

HB 212

FILED

2008 JUL -9 PM 4: 15

OFFICE OF THE
SECRETARY OF STATE

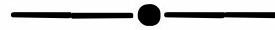
WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2008



ENROLLED

House Bill No. 212

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)
[By Request of the Executive]



Passed June 26, 2008

In Effect from Passage

E N R O L L E D

FILED
2008 JUL -9 PM 4:10

H. B. 212

OFFICE OF THE
SECRETARY OF STATE
46

(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]

[Passed June 26, 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 and recertification testing for service personnel; and establishing a recertification testing schedule for school bus operators.

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; and recertification testing for bus operators.

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 of this article and listed in section
4 eight-a of this article for service personnel. Each
5 classification title defined and listed is considered a separate
6 classification category of employment for service personnel
7 and has a separate competency test, except for those class

8 titles having Roman numeral designations, which are
9 considered a single classification of employment and have a
10 single competency 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
36 multicounty vocational school that serves the county at a
37 location designated by the superintendent and approved by

38 the board. The location may be a vocational school that
39 serves the county.

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

43 (3) The subject matter of each competency test is
44 commensurate with the requirements of the definitions of the
45 classification titles as provided in section eight of this article.
46 The subject matter of each competency test is designed in
47 such a manner that achieving a passing grade does not require
48 knowledge and skill in excess of the requirements of the
49 definitions of the classification titles. Achieving a passing
50 score conclusively demonstrates the qualification of an
51 applicant for a classification title.

52 (4) Once an employee passes the competency test of a
53 classification title, the applicant is fully qualified to fill
54 vacancies in that classification category of employment as
55 provided in section eight-b of this article and may not be
56 required to take the competency test again.

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

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

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

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

75 (h) Competency tests are used to determine the
76 qualification of new applicants seeking initial employment in
77 a particular classification title as either a regular or substitute
78 employee.

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

84 (j) The requirements of this section do not alter the
85 definitions of class titles as provided in section eight of this
86 article or the procedure and requirements of section eight-b
87 of this article.

88 (k) Notwithstanding any other provision of this code to
89 the contrary, the recertification test for a bus operator is
90 administered as follows:

91 (1) For a bus operator with regular employee status and
92 continuing contract status who has been employed less than
93 five consecutive years, the test is administered biennially and
94 may not be administered more frequently;

95 (2) For a bus operator with regular employee status and
96 continuing contract status who has been employed at least

97 five consecutive years, the test is administered every third
98 year and may not be administered more frequently; and

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

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

Clayton White
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect from passage.

Daniel O'Neil
Clerk of the Senate

Bryan M. Boy
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *is approved* this the *9th*
day of *July*, 2008.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

JUN 28 2008

Time 1:39p