

# WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2021 APR 28 P 4: 17

FILED

Committee Substitute

for

House Bill 2145

BY DELEGATES TONEY, HANSHAW (MR. SPEAKER) AND

ROHRBACH

[Passed April 10, 2021; in effect ninety days from passage.]

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1 AN ACT to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as  
2 amended, all relating to class titles for school service personnel; adding class titles for  
3 Aide V and Aide VI and their associated qualifications, posting requirements; county  
4 discretion; and respective pay grades.

*Be it enacted by the Legislature of West Virginia:*

**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 term and class titles for  
2 service personnel. The employment term for service personnel may not be less than 10 months.  
3 A month is defined as 20 employment days. The county board may contract with, all or part of,  
4 these service personnel for a longer term.

5 (b) Service personnel employed on a yearly or 12-month basis may be employed by  
6 calendar months. Whenever there is a change in job assignment during the school year, the  
7 minimum pay scale and any county supplement are applicable.

8 (c) Service personnel employed in the same classification for more than the 200-day  
9 minimum employment term are paid for additional employment at a daily rate of not less than the  
10 daily rate paid for the 200-day minimum employment term.

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

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

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

22 (1) A maintenance person means a person who holds a classification title other than in a  
23 custodial, aide, school lunch, office or transportation category as provided in §18A-1-1 of this  
24 code.

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

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

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

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

32 (g) When there is a change in classification or when a service person meets the  
33 requirements of an advanced classification, his or her salary shall be made to comply with the  
34 requirements of this article and any county salary schedule in excess of the minimum  
35 requirements of this article, based upon the service person's advanced classification and  
36 allowable years of employment.

37 (h) A service person's contract, as provided in §18A-2-5 of this code, shall state the  
38 appropriate monthly salary the employee is to be paid, based on the class title as provided in this  
39 article and on any county salary schedule in excess of the minimum requirements of this article.

40 (i) The column heads of the state minimum pay scale and class titles, set forth in §18A-4-8a  
41 of this code, are defined as follows:

42 "Pay grade" means the monthly salary applicable to class titles of service personnel;

43 "Years of employment" means the number of years which an employee classified as a  
44 service person has been employed by a county board in any position prior to or subsequent to

45 the effective date of this section and includes service in the Armed Forces of the United States, if  
46 the employee was employed at the time of his or her induction. For the purpose of §18A-4-8a of  
47 this code, years of employment is limited to the number of years shown and allowed under the  
48 state minimum pay scale as set forth in §18A-4-8a of this code;

49 “Class title” means the name of the position or job held by a service person;

50 “Accountant I” means a person employed to maintain payroll records and reports and  
51 perform one or more operations relating to a phase of the total payroll;

52 “Accountant II” means a person employed to maintain accounting records and to be  
53 responsible for the accounting process associated with billing, budgets, purchasing and related  
54 operations;

55 “Accountant III” means a person employed in the county board office to manage and  
56 supervise accounts payable, payroll procedures, or both;

57 “Accounts payable supervisor” means a person employed in the county board office who  
58 has primary responsibility for the accounts payable function and who either has completed 12  
59 college hours of accounting courses from an accredited institution of higher education or has at  
60 least eight years of experience performing progressively difficult accounting tasks.  
61 Responsibilities of this class title may include supervision of other personnel;

62 “Aide I” means a person selected and trained for a teacher-aide classification such as  
63 monitor aide, clerical aide, classroom aide or general aide;

64 “Aide II” means a service person referred to in the “Aide I” classification who has  
65 completed a training program approved by the state board, or who holds a high school diploma  
66 or has received a general educational development certificate. Only a person classified in an Aide  
67 II class title may be employed as an aide in any special education program;

68 “Aide III” means a service person referred to in the “Aide I” classification who holds a high  
69 school diploma or a general educational development certificate; and

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

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

74 "Aide IV" means a service person referred to in the "Aide I" classification who holds a high  
75 school diploma or a general educational development certificate; and

76 (A) Has completed 18 hours of State Board-approved college credit at a regionally  
77 accredited institution of higher education, or

78 (B) Has completed 15 hours of State Board-approved college credit at a regionally  
79 accredited institution of higher education; and has successfully completed an in-service training  
80 program determined by the state board to be the equivalent of three hours of college credit;

81 "Aide V (Special Education Assistant Teacher) – Temporary Authorization" means a  
82 person who does not possess minimum requirements for the Aide V permanent authorization, but  
83 is enrolled in and pursuing requirements as prescribed by the state board of education. No service  
84 person shall be entitled to receive the paygrade associated with this classification unless he or  
85 she has applied for and been selected to fill a posted position which specifically requires the  
86 successful candidate to hold or be enrolled in and pursuing the requirements for the classification.  
87 The determination as to whether a position will be posted requiring this classification is solely at  
88 the discretion of the county;

89 "Aide V (Special Education Assistant Teacher)" means a service person referred to in the  
90 "Aide I" classification who holds a high school diploma or a general educational development  
91 certificate and who has completed the requirements and experience to be prescribed by the state  
92 board of education. No service person shall be entitled to receive the paygrade associated with  
93 this classification unless he or she has applied for and been selected to fill a posted position which  
94 specifically requires the successful candidate to hold or be enrolled in and pursuing the

95 requirements for the classification. The determination as to whether a position will be posted  
96 requiring this classification is solely at the discretion of the county;

97 “Aide VI (Behavioral Support Assistant Teacher – Temporary Authorization)” means a  
98 person who does not possess minimum requirements for the Aide VI permanent authorization,  
99 but is enrolled in and pursuing the requirements as prescribed by the state board of education.  
100 No service person shall be entitled to receive the paygrade associated with this classification  
101 unless he or she has applied for and been selected to fill a posted position which specifically  
102 requires the successful candidate to hold or be enrolled in and pursuing the requirements for the  
103 classification. The determination as to whether a position will be posted requiring this  
104 classification is solely at the discretion of the county;

105 “Aide VI (Behavioral Support Assistant Teacher)” means a person who works with a  
106 student or students who have identified behavior difficulties, holds at least an Aide III classification  
107 and has completed the requirements and experience to be prescribed by the state board of  
108 education. No service person shall be entitled to receive the paygrade associated with this  
109 classification unless he or she has applied for and been selected to fill a posted position which  
110 specifically requires the successful candidate to hold or be enrolled in and pursuing the  
111 requirements for the classification. The determination as to whether a position will be posted  
112 requiring this classification is solely at the discretion of the county;

113 “Audiovisual technician” means a person employed to perform minor maintenance on  
114 audiovisual equipment, films, and supplies and who fills requests for equipment;

115 “Auditor” means a person employed to examine and verify accounts of individual schools  
116 and to assist schools and school personnel in maintaining complete and accurate records of their  
117 accounts;

118 “Autism mentor” means a person who works with autistic students and who meets  
119 standards and experience to be determined by the state Board. A person who has held or holds

120 an aide title and becomes employed as an autism mentor shall hold a multiclassification status  
121 that includes both aide and autism mentor titles, in accordance with §18A-4-8b of this code;

122 "Braille specialist" means a person employed to provide braille assistance to students. A  
123 service person who has held or holds an aide title and becomes employed as a braille specialist  
124 shall hold a multiclassification status that includes both aide and braille specialist title, in  
125 accordance with §18A-4-8b of this code;

126 "Bus operator" means a person employed to operate school buses and other school  
127 transportation vehicles as provided by the state board;

128 "Buyer" means a person employed to review and write specifications, negotiate purchase  
129 bids and recommend purchase agreements for materials and services that meet predetermined  
130 specifications at the lowest available costs;

131 "Cabinetmaker" means a person employed to construct cabinets, tables, bookcases and  
132 other furniture;

133 "Cafeteria manager" means a person employed to direct the operation of a food services  
134 program in a school, including assigning duties to employees, approving requisitions for supplies  
135 and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation,  
136 preparing financial reports, and keeping records pertinent to food services of a school;

137 "Carpenter I" means a person classified as a carpenter's helper;

138 "Carpenter II" means a person classified as a journeyman carpenter;

139 "Chief mechanic" means a person employed to be responsible for directing activities which  
140 ensure that student transportation or other county board-owned vehicles are properly and safely  
141 maintained;

142 "Clerk I" means a person employed to perform clerical tasks;

143 "Clerk II" means a person employed to perform general clerical tasks, prepare reports and  
144 tabulations, and operate office machines;

145 "Computer operator" means a qualified person employed to operate computers;

146 "Cook I" means a person employed as a cook's helper;

147 "Cook II" means a person employed to interpret menus and to prepare and serve meals  
148 in a food service program of a school. This definition includes a service person who has been  
149 employed as a "Cook I" for a period of four years;

150 "Cook III" means a person employed to prepare and serve meals, make reports, prepare  
151 requisitions for supplies, order equipment and repairs for a food service program of a school  
152 system;

153 "Crew leader" means a person employed to organize the work for a crew of maintenance  
154 employees to carry out assigned projects;

155 "Custodian I" means a person employed to keep buildings clean and free of refuse;

156 "Custodian II" means a person employed as a watchman or groundsman;

157 "Custodian III" means a person employed to keep buildings clean and free of refuse, to  
158 operate the heating or cooling systems and to make minor repairs;

159 "Custodian IV" means a person employed as a head custodian. In addition to providing  
160 services as defined in "Custodian III" duties may include supervising other custodian personnel;

161 "Director or coordinator of services" means an employee of a county board who is  
162 assigned to direct a department or division.

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

165 (B) Professional personnel holding this class title may not be defined or classified as  
166 service personnel unless the professional person held a service personnel title under this section  
167 prior to holding the class title of "director or coordinator of services;"

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

170 (D) Funding for the position of director or coordinator of services is based upon the  
171 employment status of the director or coordinator either as a professional person or a service  
172 person; and

173 (E) A person employed under the class title "director or coordinator of services" may not  
174 be exclusively assigned to perform the duties ascribed to any other class title as defined in this  
175 subsection: *Provided*, That nothing in this paragraph prohibits a person in this position from being  
176 multiclassified;

177 "Draftsman" means a person employed to plan, design, and produce detailed  
178 architectural/engineering drawings;

179 "Early Childhood Classroom Assistant Teacher I" means a person who does not possess  
180 minimum requirements for the permanent authorization requirements, but is enrolled in and  
181 pursuing requirements;

182 "Early Childhood Classroom Assistant Teacher II" means a person who has completed  
183 the minimum requirements for a state-awarded certificate for early childhood classroom assistant  
184 teachers as determined by the state board;

185 "Early Childhood Classroom Assistant Teacher III" means a person who has completed  
186 permanent authorization requirements, as well as additional requirements comparable to current  
187 paraprofessional certificate;

188 "Educational Sign Language Interpreter I" means a person employed to provide  
189 communication access across all educational environments to students who are deaf or hard of  
190 hearing, and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant  
191 to state board policy;

192 "Educational Sign Language Interpreter II" means a person employed to provide  
193 communication access across all educational environments to students who are deaf or hard of  
194 hearing, and who holds the Permanent Paraprofessional Certificate – Educational Interpreter  
195 pursuant to state board policy;

196           “Electrician I” means a person employed as an apprentice electrician helper or one who  
197 holds an electrician helper license issued by the State Fire Marshal;

198           “Electrician II” means a person employed as an electrician journeyman or one who holds  
199 a journeyman electrician license issued by the State Fire Marshal;

200           “Electronic technician I” means a person employed at the apprentice level to repair and  
201 maintain electronic equipment;

202           “Electronic technician II” means a person employed at the journeyman level to repair and  
203 maintain electronic equipment;

204           “Executive secretary” means a person employed as secretary to the county school  
205 superintendent or as a secretary who is assigned to a position characterized by significant  
206 administrative duties;

207           “Food services supervisor” means a qualified person who is not a professional person or  
208 professional educator as defined in §18A-1-1 of this code. The food services supervisor is  
209 employed to manage and supervise a county school system’s food service program. The duties  
210 include preparing in-service training programs for cooks and food service employees, instructing  
211 personnel in the areas of quantity cooking with economy and efficiency and keeping aggregate  
212 records and reports;

213           “Foreman” means a skilled person employed to supervise personnel who work in the areas  
214 of repair and maintenance of school property and equipment;

215           “General maintenance” means a person employed as a helper to skilled maintenance  
216 employees, and to perform minor repairs to equipment and buildings of a county school system;

217           “Glazier” means a person employed to replace glass or other materials in windows and  
218 doors and to do minor carpentry tasks;

219           “Graphic artist” means a person employed to prepare graphic illustrations;

220 "Groundsman" means a person employed to perform duties that relate to the appearance,  
221 repair, and general care of school grounds in a county school system. Additional assignments  
222 may include the operation of a small heating plant and routine cleaning duties in buildings;

223 "Handyman" means a person employed to perform routine manual tasks in any operation  
224 of the county school system;

225 "Heating and air conditioning mechanic I" means a person employed at the apprentice  
226 level to install, repair and maintain heating and air conditioning plants and related electrical  
227 equipment;

228 "Heating and air conditioning mechanic II" means a person employed at the journeyman  
229 level to install, repair, and maintain heating and air conditioning plants and related electrical  
230 equipment;

231 "Heavy equipment operator" means a person employed to operate heavy equipment;

232 "Inventory supervisor" means a person employed to supervise or maintain operations in  
233 the receipt, storage, inventory and issuance of materials and supplies;

234 "Key punch operator" means a qualified person employed to operate key punch machines  
235 or verifying machines;

236 "Licensed practical nurse" means a nurse, licensed by the West Virginia Board of  
237 Examiners for Licensed Practical Nurses, employed to work in a public school under the  
238 supervision of a school nurse;

239 "Locksmith" means a person employed to repair and maintain locks and safes;

240 "Lubrication man" means a person employed to lubricate and service gasoline or diesel-  
241 powered equipment of a county school system;

242 "Machinist" means a person employed to perform machinist tasks which include the ability  
243 to operate a lathe, planer, shaper, threading machine and wheel press. A person holding this  
244 class title also should have the ability to work from blueprints and drawings;

245 "Mail clerk" means a person employed to receive, sort, dispatch, deliver or otherwise  
246 handle letters, parcels, and other mail;

247 "Maintenance clerk" means a person employed to maintain and control a stocking facility  
248 to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance crafts;

249 "Mason" means a person employed to perform tasks connected with brick and block laying  
250 and carpentry tasks related to these activities;

251 "Mechanic" means a person employed to perform skilled duties independently in the  
252 maintenance and repair of automobiles, school buses and other mechanical and mobile  
253 equipment to use in a county school system;

254 "Mechanic assistant" means a person employed as a mechanic apprentice and helper;

255 "Multiclassification" means a person employed to perform tasks that involve the  
256 combination of two or more class titles in this section. In these instances, the minimum salary  
257 scale is the higher pay grade of the class titles involved;

258 "Office equipment repairman I" means a person employed as an office equipment  
259 repairman apprentice or helper;

260 "Office equipment repairman II" means a person responsible for servicing and repairing  
261 all office machines and equipment. A person holding this class title is responsible for the purchase  
262 of parts necessary for the proper operation of a program of continuous maintenance and repair;

263 "Painter" means a person employed to perform duties painting, finishing and decorating  
264 wood, metal and concrete surfaces of buildings, other structures, equipment, machinery and  
265 furnishings of a county school system;

266 "Paraprofessional" means a person certified pursuant to §18A-3-2a of this code to perform  
267 duties in a support capacity including, but not limited to, facilitating in the instruction and direct or  
268 indirect supervision of students under the direction of a principal, a teacher or another designated  
269 professional educator.

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

273 (B) A person who has held or holds an aide title and becomes employed as a  
274 paraprofessional shall hold a multiclassification status that includes both aide and  
275 paraprofessional titles in accordance with §18A-4-8b of this code; and

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

279 "Payroll supervisor" means a person employed in the county board office who has primary  
280 responsibility for the payroll function and who either has completed 12 college hours of accounting  
281 from an accredited institution of higher education or has at least eight years of experience  
282 performing progressively difficult accounting tasks. Responsibilities of this class title may include  
283 supervision of other personnel;

284 "Plumber I" means a person employed as an apprentice plumber and helper;

285 "Plumber II" means a person employed as a journeyman plumber;

286 "Printing operator" means a person employed to operate duplication equipment, and to  
287 cut, collate, staple, bind and shelve materials as required;

288 "Printing supervisor" means a person employed to supervise the operation of a print shop;

289 "Programmer" means a person employed to design and prepare programs for computer  
290 operation;

291 "Roofing/sheet metal mechanic" means a person employed to install, repair, fabricate and  
292 maintain roofs, gutters, flashing and duct work for heating and ventilation;

293 "Sanitation plant operator" means a person employed to operate and maintain a water or  
294 sewage treatment plant to ensure the safety of the plant's effluent for human consumption or  
295 environmental protection;

296 "School bus supervisor" means a qualified person:

297 (A) Employed to assist in selecting school bus operators and routing and scheduling  
298 school buses, operate a bus when needed, relay instructions to bus operators, plan emergency  
299 routing of buses and promote good relationships with parents, students, bus operators and other  
300 employees; and

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

302 "Secretary I" means a person employed to transcribe from notes or mechanical equipment,  
303 receive callers, perform clerical tasks, prepare reports, and operate office machines;

304 "Secretary II" means a person employed in any elementary, secondary, kindergarten,  
305 nursery, special education, vocational, or any other school as a secretary. The duties may include  
306 performing general clerical tasks; transcribing from notes; stenotype, mechanical equipment, or  
307 a sound-producing machine; preparing reports; receiving callers and referring them to proper  
308 persons; operating office machines; keeping records and handling routine correspondence.  
309 Nothing in this subdivision prevents a service person from holding or being elevated to a higher  
310 classification;

311 "Secretary III" means a person assigned to the county board office administrators in  
312 charge of various instructional, maintenance, transportation, food services, operations and health  
313 departments, federal programs, or departments with particular responsibilities in purchasing and  
314 financial control or any person who has served for eight years in a position which meets the  
315 definition of "Secretary II" or "Secretary III";

316 "Sign Support Specialist" means a person employed to provide sign supported speech  
317 assistance to students who can access environments through audition. A person who has held or  
318 holds an aide title and becomes employed as a sign support specialist shall hold a  
319 multiclassification status that includes both aide and sign support specialist titles, in accordance  
320 with §18A-4-8b of this code.

321 "Supervisor of maintenance" means a skilled person who is not a professional person or  
322 professional educator as defined in §18A-1-1 of this code. The responsibilities include directing  
323 the upkeep of buildings and shops, and issuing instructions to subordinates relating to cleaning,  
324 repairs and maintenance of all structures and mechanical and electrical equipment of a county  
325 board;

326 "Supervisor of transportation" means a qualified person employed to direct school  
327 transportation activities properly and safely, and to supervise the maintenance and repair of  
328 vehicles, buses and other mechanical and mobile equipment used by the county school system.  
329 After July 1, 2010, all persons employed for the first time in a position with this classification title  
330 or in a multiclassification position that includes this title shall have five years of experience working  
331 in the transportation department of a county board. Experience working in the transportation  
332 department consists of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief  
333 mechanic or in a clerical position within the transportation department;

334 "Switchboard operator-receptionist" means a person employed to refer incoming calls, to  
335 assume contact with the public, to direct and to give instructions as necessary, to operate  
336 switchboard equipment and to provide clerical assistance;

337 "Truck driver" means a person employed to operate light or heavy duty gasoline and  
338 diesel-powered vehicles;

339 "Warehouse clerk" means a person employed to be responsible for receiving, storing,  
340 packing, and shipping goods;

341 "Watchman" means a person employed to protect school property against damage or  
342 theft. Additional assignments may include operation of a small heating plant and routine cleaning  
343 duties;

344 "Welder" means a person employed to provide acetylene or electric welding services for  
345 a school system; and

346 "WVEIS data entry and administrative clerk" means a person employed to work under the  
347 direction of a school principal to assist the school counselor or counselors in the performance of  
348 administrative duties, to perform data entry tasks on the West Virginia Education Information  
349 System, and to perform other administrative duties assigned by the principal.

350 (j) Notwithstanding any provision in this code to the contrary, and in addition to the  
351 compensation provided for service personnel in §18A-4-8a of this code, each service person is  
352 entitled to all service personnel employee rights, privileges and benefits provided under this or  
353 any other chapter of this code without regard to the employee's hours of employment or the  
354 methods or sources of compensation.

355 (k) A service person whose years of employment exceeds the number of years shown and  
356 provided for under the state minimum pay scale set forth in §18A-4-8a of this code may not be  
357 paid less than the amount shown for the maximum years of employment shown and provided for  
358 in the classification in which he or she is employed.

359 (l) Each county board shall review each service person's job classification annually and  
360 shall reclassify all service persons as required by the job classifications. The state superintendent  
361 may withhold state funds appropriated pursuant to this article for salaries for service personnel  
362 who are improperly classified by the county boards. Further, the state superintendent shall order  
363 a county board to immediately correct any improper classification matter and, with the assistance  
364 of the Attorney General, shall take any legal action necessary against any county board to enforce  
365 the order.

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

367 (1) Reclassified by class title; or

368 (2) Relegated to any condition of employment which would result in a reduction of his or  
369 her salary, rate of pay, compensation or benefits earned during the current fiscal year; or for which  
370 he or she would qualify by continuing in the same job position and classification held during that  
371 fiscal year and subsequent years.

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

375 (o) Notwithstanding any provision of this code to the contrary, a service person who holds  
376 a continuing contract in a specific job classification and who is physically unable to perform the  
377 job's duties as confirmed by a physician chosen by the employee, shall be given priority status  
378 over any employee not holding a continuing contract in filling other service personnel job  
379 vacancies if the service person is qualified as provided in §18A-4-8e of this code.

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

383 (q) Without the written consent of the service person, a county board may not establish  
384 the beginning work station for a bus operator or transportation aide at any site other than a county  
385 board-owned facility with available parking. The workday of the bus operator or transportation  
386 aide commences at the bus at the designated beginning work station and ends when the  
387 employee is able to leave the bus at the designated beginning work station, unless he or she  
388 agrees otherwise in writing. The application or acceptance of a posted position may not be  
389 construed as the written consent referred to in this subsection.

390 (r) Itinerant status means a service person who does not have a fixed work site and may  
391 be involuntarily reassigned to another work site. A service person is considered to hold itinerant  
392 status if he or she has bid upon a position posted as itinerant or has agreed to accept this status.  
393 A county board may establish positions with itinerant status only within the aide and autism mentor  
394 classification categories and only when the job duties involve exceptional students. A service  
395 person with itinerant status may be assigned to a different work site upon written notice 10 days  
396 prior to the reassignment without the consent of the employee and without posting the vacancy.  
397 A service person with itinerant status may be involuntarily reassigned no more than twice during

398 the school year. At the conclusion of each school year, the county board shall post and fill,  
399 pursuant to §18A-4-8b of this code, all positions that have been filled without posting by a service  
400 person with itinerant status. A service person who is assigned to a beginning and ending work  
401 site and travels at the expense of the county board to other work sites during the daily schedule,  
402 is not considered to hold itinerant status.

403 (s) Any service person holding a classification title on June 30, 2013, that is removed from  
404 the classification schedule pursuant to amendment and reenactment of this section in the year  
405 2013, has his or her employment contract revised as follows:

406 (1) Any service person holding the Braille or Sign Language Specialist classification title  
407 has that classification title renamed on his or her employment contract as either Braille Specialist  
408 or Sign Support Specialist. This action does not result in a loss or reduction of salary or  
409 supplement by any employee. Any seniority earned in the Braille or Sign Language Specialist  
410 classification prior to July 1, 2013, continues to be credited as seniority earned in the Braille  
411 Specialist or Sign Support Specialist classification;

412 (2) Any service person holding the Paraprofessional classification title and holding the  
413 Initial Paraprofessional Certificate – Educational Interpreter has the title Educational Sign  
414 Language Interpreter I added to his or her employment contract. This action does not result in a  
415 loss or reduction of salary or supplement by any employee. Any seniority earned in the  
416 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned  
417 in the Educational Sign Language Interpreter I classification; and

418 (3) Any service person holding the Paraprofessional classification title and holding the  
419 Permanent Paraprofessional Certificate – Educational Interpreter has the title Educational Sign  
420 Language Interpreter II added to his or her employment contract. This action does not result in a  
421 loss or reduction of salary or supplement by any employee. Any seniority earned in the

422 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned  
423 in the Educational Sign Language Interpreter II classification;

424 (t) Any person employed as an aide in a kindergarten program who is eligible for full  
425 retirement benefits before the first day of the instructional term in the 2020-2021 school year, may  
426 not be subject to a reduction in force or transferred to create a vacancy for the employment of a  
427 less senior Early Childhood Classroom Assistant Teacher;

428 (u) A person who has held or holds an aide title and becomes employed as an Early  
429 Childhood Classroom Assistant Teacher shall hold a multiclassification status that includes aide  
430 and/or paraprofessional titles in accordance with §18A-4-8b of this code.

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

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

2 (1) For school year 2018–2019, the minimum monthly pay for each service employee  
3 whose employment is for a period of more than three and one-half hours a day shall be at least  
4 the amounts indicated in the State Minimum Pay Scale Pay Grade Schedule I and the minimum  
5 monthly pay for each service employee whose employment is for a period of three and one-half  
6 hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay  
7 Scale Pay Grade Schedule I set forth in this subdivision: *Provided*, That for school year 2019-  
8 2020, and continuing thereafter, the minimum monthly pay for each service employee whose  
9 employment is for a period of more than three and one-half hours a day shall be at least the  
10 amounts indicated in the State Minimum Pay Scale Pay Grade Schedule II and the minimum  
11 monthly pay for each service employee whose employment is for a period of three and one-half  
12 hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay  
13 Scale Pay Grade Schedule II set forth in this subdivision.

## STATE MINIMUM PAY SCALE PAY GRADE SCHEDULE I

Years Exp.	PAY GRADE							
	A	B	C	D	E	F	G	H
0	1,770	1,791	1,833	1,886	1,939	2,002	2,034	2,107
1	1,802	1,824	1,865	1,918	1,972	2,035	2,066	2,140
2	1,835	1,856	1,898	1,951	2,004	2,067	2,099	2,172
3	1,867	1,889	1,931	1,984	2,037	2,100	2,132	2,205
4	1,900	1,922	1,963	2,016	2,069	2,133	2,164	2,239
5	1,933	1,954	1,996	2,049	2,102	2,165	2,197	2,271
6	1,965	1,987	2,030	2,082	2,135	2,198	2,230	2,304
7	1,999	2,019	2,062	2,114	2,167	2,231	2,262	2,337
8	2,032	2,052	2,095	2,147	2,200	2,263	2,295	2,369
9	2,064	2,085	2,128	2,181	2,233	2,296	2,327	2,402
10	2,097	2,118	2,160	2,213	2,265	2,330	2,361	2,435
11	2,130	2,151	2,193	2,246	2,298	2,362	2,394	2,467
12	2,162	2,184	2,225	2,279	2,332	2,395	2,426	2,500
13	2,195	2,216	2,258	2,311	2,364	2,427	2,459	2,533
14	2,228	2,249	2,291	2,344	2,397	2,460	2,492	2,565
15	2,260	2,282	2,323	2,376	2,429	2,493	2,524	2,598
16	2,293	2,314	2,356	2,409	2,462	2,525	2,557	2,631
17	2,325	2,347	2,390	2,442	2,495	2,558	2,590	2,664
18	2,358	2,380	2,422	2,474	2,527	2,591	2,622	2,697
19	2,392	2,412	2,455	2,507	2,560	2,623	2,655	2,729
20	2,424	2,445	2,488	2,541	2,593	2,656	2,688	2,763
21	2,457	2,477	2,520	2,573	2,625	2,689	2,720	2,797
22	2,490	2,511	2,553	2,606	2,658	2,722	2,754	2,829

Enr CS for HB 2145

23	2,522	2,544	2,586	2,639	2,692	2,756	2,788	2,863
24	2,555	2,576	2,618	2,671	2,724	2,790	2,821	2,897
25	2,588	2,609	2,651	2,704	2,758	2,822	2,855	2,929
26	2,620	2,642	2,683	2,738	2,792	2,856	2,887	2,963
27	2,653	2,674	2,716	2,770	2,824	2,888	2,921	2,996
28	2,686	2,707	2,750	2,804	2,858	2,922	2,955	3,030
29	2,718	2,741	2,783	2,836	2,891	2,956	2,987	3,064
30	2,752	2,773	2,817	2,870	2,924	2,988	3,021	3,097
31	2,785	2,807	2,851	2,904	2,958	3,022	3,055	3,130
32	2,819	2,840	2,883	2,937	2,990	3,056	3,087	3,164
33	2,853	2,873	2,917	2,971	3,024	3,088	3,121	3,197
34	2,885	2,907	2,951	3,005	3,058	3,122	3,155	3,230
35	2,919	2,941	2,983	3,037	3,090	3,156	3,188	3,264
36	2,953	2,974	3,017	3,071	3,125	3,189	3,222	3,296
37	2,985	3,008	3,051	3,105	3,159	3,223	3,255	3,330
38	3,019	3,040	3,083	3,137	3,191	3,256	3,288	3,364
39	3,053	3,074	3,117	3,171	3,225	3,289	3,322	3,396
40	3,085	3,108	3,150	3,204	3,259	3,323	3,355	3,430

STATE MINIMUM PAY SCALE PAY GRADE SCHEDULE II

Years

Exp.

PAY GRADE

	A	B	C	D	E	F	G	H
0	1,885	1,906	1,948	2,001	2,054	2,117	2,149	2,222
1	1,917	1,939	1,980	2,033	2,087	2,150	2,181	2,255
2	1,950	1,971	2,013	2,066	2,119	2,182	2,214	2,287
3	1,982	2,004	2,046	2,099	2,152	2,215	2,247	2,320
4	2,015	2,037	2,078	2,131	2,184	2,248	2,279	2,354

Enr CS for HB 2145

5	2,048	2,069	2,111	2,164	2,217	2,280	2,312	2,386
6	2,080	2,102	2,145	2,197	2,250	2,313	2,345	2,419
7	2,114	2,134	2,177	2,229	2,282	2,346	2,377	2,452
8	2,147	2,167	2,210	2,262	2,315	2,378	2,410	2,484
9	2,179	2,200	2,243	2,296	2,348	2,411	2,442	2,517
10	2,212	2,233	2,275	2,328	2,380	2,445	2,476	2,550
11	2,245	2,266	2,308	2,361	2,413	2,477	2,509	2,582
12	2,277	2,299	2,340	2,394	2,447	2,510	2,541	2,615
13	2,310	2,331	2,373	2,426	2,479	2,542	2,574	2,648
14	2,343	2,364	2,406	2,459	2,512	2,575	2,607	2,680
15	2,375	2,397	2,438	2,491	2,544	2,608	2,639	2,713
16	2,408	2,429	2,471	2,524	2,577	2,640	2,672	2,746
17	2,440	2,462	2,505	2,557	2,610	2,673	2,705	2,779
18	2,473	2,495	2,537	2,589	2,642	2,706	2,737	2,812
19	2,507	2,527	2,570	2,622	2,675	2,738	2,770	2,844
20	2,539	2,560	2,603	2,656	2,708	2,771	2,803	2,878
21	2,572	2,592	2,635	2,688	2,740	2,804	2,835	2,912
22	2,605	2,626	2,668	2,721	2,773	2,837	2,869	2,944
23	2,637	2,659	2,701	2,754	2,807	2,871	2,903	2,978
24	2,670	2,691	2,733	2,786	2,839	2,905	2,936	3,012
25	2,703	2,724	2,766	2,819	2,873	2,937	2,970	3,044
26	2,735	2,757	2,798	2,853	2,907	2,971	3,002	3,078
27	2,768	2,789	2,831	2,885	2,939	3,003	3,036	3,111
28	2,801	2,822	2,865	2,919	2,973	3,037	3,070	3,145
29	2,833	2,856	2,898	2,951	3,006	3,071	3,102	3,179
30	2,867	2,888	2,932	2,985	3,039	3,103	3,136	3,212
31	2,900	2,922	2,966	3,019	3,073	3,137	3,170	3,245
32	2,934	2,955	2,998	3,052	3,105	3,171	3,202	3,279
33	2,968	2,988	3,032	3,086	3,139	3,203	3,236	3,312

34	3,000	3,022	3,066	3,120	3,173	3,237	3,270	3,345
35	3,034	3,056	3,098	3,152	3,205	3,271	3,303	3,379
36	3,068	3,089	3,132	3,186	3,240	3,304	3,337	3,411
37	3,100	3,123	3,166	3,220	3,274	3,338	3,370	3,445
38	3,134	3,155	3,198	3,252	3,306	3,371	3,403	3,479
39	3,168	3,189	3,232	3,286	3,340	3,404	3,437	3,511
40	3,200	3,223	3,265	3,319	3,374	3,438	3,470	3,545

14 (2) Each service employee shall receive the amount prescribed in the State Minimum Pay  
 15 Scale Pay Grade in accordance with the provisions of this subsection according to their class title  
 16 and pay grade as set forth in this subdivision:

17	CLASS TITLE	PAY GRADE
18	Accountant I .....	D
19	Accountant II .....	E
20	Accountant III .....	F
21	Accounts Payable Supervisor .....	G
22	Aide I .....	A
23	Aide II .....	B
24	Aide III .....	C
25	Aide IV .....	D
26	Aide V – Temporary Authorization .....	E
27	Aide V .....	F
28	Aide VI – Temporary Authorization.....	E
29	Aide VI .....	F
30	Audiovisual Technician .....	C
31	Auditor .....	G
32	Autism Mentor .....	F
33	Braille Specialist .....	E
34	Bus Operator .....	D
35	Buyer .....	F

36	Cabinetmaker .....	G
37	Cafeteria Manager .....	D
38	Carpenter I .....	E
39	Carpenter II .....	F
40	Chief Mechanic .....	G
41	Clerk I .....	B
42	Clerk II .....	C
43	Computer Operator .....	E
44	Cook I .....	A
45	Cook II .....	B
46	Cook III .....	C
47	Crew Leader .....	F
48	Custodian I .....	A
49	Custodian II .....	B
50	Custodian III .....	C
51	Custodian IV .....	D
52	Director or Coordinator of Services .....	H
53	Draftsman .....	D
54	Early Childhood Classroom Assistant Teacher I .....	E
55	Early Childhood Classroom Assistant Teacher II .....	E
56	Early Childhood Classroom Assistant Teacher III .....	F
57	Educational Sign Language Interpreter I .....	F
58	Educational Sign Language Interpreter II .....	G
59	Electrician I .....	F
60	Electrician II .....	G
61	Electronic Technician I .....	F
62	Electronic Technician II .....	G
63	Executive Secretary .....	G
64	Food Services Supervisor .....	G
65	Foreman .....	G

66	General Maintenance .....	C
67	Glazier .....	D
68	Graphic Artist .....	D
69	Groundsman .....	B
70	Handyman .....	B
71	Heating and Air Conditioning Mechanic I .....	E
72	Heating and Air Conditioning Mechanic II .....	G
73	Heavy Equipment Operator .....	E
74	Inventory Supervisor .....	D
75	Key Punch Operator .....	B
76	Licensed Practical Nurse .....	F
77	Locksmith .....	G
78	Lubrication Man .....	C
79	Machinist .....	F
80	Mail Clerk .....	D
81	Maintenance Clerk .....	C
82	Mason .....	G
83	Mechanic .....	F
84	Mechanic Assistant .....	E
85	Office Equipment Repairman I .....	F
86	Office Equipment Repairman II .....	G
87	Painter .....	E
88	Paraprofessional .....	F
89	Payroll Supervisor .....	G
90	Plumber I .....	E
91	Plumber II .....	G
92	Printing Operator .....	B
93	Printing Supervisor .....	D
94	Programmer .....	H
95	Roofing/Sheet Metal Mechanic .....	F

96	Sanitation Plant Operator .....	G
97	School Bus Supervisor .....	E
98	Secretary I .....	D
99	Secretary II .....	E
100	Secretary III .....	F
101	Sign Support Specialist .....	E
102	Supervisor of Maintenance .....	H
103	Supervisor of Transportation .....	H
104	Switchboard Operator-Receptionist .....	D
105	Truck Driver .....	D
106	Warehouse Clerk .....	C
107	Watchman .....	B
108	Welder .....	F
109	WVEIS Data Entry and Administrative Clerk .....	B

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

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

114 (1) A service person who holds 12 college hours or comparable credit obtained in a trade  
115 or vocational school as approved by the state board;

116 (2) A service person who holds 24 college hours or comparable credit obtained in a trade  
117 or vocational school as approved by the state board;

118 (3) A service person who holds 36 college hours or comparable credit obtained in a trade  
119 or vocational school as approved by the state board;

120 (4) A service person who holds 48 college hours or comparable credit obtained in a trade  
121 or vocational school as approved by the state board;

122 (5) A service employee who holds 60 college hours or comparable credit obtained in a  
123 trade or vocational school as approved by the state board;

124 (6) A service person who holds 72 college hours or comparable credit obtained in a trade  
125 or vocational school as approved by the state board;

126 (7) A service person who holds 84 college hours or comparable credit obtained in a trade  
127 or vocational school as approved by the state board;

128 (8) A service person who holds 96 college hours or comparable credit obtained in a trade  
129 or vocational school as approved by the state board;

130 (9) A service person who holds 108 college hours or comparable credit obtained in a trade  
131 or vocational school as approved by the state board;

132 (10) A service person who holds 120 college hours or comparable credit obtained in a  
133 trade or vocational school as approved by the state board.

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

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

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

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

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

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

142 (1) A service person who holds a bachelor's degree plus 15 college hours;

143 (2) A service person who holds a master's degree plus 15 college hours;

144 (3) A service person who holds a master's degree plus 30 college hours;

145 (4) A service person who holds a master's degree plus 45 college hours; and

146 (5) A service person who holds a master's degree plus 60 college hours.

147 (f) Each service person is paid a supplement, as set forth in §18A-4-5 of this code, of \$164  
148 per month, subject to the provisions of that section. These payments: (i) Are in addition to any  
149 amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional

150 amounts prescribed in this section and article and any county supplement in effect in a county  
151 pursuant to §18A-4-5b of this code; (ii) are paid in equal monthly installments; and (iii) are  
152 considered a part of the state minimum salaries for service personnel.

153 (g) When any part of a school service person's daily shift of work is performed between  
154 the hours of 6:00 p. m. and 5:00 a. m. the following day, the employee is paid no less than an  
155 additional \$10 per month and one half of the pay is paid with local funds.

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

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

162 (j) A service person may not have his or her daily work schedule changed during the school  
163 year without the employee's written consent and the person's required daily work hours may not  
164 be changed to prevent the payment of time and one-half wages or the employment of another  
165 employee.

166 (k) The minimum hourly rate of pay for extra duty assignments as defined in §18A-4-8b of  
167 this code is no less than one seventh of the person's daily total salary for each hour the person is  
168 involved in performing the assignment and paid entirely from local funds: *Provided*, That an  
169 alternative minimum hourly rate of pay for performing extra duty assignments within a particular  
170 category of employment may be used if the alternate hourly rate of pay is approved both by the  
171 county board and by the affirmative vote of a two-thirds majority of the regular full-time persons  
172 within that classification category of employment within that county: *Provided, however*, That the  
173 vote is by secret ballot if requested by a service person within that classification category within  
174 that county. The salary for any fraction of an hour the employee is involved in performing the  
175 assignment is prorated accordingly. When performing extra duty assignments, persons who are

176 regularly employed on a one-half day salary basis shall receive the same hourly extra duty  
177 assignment pay computed as though the person were employed on a full-day salary basis.

178 (l) The minimum pay for any service personnel engaged in the removal of asbestos  
179 material or related duties required for asbestos removal is their regular total daily rate of pay and  
180 no less than an additional \$3 per hour or no less than \$5 per hour for service personnel  
181 supervising asbestos removal responsibilities for each hour these employees are involved in  
182 asbestos-related duties. Related duties required for asbestos removal include, but are not limited  
183 to, travel, preparation of the work site, removal of asbestos, decontamination of the work site,  
184 placing and removal of equipment and removal of structures from the site. If any member of an  
185 asbestos crew is engaged in asbestos-related duties outside of the employee's regular  
186 employment county, the daily rate of pay is no less than the minimum amount as established in  
187 the employee's regular employment county for asbestos removal and an additional \$30 per each  
188 day the employee is engaged in asbestos removal and related duties. The additional pay for  
189 asbestos removal and related duties shall be payable entirely from county funds. Before service  
190 personnel may be used in the removal of asbestos material or related duties, they shall have  
191 completed a federal Environmental Protection Act-approved training program and be licensed.  
192 The employer shall provide all necessary protective equipment and maintain all records required  
193 by the Environmental Protection Act.

194 (m) For the purpose of qualifying for additional pay as provided in §18A-5-8 of this code,  
195 an aide is considered to be exercising the authority of a supervisory aide and control over pupils  
196 if the aide is required to supervise, control, direct, monitor, escort, or render service to a child or  
197 children when not under the direct supervision of a certified professional person within the  
198 classroom, library, hallway, lunchroom, gymnasium, school building, school grounds, or wherever  
199 supervision is required. For purposes of this section, "under the direct supervision of a certified  
200 professional person" means that certified professional person is present, with and accompanying  
201 the aide.

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

*Dean Jappin*  
.....  
Chairman, House Committee

*Neil Rappaport*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Steve Harrison*  
.....  
Clerk of the House of Delegates

*Joe Linn*  
.....  
Clerk of the Senate

*Les Taylor*  
.....  
Speaker of the House of Delegates

*C. P. Blawie*  
.....  
President of the Senate

**FILED**  
2021 APR 28 P 4: 17  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within is approved this the 28<sup>th</sup>  
day of April, 2021.

*James O. Eastman*  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 22 2021

Time 2:53 PM