

HB 4554
(veto)

FILED

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OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2008



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4554

(By Delegates D. Poling, Caputo, Fragale,
Stephens, Moye and Longstreth)



Passed March 8, 2008

In Effect from Passage

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H. B. 4554

(BY DELEGATES D. POLING, CAPUTO, FRAGALE,
STEPHENS, MOYE AND LONGSTRETH)

[Passed March 8, 2008; in effect 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 establishing the testing schedule for school bus operators.

Be it enacted by the Legislature of West Virginia:

That of the Code of West Virginia, one thousand nine hundred thirty-one, 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 make
- 2 available competency tests for all of the classification titles
- 3 defined in section eight and listed in section eight-a of this

4 article for service personnel. Each classification title defined
5 and listed is considered a separate classification category of
6 employment for service personnel and has a separate
7 competency test, except for those class titles having Roman
8 numeral designations, which are considered a single
9 classification of employment and have a single competency
10 test.

11 (1) The cafeteria manager class title is included in the
12 same classification category as cooks and has the same
13 competency test.

14 (2) The executive secretary class title is included in the
15 same classification category as secretaries and has the same
16 competency test.

17 (3) The classification titles of chief mechanic, mechanic
18 and assistant mechanic are included in one classification title
19 and have the same competency test.

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

28 (c) The competency test consists of an objective written
29 or performance test, or both. Applicants may take the written
30 test orally if requested. Oral tests are recorded mechanically
31 and kept on file. The oral test is administered by persons
32 who do not know the applicant personally.

33 (1) The performance test for all classifications and
34 categories other than bus operator is administered by an
35 employee of the county board or an employee of a multi-
36 county vocational school that serves the county at a location
37 designated by the Superintendent and approved by the Board.
38 The location may be a vocational school that serves the
39 county.

40 (2) Notwithstanding any other provision of this code to
41 the contrary, the competency test for a bus operator is
42 administered as follows:

43 (A) For a bus operator with regular employee status and
44 continuing contract status the test is administered biennially
45 and may not be administered more frequently;

46 (B) For a substitute bus operator or for a bus operator
47 with regular employee status but on a probationary contract,
48 the test is administered annually.

49 (3) A standard passing score is established by the State
50 Department of Education for each test and is used by county
51 boards.

52 (4) The subject matter of each competency test is
53 commensurate with the requirements of the definitions of the
54 classification titles as provided in section eight of this article.
55 The subject matter of each competency test is designed in
56 such a manner that achieving a passing grade does not require
57 knowledge and skill in excess of the requirements of the
58 definitions of the classification titles. Achieving a passing
59 score conclusively demonstrates the qualification of an
60 applicant for a classification title.

61 (5) Once an employee passes the competency test of a
62 classification title, the applicant is fully qualified to fill

63 vacancies in that classification category of employment as
64 provided in section eight-b of this article and may not be
65 required to take the competency test again.

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

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

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

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

84 (h) Competency tests are used to determine the
85 qualification of new applicants seeking initial employment in
86 a particular classification title as either a regular or substitute
87 employee.

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

93 (j) The requirements of this section do not alter the
94 definitions of class titles as provided in section eight of this
95 article or the procedure and requirements of section eight-b
96 of this article.

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.

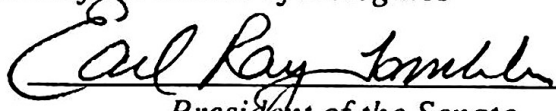
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

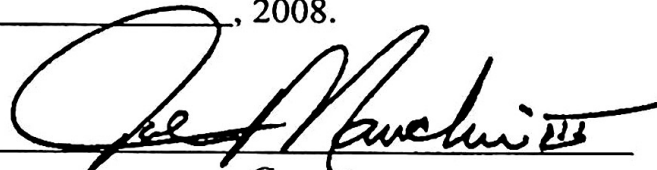


President of the Senate



Speaker of the House of Delegates

The within is disapproved this the 28th
day of March, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2008

Time 3:05pm