

COMMITTEE SUBSTITUTE

FOR

H. B. 2470

(BY DELEGATE POLING, M.)

(Originating in the Committee on Finance)

[March 29, 2013]

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

payment of and continuing education credit accrual for certain certification acquisition.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 18. EDUCATION.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

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

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

11 accordance with standards prescribed or approved by the state
12 board.

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

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

27 (d) The county board annually shall make available during
28 normal working hours to all regularly employed teachers' aides
29 twelve hours of training that satisfies the continuing education
30 requirements for the aides regarding:

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

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

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

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

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

49 (1) Any educational sign language interpreter I or II assigned
50 to assist that student is a related service provider member of the

51 education team who participates in IEP meetings and works with
52 the team to implement the IEP;

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

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

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.

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

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

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

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

13 (c) A school bus operator who is currently employed by a
14 county board of education or who is otherwise subject to state
15 board rules governing school bus operators and who is diagnosed

16 with diabetes mellitus requiring insulin is not ineligible for
17 employment as a school bus operator because of the diagnosis if
18 the operator is issued a passenger endorsement for his or her
19 commercial driver license through the intrastate waiver program
20 pertaining to diabetes of the West Virginia Division of Motor
21 Vehicles, subject to the following:

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

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

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

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

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

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

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

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

54 ~~(e)~~ (g) Compliance with or failure to comply by a health care
55 provider licensed and authorized pursuant to chapter thirty of
56 this code, with the reporting requirements of the Division of

57 Motor Vehicles regarding the provisions of subsection (c) of this
58 section does not constitute negligence, nor may compliance or
59 noncompliance with the requirements of this section be
60 admissible as evidence of negligence in any civil or criminal
61 action.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

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

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

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

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

14 ~~shall be~~ are paid for additional employment at a daily rate of not
15 less than the daily rate paid for the two hundred-day minimum
16 employment term.

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

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

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

32 (1) A maintenance person means a person who holds a
33 classification title other than in a custodial, aide, school lunch,

34 office or transportation category as provided in section one,
35 article one of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

114 (B) Has completed fifteen hours of State Board-approved
115 college credit at a regionally accredited institution of higher

116 education; and has successfully completed an in-service training
117 program determined by the State Board to be the equivalent of
118 three hours of college credit;

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

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

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

133 (15) “Braille ~~or sign language~~ specialist” means a person
134 employed to provide braille ~~and/or sign language~~ assistance to
135 students. A service person who has held or holds an aide title and

136 becomes employed as a braille ~~or sign language~~ specialist shall
137 hold a multiclassification status that includes both aide and
138 braille ~~or sign language~~ specialist title, in accordance with
139 section eight-b of this article;

140 (16) “Bus operator” means a person employed to operate
141 school buses and other school transportation vehicles as
142 provided by the state board;

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

147 (18) “Cabinetmaker” means a person employed to construct
148 cabinets, tables, bookcases and other furniture;

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

155 (20) “Carpenter I” means a person classified as a carpenter’s
156 helper;

157 (21) "Carpenter II" means a person classified as a
158 journeyman carpenter;

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

163 (23) "Clerk I" means a person employed to perform clerical
164 tasks,

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

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

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

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

175 (28) "Cook III" means a person employed to prepare and
176 serve meals, make reports, prepare requisitions for supplies,

177 order equipment and repairs for a food service program of a
178 school system;

179 (29) “Crew leader” means a person employed to organize the
180 work for a crew of maintenance employees to carry out assigned
181 projects;

182 (30) “Custodian I” means a person employed to keep
183 buildings clean and free of refuse;

184 (31) “Custodian II” means a person employed as a watchman
185 or groundsman;

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

189 (33) “Custodian IV” means a person employed as a head
190 ~~custodians~~ custodian. In addition to providing services as defined
191 in “Custodian III” duties may include supervising other
192 custodian personnel;

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

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

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

202 (C) The director or coordinator of services ~~shall be~~ is
203 classified either as a professional person or a service person for
204 state aid formula funding purposes;

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

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

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

216 (36) “Early Childhood Classroom Assistant Teacher -
217 Temporary Authorization” means a person who does not possess

218 minimum requirements for the permanent authorization
219 requirements, but is enrolled in and pursuing requirements;

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

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

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

237 (40) “Educational Sign Language Interpreter II” means a
238 person employed to provide communication access across all

239 educational environments to students who are deaf or hard of
240 hearing, and who holds the Permanent Paraprofessional
241 Certificate – Educational Interpreter pursuant to state board
242 policy;

243 ~~(36)~~ (41) “Electrician I” means a person employed as an
244 apprentice electrician helper or one who holds an electrician
245 helper license issued by the State Fire Marshal;

246 ~~(37)~~ (42) “Electrician II” means a person employed as an
247 electrician journeyman or one who holds a journeyman
248 electrician license issued by the State Fire Marshal;

249 ~~(38)~~ (43) “Electronic technician I” means a person employed
250 at the apprentice level to repair and maintain electronic
251 equipment;

252 ~~(39)~~ (44) “Electronic technician II” means a person
253 employed at the journeyman level to repair and maintain
254 electronic equipment;

255 ~~(40)~~ (45) “Executive secretary” means a person employed as
256 secretary to the county school superintendent or as a secretary
257 who is assigned to a position characterized by significant
258 administrative duties;

259 ~~(41)~~ (46) “Food services supervisor” means a qualified
260 person who is not a professional person or professional educator
261 as defined in section one, article one of this chapter. The food
262 services supervisor is employed to manage and supervise a
263 county school system’s food service program. The duties include
264 preparing in-service training programs for cooks and food
265 service employees, instructing personnel in the areas of quantity
266 cooking with economy and efficiency and keeping aggregate
267 records and reports;

268 ~~(42)~~ (47) “Foreman” means a skilled person employed to
269 supervise personnel who work in the areas of repair and
270 maintenance of school property and equipment;

271 ~~(43)~~ (48) “General maintenance” means a person employed
272 as a helper to skilled maintenance employees, and to perform
273 minor repairs to equipment and buildings of a county school
274 system;

275 ~~(44)~~ (49) “Glazier” means a person employed to replace
276 glass or other materials in windows and doors and to do minor
277 carpentry tasks;

278 ~~(45)~~ (50) “Graphic artist” means a person employed to
279 prepare graphic illustrations;

280 ~~(46)~~ (51) “Groundsman” means a person employed to
281 perform duties that relate to the appearance, repair and general
282 care of school grounds in a county school system. Additional
283 assignments may include the operation of a small heating plant
284 and routine cleaning duties in buildings;

285 ~~(47)~~ (52) “Handyman” means a person employed to perform
286 routine manual tasks in any operation of the county school
287 system;

288 ~~(48)~~ (53) “Heating and air conditioning mechanic I” means
289 a person employed at the apprentice level to install, repair and
290 maintain heating and air conditioning plants and related
291 electrical equipment;

292 ~~(49)~~ (54) “Heating and air conditioning mechanic II” means
293 a person employed at the journeyman level to install, repair and
294 maintain heating and air conditioning plants and related
295 electrical equipment;

296 ~~(50)~~ (55) “Heavy equipment operator” means a person
297 employed to operate heavy equipment;

298 ~~(51)~~ (56) “Inventory supervisor” means a person employed
299 to supervise or maintain operations in the receipt, storage,
300 inventory and issuance of materials and supplies;

301 ~~(52)~~ (57) “Key punch operator” means a qualified person
302 employed to operate key punch machines or verifying machines;

303 ~~(53)~~ (58) “Licensed practical nurse” means a nurse, licensed
304 by the West Virginia Board of Examiners for Licensed Practical
305 Nurses, employed to work in a public school under the
306 supervision of a school nurse;

307 ~~(54)~~ (59) “Locksmith” means a person employed to repair
308 and maintain locks and safes;

309 ~~(55)~~ (60) “Lubrication man” means a person employed to
310 lubricate and service gasoline or diesel-powered equipment of a
311 county school system;

312 ~~(56)~~ (61) “Machinist” means a person employed to perform
313 machinist tasks which include the ability to operate a lathe,
314 planer, shaper, threading machine and wheel press. A person
315 holding this class title also should have the ability to work from
316 blueprints and drawings;

317 ~~(57)~~ (62) “Mail clerk” means a person employed to receive,
318 sort, dispatch, deliver or otherwise handle letters, parcels and
319 other mail;

320 ~~(58)~~ (63) “Maintenance clerk” means a person employed to
321 maintain and control a stocking facility to keep adequate tools

322 and supplies on hand for daily withdrawal for all school
323 maintenance crafts;

324 ~~(59)~~ (64) “Mason” means a person employed to perform
325 tasks connected with brick and block laying and carpentry tasks
326 related to these activities;

327 ~~(60)~~ (65) “Mechanic” means a person employed to perform
328 skilled duties independently in the maintenance and repair of
329 automobiles, school buses and other mechanical and mobile
330 equipment to use in a county school system;

331 ~~(61)~~ (66) “Mechanic assistant” means a person employed as
332 a mechanic apprentice and helper;

333 ~~(62)~~ (67) “Multiclassification” means a person employed to
334 perform tasks that involve the combination of two or more class
335 titles in this section. In these instances the minimum salary scale
336 ~~shall be~~ is the higher pay grade of the class titles involved;

337 ~~(63)~~ (68) “Office equipment repairman I” means a person
338 employed as an office equipment repairman apprentice or helper;

339 ~~(64)~~ (69) “Office equipment repairman II” means a person
340 responsible for servicing and repairing all office machines and
341 equipment. A person holding this class title is responsible for the

342 purchase of parts necessary for the proper operation of a
343 program of continuous maintenance and repair;

344 ~~(65)~~ (70) “Painter” means a person employed to perform
345 duties painting, finishing and decorating wood, metal and
346 concrete surfaces of buildings, other structures, equipment,
347 machinery and furnishings of a county school system;

348 ~~(66)~~ (71) “Paraprofessional” means a person certified
349 pursuant to section two-a, article three of this chapter to perform
350 duties in a support capacity including, but not limited to,
351 facilitating in the instruction and direct or indirect supervision of
352 students under the direction of a principal, a teacher or another
353 designated professional educator.

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

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

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

368 ~~(67)~~ (72) “Payroll supervisor” means a person employed in
369 the county board office who has primary responsibility for the
370 payroll function and who either has completed twelve college
371 hours of accounting from an accredited institution of higher
372 education or has at least eight years of experience performing
373 progressively difficult accounting tasks. Responsibilities of this
374 class title may include supervision of other personnel;

375 ~~(68)~~ (73) “Plumber I” means a person employed as an
376 apprentice plumber and helper;

377 ~~(69)~~ (74) “Plumber II” means a person employed as a
378 journeyman plumber;

379 ~~(70)~~ (75) “Printing operator” means a person employed to
380 operate duplication equipment, and to cut, collate, staple, bind
381 and shelve materials as required;

382 ~~(71)~~ (76) “Printing supervisor” means a person employed to
383 supervise the operation of a print shop;

384 ~~(72)~~ (77) “Programmer” means a person employed to design
385 and prepare programs for computer operation;

386 ~~(73)~~ (78) “Roofing/sheet metal mechanic” means a person
387 employed to install, repair, fabricate and maintain roofs, gutters,
388 flashing and duct work for heating and ventilation;

389 ~~(74)~~ (79) “Sanitation plant operator” means a person
390 employed to operate and maintain a water or sewage treatment
391 plant to ensure the safety of the plant’s effluent for human
392 consumption or environmental protection;

393 ~~(75)~~ (80) “School bus supervisor” means a qualified person:

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

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

401 ~~(76)~~ (81) “Secretary I” means a person employed to
402 transcribe from notes or mechanical equipment, receive callers,
403 perform clerical tasks, prepare reports and operate office
404 machines;

405 ~~(77)~~ (82) “Secretary II” means a person employed in any
406 elementary, secondary, kindergarten, nursery, special education,
407 vocational, or any other school as a secretary. The duties may
408 include performing general clerical tasks; transcribing from
409 notes; stenotype, mechanical equipment or a sound-producing
410 machine; preparing reports; receiving callers and referring them
411 to proper persons; operating office machines; keeping records
412 and handling routine correspondence. Nothing in this subdivision
413 prevents a service person from holding or being elevated to a
414 higher classification;

415 ~~(78)~~ (83) “Secretary III” means a person assigned to the
416 county board office administrators in charge of various
417 instructional, maintenance, transportation, food services,
418 operations and health departments, federal programs or
419 departments with particular responsibilities in purchasing and
420 financial control or any person who has served for eight years in
421 a position which meets the definition of “secretary II” or
422 “secretary III”;

423 ~~(79)~~ (84) “Sign Support Specialist” means a person
424 employed to provide sign supported speech assistance to

425 students who are able to access environments through audition.

426 A person who has held or holds an aide title and becomes

427 employed as a sign support specialist shall hold a

428 multi-classification status that includes both aide and sign

429 support specialist titles, in accordance with section eight-b of

430 this article.

431 ~~(79)~~ (85) “Supervisor of maintenance” means a skilled

432 person who is not a professional person or professional educator

433 as defined in section one, article one of this chapter. The

434 responsibilities include directing the upkeep of buildings and

435 shops, and issuing instructions to subordinates relating to

436 cleaning, repairs and maintenance of all structures and

437 mechanical and electrical equipment of a county board;

438 ~~(80)~~ (86) “Supervisor of transportation” means a qualified

439 person employed to direct school transportation activities

440 properly and safely, and to supervise the maintenance and repair

441 of vehicles, buses and other mechanical and mobile equipment

442 used by the county school system. After July 1, 2010, all persons

443 employed for the first time in a position with this classification

444 title or in a multi-classification position that includes this title

445 shall have five years of experience working in the transportation
446 department of a county board. Experience working in the
447 transportation department ~~shall consist~~ consists of serving as a
448 bus operator, bus aide, assistant mechanic, mechanic, chief
449 mechanic or in a clerical position within the transportation
450 department;

451 ~~(81)~~ (87) “Switchboard operator-receptionist” means a
452 person employed to refer incoming calls, to assume contact with
453 the public, to direct and to give instructions as necessary, to
454 operate switchboard equipment and to provide clerical
455 assistance;

456 ~~(82)~~ (88) “Truck driver” means a person employed to
457 operate light or heavy duty gasoline and diesel-powered
458 vehicles;

459 ~~(83)~~ (89) “Warehouse clerk” means a person employed to be
460 responsible for receiving, storing, packing and shipping goods;
461 ~~and~~

462 ~~(84)~~ (90) “Watchman” means a person employed to protect
463 school property against damage or theft. Additional assignments
464 may include operation of a small heating plant and routine
465 cleaning duties;

466 (85) (91) “Welder” means a person employed to provide
467 acetylene or electric welding services for a school system; and

468 (86) (92) “WVEIS data entry and administrative clerk”
469 means a person employed to work under the direction of a school
470 principal to assist the school counselor or counselors in the
471 performance of administrative duties, to perform data entry tasks
472 on the West Virginia Education Information System, and to
473 perform other administrative duties assigned by the principal.

474 (87) ~~“Early Childhood Classroom Assistant Teacher =~~
475 ~~Temporary Authorization” means a person who does not possess~~
476 ~~minimum requirements for the permanent authorization~~
477 ~~requirements, but is enrolled in and pursuing requirements;~~

478 (88) ~~“Early Childhood Classroom Assistant Teacher =~~
479 ~~Permanent Authorization” means a person who has completed~~
480 ~~the minimum requirements for a state-awarded certificate for~~
481 ~~early childhood classroom assistant teachers that meet or exceed~~
482 ~~the requirements for a child development associate. Equivalency~~
483 ~~for the West Virginia Department of Education will be~~
484 ~~determined as the child development associate or the West~~
485 ~~Virginia Apprenticeship for Child Development Specialists; and~~

486 ~~(89) “Early Childhood Classroom Assistant Teacher =~~
487 ~~Paraprofessional Certificate” means a person who has completed~~
488 ~~permanent authorization requirements, as well as additional~~
489 ~~requirements comparable to current paraprofessional certificate~~

490 (j) Notwithstanding any provision in this code to the
491 contrary, and in addition to the compensation provided for
492 service personnel in section eight-a of this article, each service
493 person is entitled to all service personnel employee rights,
494 privileges and benefits provided under this or any other chapter
495 of this code without regard to the employee’s hours of
496 employment or the methods or sources of compensation.

497 (k) A service person whose years of employment exceeds the
498 number of years shown and provided for under the state
499 minimum pay scale set forth in section eight-a of this article may
500 not be paid less than the amount shown for the maximum years
501 of employment shown and provided for in the classification in
502 which he or she is employed.

503 (l) Each county board shall review each service person’s job
504 classification annually and shall reclassify all service persons as
505 required by the job classifications. The state superintendent may

506 withhold state funds appropriated pursuant to this article for
507 salaries for service personnel who are improperly classified by
508 the county boards. Further, the state superintendent shall order
509 a county board to correct immediately any improper
510 classification matter and, with the assistance of the Attorney
511 General, shall take any legal action necessary against any county
512 board to enforce the order.

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

515 (1) Reclassified by class title; or

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

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

527 (o) Notwithstanding any provision of this code to the
528 contrary, a service person who holds a continuing contract in a
529 specific job classification and who is physically unable to
530 perform the job's duties as confirmed by a physician chosen by
531 the employee, shall be given priority status over any employee
532 not holding a continuing contract in filling other service
533 personnel job vacancies if the service person is qualified as
534 provided in section eight-e of this article.

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

539 (q) Without the written consent of the service person, a
540 county board may not establish the beginning work station for a
541 bus operator or transportation aide at any site other than a county
542 board-owned facility with available parking. The workday of the
543 bus operator or transportation aide commences at the bus at the
544 designated beginning work station and ends when the employee
545 is able to leave the bus at the designated beginning work station,
546 unless he or she agrees otherwise in writing. The application or

547 acceptance of a posted position may not be construed as the
548 written consent referred to in this subsection.

549 (r) Itinerant status means a service person who does not have
550 a fixed work site and may be involuntarily reassigned to another
551 work site. A service person is considered to hold itinerant status
552 if he or she has bid upon a position posted as itinerant or has
553 agreed to accept this status. A county board may establish
554 positions with itinerant status only within the aide and autism
555 mentor classification categories and only when the job duties
556 involve exceptional students. A service person with itinerant
557 status may be assigned to a different work site upon written
558 notice ten days prior to the reassignment without the consent of
559 the employee and without posting the vacancy. A service person
560 with itinerant status may be involuntarily reassigned no more
561 than twice during the school year. At the conclusion of each
562 school year, the county board shall post and fill, pursuant to
563 section eight-b of this article, all positions that have been filled
564 without posting by a service person with itinerant status. A
565 service person who is assigned to a beginning and ending work
566 site and travels at the expense of the county board to other work

567 sites during the daily schedule, ~~shall not be~~ is not considered to
568 hold itinerant status.

569 (s) Any service person holding a classification title on June
570 30, 2013, that is removed from the classification schedule
571 pursuant to amendment and reenactment of this section in the
572 year 2013, has his or her employment contract revised as
573 follows:

574 (1) Any service person holding the Braille or Sign Language
575 Specialist classification title has that classification title renamed
576 on his or her employment contract as either Braille Specialist or
577 Sign Support Specialist. This action does not result in a loss or
578 reduction of salary or supplement by any employee. Any
579 seniority earned in the Braille or Sign Language Specialist
580 classification prior to July 1, 2013, continues to be credited as
581 seniority earned in the Braille Specialist or Sign Support
582 Specialist classification;

583 (2) Any service person holding the Paraprofessional
584 classification title and holding the Initial Paraprofessional
585 Certificate – Educational Interpreter has the title Educational
586 Sign Language Interpreter I added to his or her employment

587 contract. This action does not result in a loss or reduction of
588 salary or supplement by any employee. Any seniority earned in
589 the Paraprofessional classification prior to July 1, 2013,
590 continues to be credited as seniority earned in the Educational
591 Sign Language Interpreter I classification; and

592 (3) Any service person holding the Paraprofessional
593 classification title and holding the Permanent Paraprofessional
594 Certificate – Educational Interpreter has the title Educational
595 Sign Language Interpreter II added to his or her employment
596 contract. This action does not result in a loss or reduction of
597 salary or supplement by any employee. Any seniority earned in
598 the Paraprofessional classification prior to July 1, 2013,
599 continues to be credited as seniority earned in the Educational
600 Sign Language Interpreter II classification;

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

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

3 (1) Beginning July 1, 2011, and continuing thereafter, the
4 minimum monthly pay for each service employee whose
5 employment is for a period of more than three and one-half

6 hours a day shall be at least the amounts indicated in the State
 7 Minimum Pay Scale Pay Grade and the minimum monthly pay
 8 for each service employee whose employment is for a period of
 9 three and one-half hours or less a day shall be at least one half
 10 the amount indicated in the State Minimum Pay Scale Pay Grade
 11 set forth in this subdivision.

12 STATE MINIMUM PAY SCALE PAY GRADE

13 Years

14 Exp. Pay Grade

		A	B	C	D	E	F	G	H
15	0	1,627	1,648	1,689	1,741	1,793	1,855	1,886	1,958
16	1	1,659	1,680	1,721	1,773	1,825	1,887	1,918	1,990
17	2	1,691	1,712	1,753	1,805	1,857	1,919	1,950	2,022
18	3	1,723	1,744	1,785	1,837	1,889	1,951	1,982	2,054
19	4	1,755	1,776	1,817	1,869	1,921	1,983	2,014	2,087
20	5	1,787	1,808	1,849	1,901	1,953	2,015	2,046	2,119
21	6	1,819	1,840	1,882	1,933	1,985	2,047	2,078	2,151
22	7	1,852	1,872	1,914	1,965	2,017	2,079	2,110	2,183
23	8	1,884	1,904	1,946	1,997	2,049	2,111	2,142	2,215
24	9	1,916	1,936	1,978	2,030	2,081	2,143	2,174	2,247
25	10	1,948	1,969	2,010	2,062	2,113	2,176	2,207	2,279
26	11	1,980	2,001	2,042	2,094	2,145	2,208	2,239	2,311
27	12	2,012	2,033	2,074	2,126	2,178	2,240	2,271	2,343
28	13	2,044	2,065	2,106	2,158	2,210	2,272	2,303	2,375
29	14	2,076	2,097	2,138	2,190	2,242	2,304	2,335	2,407
30	15	2,108	2,129	2,170	2,222	2,274	2,336	2,367	2,439

31	16	2,140	2,161	2,202	2,254	2,306	2,368	2,399	2,472
32	17	2,172	2,193	2,235	2,286	2,338	2,400	2,431	2,504
33	18	2,204	2,225	2,267	2,318	2,370	2,432	2,463	2,536
34	19	2,237	2,257	2,299	2,350	2,402	2,464	2,495	2,568
35	20	2,269	2,289	2,331	2,383	2,434	2,496	2,527	2,601
36	21	2,301	2,321	2,363	2,415	2,466	2,528	2,559	2,634
37	22	2,333	2,354	2,395	2,447	2,498	2,561	2,593	2,666
38	23	2,365	2,386	2,427	2,479	2,531	2,594	2,625	2,699
39	24	2,397	2,418	2,459	2,511	2,563	2,627	2,658	2,732
40	25	2,429	2,450	2,491	2,543	2,596	2,659	2,691	2,764
41	26	2,461	2,482	2,523	2,576	2,629	2,692	2,723	2,797
42	27	2,493	2,514	2,555	2,608	2,661	2,724	2,756	2,829
43	28	2,525	2,546	2,588	2,641	2,694	2,757	2,789	2,863
44	29	2,557	2,579	2,621	2,673	2,726	2,790	2,821	2,896
45	30	2,591	2,611	2,654	2,706	2,759	2,822	2,854	2,928
46	31	2,623	2,644	2,687	2,739	2,792	2,855	2,887	2,961
47	32	2,656	2,676	2,719	2,772	2,824	2,888	2,919	2,994
48	33	2,689	2,709	2,752	2,805	2,857	2,920	2,953	3,026
49	34	2,721	2,743	2,785	2,838	2,890	2,954	2,986	3,059
50	35	2,754	2,775	2,817	2,870	2,923	2,987	3,018	3,092
51	36	2,787	2,808	2,850	2,903	2,956	3,019	3,051	3,124
52	37	2,819	2,841	2,883	2,936	2,989	3,052	3,083	3,157
53	38	2,852	2,873	2,915	2,968	3,021	3,084	3,116	3,190
54	39	2,885	2,906	2,948	3,001	3,054	3,117	3,149	3,222
55	40	2,917	2,939	2,980	3,033	3,087	3,150	3,181	3,256

56 (2) Each service employee shall receive the amount
57 prescribed in the Minimum Pay Scale in accordance with the

58 provisions of this subsection according to their class title and pay
 59 grade as set forth in this subdivision:

60 CLASS TITLE	PAY GRADE
61 Accountant I.....	D
62 Accountant II.....	E
63 Accountant III.....	F
64 Accounts Payable Supervisor.....	G
65 Aide I.....	A
66 Aide II.....	B
67 Aide III.....	C
68 Aide IV.....	D
69 Audiovisual Technician.....	C
70 Auditor.....	G
71 Autism Mentor.....	F
72 Braille or Sign Language Specialist.....	E
73 Bus Operator.....	D
74 Buyer.....	F
75 Cabinetmaker.....	G
76 Cafeteria Manager.....	D
77 Carpenter I.....	E

78	Carpenter II.	F
79	Chief Mechanic.	G
80	Clerk I.	B
81	Clerk II.	C
82	Computer Operator.	E
83	Cook I.	A
84	Cook II.	B
85	Cook III.	C
86	Crew Leader.	F
87	Custodian I.	A
88	Custodian II.	B
89	Custodian III.	C
90	Custodian IV.	D
91	Director or Coordinator of Services.	H
92	Draftsman.	D
93	<u>Early Childhood Classroom Assistant Teacher -</u>	
94	<u>Temporary Authorization.</u>	<u>E</u>
95	<u>Early Childhood Classroom Assistant Teacher -</u>	
96	<u>Permanent Authorization.</u>	<u>E</u>
97	<u>Early Childhood Classroom Assistant Teacher -</u>	
98	<u>Paraprofessional Certificate.</u>	<u>F</u>

99	<u>Educational Sign Language Interpreter I.</u>	<u>F</u>
100	<u>Educational Sign Language Interpreter II.</u>	<u>G</u>
101	Electrician I.	F
102	Electrician II.	G
103	Electronic Technician I.	F
104	Electronic Technician II.	G
105	Executive Secretary.	G
106	Food Services Supervisor.	G
107	Foreman.	G
108	General Maintenance.	C
109	Glazier.	D
110	Graphic Artist.	D
111	Groundsman.	B
112	Handyman.	B
113	Heating and Air Conditioning Mechanic I.	E
114	Heating and Air Conditioning Mechanic II.	G
115	Heavy Equipment Operator.	E
116	Inventory Supervisor.	D
117	Key Punch Operator.	B
118	Licensed Practical Nurse.	F

119	Locksmith..	G
120	Lubrication Man..	C
121	Machinist.	F
122	Mail Clerk.	D
123	Maintenance Clerk.	C
124	Mason..	G
125	Mechanic.	F
126	Mechanic Assistant.	E
127	Office Equipment Repairman I.	F
128	Office Equipment Repairman II..	G
129	Painter.	E
130	Paraprofessional..	F
131	Payroll Supervisor.	G
132	Plumber I.	E
133	Plumber II.	G
134	Printing Operator.	B
135	Printing Supervisor.	D
136	Programmer.	H
137	Roofing/Sheet Metal Mechanic..	F
138	Sanitation Plant Operator..	G

139	School Bus Supervisor.....	E
140	Secretary I.	D
141	Secretary II.....	E
142	Secretary III.	F
143	<u>Sign Support Specialist</u>	<u>E</u>
144	Supervisor of Maintenance.	H
145	Supervisor of Transportation.....	H
146	Switchboard Operator-Receptionist.....	D
147	Truck Driver.....	D
148	Warehouse Clerk.	C
149	Watchman.	B
150	Welder.	F
151	WVEIS Data Entry and Administrative Clerk.....	B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

193 (2) A service ~~employee~~ person who holds a bachelor's
194 degree;

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

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

197 (e) An additional \$11 per month ~~shall be~~ is added to the
198 minimum monthly pay of each service ~~employee~~ person for each

199 of the following:

200 (1) A service ~~employee~~ person who holds a bachelor's
201 degree plus fifteen college hours;

202 (2) A service ~~employee~~ person who holds a master's degree
203 plus fifteen college hours;

204 (3) A service ~~employee~~ person who holds a master's degree
205 plus thirty college hours;

206 (4) A service ~~employee~~ person who holds a master's degree
207 plus forty-five college hours; and

208 (5) A service ~~employee~~ person who holds a master's degree
209 plus sixty college hours.

210 (f) To meet the objective of salary equity among the
211 counties, each service ~~employee~~ person ~~shall be~~ is paid an equity
212 supplement, as set forth in section five of this article, of \$152 per
213 month, subject to the provisions of that section. These payments:

214 (i) ~~Shall be~~ Are in addition to any amounts prescribed in the
215 applicable State Minimum Pay Scale Pay Grade, any specific
216 additional amounts prescribed in this section and article and any
217 county supplement in effect in a county pursuant to section
218 five-b of this article; (ii) ~~shall be~~ is paid in equal monthly

219 installments; and (iii) ~~shall be~~ is considered a part of the state
220 minimum salaries for service personnel.

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

226 (h) Any service ~~employee~~ person required to work on any
227 legal school holiday ~~shall be~~ is paid at a rate one and one-half
228 times the ~~employee's~~ person's usual hourly rate.

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

235 (j) ~~No service employee may~~ A service person may not have
236 his or her daily work schedule changed during the school year
237 without the employee's written consent and the ~~employee's~~
238 person's required daily work hours may not be changed to

239 prevent the payment of time and one-half wages or the
240 employment of another employee.

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

259 hourly extra duty assignment pay computed as though the
260 ~~employee person~~ were employed on a full-day salary basis.

261 (l) The minimum pay for any service personnel ~~employees~~
262 engaged in the removal of asbestos material or related duties
263 required for asbestos removal ~~shall be~~ is their regular total daily
264 rate of pay and no less than an additional \$3 per hour or no less
265 than \$5 per hour for service personnel supervising asbestos
266 removal responsibilities for each hour these employees are
267 involved in asbestos-related duties. Related duties required for
268 asbestos removal include, but are not limited to, travel,
269 preparation of the work site, removal of asbestos
270 decontamination of the work site, placing and removal of
271 equipment and removal of structures from the site. If any
272 member of an asbestos crew is engaged in asbestos related duties
273 outside of the employee's regular employment county, the daily
274 rate of pay ~~shall be~~ is no less than the minimum amount as
275 established in the employee's regular employment county for
276 asbestos removal and an additional \$30 per each day the
277 employee is engaged in asbestos removal and related duties. The
278 additional pay for asbestos removal and related duties shall be
279 payable entirely from county funds. Before service personnel

280 ~~employees~~ may be used in the removal of asbestos material or
281 related duties, they shall have completed a federal
282 Environmental Protection Act approved training program and be
283 licensed. The employer shall provide all necessary protective
284 equipment and maintain all records required by the
285 Environmental Protection Act.

286 (m) For the purpose of qualifying for additional pay as
287 provided in section eight, article five of this chapter, an aide
288 ~~shall be~~ is considered to be exercising the authority of a
289 supervisory aide and control over pupils if the aide is required to
290 supervise, control, direct, monitor, escort or render service to a
291 child or children when not under the direct supervision of a
292 certified professional person within the classroom, library,
293 hallway, lunchroom, gymnasium, school building, school
294 grounds or wherever supervision is required. For purposes of this
295 section, “under the direct supervision of a certified professional
296 person” means that certified professional person is present, with
297 and accompanying the aide.