

H. B. 2304

(By Delegate Marshall)

[Introduced January 12, 2011; referred to the Committee on Education then Finance.]



10 A BILL to amend and reenact §18-5-18a of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §18A-4-8 and §18A-
12 4-8a, all relating to the employment and compensation of
13 school service personnel generally; all relating to the
14 employment and compensation of school service personnel by
15 creating two new job titles for bus drivers; establishing the
16 pay grades of those two new job titles; providing for
17 additional payment to classroom aides in prekindergarten or
18 kindergarten classes for any pupils over the twenty maximum
19 pupil-teacher ratio; and establishing a pupil-teacher ratio of
20 twenty to one in all prekindergarten classes.

21 Be it enacted by the Legislature of West Virginia:

22 That §18-5-18a of the Code of West Virginia, 1931, as amended,
23 be amended and reenacted; and that §18A-4-8 and §18A-4-8a of said
24 code be amended and reenacted, all to read as follows:

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CHAPTER 18. EDUCATION.2 **ARTICLE 5. COUNTY BOARD OF EDUCATION.**3 **§18-5-18a. Maximum teacher-pupil ratio.**

4 County boards of education shall provide, by the school year
5 1983-1984, and thereafter, sufficient personnel, equipment and
6 facilities as will ensure that each first and second grade
7 classroom, or classrooms having two or more grades that include
8 either the first or second grades shall not have more than twenty-
9 five pupils for each teacher of the grade or grades and shall not
10 have more than twenty pupils for each prekindergarten or
11 kindergarten teacher per session, unless the state superintendent
12 has excepted a specific classroom upon application therefor by a
13 county board.

14 County boards shall provide by the school year 1984-1985 and
15 continue thereafter, sufficient personnel, equipment and facilities
16 as will ensure that each third, fourth, fifth and sixth grade
17 classroom, or classrooms having two or more grades that include one
18 or more of the third, fourth, fifth and sixth grades, shall not
19 have more than twenty-five pupils for each teacher of the grade or
20 grades.

21 Beginning with the school year 1986-1987, and thereafter, no
22 county shall maintain a greater number of classrooms having two or
23 more grades that include one or more of the grade levels referred
24 to in this section than were in existence in said county as of

1 January 1, 1983: *Provided*, That for the prior school years, and
2 only if there is insufficient classroom space available in the
3 school or county, a county may maintain one hundred ten percent of
4 such number of classrooms.

5 During the school year 1984-1985, and thereafter, the state
6 superintendent is authorized, consistent with sound educational
7 policy: (a) To permit on a statewide basis, in grades four through
8 six, more than twenty-five pupils per teacher in a classroom for
9 the purposes of instruction in physical education; and (b) to
10 permit more than twenty pupils per teacher in a specific
11 kindergarten classroom and twenty-five pupils per teacher in a
12 specific classroom in grades one through six during a school year
13 in the event of extraordinary circumstances as determined by the
14 state superintendent after application by a county board of
15 education.

16 The state board shall establish guidelines for the exceptions
17 authorized in this section, but in no event shall the
18 superintendent except classrooms having more than three pupils
19 above the pupil-teacher ratio as set forth in this section.

20 The requirement for approval of an exception to exceed the
21 twenty pupils per prekindergarten or kindergarten teacher per
22 session limit or the twenty-five pupils per teacher limit in grades
23 one through six is waived in schools where the schoolwide pupil-
24 teacher ratio is twenty-five or less in grades one through six:

1 *Provided*, That a teacher shall not have more than three pupils
2 above the teacher/pupil ratio as set forth in this section. Any
3 prekindergarten or kindergarten teacher who has more than twenty
4 pupils per session and any classroom teacher of grades one through
5 six who has more than twenty-five pupils shall be paid additional
6 compensation based on the affected classroom teacher's average
7 daily salary divided by twenty for prekindergarten or kindergarten
8 teachers or twenty-five for teachers of grades one through six for
9 every day times the number of additional pupils enrolled up to the
10 maximum pupils permitted in the teacher's classroom. Any classroom
11 aide assigned to a prekindergarten or kindergarten classroom
12 wherein there are more than twenty-five pupils enrolled shall also
13 be paid additional compensation based upon his or her daily rate of
14 pay and otherwise utilizing the same calculation used for
15 prekindergarten and kindergarten teachers. All such additional
16 compensation shall be paid from county funds exclusively.

17 Notwithstanding any other provision of this section to the
18 contrary, commencing with the school year beginning on July 1,
19 1984, a teacher in grades one, two or three or classrooms having
20 two or more such grade levels, shall not have more than two pupils
21 above the teacher/pupil ratio as set forth in this section:
22 *Provided*, That commencing with the school year beginning on July 1,
23 1995, such teacher shall not have more than one pupil above the
24 teacher/pupil ratio as set forth in this section: *Provided*,

1 however, That commencing with the school year beginning July 1,
2 1996, such teacher shall not have any pupils above the
3 teacher/pupil ratio as set forth in this section.

4 No provision of this section is intended to limit the number
5 of pupils per teacher in a classroom for the purpose of instruction
6 in choral, band or orchestra music.

7 Each school principal shall assign students equitably among
8 the classroom teachers, taking into consideration reasonable
9 differences due to subject areas and/or grade levels.

10 The state board shall collect from each county board of
11 education information on class size and the number of pupils per
12 teacher for all classes in grades seven through twelve. The state
13 board shall report such information to the Legislative Oversight
14 Commission on Education Accountability before January 1 of each
15 year.

16 **CHAPTER 18A. SCHOOL PERSONNEL.**

17 **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

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

20 (a) The purpose of this section is to establish an employment
21 term and class titles for service personnel. The employment term
22 for service personnel may not be less than ten months. A month is
23 defined as twenty employment days. The county board may contract

1 with all or part of these service personnel for a longer term. The
2 beginning and closing dates of the ten-month employment term may
3 not exceed forty-three weeks.

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

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

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

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

23 (f) A custodian, aide, maintenance, office and school lunch
24 service person required to work a daily work schedule that is

1 interrupted shall be paid additional compensation in accordance
2 with this subsection.

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

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

11 (3) The additional compensation provided for in this
12 subsection:

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

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

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

23 (h) A service person's contract, as provided in section five,
24 article two of this chapter, shall state the appropriate monthly

1 salary the employee is to be paid, based on the class title as
2 provided in this article and on any county salary schedule in
3 excess of the minimum requirements of this article.

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

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

9 (2) "Years of employment" means the number of years which an
10 employee classified as a service person has been employed by a
11 county board in any position prior to or subsequent to the
12 effective date of this section and includes service in the Armed
13 Forces of the United States, if the employee was employed at the
14 time of his or her induction. For the purpose of section eight-a
15 of this article, years of employment is limited to the number of
16 years shown and allowed under the state minimum pay scale as set
17 forth in section eight-a of this article;

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

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

23 (5) "Accountant II" means a person employed to maintain
24 accounting records and to be responsible for the accounting process

1 associated with billing, budgets, purchasing and related
2 operations;

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

6 (7) "Accounts payable supervisor" means a person employed in
7 the county board office who has primary responsibility for the
8 accounts payable function and who either has completed twelve
9 college hours of accounting courses from an accredited institution
10 of higher education or has at least eight years of experience
11 performing progressively difficult accounting tasks.

12 Responsibilities of this class title may include supervision of
13 other personnel;

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

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

23 (10) "Aide III" means a service person referred to in the
24 "Aide I" classification who holds a high school diploma or a

1 general educational development certificate; and

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

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

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

9 (A) Has completed eighteen hours of state board-approved
10 college credit at a regionally accredited institution of higher
11 education, or

12 (B) Has completed fifteen hours of state board-approved
13 college credit at a regionally accredited institution of higher
14 education; and has successfully completed an in-service training
15 program determined by the state board to be the equivalent of three
16 hours of college credit;

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

20 (13) "Auditor" means a person employed to examine and verify
21 accounts of individual schools and to assist schools and school
22 personnel in maintaining complete and accurate records of their
23 accounts;

24 (14) "Autism mentor" means a person who works with autistic

1 students and who meets standards and experience to be determined by
2 the state board. A person who has held or holds an aide title and
3 becomes employed as an autism mentor shall hold a
4 multiclassification status that includes both aide and autism
5 mentor titles, in accordance with section eight-b of this article;

6 (15) "Braille or sign language specialist" means a person
7 employed to provide braille and/or sign language assistance to
8 students. A service person who has held or holds an aide title and
9 becomes employed as a braille or sign language specialist shall
10 hold a multiclassification status that includes both aide and
11 braille or sign language specialist title, in accordance with
12 section eight-b of this article;

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

16 (17) "Bus operator II" means personnel employed to operate
17 school buses and other transportation vehicles as provided by the
18 state Board of Education, who have served in a position which meets
19 the definition of "Bus operator I" for ten years;

20 (18) "Bus operator III" means personnel employed to operate
21 school buses and other school transportation vehicles as provided
22 by the state Board of Education, who have served in a position
23 which meets the definition of "Bus operator I" or "Bus operator II"
24 for twenty years;

1 ~~(17)~~ (19) "Buyer" means a person employed to review and write
2 specifications, negotiate purchase bids and recommend purchase
3 agreements for materials and services that meet predetermined
4 specifications at the lowest available costs;

5 ~~(18)~~ (20) "Cabinetmaker" means a person employed to construct
6 cabinets, tables, bookcases and other furniture;

7 ~~(19)~~ (21) "Cafeteria manager" means a person employed to
8 direct the operation of a food services program in a school,
9 including assigning duties to employees, approving requisitions for
10 supplies and repairs, keeping inventories, inspecting areas to
11 maintain high standards of sanitation, preparing financial reports
12 and keeping records pertinent to food services of a school;

13 ~~(20)~~ (22) "Carpenter I" means a person classified as a
14 carpenter's helper;

15 ~~(21)~~ (23) "Carpenter II" means a person classified as a
16 journeyman carpenter;

17 ~~(22)~~ (24) "Chief mechanic" means a person employed to be
18 responsible for directing activities which ensure that student
19 transportation or other county board-owned vehicles are properly
20 and safely maintained;

21 ~~(23)~~ (25) "Clerk I" means a person employed to perform
22 clerical tasks;

23 ~~(24)~~ (26) "Clerk II" means a person employed to perform
24 general clerical tasks, prepare reports and tabulations and operate

1 office machines;

2 ~~(25)~~ (27) "Computer operator" means a qualified person
3 employed to operate computers;

4 ~~(26)~~ (28) "Cook I" means a person employed as a cook's helper;

5 ~~(27)~~ (29) "Cook II" means a person employed to interpret menus
6 and to prepare and serve meals in a food service program of a
7 school. This definition includes a service person who has been
8 employed as a "Cook I" for a period of four years;

9 ~~(28)~~ (30) "Cook III" means a person employed to prepare and
10 serve meals, make reports, prepare requisitions for supplies, order
11 equipment and repairs for a food service program of a school
12 system;

13 ~~(29)~~ (31) "Crew leader" means a person employed to organize
14 the work for a crew of maintenance employees to carry out assigned
15 projects;

16 ~~(30)~~ (32) "Custodian I" means a person employed to keep
17 buildings clean and free of refuse;

18 ~~(31)~~ (33) "Custodian II" means a person employed as a watchman
19 or groundsman;

20 ~~(32)~~ (34) "Custodian III" means a person employed to keep
21 buildings clean and free of refuse, to operate the heating or
22 cooling systems and to make minor repairs;

23 ~~(33)~~ (35) "Custodian IV" means a person employed as head
24 custodians. In addition to providing services as defined in

1 "custodian III," duties may include supervising other custodian
2 personnel;

3 ~~(34)~~ (36) "Director or coordinator of services" means an
4 employee of a county board who is assigned to direct a department
5 or division.

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

8 (B) Professional personnel holding this class title may not be
9 defined or classified as service personnel unless the professional
10 person held a service personnel title under this section prior to
11 holding the class title of "director or coordinator of services."

12 (C) The director or coordinator of services shall be
13 classified either as a professional person or a service person for
14 state aid formula funding purposes;

15 (D) Funding for the position of director or coordinator of
16 services is based upon the employment status of the director or
17 coordinator either as a professional person or a service person;
18 and

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

24 ~~(35)~~ (37) "Draftsman" means a person employed to plan, design

1 and produce detailed architectural/engineering drawings;

2 ~~(36)~~ (38) "Electrician I" means a person employed as an
3 apprentice electrician helper or one who holds an electrician
4 helper license issued by the state Fire Marshal;

5 ~~(37)~~ (39) "Electrician II" means a person employed as an
6 electrician journeyman or one who holds a journeyman electrician
7 license issued by the state Fire Marshal;

8 ~~(38)~~ (40) "Electronic technician I" means a person employed at
9 the apprentice level to repair and maintain electronic equipment;

10 ~~(39)~~ (41) "Electronic technician II" means a person employed
11 at the journeyman level to repair and maintain electronic
12 equipment;

13 ~~(40)~~ (42) "Executive secretary" means a person employed as
14 secretary to the county school superintendent or as a secretary who
15 is assigned to a position characterized by significant
16 administrative duties;

17 ~~(41)~~ (43) "Food services supervisor" means a qualified person
18 who is not a professional person or professional educator as
19 defined in section one, article one of this chapter. The food
20 services supervisor is employed to manage and supervise a county
21 school system's food service program. The duties include preparing
22 in-service training programs for cooks and food service employees,
23 instructing personnel in the areas of quantity cooking with economy
24 and efficiency and keeping aggregate records and reports;

1 ~~(42)~~ (44) "Foreman" means a skilled person employed to
2 supervise personnel who work in the areas of repair and maintenance
3 of school property and equipment;

4 ~~(43)~~ (45) "General maintenance" means a person employed as a
5 helper to skilled maintenance employees and to perform minor
6 repairs to equipment and buildings of a county school system;

7 ~~(44)~~ (46) "Glazier" means a person employed to replace glass
8 or other materials in windows and doors and to do minor carpentry
9 tasks;

10 ~~(45)~~ (47) "Graphic artist" means a person employed to prepare
11 graphic illustrations;

12 ~~(46)~~ (48) "Groundsman" means a person employed to perform
13 duties that relate to the appearance, repair and general care of
14 school grounds in a county school system. Additional assignments
15 may include the operation of a small heating plant and routine
16 cleaning duties in buildings;

17 ~~(47)~~ (49) "Handyman" means a person employed to perform
18 routine manual tasks in any operation of the county school system;

19 ~~(48)~~ (50) "Heating and air conditioning mechanic I" means a
20 person employed at the apprentice level to install, repair and
21 maintain heating and air conditioning plants and related electrical
22 equipment;

23 ~~(49)~~ (51) "Heating and air conditioning mechanic II" means a
24 person employed at the journeyman level to install, repair and

1 maintain heating and air conditioning plants and related electrical
2 equipment;

3 ~~(50)~~ (52) "Heavy equipment operator" means a person employed
4 to operate heavy equipment;

5 ~~(51)~~ (53) "Inventory supervisor" means a person employed to
6 supervise or maintain operations in the receipt, storage, inventory
7 and issuance of materials and supplies;

8 ~~(52)~~ (54) "Key punch operator" means a qualified person
9 employed to operate key punch machines or verifying machines;

10 ~~(53)~~ (55) "Licensed practical nurse" means a nurse, licensed
11 by the West Virginia Board of Examiners for Licensed Practical
12 Nurses, employed to work in a public school under the supervision
13 of a school nurse;

14 ~~(54)~~ (56) "Locksmith" means a person employed to repair and
15 maintain locks and safes;

16 ~~(55)~~ (57) "Lubrication man" means a person employed to
17 lubricate and service gasoline or diesel-powered equipment of a
18 county school system;

19 ~~(56)~~ (58) "Machinist" means a person employed to perform
20 machinist tasks which include the ability to operate a lathe,
21 planer, shaper, threading machine and wheel press. A person
22 holding this class title also should have the ability to work from
23 blueprints and drawings;

24 ~~(57)~~ (59) "Mail clerk" means a person employed to receive,

1 sort, dispatch, deliver or otherwise handle letters, parcels and
2 other mail;

3 ~~(58)~~ (60) "Maintenance clerk" means a person employed to
4 maintain and control a stocking facility to keep adequate tools and
5 supplies on hand for daily withdrawal for all school maintenance
6 crafts;

7 ~~(59)~~ (61) "Mason" means a person employed to perform tasks
8 connected with brick and block laying and carpentry tasks related
9 to these activities;

10 ~~(60)~~ (62) "Mechanic" means a person employed to perform
11 skilled duties independently in the maintenance and repair of
12 automobiles, school buses and other mechanical and mobile equipment
13 to use in a county school system;

14 ~~(61)~~ (63) "Mechanic assistant" means a person employed as a
15 mechanic apprentice and helper;

16 ~~(62)~~ (64) "Multiclassification" means a person employed to
17 perform tasks that involve the combination of two or more class
18 titles in this section. In these instances the minimum salary
19 scale shall be the higher pay grade of the class titles involved;

20 ~~(63)~~ (65) "Office equipment repairman I" means a person
21 employed as an office equipment repairman apprentice or helper;

22 ~~(64)~~ (66) "Office equipment repairman II" means a person
23 responsible for servicing and repairing all office machines and
24 equipment. A person holding this class title is responsible for

1 the purchase of parts necessary for the proper operation of a
2 program of continuous maintenance and repair;

3 ~~(65)~~ (67) "Painter" means a person employed to perform duties
4 painting, finishing and decorating wood, metal and concrete
5 surfaces of buildings, other structures, equipment, machinery and
6 furnishings of a county school system;

7 ~~(66)~~ (68) "Paraprofessional" means a person certified pursuant
8 to section two-a, article three of this chapter to perform duties
9 in a support capacity including, but not limited to, facilitating
10 in the instruction and direct or indirect supervision of students
11 under the direction of a principal, a teacher or another designated
12 professional educator.

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

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

21 (C) When a service person who holds an aide title becomes
22 certified as a paraprofessional and is required to perform duties
23 that may not be performed by an aide without paraprofessional
24 certification, he or she shall receive the paraprofessional title

1 pay grade;

2 ~~(67)~~ (69) "Payroll supervisor" means a person employed in the
3 county board office who has primary responsibility for the payroll
4 function and who either has completed twelve college hours of
5 accounting from an accredited institution of higher education or
6 has at least eight years of experience performing progressively
7 difficult accounting tasks. Responsibilities of this class title
8 may include supervision of other personnel;

9 ~~(68)~~ (70) "Plumber I" means a person employed as an apprentice
10 plumber and helper;

11 ~~(69)~~ (71) "Plumber II" means a person employed as a journeyman
12 plumber;

13 ~~(70)~~ (72) "Printing operator" means a person employed to
14 operate duplication equipment, and to cut, collate, staple, bind
15 and shelve materials as required;

16 ~~(71)~~ (73) "Printing supervisor" means a person employed to
17 supervise the operation of a print shop;

18 ~~(72)~~ (74) "Programmer" means a person employed to design and
19 prepare programs for computer operation;

20 ~~(73)~~ (75) "Roofing/sheet metal mechanic" means a person
21 employed to install, repair, fabricate and maintain roofs, gutters,
22 flashing and duct work for heating and ventilation;

23 ~~(74)~~ (76) "Sanitation plant operator" means a person employed
24 to operate and maintain a water or sewage treatment plant to ensure

1 the safety of the plant's effluent for human consumption or
2 environmental protection;

3 ~~(75)~~ (77) "School bus supervisor" means a qualified person:

4 (A) Employed to assist in selecting school bus operators and
5 routing and scheduling school buses, operate a bus when needed,
6 relay instructions to bus operators, plan emergency routing of
7 buses and promote good relationships with parents, students, bus
8 operators and other employees; and

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

11 ~~(76)~~ (78) "Secretary I" means a person employed to transcribe
12 from notes or mechanical equipment, receive callers, perform
13 clerical tasks, prepare reports and operate office machines;

14 ~~(77)~~ (79) "Secretary II" means a person employed in any
15 elementary, secondary, kindergarten, nursery, special education,
16 vocational or any other school as a secretary. The duties may
17 include performing general clerical tasks; transcribing from notes,
18 stenotype, mechanical equipment or a sound-producing machine;
19 preparing reports; receiving callers and referring them to proper
20 persons; operating office machines; keeping records and handling
21 routine correspondence. Nothing in this subdivision prevents a
22 service person from holding or being elevated to a higher
23 classification;

24 ~~(78)~~ (80) "Secretary III" means a person assigned to the

1 county board office administrators in charge of various
2 instructional, maintenance, transportation, food services,
3 operations and health departments, federal programs or departments
4 with particular responsibilities in purchasing and financial
5 control or any person who has served for eight years in a position
6 which meets the definition of "secretary II" or "secretary III";

7 ~~(79)~~ (81) "Supervisor of maintenance" means a skilled person
8 who is not a professional person or professional educator as
9 defined in section one, article one of this chapter. The
10 responsibilities include directing the upkeep of buildings and
11 shops, and issuing instructions to subordinates relating to
12 cleaning, repairs and maintenance of all structures and mechanical
13 and electrical equipment of a county board;

14 ~~(80)~~ (82) "Supervisor of transportation" means a qualified
15 person employed to direct school transportation activities properly
16 and safely, and to supervise the maintenance and repair of
17 vehicles, buses and other mechanical and mobile equipment used by
18 the county school system. After July 1, 2010, all persons employed
19 for the first time in a position with this classification title or
20 in a multiclassification position that includes this title shall
21 have five years of experience working in the transportation
22 department of a county board. Experience working in the
23 transportation department shall consist of serving as a bus
24 operator, bus aide, assistant mechanic, mechanic, chief mechanic or

1 in a clerical position within the transportation department;

2 ~~(81)~~ (83) "Switchboard operator-receptionist" means a person
3 employed to refer incoming calls, to assume contact with the
4 public, to direct and to give instructions as necessary, to operate
5 switchboard equipment and to provide clerical assistance;

6 ~~(82)~~ (84) "Truck driver" means a person employed to operate
7 light or heavy duty gasoline and diesel-powered vehicles;

8 ~~(83)~~ (85) "Warehouse clerk" means a person employed to be
9 responsible for receiving, storing, packing and shipping goods;

10 ~~(84)~~ (86) "Watchman" means a person employed to protect school
11 property against damage or theft. Additional assignments may
12 include operation of a small heating plant and routine cleaning
13 duties;

14 ~~(85)~~ (87) "Welder" means a person employed to provide
15 acetylene or electric welding services for a school system; and

16 ~~(86)~~ (88) "WVEIS data entry and administrative clerk" means a
17 person employed to work under the direction of a school principal
18 to assist the school counselor or counselors in the performance of
19 administrative duties, to perform data entry tasks on the West
20 Virginia Education Information System, and to perform other
21 administrative duties assigned by the principal.

22 (j) Notwithstanding any provision in this code to the
23 contrary, and in addition to the compensation provided for service
24 personnel in section eight-a of this article, each service person

1 is entitled to all service personnel employee rights, privileges
2 and benefits provided under this or any other chapter of this code
3 without regard to the employee's hours of employment or the methods
4 or sources of compensation.

5 (k) A service person whose years of employment exceeds the
6 number of years shown and provided for under the state minimum pay
7 scale set forth in section eight-a of this article may not be paid
8 less than the amount shown for the maximum years of employment
9 shown and provided for in the classification in which he or she is
10 employed.

11 (l) Each county board shall review each service person's job
12 classification annually and shall reclassify all service persons as
13 required by the job classifications. The state superintendent may
14 withhold state funds appropriated pursuant to this article for
15 salaries for service personnel who are improperly classified by the
16 county boards. Further, the state superintendent shall order a
17 county board to correct immediately any improper classification
18 matter and, with the assistance of the Attorney General, shall take
19 any legal action necessary against any county board to enforce the
20 order.

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

23 (1) Reclassified by class title; or
24 (2) Relegated to any condition of employment which would

1 result in a reduction of his or her salary, rate of pay,
2 compensation or benefits earned during the current fiscal year; or
3 for which he or she would qualify by continuing in the same job
4 position and classification held during that fiscal year and
5 subsequent years.

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

11 (o) Notwithstanding any provision of this code to the
12 contrary, a service person who holds a continuing contract in a
13 specific job classification and who is physically unable to perform
14 the job's duties as confirmed by a physician chosen by the
15 employee, shall be given priority status over any employee not
16 holding a continuing contract in filling other service personnel
17 job vacancies if the service person is qualified as provided in
18 section eight-e of this article.

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

23 (q) Without the written consent of the service person, a
24 county board may not establish the beginning work station for a bus

1 operator or transportation aide at any site other than a county
2 board-owned facility with available parking. The workday of the
3 bus operator or transportation aide commences at the bus at the
4 designated beginning work station and ends when the employee is
5 able to leave the bus at the designated beginning work station,
6 unless he or she agrees otherwise in writing. The application or
7 acceptance of a posted position may not be construed as the written
8 consent referred to in this subsection.

9 (r) Itinerant status means a service person who does not have
10 a fixed work site and may be involuntarily reassigned to another
11 work site. A service person is considered to hold itinerant status
12 if he or she has bid upon a position posted as itinerant or has
13 agreed to accept this status. A county board may establish
14 positions with itinerant status only within the aide and autism
15 mentor classification categories and only when the job duties
16 involve exceptional students. A service person with itinerant
17 status may be assigned to a different work site upon written notice
18 ten days prior to the reassignment without the consent of the
19 employee and without posting the vacancy. A service person with
20 itinerant status may be involuntarily reassigned no more than twice
21 during the school year. At the conclusion of each school year, the
22 county board shall post and fill, pursuant to section eight-b of
23 this article, all positions that have been filled without posting
24 by a service person with itinerant status. A service person who is

1 assigned to a beginning and ending work site and travels at the
2 expense of the county board to other work sites during the daily
3 schedule, shall not be considered to hold itinerant status.

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

5 (a) The minimum monthly pay for each service employee whose
6 employment is for a period of more than three and one-half hours a
7 day shall be at least the amounts indicated in the state minimum
8 pay scale pay grade and the minimum monthly pay for each service
9 employee whose employment is for a period of three and one-half
10 hours or less a day shall be at least one-half the amount indicated
11 in the state minimum pay scale pay grade set forth in this section.

STATE MINIMUM PAY SCALE PAY GRADE									
12	Years	PAY GRADE							
13	Exp.	A	B	C	D	E	F	G	H
14	0	1,577	1,598	1,639	1,691	1,743	1,805	1,836	1,908
15	1	1,609	1,630	1,671	1,723	1,775	1,837	1,868	1,940
16	2	1,641	1,662	1,703	1,755	1,807	1,869	1,900	1,972
17	3	1,673	1,694	1,735	1,787	1,839	1,901	1,932	2,004
18	4	1,705	1,726	1,767	1,819	1,871	1,933	1,964	2,037
19	5	1,737	1,758	1,799	1,851	1,903	1,965	1,996	2,069
20	6	1,769	1,790	1,832	1,883	1,935	1,997	2,028	2,101
21	7	1,802	1,822	1,864	1,915	1,967	2,029	2,060	2,133
22	8	1,834	1,854	1,896	1,947	1,999	2,061	2,092	2,165
23	9	1,866	1,886	1,928	1,980	2,031	2,093	2,124	2,197
24	10	1,898	1,919	1,960	2,012	2,063	2,126	2,157	2,229
25	11	1,930	1,951	1,992	2,044	2,095	2,158	2,189	2,261

1	12	1,962	1,983	2,024	2,076	2,128	2,190	2,221	2,293
2	13	1,994	2,015	2,056	2,108	2,160	2,222	2,253	2,325
3	14	2,026	2,047	2,088	2,140	2,192	2,254	2,285	2,357
4	15	2,058	2,079	2,120	2,172	2,224	2,286	2,317	2,389
5	16	2,090	2,111	2,152	2,204	2,256	2,318	2,349	2,422
6	17	2,122	2,143	2,185	2,236	2,288	2,350	2,381	2,454
7	18	2,154	2,175	2,217	2,268	2,320	2,382	2,413	2,486
8	19	2,187	2,207	2,249	2,300	2,352	2,414	2,445	2,518
9	20	2,219	2,239	2,281	2,333	2,384	2,446	2,477	2,550
10	21	2,251	2,271	2,313	2,365	2,416	2,478	2,509	2,582
11	22	2,283	2,304	2,345	2,397	2,448	2,511	2,542	2,614
12	23	2,315	2,336	2,377	2,429	2,481	2,543	2,574	2,646
13	24	2,347	2,368	2,409	2,461	2,513	2,575	2,606	2,678
14	25	2,379	2,400	2,441	2,493	2,545	2,607	2,638	2,710
15	26	2,411	2,432	2,473	2,525	2,577	2,639	2,670	2,742
16	27	2,443	2,464	2,505	2,557	2,609	2,671	2,702	2,774
17	28	2,475	2,496	2,537	2,589	2,641	2,703	2,734	2,807
18	29	2,507	2,528	2,570	2,621	2,673	2,735	2,766	2,839
19	30	2,540	2,560	2,602	2,653	2,705	2,767	2,798	2,871
20	31	2,572	2,592	2,634	2,685	2,737	2,799	2,830	2,903
21	32	2,604	2,624	2,666	2,718	2,769	2,831	2,862	2,935
22	33	2,636	2,656	2,698	2,750	2,801	2,863	2,895	2,967
23	34	2,668	2,689	2,730	2,782	2,833	2,896	2,927	2,999
24	35	2,700	2,721	2,762	2,814	2,866	2,928	2,959	3,031
25	36	2,732	2,753	2,794	2,846	2,898	2,960	2,991	3,063
26	37	2,764	2,785	2,826	2,878	2,930	2,992	3,023	3,095
27	38	2,796	2,817	2,858	2,910	2,962	3,024	3,055	3,127
28	39	2,828	2,849	2,890	2,942	2,994	3,056	3,087	3,159

1	40	2,860	2,881	2,922	2,974	3,026	3,088	3,119	3,192
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	CLASS TITLE	PAY GRADE
3	Accountant I	D
4	Accountant II	E
5	Accountant III	F
6	Accounts Payable Supervisor	G
7	Aide I	A
8	Aide II	B
9	Aide III	C
10	Aide IV	D
11	Audiovisual Technician	C
12	Auditor	G
13	Autism Mentor	F
14	Braille or Sign Language Specialist	E
15	Bus Operator	D
16	<u>Bus Operator II</u>	<u>E</u>
17	<u>Bus Operator III</u>	<u>F</u>
18	Buyer	F
19	Cabinetmaker	G
20	Cafeteria Manager	D
21	Carpenter I	E
22	Carpenter II	F
23	Chief Mechanic	G

1 Clerk I	B
2 Clerk II.....	C
3 Computer Operator	E
4 Cook I	A
5 Cook II	B
6 Cook III	C
7 Crew Leader	F
8 Custodian I	A
9 Custodian II	B
10 Custodian III	C
11 Custodian IV	D
12 Director or Coordinator of Services	H
13 Draftsman	D
14 Electrician I	F
15 Electrician II	G
16 Electronic Technician I	F
17 Electronic Technician II	G
18 Executive Secretary	G
19 Food Services Supervisor	G
20 Foreman	G
21 General Maintenance	C
22 Glazier	D
23 Graphic Artist	D
24 Groundsman	B

1	Handyman	B
2	Heating and Air Conditioning Mechanic I	E
3	Heating and Air Conditioning Mechanic II	G
4	Heavy Equipment Operator	E
5	Inventory Supervisor	D
6	Key Punch Operator	B
7	Licensed Practical Nurse	F
8	Locksmith	G
9	Lubrication Man	C
10	Machinist	F
11	Mail Clerk	D
12	Maintenance Clerk	C
13	Mason	G
14	Mechanic	F
15	Mechanic Assistant	E
16	Office Equipment Repairman I	F
17	Office Equipment Repairman II	G
18	Painter	E
19	Paraprofessional	F
20	Payroll Supervisor	G
21	Plumber I	E
22	Plumber II	G
23	Printing Operator	B
24	Printing Supervisor	D

1	Programmer	H
2	Roofing/Sheet Metal Mechanic	F
3	Sanitation Plant Operator	G
4	School Bus Supervisor	E
5	Secretary I	D
6	Secretary II	E
7	Secretary III	F
8	Supervisor of Maintenance	H
9	Supervisor of Transportation	H
10	Switchboard Operator-Receptionist	D
11	Truck Driver	D
12	Warehouse Clerk	C
13	Watchman	B
14	Welder	F
15	WVEIS Data Entry and Administrative Clerk	B

16 (b) An additional \$12 per month shall be added to the minimum
17 monthly pay of each service employee who holds a high school
18 diploma or its equivalent.

19 (c) An additional \$11 per month also shall be added to the
20 minimum monthly pay of each service employee for each of the
21 following:

22 (1) A service employee who holds twelve college hours or
23 comparable credit obtained in a trade or vocational school as
24 approved by the state board;

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

4 (3) A service employee who holds thirty-six college hours or
5 comparable credit obtained in a trade or vocational school as
6 approved by the state board;

7 (4) A service employee who holds forty-eight college hours or
8 comparable credit obtained in a trade or vocational school as
9 approved by the state board;

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

13 (6) A service employee who holds seventy-two college hours or
14 comparable credit obtained in a trade or vocational school as
15 approved by the state board;

16 (7) A service employee who holds eighty-four college hours or
17 comparable credit obtained in a trade or vocational school as
18 approved by the state board;

19 (8) A service employee who holds ninety-six college hours or
20 comparable credit obtained in a trade or vocational school as
21 approved by the state board;

22 (9) A service employee who holds one hundred eight college
23 hours or comparable credit obtained in a trade or vocational school
24 as approved by the state board;

1 (10) A service employee who holds one hundred twenty college
2 hours or comparable credit obtained in a trade or vocational school
3 as approved by the state board;

4 (d) An additional \$40 per month also shall be added to the
5 minimum monthly pay of each service employee for each of the
6 following:

7 (1) A service employee who holds an associate's degree;

8 (2) A service employee who holds a bachelor's degree;

9 (3) A service employee who holds a master's degree;

10 (4) A service employee who holds a doctorate degree.

11 (e) An additional \$11 per month shall be added to the minimum
12 monthly pay of each service employee for each of the following:

13 (1) A service employee who holds a bachelor's degree plus
14 fifteen college hours;

15 (2) A service employee who holds a master's degree plus
16 fifteen college hours;

17 (3) A service employee who holds a master's degree plus thirty
18 college hours;

19 (4) A service employee who holds a master's degree plus forty-
20 five college hours; and

21 (5) A service employee who holds a master's degree plus sixty
22 college hours.

23 (f) When any part of a school service employee's daily shift
24 of work is performed between the hours of six p.m. and five a.m.

1 the following day, the employee shall be paid no less than an
2 additional \$10 per month and one half of the pay shall be paid with
3 local funds.

4 (g) Any service employee required to work on any legal school
5 holiday shall be paid at a rate one and one-half times the
6 employee's usual hourly rate.

7 (h) Any full-time service personnel required to work in excess
8 of their normal working day during any week which contains a school
9 holiday for which they are paid shall be paid for the additional
10 hours or fraction of the additional hours at a rate of one and one-
11 half times their usual hourly rate and paid entirely from county
12 board funds.

13 (i) No service employee may have his or her daily work
14 schedule changed during the school year without the employee's
15 written consent and the employee's required daily work hours may
16 not be changed to prevent the payment of time and one-half wages or
17 the employment of another employee.

18 (j) The minimum hourly rate of pay for extra duty assignments
19 as defined in section eight-b of this article shall be no less than
20 one-seventh of the employee's daily total salary for each hour the
21 employee is involved in performing the assignment and paid entirely
22 from local funds: *Provided*, That an alternative minimum hourly
23 rate of pay for performing extra duty assignments within a
24 particular category of employment may be used if the alternate

1 hourly rate of pay is approved both by the county board and by the
2 affirmative vote of a two-thirds majority of the regular full-time
3 employees within that classification category of employment within
4 that county: *Provided, however,* That the vote shall be by secret
5 ballot if requested by a service personnel employee within that
6 classification category within that county. The salary for any
7 fraction of an hour the employee is involved in performing the
8 assignment shall be prorated accordingly. When performing extra
9 duty assignments, employees who are regularly employed on a one-
10 half day salary basis shall receive the same hourly extra duty
11 assignment pay computed as though the employee were employed on a
12 full-day salary basis.

13 (k) The minimum pay for any service personnel employees
14 engaged in the removal of asbestos material or related duties
15 required for asbestos removal shall be their regular total daily
16 rate of pay and no less than an additional \$3 per hour or no less
17 than \$5 per hour for service personnel supervising asbestos removal
18 responsibilities for each hour these employees are involved in
19 asbestos related duties. Related duties required for asbestos
20 removal include, but are not limited to, travel, preparation of the
21 work-site, removal of asbestos decontamination of the work-site,
22 placing and removal of equipment and removal of structures from the
23 site. If any member of an asbestos crew is engaged in asbestos
24 related duties outside of the employee's regular employment county,

1 the daily rate of pay shall be no less than the minimum amount as
2 established in the employee's regular employment county for
3 asbestos removal and an additional \$30 per each day the employee is
4 engaged in asbestos removal and related duties. The additional pay
5 for asbestos removal and related duties shall be payable entirely
6 from county funds. Before service personnel employees may be used
7 in the removal of asbestos material or related duties, they shall
8 have completed a federal Environmental Protection Act approved
9 training program and be licensed. The employer shall provide all
10 necessary protective equipment and maintain all records required by
11 the Environmental Protection Act.

12 (1) For the purpose of qualifying for additional pay as
13 provided in section eight, article five of this chapter, an aide
14 shall be considered to be exercising the authority of a supervisory
15 aide and control over pupils if the aide is required to supervise,
16 control, direct, monitor, escort or render service to a child or
17 children when not under the direct supervision of certified
18 professional personnel within the classroom, library, hallway,
19 lunchroom, gymnasium, school building, school grounds or wherever
20 supervision is required. For purposes of this section, "under the
21 direct supervision of certified professional personnel" means that
22 certified professional personnel is present, with and accompanying
23 the aide.

NOTE: The purpose of this bill is to clarify when aides should be considered supervisory employees for purposes of receiving pay at a higher pay grade and to provide that classroom aides in kindergarten classrooms which have more pupils than the maximum pupil/teacher ratio receive additional compensation as to professional personnel in said classrooms. The bill also creates two new positions for bus drivers and establishes a pay grade for those positions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.