

HB 2470

2013 APR 03 PM 1:56

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2013



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2470

(By Delegate Poling, M.)



Passed April 13, 2013

In effect July 1, 2013.

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2470

(BY DELEGATE POLING, M.)

[Passed April 13, 2013; in effect July 1, 2013.]

AN ACT to amend and reenact §18-20-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-2-4 of said code; and to amend and reenact §18A-4-8 and §18A-4-8a of said code, all relating to school service personnel classification, compensation, duties, requirements and training; establishing certain service personnel classification titles and setting their wages; specifying employment requirements and duties for certain classifications titles; modifying certain service personnel classification titles; and establishing conditions for employer payment of and continuing education credit accrual for certain certification acquisition.

Be it enacted by the Legislature of West Virginia:

That §18-20-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §18A-2-4 of said code be amended and reenacted; and that §18A-4-8 and §18A-4-8a of said code be amended and reenacted, all to read as follows:

2013 MAR 30 PM 4:57

CHAPTER 18. EDUCATION.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-2. Providing suitable educational facilities, equipment and services.

1 (a) Each county board shall provide suitable educational
2 facilities, special equipment and special services that are
3 necessary. Special services include provisions and procedures
4 for finding and enumerating exceptional children of each type,
5 diagnosis by appropriate specialists who will certify the child's
6 need and eligibility for special education and make
7 recommendations for treatment and prosthesis as may alleviate
8 the disability, special teaching by qualified and specially trained
9 teachers, transportation, lunches and remedial therapeutic
10 services. Qualifications of teachers and therapists shall be in
11 accordance with standards prescribed or approved by the state
12 board.

13 (b) A county board may provide for educating resident
14 exceptional children by contracting with other counties or other
15 educational agencies which maintain special education facilities.
16 Fiscal matters shall follow policies approved by the state board.

17 (c) The county board shall provide a four-clock-hour
18 program of training for any teacher aide employed to assist
19 teachers in providing services to exceptional children under this
20 article prior to the assignment. The program shall consist of
21 training in areas specifically related to the education of
22 exceptional children, pursuant to rules of the state board. The
23 training shall occur during normal working hours and an
24 opportunity to be trained shall be provided to a service person
25 prior to filling a vacancy in accordance with the provisions of
26 section eight-b, article four, chapter eighteen-a of this code.

27 (d) The county board annually shall make available during
28 normal working hours to all regularly employed teachers' aides

29 twelve hours of training that satisfies the continuing education
30 requirements for the aides regarding:

31 (1) Providing services to children who have displayed
32 violent behavior or have demonstrated the potential for violent
33 behavior; and

34 (2) Providing services to children diagnosed as autistic or
35 with autism spectrum disorder. This training shall be structured
36 to permit the employee to qualify as an autism mentor after a
37 minimum of four years of training. The county board shall:

38 (A) Notify in writing all teachers' aides of the location, date
39 and time when training will be offered for qualification as an
40 autism mentor; and

41 (B) Reimburse any regularly employed or substitute
42 teacher's aide who elects to attend this training for one half of
43 the cost of the tuition.

44 (e) For any student whose individualized education plan
45 (IEP) or education plan established pursuant to Section 504 of
46 the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794,
47 requires the services of a sign support specialist or an
48 educational sign language interpreter I or II:

49 (1) Any educational sign language interpreter I or II assigned
50 to assist that student is a related service provider member of the
51 education team who participates in IEP meetings and works with
52 the team to implement the IEP;

53 (2) A sign support specialist may be assigned to a student
54 with an exceptionality other than deaf or hard of hearing if it is
55 determined that the student needs signs to support his or her
56 expressive communication; and

57 (3) A sign support specialist may be assigned to a student
58 who is deaf or hard of hearing in lieu of an interpreter only if an

59 educational sign language interpreter I or II is unavailable, and
60 the sign support specialist is executing a professional
61 development plan while actively seeking certification as an
62 educational sign language interpreter I or II. After two years the
63 sign support specialist may remain in the assignment only if an
64 educational sign language interpreter I or II remains unavailable,
65 and with an approved waiver by the West Virginia Department
66 of Education. An employee in this situation is entitled to full
67 payment of the costs of certification acquisition or renewal
68 pursuant to the certification renewal provisions of section four,
69 article two, chapter eighteen-a of this code.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-4. Commercial driver's license for school personnel; intrastate waiver for bus operators diagnosed with diabetes mellitus requiring insulin; reimbursement of electrician's and commercial driver's license when required, and educational sign language interpreter certification.

1 (a) If a commercial driver's license is required as a condition
2 of employment for any school employee or qualified applicant
3 who becomes an employee by a county board the cost is paid in
4 full by the county board.

5 A county board may not require any employee or applicant
6 who becomes an employee of the board to pay the cost of
7 acquiring a commercial driver's license as a condition of
8 employment.

9 (b) The Division of Motor Vehicles shall accept the West
10 Virginia Department of Education physical and psychomotor test
11 result forms in lieu of the Division of Motor Vehicles vision
12 report form.

13 (c) A school bus operator who is currently employed by a
14 county board or who is otherwise subject to state board rules
15 governing school bus operators and who is diagnosed with
16 diabetes mellitus requiring insulin is not ineligible for
17 employment as a school bus operator because of the diagnosis if
18 the operator is issued a passenger endorsement for his or her
19 commercial driver license through the intrastate waiver program
20 pertaining to diabetes of the West Virginia Division of Motor
21 Vehicles, subject to the following:

22 (1) A copy of the information required to be submitted to the
23 Division of Motor Vehicles for waiver application and proof of
24 passenger endorsement under the waiver program is submitted
25 to his or her employer; and

26 (2) The operator remains in compliance with the stipulations
27 of and grounds for eligibility for the intrastate waiver.

28 (d) If a county board requires of any employee who is
29 employed as an electrician any license renewal when the
30 employee is exempt from renewing the license pursuant to
31 section three, article three-b, chapter twenty-nine of this code,
32 the cost of the license renewal is paid in full by the county board.

33 (e) The cost of certification renewal and satisfying the
34 requirements of the West Virginia Registry of Interpreters is
35 paid in full by the employer for any service person who is:

36 (1) Employed as an educational sign language interpreter I
37 or II and is required to complete any testing, training or
38 continuing education in order to renew or maintain certification
39 at that level;

40 (2) Employed as an educational sign language interpreter I
41 and is required to complete any testing, training or continuing
42 education to advance to an educational sign language interpreter
43 II; or

44 (3) Employed as a sign support specialist and is required to
45 complete any testing, training or continuing education in order
46 to advance to an educational sign language interpreter I or II.

47 (f) For any service person required to hold certification as a
48 condition of employment, any time devoted to acquiring or
49 maintaining the certification, including instructional time and
50 training, constitutes hours of continuing education for purposes
51 of meeting the annual continuing education requirements in state
52 board policy.

53 (g) Compliance with or failure to comply by a health care
54 provider licensed and authorized pursuant to chapter thirty of
55 this code, with the reporting requirements of the Division of
56 Motor Vehicles regarding the provisions of subsection (c) of this
57 section does not constitute negligence, nor may compliance or
58 noncompliance with the requirements of this section be
59 admissible as evidence of negligence in any civil or criminal
60 action.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8. Employment term and class titles of service personnel; definitions.

1 (a) The purpose of this section is to establish an employment
2 term and class titles for service personnel. The employment term
3 for service personnel may not be less than ten months. A month
4 is defined as twenty employment days. The county board may
5 contract with all or part of these service personnel for a longer
6 term.

7 (b) Service personnel employed on a yearly or twelve-month
8 basis may be employed by calendar months. Whenever there is
9 a change in job assignment during the school year, the minimum
10 pay scale and any county supplement are applicable.

11 (c) Service personnel employed in the same classification for
12 more than the two hundred-day minimum employment term are

13 paid for additional employment at a daily rate of not less than the
14 daily rate paid for the two hundred-day minimum employment
15 term.

16 (d) A service person may not be required to report for work
17 more than five days per week without his or her agreement, and
18 no part of any working day may be accumulated by the employer
19 for future work assignments, unless the employee agrees thereto.

20 (e) If a service person whose regular work week is scheduled
21 from Monday through Friday agrees to perform any work
22 assignments on a Saturday or Sunday, the service person is paid
23 for at least one-half day of work for each day he or she reports
24 for work. If the service person works more than three and
25 one-half hours on any Saturday or Sunday, he or she is paid for
26 at least a full day of work for each day.

27 (f) A custodian, aide, maintenance, office and school lunch
28 service person required to work a daily work schedule that is
29 interrupted is paid additional compensation in accordance with
30 this subsection.

31 (1) A maintenance person means a person who holds a
32 classification title other than in a custodial, aide, school lunch,
33 office or transportation category as provided in section one,
34 article one of this chapter.

35 (2) A service person's schedule is considered to be
36 interrupted if he or she does not work a continuous period in one
37 day. Aides are not regarded as working an interrupted schedule
38 when engaged exclusively in the duties of transporting students;

39 (3) The additional compensation provided in this subsection:

40 (A) Is equal to at least one eighth of a service person's total
41 salary as provided by the state minimum pay scale and any
42 county pay supplement; and

43 (B) Is payable entirely from county board funds.

44 (g) When there is a change in classification or when a
45 service person meets the requirements of an advanced
46 classification, his or her salary shall be made to comply with the
47 requirements of this article and any county salary schedule in
48 excess of the minimum requirements of this article, based upon
49 the service person's advanced classification and allowable years
50 of employment.

51 (h) A service person's contract, as provided in section five,
52 article two of this chapter, shall state the appropriate monthly
53 salary the employee is to be paid, based on the class title as
54 provided in this article and on any county salary schedule in
55 excess of the minimum requirements of this article.

56 (i) The column heads of the state minimum pay scale and
57 class titles, set forth in section eight-a of this article, are defined
58 as follows:

59 (1) "Pay grade" means the monthly salary applicable to class
60 titles of service personnel;

61 (2) "Years of employment" means the number of years
62 which an employee classified as a service person has been
63 employed by a county board in any position prior to or
64 subsequent to the effective date of this section and includes
65 service in the Armed Forces of the United States, if the
66 employee was employed at the time of his or her induction. For
67 the purpose of section eight-a of this article, years of
68 employment is limited to the number of years shown and
69 allowed under the state minimum pay scale as set forth in section
70 eight-a of this article;

71 (3) "Class title" means the name of the position or job held
72 by a service person;

73 (4) "Accountant I" means a person employed to maintain
74 payroll records and reports and perform one or more operations
75 relating to a phase of the total payroll;

76 (5) "Accountant II" means a person employed to maintain
77 accounting records and to be responsible for the accounting
78 process associated with billing, budgets, purchasing and related
79 operations;

80 (6) "Accountant III" means a person employed in the county
81 board office to manage and supervise accounts payable, payroll
82 procedures, or both;

83 (7) "Accounts payable supervisor" means a person employed
84 in the county board office who has primary responsibility for the
85 accounts payable function and who either has completed twelve
86 college hours of accounting courses from an accredited
87 institution of higher education or has at least eight years of
88 experience performing progressively difficult accounting tasks.
89 Responsibilities of this class title may include supervision of
90 other personnel;

91 (8) "Aide I" means a person selected and trained for a
92 teacher-aide classification such as monitor aide, clerical aide,
93 classroom aide or general aide;

94 (9) "Aide II" means a service person referred to in the "Aide
95 I" classification who has completed a training program approved
96 by the state board, or who holds a high school diploma or has
97 received a general educational development certificate. Only a
98 person classified in an Aide II class title may be employed as an
99 aide in any special education program;

100 (10) "Aide III" means a service person referred to in the
101 "Aide I" classification who holds a high school diploma or a
102 general educational development certificate; and

103 (A) Has completed six semester hours of college credit at an
104 institution of higher education; or

105 (B) Is employed as an aide in a special education program
106 and has one year's experience as an aide in special education;

107 (11) "Aide IV" means a service person referred to in the
108 "Aide I" classification who holds a high school diploma or a
109 general educational development certificate; and

110 (A) Has completed eighteen hours of State Board-approved
111 college credit at a regionally accredited institution of higher
112 education, or

113 (B) Has completed fifteen hours of State Board-approved
114 college credit at a regionally accredited institution of higher
115 education; and has successfully completed an in-service training
116 program determined by the State Board to be the equivalent of
117 three hours of college credit;

118 (12) "Audiovisual technician" means a person employed to
119 perform minor maintenance on audiovisual equipment, films,
120 and supplies and who fills requests for equipment;

121 (13) "Auditor" means a person employed to examine and
122 verify accounts of individual schools and to assist schools and
123 school personnel in maintaining complete and accurate records
124 of their accounts;

125 (14) "Autism mentor" means a person who works with
126 autistic students and who meets standards and experience to be
127 determined by the State Board. A person who has held or holds
128 an aide title and becomes employed as an autism mentor shall
129 hold a multiclassification status that includes both aide and
130 autism mentor titles, in accordance with section eight-b of this
131 article;

132 (15) "Braille specialist" means a person employed to provide
133 braille assistance to students. A service person who has held or
134 holds an aide title and becomes employed as a braille specialist
135 shall hold a multiclassification status that includes both aide and
136 braille specialist title, in accordance with section eight-b of this
137 article;

138 (16) "Bus operator" means a person employed to operate
139 school buses and other school transportation vehicles as
140 provided by the state board;

141 (17) "Buyer" means a person employed to review and write
142 specifications, negotiate purchase bids and recommend purchase
143 agreements for materials and services that meet predetermined
144 specifications at the lowest available costs;

145 (18) "Cabinetmaker" means a person employed to construct
146 cabinets, tables, bookcases and other furniture;

147 (19) "Cafeteria manager" means a person employed to direct
148 the operation of a food services program in a school, including
149 assigning duties to employees, approving requisitions for
150 supplies and repairs, keeping inventories, inspecting areas to
151 maintain high standards of sanitation, preparing financial reports
152 and keeping records pertinent to food services of a school;

153 (20) "Carpenter I" means a person classified as a carpenter's
154 helper;

155 (21) "Carpenter II" means a person classified as a
156 journeyman carpenter;

157 (22) "Chief mechanic" means a person employed to be
158 responsible for directing activities which ensure that student
159 transportation or other county board-owned vehicles are properly
160 and safely maintained;

161 (23) "Clerk I" means a person employed to perform clerical
162 tasks,

163 (24) "Clerk II" means a person employed to perform general
164 clerical tasks, prepare reports and tabulations, and operate office
165 machines;

166 (25) "Computer operator" means a qualified person employ-
167 ed to operate computers;

168 (26) "Cook I" means a person employed as a cook's helper;

169 (27) "Cook II" means a person employed to interpret menus
170 and to prepare and serve meals in a food service program of a
171 school. This definition includes a service person who has been
172 employed as a "Cook I" for a period of four years;

173 (28) "Cook III" means a person employed to prepare and
174 serve meals, make reports, prepare requisitions for supplies,
175 order equipment and repairs for a food service program of a
176 school system;

177 (29) "Crew leader" means a person employed to organize the
178 work for a crew of maintenance employees to carry out assigned
179 projects;

180 (30) "Custodian I" means a person employed to keep
181 buildings clean and free of refuse;

182 (31) "Custodian II" means a person employed as a watchman
183 or groundsman;

184 (32) "Custodian III" means a person employed to keep
185 buildings clean and free of refuse, to operate the heating or
186 cooling systems and to make minor repairs;

187 (33) "Custodian IV" means a person employed as a head
188 custodian. In addition to providing services as defined in

189 “Custodian III” duties may include supervising other custodian
190 personnel;

191 (34) “Director or coordinator of services” means an
192 employee of a county board who is assigned to direct a
193 department or division.

194 (A) Nothing in this subdivision prohibits a professional
195 person or a professional educator from holding this class title;

196 (B) Professional personnel holding this class title may not be
197 defined or classified as service personnel unless the professional
198 person held a service personnel title under this section prior to
199 holding the class title of “director or coordinator of services”:

200 (C) The director or coordinator of services is classified either
201 as a professional person or a service person for state aid formula
202 funding purposes;

203 (D) Funding for the position of director or coordinator of
204 services is based upon the employment status of the director or
205 coordinator either as a professional person or a service person;
206 and

207 (E) A person employed under the class title “director or
208 coordinator of services” may not be exclusively assigned to
209 perform the duties ascribed to any other class title as defined in
210 this subsection: *Provided*, That nothing in this paragraph
211 prohibits a person in this position from being multiclassified;

212 (35) “Draftsman” means a person employed to plan, design
213 and produce detailed architectural/engineering drawings;

214 (36) “Early Childhood Classroom Assistant Teacher -
215 Temporary Authorization” means a person who does not possess
216 minimum requirements for the permanent authorization
217 requirements, but is enrolled in and pursuing requirements;

218 (37) "Early Childhood Classroom Assistant Teacher -
219 Permanent Authorization" means a person who has completed
220 the minimum requirements for a state-awarded certificate for
221 early childhood classroom assistant teachers that meet or exceed
222 the requirements for a child development associate. Equivalency
223 for the West Virginia Department of Education will be
224 determined as the child development associate or the West
225 Virginia Apprenticeship for Child Development Specialists;

226 (38) "Early Childhood Classroom Assistant Teacher -
227 Paraprofessional Certificate" means a person who has completed
228 permanent authorization requirements, as well as additional
229 requirements comparable to current paraprofessional certificate;

230 (39) "Educational Sign Language Interpreter I" means a
231 person employed to provide communication access across all
232 educational environments to students who are deaf or hard of
233 hearing, and who holds the Initial Paraprofessional Certificate -
234 Educational Interpreter pursuant to state board policy;

235 (40) "Educational Sign Language Interpreter II" means a
236 person employed to provide communication access across all
237 educational environments to students who are deaf or hard of
238 hearing, and who holds the Permanent Paraprofessional
239 Certificate - Educational Interpreter pursuant to state board
240 policy;

241 (41) "Electrician I" means a person employed as an
242 apprentice electrician helper or one who holds an electrician
243 helper license issued by the State Fire Marshal;

244 (42) "Electrician II" means a person employed as an
245 electrician journeyman or one who holds a journeyman
246 electrician license issued by the State Fire Marshal;

247 (43) "Electronic technician I" means a person employed at
248 the apprentice level to repair and maintain electronic equipment;

249 (44) "Electronic technician II" means a person employed at
250 the journeyman level to repair and maintain electronic
251 equipment;

252 (45) "Executive secretary" means a person employed as
253 secretary to the county school superintendent or as a secretary
254 who is assigned to a position characterized by significant
255 administrative duties;

256 (46) "Food services supervisor" means a qualified person
257 who is not a professional person or professional educator as
258 defined in section one, article one of this chapter. The food
259 services supervisor is employed to manage and supervise a
260 county school system's food service program. The duties include
261 preparing in-service training programs for cooks and food
262 service employees, instructing personnel in the areas of quantity
263 cooking with economy and efficiency and keeping aggregate
264 records and reports;

265 (47) "Foreman" means a skilled person employed to
266 supervise personnel who work in the areas of repair and
267 maintenance of school property and equipment;

268 (48) "General maintenance" means a person employed as a
269 helper to skilled maintenance employees, and to perform minor
270 repairs to equipment and buildings of a county school system;

271 (49) "Glazier" means a person employed to replace glass or
272 other materials in windows and doors and to do minor carpentry
273 tasks;

274 (50) "Graphic artist" means a person employed to prepare
275 graphic illustrations;

276 (51) "Groundsman" means a person employed to perform
277 duties that relate to the appearance, repair and general care of
278 school grounds in a county school system. Additional

279 assignments may include the operation of a small heating plant
280 and routine cleaning duties in buildings;

281 (52) "Handyman" means a person employed to perform
282 routine manual tasks in any operation of the county school
283 system;

284 (53) "Heating and air conditioning mechanic I" means a
285 person employed at the apprentice level to install, repair and
286 maintain heating and air conditioning plants and related
287 electrical equipment;

288 (54) "Heating and air conditioning mechanic II" means a
289 person employed at the journeyman level to install, repair and
290 maintain heating and air conditioning plants and related
291 electrical equipment;

292 (55) "Heavy equipment operator" means a person employed
293 to operate heavy equipment;

294 (56) "Inventory supervisor" means a person employed to
295 supervise or maintain operations in the receipt, storage,
296 inventory and issuance of materials and supplies;

297 (57) "Key punch operator" means a qualified person
298 employed to operate key punch machines or verifying machines;

299 (58) "Licensed practical nurse" means a nurse, licensed by
300 the West Virginia Board of Examiners for Licensed Practical
301 Nurses, employed to work in a public school under the
302 supervision of a school nurse;

303 (59) "Locksmith" means a person employed to repair and
304 maintain locks and safes;

305 (60) "Lubrication man" means a person employed to
306 lubricate and service gasoline or diesel-powered equipment of a
307 county school system;

308 (61) "Machinist" means a person employed to perform
309 machinist tasks which include the ability to operate a lathe,
310 planer, shaper, threading machine and wheel press. A person
311 holding this class title also should have the ability to work from
312 blueprints and drawings;

313 (62) "Mail clerk" means a person employed to receive, sort,
314 dispatch, deliver or otherwise handle letters, parcels and other
315 mail;

316 (63) "Maintenance clerk" means a person employed to
317 maintain and control a stocking facility to keep adequate tools
318 and supplies on hand for daily withdrawal for all school
319 maintenance crafts;

320 (64) "Mason" means a person employed to perform tasks
321 connected with brick and block laying and carpentry tasks
322 related to these activities;

323 (65) "Mechanic" means a person employed to perform
324 skilled duties independently in the maintenance and repair of
325 automobiles, school buses and other mechanical and mobile
326 equipment to use in a county school system;

327 (66) "Mechanic assistant" means a person employed as a
328 mechanic apprentice and helper;

329 (67) "Multiclassification" means a person employed to
330 perform tasks that involve the combination of two or more class
331 titles in this section. In these instances the minimum salary scale
332 is the higher pay grade of the class titles involved;

333 (68) "Office equipment repairman I" means a person
334 employed as an office equipment repairman apprentice or helper;

335 (69) "Office equipment repairman II" means a person
336 responsible for servicing and repairing all office machines and
337 equipment. A person holding this class title is responsible for the

338 purchase of parts necessary for the proper operation of a
339 program of continuous maintenance and repair;

340 (70) "Painter" means a person employed to perform duties
341 painting, finishing and decorating wood, metal and concrete
342 surfaces of buildings, other structures, equipment, machinery
343 and furnishings of a county school system;

344 (71) "Paraprofessional" means a person certified pursuant to
345 section two-a, article three of this chapter to perform duties in a
346 support capacity including, but not limited to, facilitating in the
347 instruction and direct or indirect supervision of students under
348 the direction of a principal, a teacher or another designated
349 professional educator.

350 (A) A person employed on the effective date of this section
351 in the position of an aide may not be subject to a reduction in
352 force or transferred to create a vacancy for the employment of a
353 paraprofessional;

354 (B) A person who has held or holds an aide title and
355 becomes employed as a paraprofessional shall hold a
356 multiclassification status that includes both aide and
357 paraprofessional titles in accordance with section eight-b of this
358 article; and

359 (C) When a service person who holds an aide title becomes
360 certified as a paraprofessional and is required to perform duties
361 that may not be performed by an aide without paraprofessional
362 certification, he or she shall receive the paraprofessional title pay
363 grade;

364 (72) "Payroll supervisor" means a person employed in the
365 county board office who has primary responsibility for the
366 payroll function and who either has completed twelve college
367 hours of accounting from an accredited institution of higher
368 education or has at least eight years of experience performing

369 progressively difficult accounting tasks. Responsibilities of this
370 class title may include supervision of other personnel;

371 (73) "Plumber I" means a person employed as an apprentice
372 plumber and helper;

373 (74) "Plumber II" means a person employed as a journeyman
374 plumber;

375 (75) "Printing operator" means a person employed to operate
376 duplication equipment, and to cut, collate, staple, bind and
377 shelve materials as required;

378 (76) "Printing supervisor" means a person employed to
379 supervise the operation of a print shop;

380 (77) "Programmer" means a person employed to design and
381 prepare programs for computer operation;

382 (78) "Roofing/sheet metal mechanic" means a person
383 employed to install, repair, fabricate and maintain roofs, gutters,
384 flashing and duct work for heating and ventilation;

385 (79) "Sanitation plant operator" means a person employed
386 to operate and maintain a water or sewage treatment plant to
387 ensure the safety of the plant's effluent for human consumption
388 or environmental protection;

389 (80) "School bus supervisor" means a qualified person:

390 (A) Employed to assist in selecting school bus operators and
391 routing and scheduling school buses, operate a bus when needed,
392 relay instructions to bus operators, plan emergency routing of
393 buses and promote good relationships with parents, students, bus
394 operators and other employees; and

395 (B) Certified to operate a bus or previously certified to
396 operate a bus;

397 (81) "Secretary I" means a person employed to transcribe
398 from notes or mechanical equipment, receive callers, perform
399 clerical tasks, prepare reports and operate office machines;

400 (82) "Secretary II" means a person employed in any
401 elementary, secondary, kindergarten, nursery, special education,
402 vocational, or any other school as a secretary. The duties may
403 include performing general clerical tasks; transcribing from
404 notes; stenotype, mechanical equipment or a sound-producing
405 machine; preparing reports; receiving callers and referring them
406 to proper persons; operating office machines; keeping records
407 and handling routine correspondence. Nothing in this subdivision
408 prevents a service person from holding or being elevated to a
409 higher classification;

410 (83) "Secretary III" means a person assigned to the county
411 board office administrators in charge of various instructional,
412 maintenance, transportation, food services, operations and health
413 departments, federal programs or departments with particular
414 responsibilities in purchasing and financial control or any person
415 who has served for eight years in a position which meets the
416 definition of "secretary II" or "secretary III";

417 (84) "Sign Support Specialist" means a person employed to
418 provide sign supported speech assistance to students who are
419 able to access environments through audition. A person who has
420 held or holds an aide title and becomes employed as a sign
421 support specialist shall hold a multi-classification status that
422 includes both aide and sign support specialist titles, in
423 accordance with section eight-b of this article.

424 (85) "Supervisor of maintenance" means a skilled person
425 who is not a professional person or professional educator as
426 defined in section one, article one of this chapter. The
427 responsibilities include directing the upkeep of buildings and
428 shops, and issuing instructions to subordinates relating to

429 cleaning, repairs and maintenance of all structures and
430 mechanical and electrical equipment of a county board;

431 (86) "Supervisor of transportation" means a qualified person
432 employed to direct school transportation activities properly and
433 safely, and to supervise the maintenance and repair of vehicles,
434 buses and other mechanical and mobile equipment used by the
435 county school system. After July 1, 2010, all persons employed
436 for the first time in a position with this classification title or in
437 a multi-classification position that includes this title shall have
438 five years of experience working in the transportation
439 department of a county board. Experience working in the
440 transportation department consists of serving as a bus operator,
441 bus aide, assistant mechanic, mechanic, chief mechanic or in a
442 clerical position within the transportation department;

443 (87) "Switchboard operator-receptionist" means a person
444 employed to refer incoming calls, to assume contact with the
445 public, to direct and to give instructions as necessary, to operate
446 switchboard equipment and to provide clerical assistance;

447 (88) "Truck driver" means a person employed to operate
448 light or heavy duty gasoline and diesel-powered vehicles;

449 (89) "Warehouse clerk" means a person employed to be
450 responsible for receiving, storing, packing and shipping goods;

451 (90) "Watchman" means a person employed to protect
452 school property against damage or theft. Additional assignments
453 may include operation of a small heating plant and routine
454 cleaning duties;

455 (91) "Welder" means a person employed to provide
456 acetylene or electric welding services for a school system; and

457 (92) "WVEIS data entry and administrative clerk" means a
458 person employed to work under the direction of a school

459 principal to assist the school counselor or counselors in the
460 performance of administrative duties, to perform data entry tasks
461 on the West Virginia Education Information System, and to
462 perform other administrative duties assigned by the principal.

463 (j) Notwithstanding any provision in this code to the
464 contrary, and in addition to the compensation provided for
465 service personnel in section eight-a of this article, each service
466 person is entitled to all service personnel employee rights,
467 privileges and benefits provided under this or any other chapter
468 of this code without regard to the employee's hours of
469 employment or the methods or sources of compensation.

470 (k) A service person whose years of employment exceeds the
471 number of years shown and provided for under the state
472 minimum pay scale set forth in section eight-a of this article may
473 not be paid less than the amount shown for the maximum years
474 of employment shown and provided for in the classification in
475 which he or she is employed.

476 (l) Each county board shall review each service person's job
477 classification annually and shall reclassify all service persons as
478 required by the job classifications. The state superintendent may
479 withhold state funds appropriated pursuant to this article for
480 salaries for service personnel who are improperly classified by
481 the county boards. Further, the state superintendent shall order
482 a county board to correct immediately any improper
483 classification matter and, with the assistance of the Attorney
484 General, shall take any legal action necessary against any county
485 board to enforce the order.

486 (m) Without his or her written consent, a service person may
487 not be:

488 (1) Reclassified by class title; or

489 (2) Relegated to any condition of employment which would
490 result in a reduction of his or her salary, rate of pay,

491 compensation or benefits earned during the current fiscal year;
492 or for which he or she would qualify by continuing in the same
493 job position and classification held during that fiscal year and
494 subsequent years.

495 (n) Any county board failing to comply with the provisions
496 of this article may be compelled to do so by mandamus and is
497 liable to any party prevailing against the board for court costs
498 and the prevailing party's reasonable attorney fee, as determined
499 and established by the court.

500 (o) Notwithstanding any provision of this code to the
501 contrary, a service person who holds a continuing contract in a
502 specific job classification and who is physically unable to
503 perform the job's duties as confirmed by a physician chosen by
504 the employee, shall be given priority status over any employee
505 not holding a continuing contract in filling other service
506 personnel job vacancies if the service person is qualified as
507 provided in section eight-e of this article.

508 (p) Any person employed in an aide position on the effective
509 date of this section may not be transferred or subject to a
510 reduction in force for the purpose of creating a vacancy for the
511 employment of a licensed practical nurse.

512 (q) Without the written consent of the service person, a
513 county board may not establish the beginning work station for a
514 bus operator or transportation aide at any site other than a county
515 board-owned facility with available parking. The workday of the
516 bus operator or transportation aide commences at the bus at the
517 designated beginning work station and ends when the employee
518 is able to leave the bus at the designated beginning work station,
519 unless he or she agrees otherwise in writing. The application or
520 acceptance of a posted position may not be construed as the
521 written consent referred to in this subsection.

522 (r) Itinerant status means a service person who does not have
523 a fixed work site and may be involuntarily reassigned to another
524 work site. A service person is considered to hold itinerant status
525 if he or she has bid upon a position posted as itinerant or has
526 agreed to accept this status. A county board may establish
527 positions with itinerant status only within the aide and autism
528 mentor classification categories and only when the job duties
529 involve exceptional students. A service person with itinerant
530 status may be assigned to a different work site upon written
531 notice ten days prior to the reassignment without the consent of
532 the employee and without posting the vacancy. A service person
533 with itinerant status may be involuntarily reassigned no more
534 than twice during the school year. At the conclusion of each
535 school year, the county board shall post and fill, pursuant to
536 section eight-b of this article, all positions that have been filled
537 without posting by a service person with itinerant status. A
538 service person who is assigned to a beginning and ending work
539 site and travels at the expense of the county board to other work
540 sites during the daily schedule, is not considered to hold itinerant
541 status.

542 (s) Any service person holding a classification title on June
543 30, 2013, that is removed from the classification schedule
544 pursuant to amendment and reenactment of this section in the
545 year 2013, has his or her employment contract revised as
546 follows:

547 (1) Any service person holding the Braille or Sign Language
548 Specialist classification title has that classification title renamed
549 on his or her employment contract as either Braille Specialist or
550 Sign Support Specialist. This action does not result in a loss or
551 reduction of salary or supplement by any employee. Any
552 seniority earned in the Braille or Sign Language Specialist
553 classification prior to July 1, 2013, continues to be credited as
554 seniority earned in the Braille Specialist or Sign Support
555 Specialist classification;

556 (2) Any service person holding the Paraprofessional
557 classification title and holding the Initial Paraprofessional
558 Certificate – Educational Interpreter has the title Educational
559 Sign Language Interpreter I added to his or her employment
560 contract. This action does not result in a loss or reduction of
561 salary or supplement by any employee. Any seniority earned in
562 the Paraprofessional classification prior to July 1, 2013,
563 continues to be credited as seniority earned in the Educational
564 Sign Language Interpreter I classification; and

565 (3) Any service person holding the Paraprofessional
566 classification title and holding the Permanent Paraprofessional
567 Certificate – Educational Interpreter has the title Educational
568 Sign Language Interpreter II added to his or her employment
569 contract. This action does not result in a loss or reduction of
570 salary or supplement by any employee. Any seniority earned in
571 the Paraprofessional classification prior to July 1, 2013,
572 continues to be credited as seniority earned in the Educational
573 Sign Language Interpreter II classification.

§18A-4-8a. Service personnel minimum monthly salaries.

1 (a) The minimum monthly pay for each service employee
2 shall be as follows:

3 (1) Beginning July 1, 2011, and continuing thereafter, the
4 minimum monthly pay for each service employee whose
5 employment is for a period of more than three and one-half
6 hours a day shall be at least the amounts indicated in the State
7 Minimum Pay Scale Pay Grade and the minimum monthly pay
8 for each service employee whose employment is for a period of
9 three and one-half hours or less a day shall be at least one half
10 the amount indicated in the State Minimum Pay Scale Pay Grade
11 set forth in this subdivision.

12 STATE MINIMUM PAY SCALE PAY GRADE

13 Years

14 Exp. Pay Grade

		A	B	C	D	E	F	G	H
15	0	1,627	1,648	1,689	1,741	1,793	1,855	1,886	1,958
16	1	1,659	1,680	1,721	1,773	1,825	1,887	1,918	1,990
17	2	1,691	1,712	1,753	1,805	1,857	1,919	1,950	2,022
18	3	1,723	1,744	1,785	1,837	1,889	1,951	1,982	2,054
19	4	1,755	1,776	1,817	1,869	1,921	1,983	2,014	2,087
20	5	1,787	1,808	1,849	1,901	1,953	2,015	2,046	2,119
21	6	1,819	1,840	1,882	1,933	1,985	2,047	2,078	2,151
22	7	1,852	1,872	1,914	1,965	2,017	2,079	2,110	2,183
23	8	1,884	1,904	1,946	1,997	2,049	2,111	2,142	2,215
24	9	1,916	1,936	1,978	2,030	2,081	2,143	2,174	2,247
25	10	1,948	1,969	2,010	2,062	2,113	2,176	2,207	2,279
26	11	1,980	2,001	2,042	2,094	2,145	2,208	2,239	2,311
27	12	2,012	2,033	2,074	2,126	2,178	2,240	2,271	2,343
28	13	2,044	2,065	2,106	2,158	2,210	2,272	2,303	2,375
29	14	2,076	2,097	2,138	2,190	2,242	2,304	2,335	2,407
30	15	2,108	2,129	2,170	2,222	2,274	2,336	2,367	2,439
31	16	2,140	2,161	2,202	2,254	2,306	2,368	2,399	2,472
32	17	2,172	2,193	2,235	2,286	2,338	2,400	2,431	2,504
33	18	2,204	2,225	2,267	2,318	2,370	2,432	2,463	2,536
34	19	2,237	2,257	2,299	2,350	2,402	2,464	2,495	2,568
35	20	2,269	2,289	2,331	2,383	2,434	2,496	2,527	2,601
36	21	2,301	2,321	2,363	2,415	2,466	2,528	2,559	2,634
37	22	2,333	2,354	2,395	2,447	2,498	2,561	2,593	2,666
38	23	2,365	2,386	2,427	2,479	2,531	2,594	2,625	2,699

39	24	2,397	2,418	2,459	2,511	2,563	2,627	2,658	2,732
40	25	2,429	2,450	2,491	2,543	2,596	2,659	2,691	2,764
41	26	2,461	2,482	2,523	2,576	2,629	2,692	2,723	2,797
42	27	2,493	2,514	2,555	2,608	2,661	2,724	2,756	2,829
43	28	2,525	2,546	2,588	2,641	2,694	2,757	2,789	2,863
44	29	2,557	2,579	2,621	2,673	2,726	2,790	2,821	2,896
45	30	2,591	2,611	2,654	2,706	2,759	2,822	2,854	2,928
46	31	2,623	2,644	2,687	2,739	2,792	2,855	2,887	2,961
47	32	2,656	2,676	2,719	2,772	2,824	2,888	2,919	2,994
48	33	2,689	2,709	2,752	2,805	2,857	2,920	2,953	3,026
49	34	2,721	2,743	2,785	2,838	2,890	2,954	2,986	3,059
50	35	2,754	2,775	2,817	2,870	2,923	2,987	3,018	3,092
51	36	2,787	2,808	2,850	2,903	2,956	3,019	3,051	3,124
52	37	2,819	2,841	2,883	2,936	2,989	3,052	3,083	3,157
53	38	2,852	2,873	2,915	2,968	3,021	3,084	3,116	3,190
54	39	2,885	2,906	2,948	3,001	3,054	3,117	3,149	3,222
55	40	2,917	2,939	2,980	3,033	3,087	3,150	3,181	3,256

56 (2) Each service employee shall receive the amount
 57 prescribed in the Minimum Pay Scale in accordance with the
 58 provisions of this subsection according to their class title and pay
 59 grade as set forth in this subdivision:

60	CLASS TITLE	PAY GRADE
61	Accountant I.....	D
62	Accountant II.....	E
63	Accountant III.....	F
64	Accounts Payable Supervisor.....	G

65	Aide I.	A
66	Aide II.	B
67	Aide III.....	C
68	Aide IV.....	D
69	Audiovisual Technician.....	C
70	Auditor.....	G
71	Autism Mentor.....	F
72	Braille Specialist.	E
73	Bus Operator.	D
74	Buyer.	F
75	Cabinetmaker.....	G
76	Cafeteria Manager.	D
77	Carpenter I.	E
78	Carpenter II.	F
79	Chief Mechanic.	G
80	Clerk I.	B
81	Clerk II.....	C
82	Computer Operator.	E
83	Cook I.....	A
84	Cook II.....	B

85	Cook III.	C
86	Crew Leader.....	F
87	Custodian I.....	A
88	Custodian II.	B
89	Custodian III.	C
90	Custodian IV.	D
91	Director or Coordinator of Services.....	H
92	Draftsman.....	D
93	Early Childhood Classroom Assistant Teacher -	
94	Temporary Authorization.....	E
95	Early Childhood Classroom Assistant Teacher -	
96	Permanent Authorization.....	E
97	Early Childhood Classroom Assistant Teacher -	
98	Paraprofessional Certificate.....	F
99	Educational Sign Language Interpreter I.....	F
100	Educational Sign Language Interpreter II.	G
101	Electrician I.	F
102	Electrician II.....	G
103	Electronic Technician I.	F
104	Electronic Technician II.....	G
105	Executive Secretary.....	G
106	Food Services Supervisor.....	G

107	Foreman.	G
108	General Maintenance.	C
109	Glazier.	D
110	Graphic Artist.	D
111	Groundsman.	B
112	Handyman.	B
113	Heating and Air Conditioning Mechanic I.	E
114	Heating and Air Conditioning Mechanic II.	G
115	Heavy Equipment Operator.	E
116	Inventory Supervisor.	D
117	Key Punch Operator.	B
118	Licensed Practical Nurse.	F
119	Locksmith.	G
120	Lubrication Man.	C
121	Machinist.	F
122	Mail Clerk.	D
123	Maintenance Clerk.	C
124	Mason.	G
125	Mechanic.	F
126	Mechanic Assistant.	E

127	Office Equipment Repairman I.	F
128	Office Equipment Repairman II.	G
129	Painter.	E
130	Paraprofessional.	F
131	Payroll Supervisor.	G
132	Plumber I.	E
133	Plumber II.	G
134	Printing Operator.	B
135	Printing Supervisor.	D
136	Programmer.	H
137	Roofing/Sheet Metal Mechanic.	F
138	Sanitation Plant Operator.	G
139	School Bus Supervisor.	E
140	Secretary I.	D
141	Secretary II.	E
142	Secretary III.	F
143	Sign Support Specialist.	E
144	Supervisor of Maintenance.	H
145	Supervisor of Transportation.	H
146	Switchboard Operator-Receptionist.	D
147	Truck Driver.	D
148	Warehouse Clerk.	C

149 Watchman. B

150 Welder. F

151 WVEIS Data Entry and Administrative Clerk. B

152 (b) An additional \$12 per month is added to the minimum
153 monthly pay of each service person who holds a high school
154 diploma or its equivalent.

155 (c) An additional \$11 per month also is added to the
156 minimum monthly pay of each service person for each of the
157 following:

158 (1) A service person who holds twelve college hours or
159 comparable credit obtained in a trade or vocational school as
160 approved by the state board;

161 (2) A service person who holds twenty-four college hours or
162 comparable credit obtained in a trade or vocational school as
163 approved by the state board;

164 (3) A service person who holds thirty-six college hours or
165 comparable credit obtained in a trade or vocational school as
166 approved by the state board;

167 (4) A service person who holds forty-eight college hours or
168 comparable credit obtained in a trade or vocational school as
169 approved by the state board;

170 (5) A service employee who holds sixty college hours or
171 comparable credit obtained in a trade or vocational school as
172 approved by the state board;

173 (6) A service person who holds seventy-two college hours or
174 comparable credit obtained in a trade or vocational school as
175 approved by the state board;

176 (7) A service person who holds eighty-four college hours or
177 comparable credit obtained in a trade or vocational school as
178 approved by the state board;

179 (8) A service person who holds ninety-six college hours or
180 comparable credit obtained in a trade or vocational school as
181 approved by the state board;

182 (9) A service person who holds one hundred eight college
183 hours or comparable credit obtained in a trade or vocational
184 school as approved by the state board;

185 (10) A service person who holds one hundred twenty college
186 hours or comparable credit obtained in a trade or vocational
187 school as approved by the state board;

188 (d) An additional \$40 per month also is added to the
189 minimum monthly pay of each service person for each of the
190 following:

191 (1) A service person who holds an associate's degree;

192 (2) A service person who holds a bachelor's degree;

193 (3) A service person who holds a master's degree;

194 (4) A service person who holds a doctorate degree.

195 (e) An additional \$11 per month is added to the minimum
196 monthly pay of each service person for each of the following:

197 (1) A service person who holds a bachelor's degree plus
198 fifteen college hours;

199 (2) A service person who holds a master's degree plus
200 fifteen college hours;

201 (3) A service person who holds a master's degree plus thirty
202 college hours;

203 (4) A service person who holds a master's degree plus
204 forty-five college hours; and

205 (5) A service person who holds a master's degree plus sixty
206 college hours.

207 (f) To meet the objective of salary equity among the
208 counties, each service person is paid an equity supplement, as set
209 forth in section five of this article, of \$152 per month, subject to
210 the provisions of that section. These payments: (i) Are in
211 addition to any amounts prescribed in the applicable State
212 Minimum Pay Scale Pay Grade, any specific additional amounts
213 prescribed in this section and article and any county supplement
214 in effect in a county pursuant to section five-b of this article; (ii)
215 is paid in equal monthly installments; and (iii) is considered a
216 part of the state minimum salaries for service personnel.

217 (g) When any part of a school service person's daily shift of
218 work is performed between the hours of six o'clock p. m. and
219 five o'clock a. m. the following day, the employee is paid no less
220 than an additional \$10 per month and one half of the pay is paid
221 with local funds.

222 (h) Any service person required to work on any legal school
223 holiday is paid at a rate one and one-half times the person's
224 usual hourly rate.

225 (i) Any full-time service personnel required to work in
226 excess of their normal working day during any week which
227 contains a school holiday for which they are paid is paid for the
228 additional hours or fraction of the additional hours at a rate of
229 one and one-half times their usual hourly rate and paid entirely
230 from county board funds.

231 (j) A service person may not have his or her daily work
232 schedule changed during the school year without the employee's
233 written consent and the person's required daily work hours may

234 not be changed to prevent the payment of time and one-half
235 wages or the employment of another employee.

236 (k) The minimum hourly rate of pay for extra duty
237 assignments as defined in section eight-b of this article is no less
238 than one seventh of the person's daily total salary for each hour
239 the person is involved in performing the assignment and paid
240 entirely from local funds: *Provided*, That an alternative
241 minimum hourly rate of pay for performing extra duty
242 assignments within a particular category of employment may be
243 used if the alternate hourly rate of pay is approved both by the
244 county board and by the affirmative vote of a two-thirds majority
245 of the regular full-time persons within that classification
246 category of employment within that county: *Provided, however*,
247 That the vote is by secret ballot if requested by a service person
248 within that classification category within that county. The salary
249 for any fraction of an hour the employee is involved in
250 performing the assignment is prorated accordingly. When
251 performing extra duty assignments, persons who are regularly
252 employed on a one-half day salary basis shall receive the same
253 hourly extra duty assignment pay computed as though the person
254 were employed on a full-day salary basis.

255 (l) The minimum pay for any service personnel engaged in
256 the removal of asbestos material or related duties required for
257 asbestos removal is their regular total daily rate of pay and no
258 less than an additional \$3 per hour or no less than \$5 per hour for
259 service personnel supervising asbestos removal responsibilities
260 for each hour these employees are involved in asbestos-related
261 duties. Related duties required for asbestos removal include, but
262 are not limited to, travel, preparation of the work site, removal
263 of asbestos decontamination of the work site, placing and
264 removal of equipment and removal of structures from the site. If
265 any member of an asbestos crew is engaged in asbestos related
266 duties outside of the employee's regular employment county, the
267 daily rate of pay is no less than the minimum amount as
268 established in the employee's regular employment county for

269 asbestos removal and an additional \$30 per each day the
270 employee is engaged in asbestos removal and related duties. The
271 additional pay for asbestos removal and related duties shall be
272 payable entirely from county funds. Before service personnel
273 may be used in the removal of asbestos material or related
274 duties, they shall have completed a federal Environmental
275 Protection Act approved training program and be licensed. The
276 employer shall provide all necessary protective equipment and
277 maintain all records required by the Environmental Protection
278 Act.

279 (m) For the purpose of qualifying for additional pay as
280 provided in section eight, article five of this chapter, an aide is
281 considered to be exercising the authority of a supervisory aide
282 and control over pupils if the aide is required to supervise,
283 control, direct, monitor, escort or render service to a child or
284 children when not under the direct supervision of a certified
285 professional person within the classroom, library, hallway,
286 lunchroom, gymnasium, school building, school grounds or
287 wherever supervision is required. For purposes of this section,
288 "under the direct supervision of a certified professional person"
289 means that certified professional person is present, with and
290 accompanying the aide.

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

Sammy Wells

Chairman, House Committee

Member *Rocky Filburn*
Chairman, Senate Committee

Originating in the House.

In effect July 1, 2013.

Suey M. Bell
Clerk of the House of Delegates

Joseph M. Minard
Clerk of the Senate

R. ...
Speaker of the House of Delegates

Jeffrey V. ...
President of the Senate

2013 APR 30 PM 4:57

The within is approved this the 30th
day of April, 2013.

Carl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

APR 29 2013

Time 2:10 pm