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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

House Bill No. 2527

(By Delegates Campbell, Williams, Perry and Beach)



Passed April 6, 2005

In Effect Ninety Days from Passage

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CITIZEN WEST VIRGINIA
SECRETARY OF STATE

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H. B. 2527

(BY DELEGATES CAMPBELL, WILLIAMS, PERRY AND BEACH)

[Passed April 6, 2005; 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 for service personnel; and authorizing employees of multicounty vocational school that serves county to administer tests.

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
- 2 to be made available competency tests for all of the classifica-
- 3 tion titles defined in section eight and listed in section eight-a
- 4 of this article for service personnel. Each classification title
- 5 defined and listed is considered a separate classification
- 6 category of employment for service personnel and has a
- 7 separate competency test, except for those class titles having

8 Roman numeral designations, which are considered a single
9 classification of employment and have a single competency
10 test. The cafeteria manager class title is included in the same
11 classification category as cooks and has the same competency
12 test. The executive secretary class title is included in the same
13 classification category as secretaries and has the same compe-
14 tency test. The classification titles of chief mechanic, mechanic
15 and assistant mechanic are included in one classification title
16 and have the same competency test.

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

25 (c) The competency test consists of an objective written or
26 performance test, or both: *Provided*, That applicants have the
27 opportunity to take the written test orally if requested. Oral tests
28 are recorded mechanically and kept on file. The oral test is
29 administered by persons who do not know the applicant
30 personally. The performance test for all classifications and
31 categories other than bus operator is administered by an
32 employee of the county board of education or an employee of
33 a multi-county vocational school that serves the county at a
34 location designated by the Superintendent and approved by the
35 Board. The location may be a vocational school that serves the
36 county. A standard passing score is established by the State
37 Department of Education for each test and is used by county
38 boards of education. The subject matter of each competency test
39 is commensurate with the requirements of the definitions of the
40 classification titles as provided in section eight of this article.
41 The subject matter of each competency test is designed in such

42 a manner that achieving a passing grade does not require
43 knowledge and skill in excess of the requirements of the
44 definitions of the classification titles. Achieving a passing score
45 conclusively demonstrates the qualification of an applicant for
46 a classification title. Once an employee passes the competency
47 test of a classification title, the applicant is fully qualified to fill
48 vacancies in that classification category of employment as
49 provided in section eight-b of this article and shall not be
50 required to take the competency test again.

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

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

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

66 (g) A minimum of one day of appropriate in-service
67 training is provided to employees to assist them in preparing to
68 take the competency tests.

69 (h) Competency tests are used to determine the qualifica-
70 tion of new applicants seeking initial employment in a particu-
71 lar classification title as either a regular or substitute 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 is considered
75 qualified for the classification title even though that employee
76 no longer holds that classification.

77 (j) The requirements of this section do not alter the defini-
78 tions of class titles as provided in section eight of this article or
79 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.

Clara White
Chairman Senate Committee

D. Robert B...
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Russell Stephens
Clerk of the Senate

Suzanne M. Gray
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Robert B. D...
Speaker of the House of Delegates

The within *is approved* this the *14th*
day of *April*, 2005.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

Date 4/12/05

Time 3:00 p