program. In the event  
42 that no employee who has been previously employed in the  
43 summer school program holds a valid certification or licensure,  
44 a board shall fill the position as a classroom teaching position  
45 in accordance with section seven-a, article four, chapter  
46 eighteen-a of this code.

47 (f) Notwithstanding any other provision of the code to the  
48 contrary, the county board may employ school service person-  
49 nel to perform any related duties outside the regular school term  
50 as defined in section eight, article four, chapter eighteen-a of  
51 this code. An employee who was employed in any service  
52 personnel job or position during the previous summer shall  
53 have the option of retaining the job or position if the job or  
54 position exists during any succeeding summer. If the employee  
55 is unavailable or if the position is newly created, the position  
56 shall be filled pursuant to section eight-b, article four, chapter  
57 eighteen-a of this code. When any summer employee is absent,  
58 qualified regular employees within the same classification  
59 category who are not working because their employment term  
60 for the school year has ended or has not yet begun the succeed-  
61 ing school employment term, shall be given first opportunity to  
62 substitute for the absent summer employee on a rotating and  
63 seniority basis. When any summer employee who is employed  
64 in a summer position is granted a leave of absence for the  
65 summer months, the board shall give regular employment status  
66 to the employee for that summer position which shall be filled  
67 under the procedure set forth in section eight-b, article four,  
68 chapter eighteen-a of this code. The summer employee on leave  
69 of absence has the option of returning to that summer position  
70 if the position exists the succeeding summer or whenever the

71 position is reestablished if it were abolished. The salary of a  
72 summer employee shall be in accordance with the salary  
73 schedule of persons regularly employed in the same position in  
74 the county where employed and persons employed in those  
75 positions are entitled to all rights, privileges and benefits  
76 provided in sections five-b, eight, eight-a, ten and fourteen,  
77 article four, chapter eighteen-a of this code: *Provided*, That  
78 those persons are not entitled to a minimum employment term  
79 of two hundred days for their summer position.

80 (g) If a county board reduces in force the number of  
81 employees to be employed in a particular summer program or  
82 classification from the number employed in that position in  
83 previous summers, the reductions in force and priority in  
84 reemployment to that summer position shall be based upon the  
85 length of service time in the particular summer program or  
86 classification.

87 (h) For the purpose of this section, summer employment for  
88 service personnel includes, but is not limited to, filling jobs and  
89 positions as defined in section eight, article four, chapter  
90 eighteen-a of this code and especially established for and which  
91 are to be predominantly performed during the summer months  
92 to meet the needs of a county board.

## CHAPTER 18A. SCHOOL PERSONNEL.

### ARTICLE FOUR. SALARIES, WAGES AND OTHER BENEFITS.

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

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

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

13 (c) Service personnel employed in the same classification  
14 for more than the two hundred-day minimum employment term  
15 shall be paid for additional employment at a daily rate of not  
16 less than the daily rate paid for the two hundred-day minimum  
17 employment term.

18 (d) No service employee, without his or her agreement, may  
19 be required to report for work more than five days per week and  
20 no part of any working day may be accumulated by the em-  
21 ployer for future work assignments, unless the employee agrees  
22 thereto.

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

30 (f) Custodians, aides, maintenance, office and school lunch  
31 employees required to work a daily work schedule that is  
32 interrupted, that is, who do not work a continuous period in one  
33 day, shall be paid additional compensation equal to at least one  
34 eighth of their total salary as provided by their state minimum  
35 salary and any county pay supplement, and payable entirely  
36 from county funds: *Provided*, That when engaged in duties of  
37 transporting students exclusively, aides shall not be regarded as  
38 working an interrupted schedule. Maintenance personnel are  
39 defined as personnel who hold a classification title other than  
40 in a custodial, aide, school lunch, office or transportation  
41 category as provided in section one, article one of this chapter.

42 (g) Upon the change in classification or upon meeting the  
43 requirements of an advanced classification of or by any

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

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

54 (i) The column heads of the state minimum pay scale and  
55 class titles, set forth in section eight-a of this article, are defined  
56 as follows:

57 (1) "Pay grade" means the monthly salary applicable to  
58 class titles of service personnel;

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

69 (3) "Class title" means the name of the position or job held  
70 by service personnel;

71 (4) "Accountant I" means personnel employed to maintain  
72 payroll records and reports and perform one or more operations  
73 relating to a phase of the total payroll;

74 (5) "Accountant II" means personnel employed to maintain  
75 accounting records and to be responsible for the accounting  
76 process associated with billing, budgets, purchasing and related  
77 operations;

78 (6) "Accountant III" means personnel who are employed in  
79 the county board office to manage and supervise accounts  
80 payable and/or payroll procedures;

81 (7) "Aide I" means those personnel selected and trained for  
82 teacher-aide classifications such as monitor aide, clerical aide,  
83 classroom aide or general aide;

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

90 (9) "Aide III" means those personnel referred to in the  
91 "Aide I" classification who hold a high school diploma or a  
92 general educational development certificate and have completed  
93 six semester hours of college credit at an institution of higher  
94 education or are employed as an aide in a special education  
95 program and have one year's experience as an aide in special  
96 education;

97 (10) "Aide IV" means personnel referred to in the "Aide I"  
98 classification who hold a high school diploma or a general  
99 educational development certificate and who have completed  
100 eighteen hours of state board-approved college credit at a  
101 regionally accredited institution of higher education, or who  
102 have completed fifteen hours of state board-approved college  
103 credit at a regionally accredited institution of higher education  
104 and successfully completed an in-service training program  
105 determined by the state board to be the equivalent of three  
106 hours of college credit;

107 (11) "Audiovisual technician" means personnel employed  
108 to perform minor maintenance on audiovisual equipment, films,  
109 supplies and the filling of requests for equipment;

110 (12) "Auditor" means personnel employed to examine and  
111 verify accounts of individual schools and to assist schools and



112 school personnel in maintaining complete and accurate records  
113 of their accounts;

114 (13) "Autism mentor" means personnel who work with  
115 autistic students and who meet standards and experience to be  
116 determined by the state board: *Provided*, That if any employee  
117 has held or holds an aide title and becomes employed as an  
118 autism mentor, the employee shall hold a multiclassification  
119 status that includes aide and autism mentor titles, in accordance  
120 with section eight-b of this article;

121 (14) "Braille or sign language specialist" means personnel  
122 employed to provide braille and/or sign language assistance to  
123 students: *Provided*, That if any employee has held or holds an  
124 aide title and becomes employed as a braille or sign language  
125 specialist, the employee shall hold a multiclassification status  
126 that includes aide and braille or sign language specialist title, in  
127 accordance with section eight-b of this article;

128 (15) "Bus operator" means personnel employed to operate  
129 school buses and other school transportation vehicles as  
130 provided by the state board;

131 (16) "Buyer" means personnel employed to review and  
132 write specifications, negotiate purchase bids and recommend  
133 purchase agreements for materials and services that meet  
134 predetermined specifications at the lowest available costs;

135 (17) "Cabinetmaker" means personnel employed to  
136 construct cabinets, tables, bookcases and other furniture;

137 (18) "Cafeteria manager" means personnel employed to  
138 direct the operation of a food services program in a school,  
139 including assigning duties to employees, approving requisitions  
140 for supplies and repairs, keeping inventories, inspecting areas  
141 to maintain high standards of sanitation, preparing financial  
142 reports and keeping records pertinent to food services of a  
143 school;

144 (19) "Carpenter I" means personnel classified as a carpen-  
145 ter's helper;

146 (20) "Carpenter II" means personnel classified as a journey-  
147 man carpenter;

148 (21) "Chief mechanic" means personnel employed to be  
149 responsible for directing activities which ensure that student  
150 transportation or other board-owned vehicles are properly and  
151 safely maintained;

152 (22) "Clerk I" means personnel employed to perform  
153 clerical tasks;

154 (23) "Clerk II" means personnel employed to perform  
155 general clerical tasks, prepare reports and tabulations and  
156 operate office machines;

157 (24) "Computer operator" means qualified personnel  
158 employed to operate computers;

159 (25) "Cook I" means personnel employed as a cook's  
160 helper;

161 (26) "Cook II" means personnel employed to interpret  
162 menus, to prepare and serve meals in a food service program of  
163 a school and shall include personnel who have been employed  
164 as a "Cook I" for a period of four years, if the personnel have  
165 not been elevated to this classification within that period of  
166 time;

167 (27) "Cook III" means personnel employed to prepare and  
168 serve meals, make reports, prepare requisitions for supplies,  
169 order equipment and repairs for a food service program of a  
170 school system;

171 (28) "Crew leader" means personnel employed to organize  
172 the work for a crew of maintenance employees to carry out  
173 assigned projects;

174       (29) “Custodian I” means personnel employed to keep  
175 buildings clean and free of refuse;

176       (30) “Custodian II” means personnel employed as a  
177 watchman or groundsman;

178       (31) “Custodian III” means personnel employed to keep  
179 buildings clean and free of refuse, to operate the heating or  
180 cooling systems and to make minor repairs;

181       (32) “Custodian IV” means personnel employed as head  
182 custodians. In addition to providing services as defined in  
183 “custodian III”, their duties may include supervising other  
184 custodian personnel;

185       (33) “Director or coordinator of services” means personnel  
186 who are assigned to direct a department or division. Nothing in  
187 this subdivision may prohibit professional personnel or profes-  
188 sional educators as defined in section one, article one of this  
189 chapter, from holding this class title, but professional personnel  
190 may not be defined or classified as service personnel unless the  
191 professional personnel held a service personnel title under this  
192 section prior to holding class title of “director or coordinator of  
193 services”. Directors or coordinators of service positions shall be  
194 classified as either a professional personnel or service personnel  
195 position for state aid formula funding purposes and funding for  
196 directors or coordinators of service positions shall be based  
197 upon the employment status of the director or coordinator either  
198 as a professional personnel or service personnel;

199       (34) “Draftsman” means personnel employed to plan,  
200 design and produce detailed architectural/engineering drawings;

201       (35) “Electrician I” means personnel employed as an  
202 apprentice electrician helper or who holds an electrician helper  
203 license issued by the state fire marshal;

204       (36) “Electrician II” means personnel employed as an  
205 electrician journeyman or who holds a journeyman electrician  
206 license issued by the state fire marshal;

207 (37) "Electronic technician I" means personnel employed  
208 at the apprentice level to repair and maintain electronic equip-  
209 ment;

210 (38) "Electronic technician II" means personnel employed  
211 at the journeyman level to repair and maintain electronic  
212 equipment;

213 (39) "Executive secretary" means personnel employed as  
214 the county school superintendent's secretary or as a secretary  
215 who is assigned to a position characterized by significant  
216 administrative duties;

217 (40) "Food services supervisor" means qualified personnel  
218 not defined as professional personnel or professional educators  
219 in section one, article one of this chapter, employed to manage  
220 and supervise a county school system's food service program.  
221 The duties would include preparing in-service training pro-  
222 grams for cooks and food service employees, instructing  
223 personnel in the areas of quantity cooking with economy and  
224 efficiency and keeping aggregate records and reports;

225 (41) "Foremen" means skilled persons employed for  
226 supervision of personnel who work in the areas of repair and  
227 maintenance of school property and equipment;

228 (42) "General maintenance" means personnel employed as  
229 helpers to skilled maintenance employees and to perform minor  
230 repairs to equipment and buildings of a county school system;

231 (43) "Glazier" means personnel employed to replace glass  
232 or other materials in windows and doors and to do minor  
233 carpentry tasks;

234 (44) "Graphic artist" means personnel employed to prepare  
235 graphic illustrations;

236 (45) "Groundsmen" means personnel employed to perform  
237 duties that relate to the appearance, repair and general care of  
238 school grounds in a county school system. Additional assign-

239 ments may include the operation of a small heating plant and  
240 routine cleaning duties in buildings;

241 (46) "Handyman" means personnel employed to perform  
242 routine manual tasks in any operation of the county school  
243 system;

244 (47) "Heating and air conditioning mechanic I" means  
245 personnel employed at the apprentice level to install, repair and  
246 maintain heating and air conditioning plants and related  
247 electrical equipment;

248 (48) "Heating and air conditioning mechanic II" means  
249 personnel employed at the journeyman level to install, repair  
250 and maintain heating and air conditioning plants and related  
251 electrical equipment;

252 (49) "Heavy equipment operator" means personnel em-  
253 ployed to operate heavy equipment;

254 (50) "Inventory supervisor" means personnel who are  
255 employed to supervise or maintain operations in the receipt,  
256 storage, inventory and issuance of materials and supplies;

257 (51) "Key punch operator" means qualified personnel  
258 employed to operate key punch machines or verifying ma-  
259 chines;

260 (52) "Locksmith" means personnel employed to repair and  
261 maintain locks and safes;

262 (53) "Lubrication man" means personnel employed to  
263 lubricate and service gasoline or diesel-powered equipment of  
264 a county school system;

265 (54) "Machinist" means personnel employed to perform  
266 machinist tasks which include the ability to operate a lathe,  
267 planer, shaper, threading machine and wheel press. These  
268 personnel should also have the ability to work from blueprints  
269 and drawings;

270 (55) "Mail clerk" means personnel employed to receive,  
271 sort, dispatch, deliver or otherwise handle letters, parcels and  
272 other mail;

273 (56) "Maintenance clerk" means personnel employed to  
274 maintain and control a stocking facility to keep adequate tools  
275 and supplies on hand for daily withdrawal for all school  
276 maintenance crafts;

277 (57) "Mason" means personnel employed to perform tasks  
278 connected with brick and block laying and carpentry tasks  
279 related to such laying;

280 (58) "Mechanic" means personnel employed who can  
281 independently perform skilled duties in the maintenance and  
282 repair of automobiles, school buses and other mechanical and  
283 mobile equipment to use in a county school system;

284 (59) "Mechanic assistant" means personnel employed as a  
285 mechanic apprentice and helper;

286 (60) "Multiclassification" means personnel employed to  
287 perform tasks that involve the combination of two or more class  
288 titles in this section. In these instances the minimum salary  
289 scale shall be the higher pay grade of the class titles involved;

290 (61) "Office equipment repairman I" means personnel  
291 employed as an office equipment repairman apprentice or  
292 helper;

293 (62) "Office equipment repairman II" means personnel  
294 responsible for servicing and repairing all office machines and  
295 equipment. Personnel are responsible for parts being purchased  
296 necessary for the proper operation of a program of continuous  
297 maintenance and repair;

298 (63) "Painter" means personnel employed to perform duties  
299 of painting, finishing and decorating of wood, metal and  
300 concrete surfaces of buildings, other structures, equipment,  
301 machinery and furnishings of a county school system;

302       (64) “Paraprofessional” means a person certified pursuant  
303 to section two-a, article three of this chapter to perform duties  
304 in a support capacity including, but not limited to, facilitating  
305 in the instruction and direct or indirect supervision of pupils  
306 under the direction of a principal, a teacher or another design-  
307 ated professional educator: *Provided*, That no person em-  
308 ployed on the effective date of this section in the position of an  
309 aide may be reduced in force or transferred to create a vacancy  
310 for the employment of a paraprofessional: *Provided, however*,  
311 That if any employee has held or holds an aide title and  
312 becomes employed as a paraprofessional, the employee shall  
313 hold a multiclassification status that includes aide and  
314 paraprofessional titles in accordance with section eight-b of this  
315 article: *Provided further*, That once an employee who holds an  
316 aide title becomes certified as a paraprofessional and is required  
317 to perform duties that may not be performed by an aide without  
318 paraprofessional certification, he or she shall receive the  
319 paraprofessional title pay grade;

320       (65) “Plumber I” means personnel employed as an appren-  
321 tice plumber and helper;

322       (66) “Plumber II” means personnel employed as a journey-  
323 man plumber;

324       (67) “Printing operator” means personnel employed to  
325 operate duplication equipment, and as required, to cut, collate,  
326 staple, bind and shelve materials;

327       (68) “Printing supervisor” means personnel employed to  
328 supervise the operation of a print shop;

329       (69) “Programmer” means personnel employed to design  
330 and prepare programs for computer operation;

331       (70) “Roofing/sheet metal mechanic” means personnel  
332 employed to install, repair, fabricate and maintain roofs,  
333 gutters, flashing and duct work for heating and ventilation;

334 (71) "Sanitation plant operator" means personnel employed  
335 to operate and maintain a water or sewage treatment plant to  
336 ensure the safety of the plant's effluent for human consumption  
337 or environmental protection;

338 (72) "School bus supervisor" means qualified personnel  
339 employed to assist in selecting school bus operators and routing  
340 and scheduling of school buses, operate a bus when needed,  
341 relay instructions to bus operators, plan emergency routing of  
342 buses and promoting good relationships with parents, pupils,  
343 bus operators and other employees;

344 (73) "Secretary I" means personnel employed to transcribe  
345 from notes or mechanical equipment, receive callers, perform  
346 clerical tasks, prepare reports and operate office machines;

347 (74) "Secretary II" means personnel employed in any  
348 elementary, secondary, kindergarten, nursery, special education,  
349 vocational or any other school as a secretary. The duties may  
350 include performing general clerical tasks, transcribing from  
351 notes or stenotype or mechanical equipment or a sound-  
352 producing machine, preparing reports, receiving callers and  
353 referring them to proper persons, operating office machines,  
354 keeping records and handling routine correspondence. There is  
355 nothing implied in this subdivision that would prevent the  
356 employees from holding or being elevated to a higher classifi-  
357 cation;

358 (75) "Secretary III" means personnel assigned to the county  
359 board office administrators in charge of various instructional,  
360 maintenance, transportation, food services, operations and  
361 health departments, federal programs or departments with  
362 particular responsibilities of purchasing and financial control or  
363 any personnel who have served in a position which meets the  
364 definition of "secretary II" or "secretary III" in this section for  
365 eight years;

366 (76) "Supervisor of maintenance" means skilled personnel  
367 not defined as professional personnel or professional educators  
368 as in section one, article one of this chapter. The responsibilities



369 would include directing the upkeep of buildings and shops,  
370 issuing instructions to subordinates relating to cleaning, repairs  
371 and maintenance of all structures and mechanical and electrical  
372 equipment of a board;

373 (77) "Supervisor of transportation" means qualified  
374 personnel employed to direct school transportation activities,  
375 properly and safely, and to supervise the maintenance and  
376 repair of vehicles, buses and other mechanical and mobile  
377 equipment used by the county school system;

378 (78) "Switchboard operator-receptionist" means personnel  
379 employed to refer incoming calls, to assume contact with the  
380 public, to direct and to give instructions as necessary, to operate  
381 switchboard equipment and to provide clerical assistance;

382 (79) "Truck driver" means personnel employed to operate  
383 light or heavy duty gasoline and diesel-powered vehicles;

384 (80) "Warehouse clerk" means personnel employed to be  
385 responsible for receiving, storing, packing and shipping goods;

386 (81) "Watchman" means personnel employed to protect  
387 school property against damage or theft. Additional assign-  
388 ments may include operation of a small heating plant and  
389 routine cleaning duties; and

390 (82) "Welder" means personnel employed to provide  
391 acetylene or electric welding services for a school system.

392 (j) In addition to the compensation provided for in section  
393 eight-a of this article, for service personnel, each service  
394 employee is, notwithstanding any provisions in this code to the  
395 contrary, entitled to all service personnel employee rights,  
396 privileges and benefits provided under this or any other chapter  
397 of this code without regard to the employee's hours of employ-  
398 ment or the methods or sources of compensation.

399 (k) Service personnel whose years of employment exceed  
400 the number of years shown and provided for under the state

401 minimum pay scale set forth in section eight-a of this article  
402 may not be paid less than the amount shown for the maximum  
403 years of employment shown and provided for in the classifica-  
404 tion in which he or she is employed.

405 (l) The county boards shall review each service personnel  
406 employee job classification annually and shall reclassify all  
407 service employees as required by the job classifications. The  
408 state superintendent of schools may withhold state funds  
409 appropriated pursuant to this article for salaries for service  
410 personnel who are improperly classified by the county boards.  
411 Further, the state superintendent shall order county boards to  
412 correct immediately any improper classification matter and with  
413 the assistance of the attorney general shall take any legal action  
414 necessary against any county board to enforce the order.

415 (m) No service employee, without his or her written  
416 consent, may be reclassified by class title, nor may a service  
417 employee, without his or her written consent, be relegated to  
418 any condition of employment which would result in a reduction  
419 of his or her salary, rate of pay, compensation or benefits  
420 earned during the current fiscal year or which would result in a  
421 reduction of his or her salary, rate of pay, compensation or  
422 benefits for which he or she would qualify by continuing in the  
423 same job position and classification held during that fiscal year  
424 and subsequent years.

425 (n) Any board failing to comply with the provisions of this  
426 article may be compelled to do so by mandamus, and is liable  
427 to any party prevailing against the board for court costs and the  
428 prevailing party's reasonable attorney fee, as determined and  
429 established by the court.

430 (o) Notwithstanding any provisions in this code to the  
431 contrary, service personnel who hold a continuing contract in a  
432 specific job classification and who are physically unable to  
433 perform the job's duties as confirmed by a physician chosen by  
434 the employee shall be given priority status over any employee  
435 not holding a continuing contract in filling other service

436 personnel job vacancies if qualified as provided in section  
437 eight-e of this article.

**§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.

9 **STATE MINIMUM PAY SCALE PAY GRADE I**

10		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	2	1,154	1,174	1,214	1,264	1,314	1,374	1,404	1,474
14	3	1,181	1,201	1,241	1,291	1,341	1,401	1,431	1,501
15	4	1,208	1,228	1,268	1,318	1,368	1,428	1,458	1,528
16	5	1,235	1,255	1,295	1,345	1,395	1,455	1,485	1,555
17	6	1,262	1,282	1,322	1,372	1,422	1,482	1,512	1,582
18	7	1,289	1,309	1,349	1,399	1,449	1,509	1,539	1,609
19	8	1,316	1,336	1,376	1,426	1,476	1,536	1,566	1,636
20	9	1,343	1,363	1,403	1,453	1,503	1,563	1,593	1,663
21	10	1,370	1,390	1,430	1,480	1,530	1,590	1,620	1,690
22	11	1,397	1,417	1,457	1,507	1,557	1,617	1,647	1,717
23	12	1,424	1,444	1,484	1,534	1,584	1,644	1,674	1,744
24	13	1,451	1,471	1,511	1,561	1,611	1,671	1,701	1,771
25	14	1,478	1,498	1,538	1,588	1,638	1,698	1,728	1,798
26	15	1,505	1,525	1,565	1,615	1,665	1,725	1,755	1,825
27	16	1,532	1,552	1,592	1,642	1,692	1,752	1,782	1,852
28	17	1,559	1,579	1,619	1,669	1,719	1,779	1,809	1,879
29	18	1,586	1,606	1,646	1,696	1,746	1,806	1,836	1,906
30	19	1,613	1,633	1,673	1,723	1,773	1,833	1,863	1,933
31	20	1,640	1,660	1,700	1,750	1,800	1,860	1,890	1,960
32	21	1,667	1,687	1,727	1,777	1,827	1,887	1,917	1,987
33	22	1,694	1,714	1,754	1,804	1,854	1,914	1,944	2,014
34	23	1,721	1,741	1,781	1,831	1,881	1,941	1,971	2,041
35	24	1,748	1,768	1,808	1,858	1,908	1,968	1,998	2,068

36	25	1,775	1,795	1,835	1,885	1,935	1,995	2,025	2,095
37	26	1,802	1,822	1,862	1,912	1,962	2,022	2,052	2,122
38	27	1,829	1,849	1,889	1,939	1,989	2,049	2,079	2,149
39	28	1,856	1,876	1,916	1,966	2,016	2,076	2,106	2,176
40	29	1,883	1,903	1,943	1,993	2,043	2,103	2,133	2,203
41	30	1,910	1,930	1,970	2,020	2,070	2,130	2,160	2,230
42	31	1,937	1,957	1,997	2,047	2,097	2,157	2,187	2,257
43	32	1,964	1,984	2,024	2,074	2,124	2,184	2,214	2,284
44	33	1,991	2,011	2,051	2,101	2,151	2,211	2,241	2,311
45	34	2,018	2,038	2,078	2,128	2,178	2,238	2,268	2,338
46	35	2,045	2,065	2,105	2,155	2,205	2,265	2,295	2,365
47	36	2,072	2,092	2,132	2,182	2,232	2,292	2,322	2,392

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

## 60 STATE MINIMUM PAY SCALE PAY GRADE II

### 61 Years of

### 62 Employment

### Pay Grade

63		A	B	C	D	E	F	G	H
64	0	1,160	1,180	1,220	1,270	1,320	1,380	1,410	1,480
65	1	1,188	1,208	1,248	1,298	1,348	1,408	1,438	1,508
66	2	1,216	1,236	1,276	1,326	1,376	1,436	1,466	1,536
67	3	1,244	1,264	1,304	1,354	1,404	1,464	1,494	1,564
68	4	1,272	1,292	1,332	1,382	1,432	1,492	1,522	1,592
69	5	1,300	1,320	1,360	1,410	1,460	1,520	1,550	1,620
70	6	1,328	1,348	1,388	1,438	1,488	1,548	1,578	1,648
71	7	1,356	1,376	1,416	1,466	1,516	1,576	1,606	1,676
72	8	1,384	1,404	1,444	1,494	1,544	1,604	1,634	1,704
73	9	1,412	1,432	1,472	1,522	1,572	1,632	1,662	1,732

74	10	1,440	1,460	1,500	1,550	1,600	1,660	1,690	1,760
75	11	1,468	1,488	1,528	1,578	1,628	1,688	1,718	1,788
76	12	1,496	1,516	1,556	1,606	1,656	1,716	1,746	1,816
77	13	1,524	1,544	1,584	1,634	1,684	1,744	1,774	1,844
78	14	1,552	1,572	1,612	1,662	1,712	1,772	1,802	1,872
79	15	1,580	1,600	1,640	1,690	1,740	1,800	1,830	1,900
80	16	1,608	1,628	1,668	1,718	1,768	1,828	1,858	1,928
81	17	1,636	1,656	1,696	1,746	1,796	1,856	1,886	1,956
82	18	1,664	1,684	1,724	1,774	1,824	1,884	1,914	1,984
83	19	1,692	1,712	1,752	1,802	1,852	1,912	1,942	2,012
84	20	1,720	1,740	1,780	1,830	1,880	1,940	1,970	2,040
85	21	1,748	1,768	1,808	1,858	1,908	1,968	1,998	2,068
86	22	1,776	1,796	1,836	1,886	1,936	1,996	2,026	2,096
87	23	1,804	1,824	1,864	1,914	1,964	2,024	2,054	2,124
88	24	1,832	1,852	1,892	1,942	1,992	2,052	2,082	2,152
89	25	1,860	1,880	1,920	1,970	2,020	2,080	2,110	2,180
90	26	1,888	1,908	1,948	1,998	2,048	2,108	2,138	2,208
91	27	1,916	1,936	1,976	2,026	2,076	2,136	2,166	2,236
92	28	1,944	1,964	2,004	2,054	2,104	2,164	2,194	2,264
93	29	1,972	1,992	2,032	2,082	2,132	2,192	2,222	2,292
94	30	2,000	2,020	2,060	2,110	2,160	2,220	2,250	2,320
95	31	2,028	2,048	2,088	2,138	2,188	2,248	2,278	2,348
96	32	2,056	2,076	2,116	2,166	2,216	2,276	2,306	2,376
97	33	2,084	2,104	2,144	2,194	2,244	2,304	2,334	2,404
98	34	2,112	2,132	2,172	2,222	2,272	2,332	2,362	2,432
99	35	2,140	2,160	2,200	2,250	2,300	2,360	2,390	2,460
100	36	2,168	2,188	2,228	2,278	2,328	2,388	2,418	2,488

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

114      **STATE MINIMUM PAY SCALE PAY GRADE III**

115	<b>Years of</b>								
116	<b>Employment</b>		<b>Pay Grade</b>						
117		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
118	0	1,220	1,240	1,280	1,330	1,380	1,440	1,470	1,540
119	1	1,249	1,269	1,309	1,359	1,409	1,469	1,499	1,569
120	2	1,278	1,298	1,338	1,388	1,438	1,498	1,528	1,598
121	3	1,307	1,327	1,367	1,417	1,467	1,527	1,557	1,627
122	4	1,336	1,356	1,396	1,446	1,496	1,556	1,586	1,656
123	5	1,365	1,385	1,425	1,475	1,525	1,585	1,615	1,685
124	6	1,394	1,414	1,454	1,504	1,554	1,614	1,644	1,714
125	7	1,423	1,443	1,483	1,533	1,583	1,643	1,673	1,743
126	8	1,452	1,472	1,512	1,562	1,612	1,672	1,702	1,772
127	9	1,481	1,501	1,541	1,591	1,641	1,701	1,731	1,801
128	10	1,510	1,530	1,570	1,620	1,670	1,730	1,760	1,830
129	11	1,539	1,559	1,599	1,649	1,699	1,759	1,789	1,859
130	12	1,568	1,588	1,628	1,678	1,728	1,788	1,818	1,888
131	13	1,597	1,617	1,657	1,707	1,757	1,817	1,847	1,917
132	14	1,626	1,646	1,686	1,736	1,786	1,846	1,876	1,946
133	15	1,655	1,675	1,715	1,765	1,815	1,875	1,905	1,975
134	16	1,684	1,704	1,744	1,794	1,844	1,904	1,934	2,004
135	17	1,713	1,733	1,773	1,823	1,873	1,933	1,963	2,033
136	18	1,742	1,762	1,802	1,852	1,902	1,962	1,992	2,062
137	19	1,771	1,791	1,831	1,881	1,931	1,991	2,021	2,091
138	20	1,800	1,820	1,860	1,910	1,960	2,020	2,050	2,120
139	21	1,829	1,849	1,889	1,939	1,989	2,049	2,079	2,149
140	22	1,858	1,878	1,918	1,968	2,018	2,078	2,108	2,178
141	23	1,887	1,907	1,947	1,997	2,047	2,107	2,137	2,207
142	24	1,916	1,936	1,976	2,026	2,076	2,136	2,166	2,236
143	25	1,945	1,965	2,005	2,055	2,105	2,165	2,195	2,265
144	26	1,974	1,994	2,034	2,084	2,134	2,194	2,224	2,294
145	27	2,003	2,023	2,063	2,113	2,163	2,223	2,253	2,323
146	28	2,032	2,052	2,092	2,142	2,192	2,252	2,282	2,352
147	29	2,061	2,081	2,121	2,171	2,221	2,281	2,311	2,381
148	30	2,090	2,110	2,150	2,200	2,250	2,310	2,340	2,410
149	31	2,119	2,139	2,179	2,229	2,279	2,339	2,369	2,439
150	32	2,148	2,168	2,208	2,258	2,308	2,368	2,398	2,468

151	33	2,177	2,197	2,237	2,287	2,337	2,397	2,427	2,497
152	34	2,206	2,226	2,266	2,316	2,366	2,426	2,456	2,526
153	35	2,235	2,255	2,295	2,345	2,395	2,455	2,485	2,555
154	36	2,264	2,284	2,324	2,374	2,424	2,484	2,514	2,584
155	37	2,293	2,313	2,353	2,403	2,453	2,513	2,543	2,613
156	38	2,322	2,342	2,382	2,432	2,482	2,542	2,572	2,642
157	39	2,351	2,371	2,411	2,461	2,511	2,571	2,601	2,671
158	40	2,380	2,400	2,440	2,490	2,540	2,600	2,630	2,700

159	CLASS TITLE	PAY GRADE
160	Accountant I . . . . .	D
161	Accountant II . . . . .	E
162	Accountant III . . . . .	F
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	Groundsman . . . . .	B
202	Handyman . . . . .	B
203	Heating and Air Conditioning Mechanic I . . . . .	E
204	Heating and Air Conditioning Mechanic II . . . . .	G
205	Heavy Equipment Operator . . . . .	E
206	Inventory Supervisor . . . . .	D
207	Key Punch Operator . . . . .	B
208	Locksmith . . . . .	G
209	Lubrication Man . . . . .	C
210	Machinist . . . . .	F
211	Mail Clerk . . . . .	D
212	Maintenance Clerk . . . . .	C
213	Mason . . . . .	G
214	Mechanic . . . . .	F
215	Mechanic Assistant . . . . .	E
216	Office Equipment Repairman I . . . . .	F
217	Office Equipment Repairman II . . . . .	G
218	Painter . . . . .	E
219	Paraprofessional . . . . .	F
220	Plumber I . . . . .	E
221	Plumber II . . . . .	G
222	Printing Operator . . . . .	B
223	Printing Supervisor . . . . .	D
224	Programmer . . . . .	H
225	Roofing/Sheet Metal Mechanic . . . . .	F
226	Sanitation Plant Operator . . . . .	F
227	School Bus Supervisor . . . . .	E



228	Secretary I .....	D
229	Secretary II .....	E
230	Secretary III .....	F
231	Supervisor of Maintenance .....	H
232	Supervisor of Transportation .....	H
233	Switchboard Operator-Receptionist .....	D
234	Truck Driver .....	D
235	Warehouse Clerk .....	C
236	Watchman .....	B
237	Welder .....	F

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

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

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

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

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

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

256       (E) A service employee who holds sixty college hours or  
257 comparable credit obtained in a trade or vocational school as  
258 approved by the state board; and

259 (F) A service employee who holds seventy-two college  
260 hours or comparable credit obtained in a trade or vocational  
261 school as approved by the state board.

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

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

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

276 (7) No service employee may have his or her daily work  
277 schedule changed during the school year without the em-  
278 ployee's written consent and the employee's required daily  
279 work hours may not be changed to prevent the payment of time  
280 and one-half wages or the employment of another employee.

281 (8) The minimum hourly rate of pay for extra duty assign-  
282 ments as defined in section eight-b of this article shall be no  
283 less than one seventh of the employee's daily total salary for  
284 each hour the employee is involved in performing the assign-  
285 ment and paid entirely from local funds: *Provided*, That an  
286 alternative minimum hourly rate of pay for performing extra  
287 duty assignments within a particular category of employment  
288 may be utilized if the alternate hourly rate of pay is approved  
289 both by the county board and by the affirmative vote of a two-  
290 thirds majority of the regular full-time employees within that  
291 classification category of employment within that county:  
292 *Provided, however*, That the vote shall be by secret ballot if  
293 requested by a service personnel employee within that classifi-

294 cation category within that county. The salary for any fraction  
295 of an hour the employee is involved in performing the assign-  
296 ment shall be prorated accordingly. When performing extra  
297 duty assignments, employees who are regularly employed on a  
298 one-half day salary basis shall receive the same hourly extra  
299 duty assignment pay computed as though the employee were  
300 employed on a full-day salary basis.

301 (9) The minimum pay for any service personnel employees  
302 engaged in the removal of asbestos material or related duties  
303 required for asbestos removal shall be their regular total daily  
304 rate of pay and no less than an additional three dollars per hour  
305 or no less than five dollars per hour for service personnel  
306 supervising asbestos removal responsibilities for each hour  
307 these employees are involved in asbestos related duties. Related  
308 duties required for asbestos removal include, but are not limited  
309 to, travel, preparation of the work site, removal of asbestos  
310 decontamination of the work site, placing and removal of  
311 equipment and removal of structures from the site. If any  
312 member of an asbestos crew is engaged in asbestos related  
313 duties outside of the employee's regular employment county,  
314 the daily rate of pay shall be no less than the minimum amount  
315 as established in the employee's regular employment county for  
316 asbestos removal and an additional thirty dollars per each day  
317 the employee is engaged in asbestos removal and related duties.  
318 The additional pay for asbestos removal and related duties shall  
319 be payable entirely from county funds. Before service personnel  
320 employees may be utilized in the removal of asbestos material  
321 or related duties, they shall have completed a federal Environ-  
322 mental Protection Act-approved training program and be  
323 licensed. The employer shall provide all necessary protective  
324 equipment and maintain all records required by the Environ-  
325 mental Protection Act.

326 (10) For the purpose of qualifying for additional pay as  
327 provided in section eight, article five of this chapter, an aide  
328 shall be considered to be exercising the authority of a supervi-  
329 sory aide and control over pupils if the aide is required to  
330 supervise, control, direct, monitor, escort or render service to a

331 child or children when not under the direct supervision of  
332 certificated professional personnel within the classroom,  
333 library, hallway, lunchroom, gymnasium, school building,  
334 school grounds or wherever supervision is required. For  
335 purposes of this section, "under the direct supervision of  
336 certificated professional personnel" means that certificated  
337 professional personnel is present, with and accompanying the  
338 aide.

**§18A-4-8e. Competency testing for service personnel.**

1 (a) The state board of education shall develop and cause to  
2 be made available competency tests for all of the classification  
3 titles defined in section eight and listed in section eight-a of this  
4 article for service personnel. Each classification title defined  
5 and listed shall be considered a separate classification category  
6 of employment for service personnel and shall have a separate  
7 competency test, except for those class titles having Roman  
8 numeral designations, which shall be considered a single  
9 classification of employment and shall have a single compe-  
10 tency test. The cafeteria manager class title shall be included in  
11 the same classification category as cooks and shall have the  
12 same competency test. The executive secretary class title shall  
13 be included in the same classification category as secretaries  
14 and shall have the same competency test. The classification  
15 titles of chief mechanic, mechanic and assistant mechanic shall  
16 be included in one classification title and shall have the same  
17 competency test.

18 (b) The purpose of these tests shall be to provide county  
19 boards of education a uniform means of determining whether  
20 school service personnel employees who do not hold a classifi-  
21 cation title in a particular category of employment can meet the  
22 definition of the classification title in another category of  
23 employment as defined in section eight of this article. Compe-  
24 tency tests shall not be used to evaluate employees who hold  
25 the classification title in the category of their employment.

26 (c) The competency test shall consist of an objective written  
27 and/or performance test: *Provided*, That applicants shall have

28 the opportunity of taking the written test orally if requested.  
29 Oral tests shall be recorded mechanically and kept on file.  
30 Persons administering the oral test shall not know the applicant  
31 personally. The performance test for all classifications and  
32 categories other than bus operator shall be administered by a  
33 vocational school which serves the county board of education.  
34 A standard passing score shall be established by the state  
35 department of education for each test and shall be used by  
36 county boards of education. The subject matter of each compe-  
37 tency test shall be commensurate with the requirements of the  
38 definitions of the classification titles as provided in section  
39 eight of this article. The subject matter of each competency test  
40 shall be designed in such a manner that achieving a passing  
41 grade will not require knowledge and skill in excess of the  
42 requirements of the definitions of the classification titles.  
43 Achieving a passing score shall conclusively demonstrate the  
44 qualification of an applicant for a classification title. Once an  
45 employee passes the competency test of a classification title,  
46 the applicant shall be fully qualified to fill vacancies in that  
47 classification category of employment as provided in section  
48 eight-b of this article and shall not be required to take the  
49 competency test again.

50 (d) An applicant who fails to achieve a passing score shall  
51 be given other opportunities to pass the competency test when  
52 making application for another vacancy within the classification  
53 category.

54 (e) Competency tests shall be administered to applicants in  
55 a uniform manner under uniform testing conditions. County  
56 boards of education are responsible for scheduling competency  
57 tests, notifying applicants of the date and time of the one day of  
58 training prior to taking the test and the date and time of the test.  
59 County boards of education shall not utilize a competency test  
60 other than the test authorized by this section.

61 (f) When scheduling of the competency test conflicts with  
62 the work schedule of a school employee who has applied for a

63 vacancy, the employee shall be excused from work to take the  
64 competency test without loss of pay.

65 (g) A minimum of one day of appropriate inservice training  
66 shall be provided employees to assist them in preparing to take  
67 the competency tests.

68 (h) Competency tests shall be utilized to determine the  
69 qualification of new applicants seeking initial employment in  
70 a particular classification title as either a regular or substitute  
71 employee.

72 (i) Notwithstanding any provisions in this code to the  
73 contrary, once an employee holds or has held a classification  
74 title in a category of employment, that employee shall be  
75 considered qualified for the classification title even though that  
76 employee no longer holds that classification.

77 (j) The requirements of this section shall not be construed  
78 to alter the definitions of class titles as provided in section eight  
79 of this article nor the procedure and requirements of section  
80 eight-b of this article.

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

1 (a) Seniority accumulation for a regular school service  
2 employee begins on the date the employee enters upon regular  
3 employment duties pursuant to a contract as provided in section  
4 five, article two of this chapter and continues until the em-  
5 ployee's employment as a regular employee is severed with the  
6 county board. Seniority shall not cease to accumulate when an  
7 employee is absent without pay as authorized by the county  
8 board or the absence is due to illness or other reasons over  
9 which the employee has no control as authorized by the county  
10 board. Seniority accumulation for a substitute employee shall  
11 begin upon the date the employee enters upon the duties of a  
12 substitute as provided in section fifteen of this article, after  
13 executing with the board a contract of employment as provided  
14 in section five, article two of this chapter. The seniority of a  
15 substitute employee, once established, shall continue until the

16 employee enters into the duties of a regular employment  
17 contract as provided in section five, article two of this chapter  
18 or employment as a substitute with the county board is severed.  
19 Seniority of a regular or substitute employee shall continue to  
20 accumulate except during the time when an employee is  
21 willfully absent from employment duties because of a concerted  
22 work stoppage or strike or is suspended without pay.

23 (b) For all purposes including the filling of vacancies and  
24 reduction in force, seniority shall be accumulated within  
25 particular classification categories of employment as those  
26 classification categories are referred to in section eight-e of this  
27 article: *Provided*, That when implementing a reduction in force,  
28 an employee with the least seniority within a particular classification  
29 category shall be properly released and placed on the  
30 preferred recall list. The particular classification title held by an  
31 employee within the classification category shall not be taken  
32 into consideration when implementing a reduction in force.

33 (c) On or before the first day of September and the fifteenth  
34 day of January of each school year, county boards shall post at  
35 each county school or working station the current seniority list  
36 or lists of each school service classification. Each list shall  
37 contain the name of each regularly employed school service  
38 personnel employed in each classification and the date that each  
39 employee began performing his or her assigned duties in each  
40 classification. Current seniority lists of substitute school service  
41 personnel shall be available to employees upon request at the  
42 county board office.

43 (d) The seniority of an employee who transfers out of a  
44 class title or classification category of employment and  
45 subsequently returns to that class title or classification category  
46 of employment shall be calculated as follows:

47 The county board shall establish the number of calendar  
48 days between the date the employee left the class title or  
49 category of employment in question and the date of return to  
50 the class title or classification category of employment. This  
51 number of days shall be added to the employee's initial

52 seniority date to establish a new beginning seniority date within  
53 the class title or classification category. The employee shall  
54 then be considered as having held uninterrupted service within  
55 the class title or classification category from the newly estab-  
56 lished seniority date. The seniority of an employee who has had  
57 a break in the accumulation of seniority as a result of being  
58 willfully absent from employment duties because of a concerted  
59 work stoppage or strike shall be calculated in the same manner.

60 (e) A substitute school service employee shall acquire  
61 regular employment status and seniority if the employee  
62 receives a position pursuant to subsections (2) and (5), section  
63 fifteen of this article: *Provided*, That a substitute employee who  
64 accumulates regular employee seniority while holding a  
65 position acquired pursuant to said subsections shall simulta-  
66 neously accumulate substitute seniority; *Provided, further*, That  
67 upon termination of a leave of absence or a suspension, the  
68 employee shall return to the status previously held. If the  
69 employee returns to substitute status, the employee shall retain  
70 any regular employee seniority accrued, however, this seniority  
71 may not be used in the bidding process for regular positions  
72 unless the employee again attains regular employee status or  
73 has attained preferred recall status. County boards shall not be  
74 prohibited from providing any benefits of regular employment  
75 for substitute employees, but the benefits shall not include  
76 regular employee status and seniority.

77 (f) If two or more employees accumulate identical senior-  
78 ity, the priority shall be determined by a random selection  
79 system established by the employees and approved by the  
80 county board. A board shall conduct the random selection  
81 within thirty days upon the employees establishing an identical  
82 seniority date. All employees with an identical seniority date  
83 within the same class title or classification category shall  
84 participate in the random selection. As long as the affected  
85 employees hold identical seniority within the same classifica-  
86 tion category, the initial random selection conducted by the  
87 board shall be permanent for the duration of the employment  
88 within the same classification category of the employees by the



89 board. This random selection priority applies to the filling of  
90 vacancies and to the reduction in force of school service  
91 personnel: *Provided*, That if another employee or employees  
92 subsequently acquire seniority identical to the employees  
93 involved in the original random selection, a second random  
94 selection shall be held within thirty days to determine the  
95 seniority ranking of the new employee or employees within the  
96 group. The priority between the employees who participated in  
97 the original random selection shall remain the same. The second  
98 random selection shall be performed by placing numbered  
99 pieces of paper equal to the number of employees with identical  
100 seniority in a container. The employees who were not involved  
101 in the original random selection shall draw a number from the  
102 container which will determine their seniority within the group  
103 as a whole. This process will be repeated if additional employ-  
104 ees subsequently acquire identical seniority. The same process  
105 shall be utilized if additional employees are subsequently  
106 discovered to have the same seniority as the original group of  
107 employees but who did not participate in the original random  
108 selection through oversight or mistake.

109 (g) Service personnel who are employed in a classification  
110 category of employment at the time when a vacancy is posted  
111 in the same classification category of employment shall be  
112 given first opportunity to fill the vacancy.

113 (h) Seniority acquired as a substitute and as a regular  
114 employee shall be calculated separately and shall not be  
115 combined for any purpose. Seniority acquired within different  
116 classification categories shall be calculated separately: *Pro-*  
117 *vided*, That when a school service employee makes application  
118 for a position outside of the classification category currently  
119 held, if the vacancy is not filled by an applicant within the  
120 classification category of the vacancy, the applicant shall  
121 combine all regular employment seniority acquired for the  
122 purposes of bidding on the position.

123 (i) School service personnel who hold multi-classification  
124 titles shall accrue seniority in each classification category of

125 employment which the employee holds and shall be considered  
126 an employee of each classification category contained within  
127 his or her multi-classification title. Multi-classified employees  
128 are subject to reduction in force in any category of employment  
129 contained within their multi-classification title based upon the  
130 seniority accumulated within that category of employment:  
131 *Provided*, That if a multi-classified employee is reduced in  
132 force in one classification category, the employee shall retain  
133 employment in any of the other classification categories that he  
134 or she holds within his multi-classification title. In that case, the  
135 county board shall delete the appropriate classification title or  
136 classification category from the contract of the multi-classified  
137 employee.

138 (j) When applying to fill a vacancy outside the classifica-  
139 tion categories held by the multi-classified employee, seniority  
140 acquired simultaneously in different classification categories  
141 shall be calculated as if accrued in one classification category  
142 only.

143 (k) The seniority conferred in this section applies retroac-  
144 tively to all affected school service personnel, but the rights  
145 incidental to the seniority shall commence as of the effective  
146 date of this section.

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

1 (a) The county board shall employ and the county superin-  
2 tendent, subject to the approval of the county board, shall assign  
3 substitute service personnel on the basis of seniority to perform  
4 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 who  
8 requests a leave of absence from the county board in writing  
9 and who is granted the leave in writing by the county board:  
10 *Provided*, That if the leave of absence is to extend beyond thirty  
11 days, the board, within twenty working days from the com-

12 mencement of the leave of absence, shall give regular employee  
13 status to a person hired to fill the position. The person em-  
14 ployed on a regular basis shall be selected under the procedure  
15 set forth in section eight-b of this article. The substitute shall  
16 hold the position and regular employee status only until the  
17 regular employee returns to the position and the substitute shall  
18 have and shall be accorded all rights, privileges and benefits  
19 pertaining to the position: *Provided, however,* That if a regular  
20 or substitute employee fills a vacancy that is related to a leave  
21 of absence in any manner as provided in this section, upon  
22 termination of the leave of absence the employee shall be  
23 returned to his or her original position: *Provided further,* That  
24 no service person may be required to request or to take a leave  
25 of absence: *And provided further,* That no service person shall  
26 be deprived of any right or privilege of regular employment  
27 status for refusal to request or failure to take a leave of absence;

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

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

41 (5) To fill the vacancy created by a regular employee's  
42 suspension: *Provided,* That if the suspension is for more than  
43 thirty working days the substitute service employee shall be  
44 assigned to fill the vacancy on a regular basis and shall have  
45 and be accorded all rights, privileges and benefits pertaining to  
46 the position until the termination by the county board becomes  
47 final. If the suspended employee is not returned to his or her

48 job, the board shall fill the vacancy under the procedures set out  
49 in section eight-b of this article and section five, article two of  
50 this chapter; and

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

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

75 (c) Regular school service personnel shall be returned by  
76 the county board of education to the same position held prior to  
77 any approved leave of absence or period of recovery from  
78 injury or illness. The school service personnel shall retain all  
79 rights, privileges and benefits which had accrued at the time of  
80 the absence or accrued under any other provision of law during  
81 the absence and shall have all rights, privileges and benefits  
82 generally accorded school service employees at the time of  
83 return to work.

84       (d) The salary of a substitute service employee shall be  
85   based upon his or her years of employment as defined in section  
86   eight of this article and as provided in the state minimum pay  
87   scale set forth in section eight-a of this article and shall be in  
88   accordance with the salary schedule of persons regularly  
89   employed in the same position in the county in which he or she  
90   is employed.

91       (e) Before any substitute service employee enters upon his  
92   or her duties, he or she shall execute with the county board a  
93   written contract as provided in section five, article two of this  
94   chapter.

95       (f) To establish a uniform system of providing a fair and  
96   equitable opportunity for substitutes to enter upon their duties  
97   for the first time, the following method shall be used: The  
98   initial order of assigning newly employed substitutes shall be  
99   determined by a random selection system established by the  
100   affected substitute employees and approved by the county  
101   board. This initial priority order shall be in effect only until the  
102   substitute service personnel have entered upon their duties for  
103   the first time.

104       (g) Substitute service employees who have worked thirty  
105   days for a school system shall have all rights pertaining to  
106   suspension, dismissal and contract renewal as is granted to  
107   regular service personnel in sections six, seven, eight and eight-  
108   a, article two of this chapter.

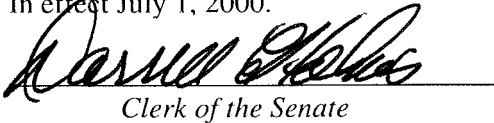
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

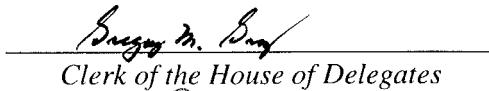
  
Chairman Senate Committee

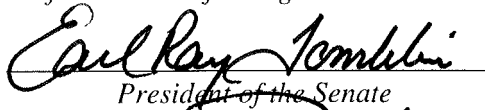
  
Chairman House Committee

Originating in the House.

In effect July 1, 2000.


  
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 4th  
day of June, 2000.

  
Governor

PRESENTED TO THE

GOVERNOR/

Date 3/29/00

Time 3:30 pm