

H. B. 2338

(By Delegate Marshall)

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

**FISCAL
NOTE**

A BILL to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8, §18A-4-8a and §18A-4-8b of said code, all relating to the employment and compensation of school service personnel; increasing the service personnel pay scales; upgrading the pay grades of certain aides, bus operators, cooks and custodians; creating two new job titles - "bus operator II" and "bus operator III"; clarifying seniority in more than one employment classification; providing additional payment to classroom aides in prekindergarten or kindergarten classes for any pupils over the twenty maximum pupil-teacher ratio; and establishing a pupil teacher ratio of twenty to one in all prekindergarten classes.

Be it enacted by the Legislature of West Virginia:

That §18-5-18a of the Code of West Virginia, 1931, as amended be amended and reenacted; and that §18A-4-8, §18A-4-8a and

1 §18A-4-8b of said code be amended and reenacted, all to read as
2 follows:

3 **CHAPTER 18. EDUCATION.**

4 **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

5 **§18-5-18a. Maximum teacher-pupil ratio.**

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

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

23 Beginning with the school year 1986-1987, and thereafter, no
24 county shall maintain a greater number of classrooms having two or
25 more grades that include one or more of the grade levels referred

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

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

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

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

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

18 Notwithstanding any other provision of this section to the
19 contrary, commencing with the school year beginning on July 1,
20 1994, a teacher in grades one, two or three or classrooms having
21 two or more such grade levels, ~~shall~~ may not have more than two
22 pupils above the teacher/pupil ratio as set forth in this section:
23 *Provided*, That commencing with the school year beginning on July 1,
24 1995, ~~such the~~ teacher ~~shall~~ may not have more than one pupil above
25 the teacher/pupil ratio as set forth in this section: *Provided*,

1 *however*, That commencing with the school year beginning on July 1,
2 1996, ~~such~~ the teacher ~~shall~~ may 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 be no less than ten months. A month is
23 defined as twenty employment days: *Provided*, That the county board
24 may contract with all or part of these service personnel for a

1 longer term. The beginning and closing dates of the ten-month
2 employment term may not exceed forty-three weeks.

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

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

11 (d) No service employee, without his or her agreement, may be
12 required to report for work more than five days per week and no
13 part of any working day may be accumulated by the employer for
14 future work assignments, unless the employee agrees thereto.

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

22 (f) Custodians, aides, maintenance, office and school lunch
23 employees required to work a daily work schedule that is
24 interrupted, that is, who do not work a continuous period in one
25 day, shall be paid additional compensation equal to at least one

1 eighth of their total salary as provided by their state minimum
2 salary and any county pay supplement, and payable entirely from
3 county funds: *Provided*, That when engaged in duties of
4 transporting students exclusively, aides ~~shall~~ are not ~~be~~ regarded
5 as working an interrupted schedule. Maintenance personnel are
6 defined as personnel who hold a classification title other than in
7 a custodial, aide, school lunch, office or transportation category
8 as provided in section one, article one of this chapter.

9 (g) Upon the change in classification or upon meeting the
10 requirements of an advanced classification of or by any employee,
11 the employee's salary shall be made to comply with the requirements
12 of this article, and to any county salary schedule in excess of the
13 minimum requirements of this article, based upon the employee's
14 advanced classification and allowable years of employment.

15 (h) An employee's contract as provided in section five,
16 article two of this chapter shall state the appropriate monthly
17 salary the employee is to be paid, based on the class title as
18 provided in this article and any county salary schedule in excess
19 of the minimum requirements of this article.

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

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

1 (2) "Years of employment" means the number of years which an
2 employee classified as service personnel has been employed by a
3 board in any position ~~prior to~~ before or subsequent to the
4 effective date of this section and including service in the Armed
5 Forces of the United States, if the employee were employed at the
6 time of his or her induction. For the purpose of section eight-a
7 of this article, years of employment ~~shall be~~ are limited to the
8 number of years shown and allowed under the state minimum pay scale
9 as set forth in section eight-a of this article;

10 (3) "Class title" means the name of the position or job held
11 by service personnel;

12 (4) "Accountant I" means personnel employed to maintain
13 payroll records and reports and perform one or more operations
14 relating to a phase of the total payroll;

15 (5) "Accountant II" means personnel employed to maintain
16 accounting records and to be responsible for the accounting process
17 associated with billing, budgets, purchasing and related
18 operations;

19 (6) "Accountant III" means personnel who are employed in the
20 county board office to manage and supervise accounts payable and/or
21 payroll procedures;

22 (7) "Accounts payable supervisor" means personnel who are
23 employed in the county board office who have primary responsibility
24 for the accounts payable function, which may include the
25 supervision of other personnel, and who have either completed

1 twelve college hours of accounting courses from an accredited
2 institution of higher education or have at least eight years of
3 experience performing progressively difficult accounting tasks;

4 (8) "Aide I" means those personnel selected and trained for
5 teacher-aide classifications such as monitor aide, clerical aide,
6 classroom aide or general aide;

7 (9) "Aide II" means those personnel referred to in the "Aide
8 I" classification who have completed a training program approved by
9 the state board, or who hold a high school diploma or have received
10 a general educational development certificate. Only personnel
11 classified in an Aide II class title may be employed as an aide in
12 any special education program;

13 (10) "Aide III" means those personnel referred to in the "Aide
14 I" classification who hold a high school diploma or a general
15 educational development certificate and have completed six semester
16 hours of college credit at an institution of higher education or
17 are employed as an aide in a special education program and have one
18 year's experience as an aide in special education;

19 (11) "Aide IV" means personnel referred to in the "Aide I"
20 classification who hold a high school diploma or a general
21 educational development certificate and who have completed eighteen
22 hours of state board-approved college credit at a regionally
23 accredited institution of higher education, or who have completed
24 fifteen hours of state board-approved college credit at a
25 regionally accredited institution of higher education and

1 successfully completed an in-service training program determined by
2 the state board to be the equivalent of three hours of college
3 credit;

4 (12) "Audiovisual technician" means personnel employed to
5 perform minor maintenance on audiovisual equipment, films, supplies
6 and the filling of requests for equipment;

7 (13) "Auditor" means personnel employed to examine and verify
8 accounts of individual schools and to assist schools and school
9 personnel in maintaining complete and accurate records of their
10 accounts;

11 (14) "Autism mentor" means personnel who work with autistic
12 students and who meet standards and experience to be determined by
13 the state board: *Provided*, That if any employee has held or holds
14 an aide title and becomes employed as an autism mentor, the
15 employee shall hold a multiclassification status that includes aide
16 and autism mentor titles, in accordance with section eight-b of
17 this article;

18 (15) "Braille or sign language specialist" means personnel
19 employed to provide braille and/or sign language assistance to
20 students: *Provided*, That if any employee has held or holds an aide
21 title and becomes employed as a braille or sign language
22 specialist, the employee shall hold a multiclassification status
23 that includes aide and braille or sign language specialist title,
24 in accordance with section eight-b of this article;

1 (16) "Bus operator I" means personnel employed to operate
2 school buses and other school transportation vehicles as provided
3 by the state board;

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

8 (18) "Bus operator III" means personnel employed to operate
9 school buses and other school transportation vehicles as provided
10 by the State Board of Education, who have served in a position
11 which meets the definition of "Bus operator I" or "Bus operator II"
12 for twenty years;

13 ~~(17)~~ (19) "Buyer" means personnel employed to review and write
14 specifications, negotiate purchase bids and recommend purchase
15 agreements for materials and services that meet predetermined
16 specifications at the lowest available costs;

17 ~~(18)~~ (20) "Cabinetmaker" means personnel employed to construct
18 cabinets, tables, bookcases and other furniture;

19 ~~(19)~~ (21) "Cafeteria manager" means personnel employed to
20 direct the operation of a food services program in a school,
21 including assigning duties to employees, approving requisitions for
22 supplies and repairs, keeping inventories, inspecting areas to
23 maintain high standards of sanitation, preparing financial reports
24 and keeping records pertinent to food services of a school;

1 ~~(20)~~ (22) "Carpenter I" means personnel classified as a
2 carpenter's helper;

3 ~~(21)~~ (23) "Carpenter II" means personnel classified as a
4 journeyman carpenter;

5 ~~(22)~~ (24) "Chief mechanic" means personnel employed to be
6 responsible for directing activities which ensure that student
7 transportation or other board-owned vehicles are properly and
8 safely maintained;

9 ~~(23)~~ (25) "Clerk I" means personnel employed to perform
10 clerical tasks;

11 ~~(24)~~ (26) "Clerk II" means personnel employed to perform
12 general clerical tasks, prepare reports and tabulations and operate
13 office machines;

14 ~~(25)~~ (27) "Computer operator" means qualified personnel
15 employed to operate computers;

16 ~~(26)~~ (28) "Cook I" means personnel employed as a cook's
17 helper;

18 ~~(27)~~ (29) "Cook II" means personnel employed to interpret
19 menus, to prepare and serve meals in a food service program of a
20 school and shall include personnel who have been employed as a
21 "Cook I" for a period of four years, if the personnel have not been
22 elevated to this classification within that period of time;

23 ~~(28)~~ (30) "Cook III" means personnel employed to prepare and
24 serve meals, make reports, prepare requisitions for supplies, order

1 equipment and repairs for a food service program of a school
2 system;

3 ~~(29)~~ (31) "Crew leader" means personnel employed to organize
4 the work for a crew of maintenance employees to carry out assigned
5 projects;

6 ~~(30)~~ (32) "Custodian I" means personnel employed to keep
7 buildings clean and free of refuse;

8 ~~(31)~~ (33) "Custodian II" means personnel employed as a
9 watchman or groundsman;

10 ~~(32)~~ (34) "Custodian III" means personnel employed to keep
11 buildings clean and free of refuse, to operate the heating or
12 cooling systems and to make minor repairs;

13 ~~(33)~~ (35) "Custodian IV" means personnel employed as head
14 custodians. In addition to providing services as defined in
15 "custodian III," their duties may include supervising other
16 custodian personnel;

17 ~~(34)~~ (36) "Director or coordinator of services" means
18 personnel who are assigned to direct a department or division.
19 Nothing in this subdivision may prohibit professional personnel or
20 professional educators as defined in section one, article one of
21 this chapter, from holding this class title, but professional
22 personnel may not be defined or classified as service personnel
23 unless the professional personnel held a service personnel title
24 under this section prior to holding class title of "director or
25 coordinator of services." Directors or coordinators of service

1 positions shall be classified as either a professional personnel or
2 service personnel position for state aid formula funding purposes
3 and funding for directors or coordinators of service positions
4 shall be based upon the employment status of the director or
5 coordinator either as a professional personnel or service
6 personnel;

7 ~~(35)~~ (37) "Draftsman" means personnel employed to plan, design
8 and produce detailed architectural/engineering drawings;

9 ~~(36)~~ (38) "Electrician I" means personnel employed as an
10 apprentice electrician helper or who holds an electrician helper
11 license issued by the State Fire Marshal;

12 ~~(37)~~ (39) "Electrician II" means personnel employed as an
13 electrician journeyman or who holds a journeyman electrician
14 license issued by the State Fire Marshal;

15 ~~(38)~~ (40) "Electronic technician I" means personnel employed
16 at the apprentice level to repair and maintain electronic
17 equipment;

18 ~~(39)~~ (41) "Electronic technician II" means personnel employed
19 at the journeyman level to repair and maintain electronic
20 equipment;

21 ~~(40)~~ (42) "Executive secretary" means personnel employed as
22 the county school superintendent's secretary or as a secretary who
23 is assigned to a position characterized by significant
24 administrative duties;

1 ~~(41)~~ (43) "Food services supervisor" means qualified personnel
2 not defined as professional personnel or professional educators in
3 section one, article one of this chapter, employed to manage and
4 supervise a county school system's food service program. The
5 duties would include preparing in-service training programs for
6 cooks and food service employees, instructing personnel in the
7 areas of quantity cooking with economy and efficiency and keeping
8 aggregate records and reports;

9 ~~(42)~~ (44) "Foremen" means skilled persons employed for
10 supervision of personnel who work in the areas of repair and
11 maintenance of school property and equipment;

12 ~~(43)~~ (45) "General maintenance" means personnel employed as
13 helpers to skilled maintenance employees and to perform minor
14 repairs to equipment and buildings of a county school system;

15 ~~(44)~~ (46) "Glazier" means personnel employed to replace glass
16 or other materials in windows and doors and to do minor carpentry
17 tasks;

18 ~~(45)~~ (47) "Graphic artist" means personnel employed to prepare
19 graphic illustrations;

20 ~~(46)~~ (48) "Groundsmen" means personnel employed to perform
21 duties that relate to the appearance, repair and general care of
22 school grounds in a county school system. Additional assignments
23 may include the operation of a small heating plant and routine
24 cleaning duties in buildings;

1 ~~(47)~~ (49) "Handyman" means personnel employed to perform
2 routine manual tasks in any operation of the county school system;

3 ~~(48)~~ (50) "Heating and air conditioning mechanic I" means
4 personnel employed at the apprentice level to install, repair and
5 maintain heating and air conditioning plants and related electrical
6 equipment;

7 ~~(49)~~ (51) "Heating and air conditioning mechanic II" means
8 personnel employed at the journeyman level to install, repair and
9 maintain heating and air conditioning plants and related electrical
10 equipment;

11 ~~(50)~~ (52) "Heavy equipment operator" means personnel employed
12 to operate heavy equipment;

13 ~~(51)~~ (53) "Inventory supervisor" means personnel who are
14 employed to supervise or maintain operations in the receipt,
15 storage, inventory and issuance of materials and supplies;

16 ~~(52)~~ (54) "Key punch operator" means qualified personnel
17 employed to operate key punch machines or verifying machines;

18 ~~(53)~~ (55) "Locksmith" means personnel employed to repair and
19 maintain locks and safes;

20 ~~(54)~~ (56) "Lubrication man" means personnel employed to
21 lubricate and service gasoline or diesel-powered equipment of a
22 county school system;

23 ~~(55)~~ (57) "Machinist" means personnel employed to perform
24 machinist tasks which include the ability to operate a lathe,

1 planer, shaper, threading machine and wheel press. These personnel
2 should also have, the ability to work from blueprints and drawings;

3 ~~(56)~~ (58) "Mail clerk" means personnel employed to receive,
4 sort, dispatch, deliver or otherwise handle letters, parcels and
5 other mail;

6 ~~(57)~~ (59) "Maintenance clerk" means personnel employed to
7 maintain and control a stocking facility to keep adequate tools and
8 supplies on hand for daily withdrawal for all school maintenance
9 crafts;

10 ~~(58)~~ (60) "Mason" means personnel employed to perform tasks
11 connected with brick and block laying and carpentry tasks related
12 to such laying;

13 ~~(59)~~ (61) "Mechanic" means personnel employed who can
14 independently perform skilled duties in the maintenance and repair
15 of automobiles, school buses and other mechanical and mobile
16 equipment to use in a county school system;

17 ~~(60)~~ (62) "Mechanic assistant" means personnel employed as a
18 mechanic apprentice and helper;

19 ~~(61)~~ (63) "Multiclassification" means personnel employed to
20 perform tasks that involve the combination of two or more class
21 titles in this section. In these instances the minimum salary
22 scale shall be the higher pay grade of the class titles involved;

23 ~~(62)~~ (64) "Office equipment repairman I" means personnel
24 employed as an office equipment repairman apprentice or helper;

1 ~~(63)~~ (65) "Office equipment repairman II" means personnel
2 responsible for servicing and repairing all office machines and
3 equipment. Personnel are responsible for parts being purchased
4 necessary for the proper operation of a program of continuous
5 maintenance and repair;

6 ~~(64)~~ (66) "Painter" means personnel employed to perform duties
7 of painting, finishing and decorating of wood, metal and concrete
8 surfaces of buildings, other structures, equipment, machinery and
9 furnishings of a county school system;

10 ~~(65)~~ (67) "Paraprofessional" means a person certified pursuant
11 to section two-a, article three of this chapter to perform duties
12 in a support capacity including, but not limited to, facilitating
13 in the instruction and direct or indirect supervision of pupils
14 under the direction of a principal, a teacher or another designated
15 professional educator: *Provided*, That no person employed on the
16 effective date of this section in the position of an aide may be
17 reduced in force or transferred to create a vacancy for the
18 employment of a paraprofessional: *Provided, however*, That if any
19 employee has held or holds an aide title and becomes employed as a
20 paraprofessional, the employee shall hold a multiclassification
21 status that includes aide and paraprofessional titles in accordance
22 with section eight-b of this article: *Provided further*, That once
23 an employee who holds an aide title becomes certified as a
24 paraprofessional and is required to perform duties that may not be

1 performed by an aide without paraprofessional certification, he or
2 she shall receive the paraprofessional title pay grade;

3 ~~(66)~~ (68) "Payroll supervisor" means personnel who are
4 employed in the county board office who have primary responsibility
5 for the payroll function, which may include the supervision of
6 other personnel, and who have either completed twelve college hours
7 of accounting from an accredited institution of higher education or
8 have at least eight years of experience performing progressively
9 difficult accounting tasks;

10 ~~(67)~~ (69) "Plumber I" means personnel employed as an
11 apprentice plumber and helper;

12 ~~(68)~~ (70) "Plumber II" means personnel employed as a
13 journeyman plumber;

14 ~~(69)~~ (71) "Printing operator" means personnel employed to
15 operate duplication equipment, and as required, to cut, collate,
16 staple, bind and shelve materials;

17 ~~(70)~~ (72) "Printing supervisor" means personnel employed to
18 supervise the operation of a print shop;

19 ~~(71)~~ (73) "Programmer" means personnel employed to design and
20 prepare programs for computer operation;

21 ~~(72)~~ (74) "Roofing/sheet metal mechanic" means personnel
22 employed to install, repair, fabricate and maintain roofs, gutters,
23 flashing and duct work for heating and ventilation;

24 ~~(73)~~ (75) "Sanitation plant operator" means personnel employed
25 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 ~~(74)~~ (76) "School bus supervisor" means qualified personnel
4 employed to assist in selecting school bus operators and routing
5 and scheduling of school buses, operate a bus when needed, relay
6 instructions to bus operators, plan emergency routing of buses and
7 promoting good relationships with parents, pupils, bus operators
8 and other employees;

9 ~~(75)~~ (77) "Secretary I" means personnel employed to transcribe
10 from notes or mechanical equipment, receive callers, perform
11 clerical tasks, prepare reports and operate office machines;

12 ~~(76)~~ (78) "Secretary II" means personnel employed in any
13 elementary, secondary, kindergarten, nursery, special education,
14 vocational or any other school as a secretary. The duties may
15 include performing general clerical tasks, transcribing from notes
16 or stenotype or mechanical equipment or a sound-producing machine,
17 preparing reports, receiving callers and referring them to proper
18 persons, operating office machines, keeping records and handling
19 routine correspondence. There is nothing implied in this
20 subdivision that would prevent the employees from holding or being
21 elevated to a higher classification;

22 ~~(77)~~ (79) "Secretary III" means personnel assigned to the
23 county board office administrators in charge of various
24 instructional, maintenance, transportation, food services,
25 operations and health departments, federal programs or departments

1 with particular responsibilities of purchasing and financial
2 control or any personnel who have served in a position which meets
3 the definition of "secretary II" or "secretary III" in this section
4 for eight years;

5 ~~(78)~~ (80) "Supervisor of maintenance" means skilled personnel
6 not defined as professional personnel or professional educators as
7 in section one, article one of this chapter. The responsibilities
8 would include directing the upkeep of buildings and shops, issuing
9 instructions to subordinates relating to cleaning, repairs and
10 maintenance of all structures and mechanical and electrical
11 equipment of a board;

12 ~~(79)~~ (81) "Supervisor of transportation" means qualified
13 personnel employed to direct school transportation activities,
14 properly and safely, and to supervise the maintenance and repair of
15 vehicles, buses and other mechanical and mobile equipment used by
16 the county school system;

17 ~~(80)~~ (82) "Switchboard operator-receptionist" means personnel
18 employed to refer incoming calls, to assume contact with the
19 public, to direct and to give instructions as necessary, to operate
20 switchboard equipment and to provide clerical assistance;

21 ~~(81)~~ (83) "Truck driver" means personnel employed to operate
22 light or heavy duty gasoline and diesel-powered vehicles;

23 ~~(82)~~ (84) "Warehouse clerk" means personnel employed to be
24 responsible for receiving, storing, packing and shipping goods;

1 ~~(83)~~ (85) "Watchman" means personnel employed to protect
2 school property against damage or theft. Additional assignments
3 may include operation of a small heating plant and routine cleaning
4 duties; ~~and~~

5 ~~(84)~~ (86) "Welder" means personnel employed to provide
6 acetylene or electric welding services for a school system; and

7 ~~(85)~~ (87) "WVEIS data entry and administrative clerk" means
8 personnel employed to work under the direction of a school
9 principal to assist the school counselor or counselors in the
10 performance of administrative duties, to perform data entry tasks
11 on the West Virginia education information system, and to perform
12 other administrative duties assigned by the principal.

13 (j) In addition to the compensation provided ~~for~~ in section
14 eight-a of this article, for service personnel, each service
15 employee is, notwithstanding any provisions in this code to the
16 contrary, entitled to all service personnel employee rights,
17 privileges and benefits provided under this or any other chapter of
18 this code without regard to the employee's hours of employment or
19 the methods or sources of compensation.

20 (k) Service personnel whose years of employment exceed the
21 number of years shown and provided for under the state minimum pay
22 scale set forth in section eight-a of this article may not be paid
23 less than the amount shown for the maximum years of employment
24 shown and provided for in the classification in which he or she is
25 employed.

1 (1) The county boards shall review each service personnel
2 employee job classification annually and shall reclassify all
3 service employees as required by the job classifications. The
4 State Superintendent of Schools may withhold state funds
5 appropriated pursuant to this article for salaries for service
6 personnel who are improperly classified by the county boards.
7 Further, the State Superintendent shall order county boards to
8 correct immediately any improper classification matter and with the
9 assistance of the Attorney General shall take any legal action
10 necessary against any county board to enforce the order.

11 (m) No service employee, without his or her written consent,
12 may be reclassified by class title, nor may a service employee,
13 without his or her written consent, be relegated to any condition
14 of employment which would result in a reduction of his or her
15 salary, rate of pay, compensation or benefits earned during the
16 current fiscal year or which would result in a reduction of his or
17 her salary, rate of pay, compensation or benefits for which he or
18 she would qualify by continuing in the same job position and
19 classification held during that fiscal year and subsequent years.

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

25 (o) Notwithstanding any provisions in this code to the

1 contrary, service personnel who hold a continuing contract in a
2 specific job classification and who are physically unable to
3 perform the job's duties as confirmed by a physician chosen by the
4 employee shall be given priority status over any employee not
5 holding a continuing contract in filling other service personnel
6 job vacancies if qualified as provided in section eight-e of this
7 article.

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

9

10 (a) The minimum monthly pay for each service employee whose
11 employment is for a period of more than three and one-half hours a
12 day shall be at least the amounts indicated in the "state minimum
13 pay scale pay grade I" and the minimum monthly pay for each service
14 employee whose employment is for a period of three and one-half
15 hours or less a day shall be at least one-half the amount indicated
16 in the "state minimum pay scale pay grade I" set forth in this
17 section. ~~Beginning the first day of July, two thousand two,~~ The
18 minimum monthly pay for each service employee whose employment is
19 for a period of more than three and one-half hours a day shall be
20 at least the amounts indicated in the "state minimum pay scale pay
21 grade II" and the minimum monthly pay for each service employee
22 whose employment is for a period of three and one-half hours or
23 less a day shall be at least one-half the amount indicated in the
24 "state minimum pay scale pay grade II" set forth in this section.

25 Effective July 1, 2011, through June 30, 2012, each service
26 employee shall receive the amount prescribed in the 2009-2010 State

1 Minimum Salary Schedule as set forth in this section, specific
 2 additional amounts prescribed in this section or article and any
 3 county supplement in effect in a county pursuant to section five-a
 4 of this article during the contract year.

5 Effective the July 1, 2012, through June 30, 2013, each
 6 service employee shall receive the amount prescribed in the
 7 2010-2011 State Minimum Pay Scale as set forth in this section,
 8 specific additional amounts prescribed in this section or article
 9 and any county supplement in effect in a county pursuant to section
 10 five-a of this article during the contract year.

11 Effective July 1, 2013, and thereafter, each service employee
 12 shall receive the amount prescribed in the 2011-12 State Minimum
 13 Pay Scale as set forth in this section, specific additional amounts
 14 prescribed in this section or article and any county supplement in
 15 effect in a county pursuant to section five-a of this article
 16 during the contract year.

17

18

19

| 20 | A | B | C | D | E | F | G | H | |
|----|----|-------|-------|-------|-------|-------|-------|-------|-------|
| 21 | 0 | 1,577 | 1,598 | 1,639 | 1,691 | 1,743 | 1,805 | 1,836 | 1,908 |
| 22 | 1 | 1,609 | 1,630 | 1,671 | 1,723 | 1,775 | 1,837 | 1,868 | 1,940 |
| 23 | 2 | 1,641 | 1,662 | 1,703 | 1,755 | 1,807 | 1,869 | 1,900 | 1,972 |
| 24 | 3 | 1,673 | 1,694 | 1,735 | 1,787 | 1,839 | 1,901 | 1,932 | 2,004 |
| 25 | 4 | 1,705 | 1,726 | 1,767 | 1,819 | 1,871 | 1,933 | 1,964 | 2,037 |
| 26 | 5 | 1,737 | 1,758 | 1,799 | 1,851 | 1,903 | 1,965 | 1,996 | 2,069 |
| 27 | 6 | 1,769 | 1,790 | 1,832 | 1,883 | 1,935 | 1,997 | 2,028 | 2,101 |
| 28 | 7 | 1,802 | 1,822 | 1,864 | 1,915 | 1,967 | 2,029 | 2,060 | 2,133 |
| 29 | 8 | 1,834 | 1,854 | 1,896 | 1,947 | 1,999 | 2,061 | 2,092 | 2,165 |
| 30 | 9 | 1,866 | 1,886 | 1,928 | 1,980 | 2,031 | 2,093 | 2,124 | 2,197 |
| 31 | 10 | 1,898 | 1,919 | 1,960 | 2,012 | 2,063 | 2,126 | 2,157 | 2,229 |

| | | | | | | | | | |
|----|----|-------|-------|-------|-------|-------|-------|-------|-------|
| 1 | 11 | 1,930 | 1,951 | 1,992 | 2,044 | 2,095 | 2,158 | 2,189 | 2,261 |
| 2 | 12 | 1,962 | 1,983 | 2,024 | 2,076 | 2,128 | 2,190 | 2,221 | 2,293 |
| 3 | 13 | 1,994 | 2,015 | 2,056 | 2,108 | 2,160 | 2,222 | 2,253 | 2,325 |
| 4 | 14 | 2,026 | 2,047 | 2,088 | 2,140 | 2,192 | 2,254 | 2,285 | 2,357 |
| 5 | 15 | 2,058 | 2,079 | 2,120 | 2,172 | 2,224 | 2,286 | 2,317 | 2,389 |
| 6 | 16 | 2,090 | 2,111 | 2,152 | 2,204 | 2,256 | 2,318 | 2,349 | 2,422 |
| 7 | 17 | 2,122 | 2,143 | 2,185 | 2,236 | 2,288 | 2,350 | 2,381 | 2,454 |
| 8 | 18 | 2,154 | 2,175 | 2,217 | 2,268 | 2,320 | 2,382 | 2,413 | 2,486 |
| 9 | 19 | 2,187 | 2,207 | 2,249 | 2,300 | 2,352 | 2,414 | 2,445 | 2,518 |
| 10 | 20 | 2,219 | 2,239 | 2,281 | 2,333 | 2,384 | 2,446 | 2,477 | 2,550 |
| 11 | 21 | 2,251 | 2,271 | 2,313 | 2,365 | 2,416 | 2,478 | 2,509 | 2,582 |
| 12 | 22 | 2,283 | 2,304 | 2,345 | 2,397 | 2,448 | 2,511 | 2,542 | 2,614 |
| 13 | 23 | 2,315 | 2,336 | 2,377 | 2,429 | 2,481 | 2,543 | 2,574 | 2,646 |
| 14 | 24 | 2,347 | 2,368 | 2,409 | 2,461 | 2,513 | 2,575 | 2,606 | 2,678 |
| 15 | 25 | 2,379 | 2,400 | 2,441 | 2,493 | 2,545 | 2,607 | 2,638 | 2,710 |
| 16 | 26 | 2,411 | 2,432 | 2,473 | 2,525 | 2,577 | 2,639 | 2,670 | 2,742 |
| 17 | 27 | 2,443 | 2,464 | 2,505 | 2,557 | 2,609 | 2,671 | 2,702 | 2,774 |
| 18 | 28 | 2,475 | 2,496 | 2,537 | 2,589 | 2,641 | 2,703 | 2,734 | 2,807 |
| 19 | 29 | 2,507 | 2,528 | 2,570 | 2,621 | 2,673 | 2,735 | 2,766 | 2,839 |
| 20 | 30 | 2,540 | 2,560 | 2,602 | 2,653 | 2,705 | 2,767 | 2,798 | 2,871 |
| 21 | 31 | 2,572 | 2,592 | 2,634 | 2,685 | 2,737 | 2,799 | 2,830 | 2,903 |
| 22 | 32 | 2,604 | 2,624 | 2,666 | 2,718 | 2,769 | 2,831 | 2,862 | 2,935 |
| 23 | 33 | 2,636 | 2,656 | 2,698 | 2,750 | 2,801 | 2,863 | 2,895 | 2,967 |
| 24 | 34 | 2,668 | 2,689 | 2,730 | 2,782 | 2,833 | 2,896 | 2,927 | 2,999 |
| 25 | 35 | 2,700 | 2,721 | 2,762 | 2,814 | 2,866 | 2,928 | 2,959 | 3,031 |
| 26 | 36 | 2,732 | 2,753 | 2,794 | 2,846 | 2,898 | 2,960 | 2,991 | 3,063 |
| 27 | 37 | 2,764 | 2,785 | 2,826 | 2,878 | 2,930 | 2,992 | 3,023 | 3,095 |
| 28 | 38 | 2,796 | 2,817 | 2,858 | 2,910 | 2,962 | 3,024 | 3,055 | 3,127 |
| 29 | 39 | 2,828 | 2,849 | 2,890 | 2,942 | 2,994 | 3,056 | 3,087 | 3,159 |
| 30 | 40 | 2,860 | 2,881 | 2,922 | 2,974 | 3,026 | 3,088 | 3,119 | 3,192 |

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| 2010-1 | A | B | C | D | E | F | G | H | |
|---------------|----------|----------|----------|----------|----------|----------|----------|----------|------|
| 134 | | | | | | | | | |
| 35 | 0 | 1656 | 1678 | 1721 | 1776 | 1830 | 1895 | 1928 | 2003 |
| 36 | 1 | 1689 | 1712 | 1755 | 1809 | 1864 | 1929 | 1961 | 2037 |
| 37 | 2 | 1723 | 1745 | 1788 | 1843 | 1897 | 1962 | 1995 | 2071 |
| 38 | 3 | 1757 | 1779 | 1822 | 1876 | 1931 | 1996 | 2029 | 2104 |
| 39 | 4 | 1790 | 1812 | 1855 | 1910 | 1965 | 2030 | 2062 | 2139 |
| 40 | 5 | 1824 | 1846 | 1889 | 1944 | 1998 | 2063 | 2096 | 2172 |
| 41 | 6 | 1857 | 1880 | 1924 | 1977 | 2032 | 2097 | 2129 | 2206 |
| 42 | 7 | 1892 | 1913 | 1957 | 2011 | 2065 | 2130 | 2163 | 2240 |
| 43 | 8 | 1926 | 1947 | 1991 | 2044 | 2099 | 2164 | 2197 | 2273 |
| 44 | 9 | 1959 | 1980 | 2024 | 2079 | 2133 | 2198 | 2230 | 2307 |
| 45 | 10 | 1993 | 2015 | 2058 | 2113 | 2166 | 2232 | 2265 | 2340 |

| | | | | | | | | | |
|----|----|------|------|------|------|------|------|------|------|
| 1 | 11 | 2027 | 2049 | 2092 | 2146 | 2200 | 2266 | 2298 | 2374 |
| 2 | 12 | 2060 | 2082 | 2125 | 2180 | 2234 | 2300 | 2332 | 2408 |
| 3 | 13 | 2094 | 2116 | 2159 | 2213 | 2268 | 2333 | 2366 | 2441 |
| 4 | 14 | 2127 | 2149 | 2192 | 2247 | 2302 | 2367 | 2399 | 2475 |
| 5 | 15 | 2161 | 2183 | 2226 | 2281 | 2335 | 2400 | 2433 | 2508 |
| 6 | 16 | 2195 | 2217 | 2260 | 2314 | 2369 | 2434 | 2466 | 2543 |
| 7 | 17 | 2228 | 2250 | 2294 | 2348 | 2402 | 2468 | 2500 | 2577 |
| 8 | 18 | 2262 | 2284 | 2328 | 2381 | 2436 | 2501 | 2534 | 2610 |
| 9 | 19 | 2296 | 2317 | 2361 | 2415 | 2470 | 2535 | 2567 | 2644 |
| 10 | 20 | 2330 | 2351 | 2395 | 2450 | 2503 | 2568 | 2601 | 2678 |
| 11 | 21 | 2364 | 2385 | 2429 | 2483 | 2537 | 2602 | 2634 | 2711 |
| 12 | 22 | 2397 | 2419 | 2462 | 2517 | 2570 | 2637 | 2669 | 2745 |
| 13 | 23 | 2431 | 2453 | 2496 | 2550 | 2605 | 2670 | 2703 | 2778 |
| 14 | 24 | 2464 | 2486 | 2529 | 2584 | 2639 | 2704 | 2736 | 2812 |
| 15 | 25 | 2498 | 2520 | 2563 | 2618 | 2672 | 2737 | 2770 | 2846 |
| 16 | 26 | 2532 | 2554 | 2597 | 2651 | 2706 | 2771 | 2804 | 2879 |
| 17 | 27 | 2565 | 2587 | 2630 | 2685 | 2739 | 2805 | 2837 | 2913 |
| 18 | 28 | 2599 | 2621 | 2664 | 2718 | 2773 | 2838 | 2871 | 2947 |
| 19 | 29 | 2632 | 2654 | 2699 | 2752 | 2807 | 2872 | 2904 | 2981 |
| 20 | 30 | 2667 | 2688 | 2732 | 2786 | 2840 | 2905 | 2938 | 3015 |
| 21 | 31 | 2701 | 2722 | 2766 | 2819 | 2874 | 2939 | 2972 | 3048 |
| 22 | 32 | 2734 | 2755 | 2799 | 2854 | 2907 | 2973 | 3005 | 3082 |
| 23 | 33 | 2768 | 2789 | 2833 | 2888 | 2941 | 3006 | 3040 | 3115 |
| 24 | 34 | 2801 | 2823 | 2867 | 2921 | 2975 | 3041 | 3073 | 3149 |
| 25 | 35 | 2835 | 2857 | 2900 | 2955 | 3009 | 3074 | 3107 | 3183 |
| 26 | 36 | 2869 | 2891 | 2934 | 2988 | 3043 | 3108 | 3141 | 3216 |
| 27 | 37 | 2902 | 2924 | 2967 | 3022 | 3077 | 3142 | 3174 | 3250 |
| 28 | 38 | 2936 | 2958 | 3001 | 3056 | 3110 | 3175 | 3208 | 3283 |
| 29 | 39 | 2969 | 2991 | 3035 | 3089 | 3144 | 3209 | 3241 | 3317 |
| 30 | 40 | 3003 | 3025 | 3068 | 3123 | 3177 | 3242 | 3275 | 3352 |

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| 2011-1 | A | B | C | D | E | F | G | H | |
|--------|---|------|------|------|------|------|------|------|------|
| 238 | | | | | | | | | |
| 39 | 0 | 1739 | 1762 | 1807 | 1864 | 1922 | 1990 | 2024 | 2104 |
| 40 | 1 | 1774 | 1797 | 1842 | 1900 | 1957 | 2025 | 2059 | 2139 |

| | | | | | | | | | |
|----|----|------|------|------|------|------|------|------|------|
| 1 | 2 | 1809 | 1832 | 1878 | 1935 | 1992 | 2061 | 2095 | 2174 |
| 2 | 3 | 1844 | 1868 | 1913 | 1970 | 2027 | 2096 | 2130 | 2209 |
| 3 | 4 | 1880 | 1903 | 1948 | 2005 | 2063 | 2131 | 2165 | 2246 |
| 4 | 5 | 1915 | 1938 | 1983 | 2041 | 2098 | 2166 | 2201 | 2281 |
| 5 | 6 | 1950 | 1973 | 2020 | 2076 | 2133 | 2202 | 2236 | 2316 |
| 6 | 7 | 1987 | 2009 | 2055 | 2111 | 2169 | 2237 | 2271 | 2352 |
| 7 | 8 | 2022 | 2044 | 2090 | 2147 | 2204 | 2272 | 2306 | 2387 |
| 8 | 9 | 2057 | 2079 | 2126 | 2183 | 2239 | 2308 | 2342 | 2422 |
| 9 | 10 | 2093 | 2116 | 2161 | 2218 | 2274 | 2344 | 2378 | 2457 |
| 10 | 11 | 2128 | 2151 | 2196 | 2254 | 2310 | 2379 | 2413 | 2493 |
| 11 | 12 | 2163 | 2186 | 2231 | 2289 | 2346 | 2414 | 2449 | 2528 |
| 12 | 13 | 2198 | 2222 | 2267 | 2324 | 2381 | 2450 | 2484 | 2563 |
| 13 | 14 | 2234 | 2257 | 2302 | 2359 | 2417 | 2485 | 2519 | 2599 |
| 14 | 15 | 2269 | 2292 | 2337 | 2395 | 2452 | 2520 | 2554 | 2634 |
| 15 | 16 | 2304 | 2327 | 2373 | 2430 | 2487 | 2556 | 2590 | 2670 |
| 16 | 17 | 2340 | 2363 | 2409 | 2465 | 2523 | 2591 | 2625 | 2706 |
| 17 | 18 | 2375 | 2398 | 2444 | 2500 | 2558 | 2626 | 2660 | 2741 |
| 18 | 19 | 2411 | 2433 | 2480 | 2536 | 2593 | 2661 | 2696 | 2776 |
| 19 | 20 | 2446 | 2468 | 2515 | 2572 | 2628 | 2697 | 2731 | 2811 |
| 20 | 21 | 2482 | 2504 | 2550 | 2607 | 2664 | 2732 | 2766 | 2847 |
| 21 | 22 | 2517 | 2540 | 2585 | 2643 | 2699 | 2768 | 2803 | 2882 |
| 22 | 23 | 2552 | 2575 | 2621 | 2678 | 2735 | 2804 | 2838 | 2917 |
| 23 | 24 | 2588 | 2611 | 2656 | 2713 | 2771 | 2839 | 2873 | 2952 |
| 24 | 25 | 2623 | 2646 | 2691 | 2749 | 2806 | 2874 | 2908 | 2988 |
| 25 | 26 | 2658 | 2681 | 2726 | 2784 | 2841 | 2909 | 2944 | 3023 |
| 26 | 27 | 2693 | 2717 | 2762 | 2819 | 2876 | 2945 | 2979 | 3058 |
| 27 | 28 | 2729 | 2752 | 2797 | 2854 | 2912 | 2980 | 3014 | 3095 |
| 28 | 29 | 2764 | 2787 | 2833 | 2890 | 2947 | 3015 | 3050 | 3130 |
| 29 | 30 | 2800 | 2822 | 2869 | 2925 | 2982 | 3051 | 3085 | 3165 |
| 30 | 31 | 2836 | 2858 | 2904 | 2960 | 3018 | 3086 | 3120 | 3201 |
| 31 | 32 | 2871 | 2893 | 2939 | 2997 | 3053 | 3121 | 3155 | 3236 |
| 32 | 33 | 2906 | 2928 | 2975 | 3032 | 3088 | 3156 | 3192 | 3271 |
| 33 | 34 | 2941 | 2965 | 3010 | 3067 | 3123 | 3193 | 3227 | 3306 |
| 34 | 35 | 2977 | 3000 | 3045 | 3102 | 3160 | 3228 | 3262 | 3342 |
| 35 | 36 | 3012 | 3035 | 3080 | 3138 | 3195 | 3263 | 3298 | 3377 |
| 36 | 37 | 3047 | 3070 | 3116 | 3173 | 3230 | 3299 | 3333 | 3412 |
| 37 | 38 | 3083 | 3106 | 3151 | 3208 | 3266 | 3334 | 3368 | 3448 |
| 38 | 39 | 3118 | 3141 | 3186 | 3244 | 3301 | 3369 | 3403 | 3483 |
| 39 | 40 | 3153 | 3176 | 3222 | 3279 | 3336 | 3405 | 3439 | 3519 |

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| | | | | | | | | | |
|---------------|----------|----------|----------|----------|----------|----------|----------|----------|------|
| 2012-1 | A | B | C | D | E | F | G | H | |
| 344 | | | | | | | | | |
| 45 | 0 | 1826 | 1850 | 1897 | 1958 | 2018 | 2090 | 2125 | 2209 |

| | | | | | | | | | |
|----|----|------|------|------|------|------|------|------|------|
| 1 | 1 | 1863 | 1887 | 1934 | 1995 | 2055 | 2127 | 2162 | 2246 |
| 2 | 2 | 1900 | 1924 | 1971 | 2032 | 2092 | 2164 | 2199 | 2283 |
| 3 | 3 | 1937 | 1961 | 2008 | 2069 | 2129 | 2201 | 2237 | 2320 |
| 4 | 4 | 1974 | 1998 | 2046 | 2106 | 2166 | 2238 | 2274 | 2358 |
| 5 | 5 | 2011 | 2035 | 2083 | 2143 | 2203 | 2275 | 2311 | 2395 |
| 6 | 6 | 2048 | 2072 | 2121 | 2180 | 2240 | 2312 | 2348 | 2432 |
| 7 | 7 | 2086 | 2109 | 2158 | 2217 | 2277 | 2349 | 2385 | 2469 |
| 8 | 8 | 2123 | 2146 | 2195 | 2254 | 2314 | 2386 | 2422 | 2506 |
| 9 | 9 | 2160 | 2183 | 2232 | 2292 | 2351 | 2423 | 2459 | 2543 |
| 10 | 10 | 2197 | 2221 | 2269 | 2329 | 2388 | 2461 | 2497 | 2580 |
| 11 | 11 | 2234 | 2259 | 2306 | 2366 | 2425 | 2498 | 2534 | 2617 |
| 12 | 12 | 2271 | 2296 | 2343 | 2403 | 2463 | 2535 | 2571 | 2654 |
| 13 | 13 | 2308 | 2333 | 2380 | 2440 | 2500 | 2572 | 2608 | 2691 |
| 14 | 14 | 2345 | 2370 | 2417 | 2477 | 2538 | 2609 | 2645 | 2729 |
| 15 | 15 | 2382 | 2407 | 2454 | 2514 | 2575 | 2646 | 2682 | 2766 |
| 16 | 16 | 2419 | 2444 | 2491 | 2551 | 2612 | 2683 | 2719 | 2804 |
| 17 | 17 | 2456 | 2481 | 2529 | 2588 | 2649 | 2720 | 2756 | 2841 |
| 18 | 18 | 2494 | 2518 | 2566 | 2625 | 2686 | 2757 | 2793 | 2878 |
| 19 | 19 | 2532 | 2555 | 2603 | 2663 | 2723 | 2795 | 2830 | 2915 |
| 20 | 20 | 2569 | 2592 | 2641 | 2701 | 2760 | 2832 | 2867 | 2952 |
| 21 | 21 | 2606 | 2629 | 2678 | 2738 | 2797 | 2869 | 2904 | 2989 |
| 22 | 22 | 2643 | 2667 | 2715 | 2775 | 2834 | 2907 | 2943 | 3026 |
| 23 | 23 | 2680 | 2704 | 2752 | 2812 | 2872 | 2944 | 2980 | 3063 |
| 24 | 24 | 2717 | 2741 | 2789 | 2849 | 2909 | 2981 | 3017 | 3100 |
| 25 | 25 | 2754 | 2778 | 2826 | 2886 | 2946 | 3018 | 3054 | 3137 |
| 26 | 26 | 2791 | 2815 | 2863 | 2923 | 2983 | 3055 | 3091 | 3174 |
| 27 | 27 | 2828 | 2852 | 2900 | 2960 | 3020 | 3092 | 3128 | 3211 |
| 28 | 28 | 2865 | 2889 | 2937 | 2997 | 3057 | 3129 | 3165 | 3249 |
| 29 | 29 | 2902 | 2926 | 2975 | 3034 | 3094 | 3166 | 3202 | 3286 |
| 30 | 30 | 2940 | 2964 | 3012 | 3071 | 3131 | 3203 | 3239 | 3324 |
| 31 | 31 | 2977 | 3001 | 3049 | 3108 | 3168 | 3240 | 3276 | 3361 |
| 32 | 32 | 3014 | 3038 | 3086 | 3146 | 3205 | 3277 | 3313 | 3398 |
| 33 | 33 | 3051 | 3075 | 3123 | 3183 | 3243 | 3314 | 3351 | 3435 |
| 34 | 34 | 3089 | 3113 | 3160 | 3221 | 3280 | 3352 | 3388 | 3472 |
| 35 | 35 | 3126 | 3150 | 3197 | 3258 | 3318 | 3390 | 3425 | 3509 |
| 36 | 36 | 3163 | 3187 | 3234 | 3295 | 3355 | 3427 | 3462 | 3546 |
| 37 | 37 | 3200 | 3224 | 3271 | 3332 | 3392 | 3464 | 3500 | 3583 |
| 38 | 38 | 3237 | 3261 | 3308 | 3369 | 3429 | 3501 | 3537 | 3620 |
| 39 | 39 | 3274 | 3298 | 3346 | 3406 | 3466 | 3538 | 3574 | 3657 |
| 40 | 40 | 3311 | 3335 | 3383 | 3443 | 3503 | 3575 | 3611 | 3695 |

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STATE MINIMUM PAY SCALE PAY GRADE II

| | | |
|----|--|-----------------------|
| 1 | | |
| 2 | CLASS TITLE | PAY GRADE |
| 3 | Accountant I. | D |
| 4 | Accountant II.. . . . | E |
| 5 | Accountant II <u>III</u> | 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.. . . . | E |
| 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 <u>E</u> |
| 21 | Carpenter I.. . . . | E |
| 22 | Carpenter II. | F |
| 23 | Chief Mechanic. | G |
| 24 | Clerk I.. . . . | B |
| 25 | Clerk II. | C |

| | | |
|----|---|-----------------------|
| 1 | Computer Operator.. | E |
| 2 | Cook I. | A <u>B</u> |
| 3 | Cook II.. | B <u>C</u> |
| 4 | Cook III. | C <u>D</u> |
| 5 | Crew Leader.. | F |
| 6 | Custodian I.. | A <u>B</u> |
| 7 | Custodian II. | B <u>C</u> |
| 8 | Custodian III.. | C <u>D</u> |
| 9 | Custodian IV. | D <u>E</u> |
| 10 | Director or Coordinator of Services.. | H |
| 11 | Draftsman.. | D |
| 12 | Electrician I.. | F |
| 13 | Electrician II. | G |
| 14 | Electronic Technician I.. | F |
| 15 | Electronic Technician II. | G |
| 16 | Executive Secretary.. | G |
| 17 | Food Services Supervisor. | G |
| 18 | Foreman.. | G |
| 19 | General Maintenance.. | C |
| 20 | Glazier.. | D |
| 21 | Graphic Artist. | D |
| 22 | Groundsman. | B |
| 23 | Handyman. | B |
| 24 | Heating and Air Conditioning Mechanic I.. | E |
| 25 | Heating and Air Conditioning Mechanic II. | G |

| | | |
|----|---------------------------------------|---|
| 1 | Heavy Equipment Operator. | E |
| 2 | Inventory Supervisor. | D |
| 3 | Key Punch Operator. | B |
| 4 | Licensed Practical Nurse. | F |
| 5 | Locksmith.. . . . | G |
| 6 | Lubrication Man.. . . . | C |
| 7 | Machinist.. . . . | F |
| 8 | Mail Clerk. | D |
| 9 | Maintenance Clerk.. . . . | C |
| 10 | Mason.. . . . | G |
| 11 | Mechanic. | F |
| 12 | Mechanic Assistant. | E |
| 13 | Office Equipment Repairman I. | F |
| 14 | Office Equipment Repairman II.. . . . | G |
| 15 | Painter.. . . . | E |
| 16 | Paraprofessional. | F |
| 17 | Payroll Supervisor. | G |
| 18 | Plumber I.. . . . | E |
| 19 | Plumber II. | G |
| 20 | Printing Operator.. . . . | B |
| 21 | Printing Supervisor.. . . . | D |
| 22 | Programmer. | H |
| 23 | Roofing/Sheet Metal Mechanic. | F |
| 24 | Sanitation Plant Operator.. . . . | F |
| 25 | School Bus Supervisor.. . . . | E |

| | | |
|----|---|---|
| 1 | Secretary I.. | D |
| 2 | Secretary II.. | E |
| 3 | Secretary III.. | F |
| 4 | Supervisor of Maintenance.. | H |
| 5 | Supervisor of Transportation. | H |
| 6 | Switchboard Operator-Receptionist.. | D |
| 7 | Truck Driver. | D |
| 8 | Warehouse Clerk.. | C |
| 9 | Watchman. | B |
| 10 | Welder. | F |
| 11 | WVEIS Data Entry and Administrative Clerk.. | B |

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

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

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

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

24 (3) A service employee who holds thirty-six college hours or
25 comparable credit obtained in a trade or vocational school as

1 approved by the state board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (f) When any part of a school service employee's daily shift
18 of work is performed between the hours of six o'clock p.m. and five
19 o'clock a.m. the following day, the employee shall be paid no less
20 than an additional \$10 per month and one half of the pay shall be
21 paid with local funds.

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

25 (h) Any full-time service personnel required to work in excess

1 of their normal working day during any week which contains a school
2 holiday for which they are paid shall be paid for the additional
3 hours or fraction of the additional hours at a rate of one and
4 one-half times their usual hourly rate and paid entirely from
5 county board funds.

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

11 (j) The minimum hourly rate of pay for extra duty assignments
12 as defined in section eight-b of this article shall be no less than
13 one seventh of the employee's daily total salary for each hour the
14 employee is involved in performing the assignment and paid entirely
15 from local funds: *Provided*, That an alternative minimum hourly
16 rate of pay for performing extra duty assignments within a
17 particular category of employment may be used if the alternate
18 hourly rate of pay is approved both by the county board and by the
19 affirmative vote of a two-thirds majority of the regular full-time
20 employees within that classification category of employment within
21 that county: *Provided, however*, That the vote shall be by secret
22 ballot if requested by a service personnel employee within that
23 classification category within that county. The salary for any
24 fraction of an hour the employee is involved in performing the
25 assignment shall be prorated accordingly. When performing extra

1 duty assignments, employees who are regularly employed on a
2 one-half day salary basis shall receive the same hourly extra duty
3 assignment pay computed as though the employee were employed on a
4 full-day salary basis.

5 (k) The minimum pay for any service personnel employees
6 engaged in the removal of asbestos material or related duties
7 required for asbestos removal shall be their regular total daily
8 rate of pay and no less than an additional \$3 per hour or no less
9 than \$5 per hour for service personnel supervising asbestos removal
10 responsibilities for each hour these employees are involved in
11 asbestos related duties. Related duties required for asbestos
12 removal include, but are not limited to, travel, preparation of the
13 work site, removal of asbestos decontamination of the work site,
14 placing and removal of equipment and removal of structures from the
15 site. If any member of an asbestos crew is engaged in asbestos
16 related duties outside of the employee's regular employment county,
17 the daily rate of pay shall be no less than the minimum amount as
18 established in the employee's regular employment county for
19 asbestos removal and an additional \$30 per each day the employee is
20 engaged in asbestos removal and related duties. The additional pay
21 for asbestos removal and related duties shall be payable entirely
22 from county funds. Before service personnel employees may be used
23 in the removal of asbestos material or related duties, they shall
24 have completed a federal Environmental Protection Act approved
25 training program and be licensed. The employer shall provide all

1 necessary protective equipment and maintain all records required by
2 the Environmental Protection Act.

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

15 **§18A-4-8b. Seniority rights for school service personnel.**

16 (a) A county board shall make decisions affecting promotions
17 and the filling of any service personnel positions of employment or
18 jobs occurring throughout the school year that are to be performed
19 by service personnel as provided in section eight of this article,
20 on the basis of seniority, qualifications and evaluation of past
21 service.

22 (b) Qualifications means the applicant holds a classification
23 title in his or her category of employment as provided in this
24 section and is given first opportunity for promotion and filling
25 vacancies. Other employees then shall be considered and shall

1 qualify by meeting the definition of the job title that relates to
2 the promotion or vacancy, as defined in section eight of this
3 article. If requested by the employee, the county board shall show
4 valid cause why a service person with the most seniority is not
5 promoted or employed in the position for which he or she applies.

6 Qualified applicants shall be considered in the following order:

7 (1) Regularly employed service personnel who hold a
8 classification title within the classification category of the
9 vacancy;

10 (2) Service personnel who have held a classification title
11 within the classification category of the vacancy whose employment
12 has been discontinued in accordance with this section;

13 (3) Regularly employed service personnel who do not hold a
14 classification title within the classification category of vacancy;

15 (4) Service personnel who have not held a classification title
16 within the classification category of the vacancy and whose
17 employment has been discontinued in accordance with this section;

18 (5) Substitute service personnel who hold a classification
19 title within the classification category of the vacancy;

20 (6) Substitute service personnel who do not hold a
21 classification title within the classification category of the
22 vacancy; and

23 (7) New service personnel.

24 (c) The county board may not prohibit a service person from
25 retaining or continuing his or her employment in any positions or

1 jobs held ~~prior to~~ before the effective date of this section and
2 thereafter.

3 (d) A promotion means any change in employment that the
4 service person considers to improve his or her working circumstance
5 within the classification category of employment.

6 (1) A promotion includes a transfer to another classification
7 category or place of employment if the position is not filled by an
8 employee who holds a title within that classification category of
9 employment.

10 (2) Each class title listed in section eight of this article
11 is considered a separate classification category of employment for
12 service personnel, except for those class titles having Roman
13 numeral designations, which are considered a single classification
14 of employment:

15 (A) The cafeteria manager class title is included in the same
16 classification category as cooks;

17 (B) The executive secretary class title is included in the
18 same classification category as secretaries;

19 (C) Paraprofessional, autism mentor and braille or sign
20 language specialist class titles are included in the same
21 classification category as aides; and

22 (D) The mechanic assistant and chief mechanic class titles are
23 included in the same classification category as mechanics.

1 (3) The assignment of an aide to a particular position within
2 a school is based on seniority within the aide classification
3 category if the aide is qualified for the position.

4 (4) Assignment of a custodian to work shifts in a school or
5 work site is based on seniority within the custodian classification
6 category.

7 (e) For purposes of determining seniority under this section
8 a service person's seniority begins on the date that he or she
9 enters into the assigned duties.

10 (f) *Extra-duty assignments.* --

11 (1) For the purpose of this section, "extra-duty assignment"
12 means an irregular job that occurs periodically or occasionally
13 such as, but not limited to, field trips, athletic events, proms,
14 banquets and band festival trips.

15 (2) Notwithstanding any other provisions of this chapter to
16 the contrary, decisions affecting service personnel with respect to
17 extra-duty assignments are made in the following manner:

18 (A) A service person with the greatest length of service time
19 in a particular category of employment is given priority in
20 accepting extra duty assignments, followed by other fellow
21 employees on a rotating basis according to the length of their
22 service time until all employees have had an opportunity to perform
23 similar assignments. The cycle then is repeated.

24 (B) An alternative procedure for making extra-duty assignments
25 within a particular classification category of employment may be

1 used if the alternative procedure is approved both by the county
2 board and by an affirmative vote of two thirds of the employees
3 within that classification category of employment.

4 (g) County boards shall post and date notices of all job
5 vacancies of existing or newly created positions in conspicuous
6 places for all school service personnel to observe for at least
7 five working days.

8 (1) Posting locations include any website maintained by or
9 available for the use of the county board.

10 (2) Notice of a job vacancy shall include the job description,
11 the period of employment, the amount of pay and any benefits and
12 other information that is helpful to prospective applicants to
13 understand the particulars of the job. Job postings for vacancies
14 made pursuant to this section shall be written to ensure that the
15 largest possible pool of qualified applicants may apply. Job
16 postings may not require criteria which are not necessary for the
17 successful performance of the job and may not be written with the
18 intent to favor a specific applicant.

19 (3) After the five-day minimum posting period, all vacancies
20 shall be filled within twenty working days from the posting date
21 notice of any job vacancies of existing or newly created positions.

22 (4) The county board shall notify any person who has applied
23 for a job posted pursuant to this section of the status of his or
24 her application as soon as possible after the county board makes a
25 hiring decision regarding the posted position.

1 (h) All decisions by county boards concerning reduction in
2 work force of service personnel shall be made on the basis of
3 seniority, as provided in this section.

4 (i) The seniority of a service person is determined on the
5 basis of the length of time the employee has been employed by the
6 county board within a particular job classification: Provided,
7 That a service personnel who transfers from one job classification
8 to another job classification shall retain the amount of seniority
9 the service personnel held at the time of transfer for the purposes
10 of bidding on a job in the previously held job classification and
11 any reduction in force. For the purpose of establishing seniority
12 for a preferred recall list as provided in this section, a service
13 person who has been employed in one or more classifications retains
14 the seniority accrued in each previous classification.

15 (j) If a county board is required to reduce the number of
16 service personnel within a particular job classification, the
17 ~~following conditions apply:~~

18 ~~(1) The~~ employee with the least amount of seniority within
19 that classification or grades of classification is properly
20 released and employed in a different grade of that classification
21 if there is a job vacancy: Provided, That a service personnel who
22 transfers from one job classification to another job classification
23 shall retain the amount of seniority the service personnel held at
24 the time of transfer for the purposes of bidding on a job in the
25 previously held job classification and any reduction in force.

1 ~~(2) If there is no job vacancy for employment within that~~
2 ~~classification or grades of classification, the service person is~~
3 ~~employed in any other job classification which he or she previously~~
4 ~~held with the county board if there is a vacancy and retains any~~
5 ~~seniority accrued in the job classification or grade of~~
6 ~~classification.~~

7 (k) After a reduction in force or transfer is approved, but
8 prior to August 1, a county board in its sole and exclusive
9 judgment may determine that the reason for any particular reduction
10 in force or transfer no longer exists.

11 (1) If the board makes this determination, it shall rescind
12 the reduction in force or transfer and notify the affected employee
13 in writing of the right to be restored to his or her former
14 position of employment.

15 (2) The affected employee shall notify the county board of his
16 or her intent to return to the former position of employment within
17 five days of being notified or lose the right to be restored to the
18 former position.

19 (3) The county board may not rescind the reduction in force of
20 an employee until all service personnel with more seniority in the
21 classification category on the preferred recall list have been
22 offered the opportunity for recall to regular employment as
23 provided in this section.

24 (4) If there are insufficient vacant positions to permit
25 reemployment of all more senior employees on the preferred recall

1 list within the classification category of the service person who
2 was subject to reduction in force, the position of the released
3 service person shall be posted and filled in accordance with this
4 section.

5 (l) If two or more service persons accumulate identical
6 seniority, the priority is determined by a random selection system
7 established by the employees and approved by the county board.

8 (m) All service personnel whose seniority with the county
9 board is insufficient to allow their retention by the county board
10 during a reduction in work force are placed upon a preferred recall
11 list and shall be recalled to employment by the county board on the
12 basis of seniority.

13 (n) A service person placed upon the preferred recall list
14 shall be recalled to any position openings by the county board
15 within the classification(s) where he or she had previously been
16 employed, to any lateral position for which the service person is
17 qualified or to a lateral area for which a service person has
18 certification and/or licensure.

19 (o) A service person on the preferred recall list does not
20 forfeit the right to recall by the county board if compelling
21 reasons require him or her to refuse an offer of reemployment by
22 the county board.

23 (p) The county board shall notify all service personnel on the
24 preferred recall list of all position openings that exist from time
25 to time. The notice shall be sent by certified mail to the last

1 known address of the service person. Each service person shall
2 notify the county board of any change of address.

3 (q) No position openings may be filled by the county board,
4 whether temporary or permanent, until all service personnel on the
5 preferred recall list have been properly notified of existing
6 vacancies and have been given an opportunity to accept
7 reemployment.

8 (r) A service person released from employment for lack of need
9 as provided in sections six and eight-a, article two of this
10 chapter is accorded preferred recall status on July 1 of the
11 succeeding school year if he or she has not been reemployed as a
12 regular employee.

13 (s) A county board failing to comply with the provisions of
14 this article may be compelled to do so by mandamus and is liable to
15 any party prevailing against the board for court costs and the
16 prevailing party's reasonable attorney fee, as determined and
17 established by the court.

18 (1) A service person denied promotion or employment in
19 violation of this section shall be awarded the job, pay and any
20 applicable benefits retroactively to the date of the violation and
21 shall be paid entirely from local funds.

22 (2) The county board is liable to any party prevailing against
23 the board for any court reporter costs including copies of
24 transcripts.

NOTE: The purpose of this bill is to increase service personnel salaries by five percent for each of the next three years and to rectify inequities in the salary schedule and pay grades for service personnel by upgrading the pay grade of cooks and custodians and adding pay grades to the bus operator classification. The bill also clarifies when aides should be considered supervisory employees for purposes of receiving pay at a higher pay grade and provides 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 and to allow service personnel to retain their seniority for purposes of reduction in force when they move from one classification to another.

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