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
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.

(a) The State Board of Education shall develop and make 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.

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

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

(3) 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
a uniform means of determining whether school service
personnel 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. Applicants may 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.
(1) The performance test for all classifications and categories other than bus operator is administered by an employee of the county board or an employee of a multi-county vocational school that serves the county at a location designated by the Superintendent and approved by the Board. The location may be a vocational school that serves the county.

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

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

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

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

(4) 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 test is designed in such a manner that achieving a passing grade does not require knowledge and skill in excess of the requirements of the definitions of the classification titles. Achieving a passing score conclusively demonstrates the qualification of an applicant for a classification title.

(5) 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 may 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 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 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.

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