WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 4297

(By Delegates Perry, Ennis, Cann, Tabb, Crosier and Williams)

Passed March 12, 2004
In Effect Ninety Days from Passage
AN ACT to amend and reenact §18A-4-8e of the code of West Virginia, 1931, as amended, relating to competency testing of service personnel; and clarifying that county board of education and superintendent may designate places for testing.

Be it enacted by the Legislature of West Virginia:

That §18A-4-8e of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

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

1. (a) The state board of education shall develop and cause to be made available competency tests for all of the classification
titles defined in section eight and listed in section eight-a of this article for service personnel. Each classification title defined and listed is considered a separate classification category of employment for service personnel and has a separate competency test, except for those class titles having Roman numeral designations, which are considered a single classification of employment and have a single competency test. The cafeteria manager class title is included in the same classification category as cooks and has the same competency test. The executive secretary class title is included in the same classification category as secretaries and has the same competency test. The classification titles of chief mechanic, mechanic and assistant mechanic are included in one classification title and have the same competency test.

(b) The purpose of these tests is to provide county boards of education a uniform means of determining whether school service personnel employees who do not hold a classification title in a particular category of employment meet the definition of the classification title in another category of employment as defined in section eight of this article. Competency tests may not be used to evaluate employees who hold the classification title in the category of their employment.

(c) The competency test consists of an objective written or performance test, or both: Provided, That applicants have the opportunity to take the written test orally if requested. Oral tests are recorded mechanically and kept on file. The oral test is administered by persons who do not know the applicant personally. The performance test for all classifications and categories other than bus operator is administered by an employee of the county board of education at a location designated by the superintendent and approved by the board. The location may be a vocational school that serves the county. A standard passing score is established by the state department of education for each test and is used by county boards of
education. The subject matter of each competency test is
commensurate with the requirements of the definitions of the
classification titles as provided in section eight of this article.
The subject matter of each competency is designed in such a
manner that achieving a passing grade does not require knowl-
edge and skill in excess of the requirements of the definitions
of the classification titles. Achieving a passing score conclu-
sively demonstrates the qualification of an applicant for a
classification title. Once an employee passes the competency
test of a classification title, the applicant is fully qualified to fill
vacancies in that classification category of employment as
provided in section eight-b of this article and shall not be
required to take the competency test again.

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

(e) Competency tests are administered to applicants in a
uniform manner under uniform testing conditions. County
boards of education are responsible for scheduling competency
tests, notifying applicants of the date and time of the one day of
training prior to taking the test and the date and time of the test.
County boards of education may not use a competency test
other than the test authorized by this section.

(f) When scheduling of the competency test conflicts with
the work schedule of a school employee who has applied for a
vacancy, the employee is excused from work to take the
competency test without loss of pay.

(g) A minimum of one day of appropriate in-service
training is provided to employees to assist them in preparing to
take the competency tests.
(h) Competency tests are used to determine the qualification of new applicants seeking initial employment in a particular classification title as either a regular or substitute employee.

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

(j) The requirements of this section do not alter the definitions of class titles as provided in section eight of this article or the procedure and requirements of section eight-b of this article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Originating in the House.

In effect ninety days from passage.

The within is approved this the ___th
day of ____, 2004.

Governor