

1 **ENGROSSED**

2 **Committee Substitute**

3 **for**

4 **H. B. 2702**

5 (By Delegates Pasdon, Perry, Moye, Hamrick, Campbell, Statler,  
6 Rowan and Espinosa)

7  
8 [Originating in the Committee on Education.]

9 (February 16, 2015)

10  
11 A BILL to amend and reenact §18-5-18 of the Code of West Virginia, 1931, as amended; and to  
12 amend and reenact §18A-4-8, §18A-4-8a and §18A-4-8b of said code, all relating to  
13 redefining service personnel class titles of early childhood classroom assistant teacher;  
14 protecting certain aides from reduction in force or transfer to create vacancy for less senior  
15 early childhood classroom assistant teacher; requiring aide who becomes employed as early  
16 childhood classroom assistant teacher to hold certain multiclassification status; and including  
17 early childhood assistant classroom assistant teacher in same classification category as aides.

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

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

22 **CHAPTER 18. EDUCATION.**

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

24 **§18-5-18. Kindergarten programs.**

1 (a) County boards shall provide kindergarten programs for all children who have attained the  
2 age of five prior to September 1, of the school year in which the pupil enters the kindergarten  
3 program and may, pursuant to the provisions of section forty-four, article five, chapter eighteen of  
4 this code, establish kindergarten programs designed for children below the age of five. The  
5 programs for children who shall have attained the age of five shall be full-day everyday programs.

6 (b) Persons employed as kindergarten teachers, as distinguished from paraprofessional  
7 personnel, shall be required to hold a certificate valid for teaching at the assigned level as prescribed  
8 by rules established by the state board. The state board shall establish the minimum requirements  
9 for all paraprofessional personnel employed in kindergarten programs established pursuant to the  
10 provisions of this section and no such paraprofessional personnel may be employed in any  
11 kindergarten program unless he or she meets the minimum requirements. Beginning July 1, 2014,  
12 any person previously employed as an aide in a kindergarten program and who is employed in the  
13 same capacity on and after that date and any new person employed in that capacity in a kindergarten  
14 program on and after that date shall hold the position of aide and either Early Childhood Classroom  
15 Assistant Teacher ~~=Temporary Authorization I~~, Early Childhood Classroom Assistant Teacher =  
16 ~~Permanent Authorization II~~ or Early Childhood Classroom Assistant Teacher ~~=Paraprofessional~~  
17 ~~Certificate III~~. Any person employed as an aide in a kindergarten program that is eligible for full  
18 retirement benefits before July 1, 2020, may remain employed as an aide in that position and shall  
19 be granted an Early Childhood Classroom Assistant Teacher permanent authorization by the state  
20 superintendent pursuant to section two-a, article three, chapter eighteen-a of this code. may not be  
21 required to acquire licensure pursuant to this section.

22 (c) The state board with the advice of the state superintendent shall establish and prescribe

1 guidelines and criteria relating to the establishment, operation and successful completion of  
2 kindergarten programs in accordance with the other provisions of this section. Guidelines and  
3 criteria so established and prescribed also are intended to serve for the establishment and operation  
4 of nonpublic kindergarten programs and shall be used for the evaluation and approval of those  
5 programs by the state superintendent, provided application for the evaluation and approval is made  
6 in writing by proper authorities in control of the programs. The state superintendent, annually, shall  
7 publish a list of nonpublic kindergarten programs, including Montessori kindergartens that have been  
8 approved in accordance with the provisions of this section. Montessori kindergartens established  
9 and operated in accordance with usual and customary practices for the use of the Montessori method  
10 which have teachers who have training or experience, regardless of additional certification, in the  
11 use of the Montessori method of instruction for kindergartens shall be considered to be approved.

12 (d) Pursuant to the guidelines and criteria, and only pursuant to the guidelines and criteria,  
13 the county boards may establish programs taking kindergarten to the homes of the children involved,  
14 using educational television, paraprofessional personnel in addition to and to supplement regularly  
15 certified teachers, mobile or permanent classrooms and other means developed to best carry  
16 kindergarten to the child in its home and enlist the aid and involvement of its parent or parents in  
17 presenting the program to the child; or may develop programs of a more formal kindergarten type,  
18 in existing school buildings, or both, as the county board may determine, taking into consideration  
19 the cost, the terrain, the existing available facilities, the distances each child may be required to  
20 travel, the time each child may be required to be away from home, the child's health, the involvement  
21 of parents and other factors as each county board may find pertinent. The determinations by any  
22 county board are final and conclusive.



1 a daily work schedule that is interrupted is paid additional compensation in accordance with this  
2 subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22           (22) "Chief mechanic" means a person employed to be responsible for directing activities

1 which ensure that student transportation or other county board-owned vehicles are properly and  
2 safely maintained;

3 (23) "Clerk I" means a person employed to perform clerical tasks;

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

6 (25) "Computer operator" means a qualified person employed to operate computers;

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

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

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

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

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

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

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

19 (33) "Custodian IV" means a person employed as a head custodian. In addition to providing  
20 services as defined in "Custodian III" duties may include supervising other custodian personnel;

21 (34) "Director or coordinator of services" means an employee of a county board who is  
22 assigned to direct a department or division.

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

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

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

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

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

15 (35) "Draftsman" means a person employed to plan, design and produce detailed  
16 architectural/engineering drawings;

17 (36) "Early Childhood Classroom Assistant Teacher ~~-Temporary Authorization I~~" means a  
18 person who does not possess minimum requirements for the permanent authorization requirements,  
19 but is enrolled in and pursuing requirements;

20 (37) "Early Childhood Classroom Assistant Teacher ~~-Permanent Authorization II~~" means  
21 a person who has completed the minimum requirements for a state-awarded certificate for early  
22 childhood classroom assistant teachers as determined by the State Board; ~~that meet or exceed the~~

1 requirements for a child development associate. Equivalency for the West Virginia Department of  
2 Education will be determined as the child development associate or the West Virginia  
3 Apprenticeship for Child Development Specialists;

4 (38) "Early Childhood Classroom Assistant Teacher – Paraprofessional Certificate III" means  
5 a person who has completed permanent authorization requirements, as well as additional  
6 requirements comparable to current paraprofessional certificate;

7 (39) "Educational Sign Language Interpreter I" means a person employed to provide  
8 communication access across all educational environments to students who are deaf or hard of  
9 hearing, and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant to  
10 state board policy;

11 (40) "Educational Sign Language Interpreter II" means a person employed to provide  
12 communication access across all educational environments to students who are deaf or hard of  
13 hearing, and who holds the Permanent Paraprofessional Certificate – Educational Interpreter  
14 pursuant to state board policy;

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

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

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

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

1           (45) "Executive secretary" means a person employed as secretary to the county school  
2 superintendent or as a secretary who is assigned to a position characterized by significant  
3 administrative duties;

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

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

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

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

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

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

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

22          (53) "Heating and air conditioning mechanic I" means a person employed at the apprentice

1 level to install, repair and maintain heating and air conditioning plants and related electrical  
2 equipment;

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

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

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

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

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

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

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

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

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

22 (63) "Maintenance clerk" means a person employed to maintain and control a stocking

1 facility to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance  
2 crafts;

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

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

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

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

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

14 (69) "Office equipment repairman II" means a person responsible for servicing and repairing  
15 all office machines and equipment. A person holding this class title is responsible for the purchase  
16 of parts necessary for the proper operation of a program of continuous maintenance and repair;

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

20 (71) "Paraprofessional" means a person certified pursuant to section two-a, article three of  
21 this chapter to perform duties in a support capacity including, but not limited to, facilitating in the  
22 instruction and direct or indirect supervision of students under the direction of a principal, a teacher

1 or another designated professional educator.

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

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

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

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

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

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

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

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

22 (77) "Programmer" means a person employed to design and prepare programs for computer

1 operation;

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

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

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

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

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

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

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

20 (83) "Secretary III" means a person assigned to the county board office administrators in  
21 charge of various instructional, maintenance, transportation, food services, operations and health  
22 departments, federal programs or departments with particular responsibilities in purchasing and

1 financial control or any person who has served for eight years in a position which meets the  
2 definition of "Secretary II" or "Secretary III";

3 (84) "Sign Support Specialist" means a person employed to provide sign supported speech  
4 assistance to students who are able to access environments through audition. A person who has held  
5 or holds an aide title and becomes employed as a sign support specialist shall hold a  
6 multiclassification status that includes both aide and sign support specialist titles, in accordance with  
7 section eight-b of this article.

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

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

21 (87) "Switchboard operator-receptionist" means a person employed to refer incoming calls,  
22 to assume contact with the public, to direct and to give instructions as necessary, to operate

1 switchboard equipment and to provide clerical assistance;

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

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

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

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

11 (92) "WVEIS data entry and administrative clerk" means a person employed to work under  
12 the direction of a school principal to assist the school counselor or counselors in the performance of  
13 administrative duties, to perform data entry tasks on the West Virginia Education Information  
14 System, and to perform other administrative duties assigned by the principal.

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

20 (k) A service person whose years of employment exceeds the number of years shown and  
21 provided for under the state minimum pay scale set forth in section eight-a of this article may not be  
22 paid less than the amount shown for the maximum years of employment shown and provided for in

1 the classification in which he or she is employed.

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

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

9 (1) Reclassified by class title; or

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

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

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

22 (p) Any person employed in an aide position on the effective date of this section may not be

1 transferred or subject to a reduction in force for the purpose of creating a vacancy for the  
2 employment of a licensed practical nurse.

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

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

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

4 (1) Any service person holding the Braille or Sign Language Specialist classification title has  
5 that classification title renamed on his or her employment contract as either Braille Specialist or Sign  
6 Support Specialist. This action does not result in a loss or reduction of salary or supplement by any  
7 employee. Any seniority earned in the Braille or Sign Language Specialist classification prior to July  
8 1, 2013, continues to be credited as seniority earned in the Braille Specialist or Sign Support  
9 Specialist classification;

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

16 (3) Any service person holding the Paraprofessional classification title and holding the  
17 Permanent Paraprofessional Certificate – Educational Interpreter has the title Educational Sign  
18 Language Interpreter II added to his or her employment contract. This action does not result in a loss  
19 or reduction of salary or supplement by any employee. Any seniority earned in the Paraprofessional  
20 classification prior to July 1, 2013, continues to be credited as seniority earned in the Educational  
21 Sign Language Interpreter II classification;

22 (t) Any person employed as an aide in a kindergarten program who is eligible for full

1 retirement benefits before the first day of the instructional term in the 2020-2021 school year, may  
2 not be subject to a reduction in force or transferred to create a vacancy for the employment of a less  
3 senior Early Childhood Classroom Assistant Teacher;

4 (u) A person who has held or holds an aide title and becomes employed as an Early  
5 Childhood Classroom Assistant Teacher shall hold a multiclassification status that includes aide  
6 and/or paraprofessional titles in accordance with section eight-b of this article.

7 **§18A-4-8a. Service personnel minimum monthly salaries.**

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

9 (1) Beginning July 1, 2014, and continuing thereafter, the minimum monthly pay for each  
10 service employee whose employment is for a period of more than three and one-half hours a day  
11 shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade and the minimum  
12 monthly pay for each service employee whose employment is for a period of three and one-half hours  
13 or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay  
14 Grade set forth in this subdivision.

15 STATE MINIMUM PAY SCALE PAY GRADE

16	Years	Exp.								Pay Grade
17		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	
18	0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997	
19	1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030	
20	2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062	
21	3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095	
22	4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129	
23	5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161	
24	6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194	
25	7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227	
26	8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259	

1	9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
2	10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
3	11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
4	12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
5	13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
6	14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455
7	15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
8	16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
9	17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
10	18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
11	19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
12	20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
13	21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
14	22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
15	23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
16	24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
17	25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
18	26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
19	27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
20	28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
21	29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
22	30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
23	31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020
24	32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
25	33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
26	34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120
27	35	2,809	2,831	2,873	2,927	2,980	3,046	3,078	3,154
28	36	2,843	2,864	2,907	2,961	3,015	3,079	3,112	3,186
29	37	2,875	2,898	2,941	2,995	3,049	3,113	3,145	3,220
30	38	2,909	2,930	2,973	3,027	3,081	3,146	3,178	3,254
31	39	2,943	2,964	3,007	3,061	3,115	3,179	3,212	3,286
32	40	2,975	2,998	3,040	3,094	3,149	3,213	3,245	3,320

33

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

4 CLASS TITLE	PAY GRADE
5 Accountant I.....	D
6 Accountant II.....	E
7 Accountant III.....	F
8 Accounts Payable Supervisor.....	G
9 Aide I.....	A
10 Aide II.....	B
11 Aide III.....	C
12 Aide IV.....	D
13 Audiovisual Technician.....	C
14 Auditor.....	G
15 Autism Mentor.....	F
16 Braille Specialist.....	E
17 Bus Operator.....	D
18 Buyer.....	F
19 Cabinetmaker.....	G
20 Cafeteria Manager.....	D
21 Carpenter I.....	E
22 Carpenter II.....	F

1 Chief Mechanic. . . . .	G
2 Clerk I. . . . .	B
3 Clerk II. . . . .	C
4 Computer Operator. . . . .	E
5 Cook I. . . . .	A
6 Cook II. . . . .	B
7 Cook III. . . . .	C
8 Crew Leader. . . . .	F
9 Custodian I. . . . .	A
10 Custodian II. . . . .	B
11 Custodian III. . . . .	C
12 Custodian IV. . . . .	D
13 Director or Coordinator of Services. . . . .	H
14 Draftsman. . . . .	D
15 Early Childhood Classroom Assistant Teacher =	
16 <del>Temporary Authorization I.</del> . . . . .	E
17 Early Childhood Classroom Assistant Teacher =	
18 <del>Permanent Authorization II.</del> . . . . .	E
19 Early Childhood Classroom Assistant Teacher =	
20 <del>Paraprofessional Certificate III.</del> . . . . .	F
21 Educational Sign Language Interpreter I. . . . .	F
22 Educational Sign Language Interpreter II. . . . .	G

1	Electrician I. ....	F
2	Electrician II. ....	G
3	Electronic Technician I. ....	F
4	Electronic Technician II. ....	G
5	Executive Secretary. ....	G
6	Food Services Supervisor. ....	G
7	Foreman. ....	G
8	General Maintenance. ....	C
9	Glazier. ....	D
10	Graphic Artist. ....	D
11	Groundsman. ....	B
12	Handyman. ....	B
13	Heating and Air Conditioning Mechanic I. ....	E
14	Heating and Air Conditioning Mechanic II. ....	G
15	Heavy Equipment Operator. ....	E
16	Inventory Supervisor. ....	D
17	Key Punch Operator. ....	B
18	Licensed Practical Nurse. ....	F
19	Locksmith. ....	G
20	Lubrication Man. ....	C
21	Machinist. ....	F
22	Mail Clerk. ....	D

1	Maintenance Clerk.....	C
2	Mason.....	G
3	Mechanic.....	F
4	Mechanic Assistant.....	E
5	Office Equipment Repairman I.....	F
6	Office Equipment Repairman II.....	G
7	Painter.....	E
8	Paraprofessional.....	F
9	Payroll Supervisor.....	G
10	Plumber I.....	E
11	Plumber II.....	G
12	Printing Operator.....	B
13	Printing Supervisor.....	D
14	Programmer.....	H
15	Roofing/Sheet Metal Mechanic.....	F
16	Sanitation Plant Operator.....	G
17	School Bus Supervisor.....	E
18	Secretary I.....	D
19	Secretary II.....	E
20	Secretary III.....	F
21	Sign Support Specialist.....	E
22	Supervisor of Maintenance.....	H

1	Supervisor of Transportation.....	H
2	Switchboard Operator-Receptionist.....	D
3	Truck Driver.....	D
4	Warehouse Clerk.....	C
5	Watchman.....	B
6	Welder.....	F
7	WVEIS Data Entry and Administrative Clerk.....	B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (5) A service person who holds a master’s degree plus sixty college hours.

2           (f) To meet the objective of salary equity among the counties, each service person is paid an  
3 equity supplement, as set forth in section five of this article, of \$164 per month, subject to the  
4 provisions of that section. These payments: (i) Are in addition to any amounts prescribed in the  
5 applicable State Minimum Pay Scale Pay Grade, any specific additional amounts prescribed in this  
6 section and article and any county supplement in effect in a county pursuant to section five-b of this  
7 article; (ii) are paid in equal monthly installments; and (iii) are considered a part of the state  
8 minimum salaries for service personnel.

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

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

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

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

21           (k) The minimum hourly rate of pay for extra duty assignments as defined in section eight-b  
22 of this article is no less than one seventh of the person’s daily total salary for each hour the person

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

11 (l) The minimum pay for any service personnel engaged in the removal of asbestos material  
12 or related duties required for asbestos removal is their regular total daily rate of pay and no less than  
13 an additional \$3 per hour or no less than \$5 per hour for service personnel supervising asbestos  
14 removal responsibilities for each hour these employees are involved in asbestos-related duties.  
15 Related duties required for asbestos removal include, but are not limited to, travel, preparation of the  
16 work site, removal of asbestos, decontamination of the work site, placing and removal of equipment  
17 and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-  
18 related duties outside of the employee's regular employment county, the daily rate of pay is no less  
19 than the minimum amount as established in the employee's regular employment county for asbestos  
20 removal and an additional \$30 per each day the employee is engaged in asbestos removal and related  
21 duties. The additional pay for asbestos removal and related duties shall be payable entirely from  
22 county funds. Before service personnel may be used in the removal of asbestos material or related

1 duties, they shall have completed a federal Environmental Protection Act-approved training program  
2 and be licensed. The employer shall provide all necessary protective equipment and maintain all  
3 records required by the Environmental Protection Act.

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

12 **§18A-4-8b. Seniority rights for school service personnel.**

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

17 (b) Qualifications means the applicant holds a classification title in his or her category of  
18 employment as provided in this section and is given first opportunity for promotion and filling  
19 vacancies. Other employees then shall be considered and shall qualify by meeting the definition of  
20 the job title that relates to the promotion or vacancy, as defined in section eight of this article. If  
21 requested by the employee, the county board shall show valid cause why a service person with the

1 most seniority is not promoted or employed in the position for which he or she applies. Qualified  
2 applicants shall be considered in the following order:

3 (1) Regularly employed service personnel who hold a classification title within the  
4 classification category of the vacancy;

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

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

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

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

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

16 (7) New service personnel.

17 (c) The county board may not prohibit a service person from retaining or continuing his or  
18 her employment in any positions or jobs held prior to the effective date of this section and thereafter.

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

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

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

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

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

10 (C) Paraprofessional, autism mentor, early classroom assistant teacher and braille or sign  
11 language support specialist class titles are included in the same classification category as aides; and

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

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

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

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

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

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

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

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

10          (B) An alternative procedure for making extra-duty assignments within a particular  
11 classification category of employment may be used if the alternative procedure is approved both by  
12 the county board and by an affirmative vote of two-thirds of the employees within that classification  
13 category of employment.

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

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

19          (2) Notice of a job vacancy shall include the job description, the period of employment, the  
20 work site, the starting and ending time of the daily shift, the amount of pay and any benefits and  
21 other information that is helpful to prospective applicants to understand the particulars of the job.

22 The notice of a job vacancy in the aide classification categories shall include the program or primary

1 assignment of the position. Job postings for vacancies made pursuant to this section shall be written  
2 to ensure that the largest possible pool of qualified applicants may apply. Job postings may not  
3 require criteria which are not necessary for the successful performance of the job and may not be  
4 written with the intent to favor a specific applicant.

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

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

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

13 (i) The seniority of a service person is determined on the basis of the length of time the  
14 employee has been employed by the county board within a particular job classification. For the  
15 purpose of establishing seniority for a preferred recall list as provided in this section, a service person  
16 who has been employed in one or more classifications retains the seniority accrued in each previous  
17 classification.

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

20 (1) The employee with the least amount of seniority within that classification or grades of  
21 classification is properly released and employed in a different grade of that classification if there is  
22 a job vacancy;

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

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

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

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

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

17          (4) If there are insufficient vacant positions to permit reemployment of all more senior  
18 employees on the preferred recall list within the classification category of the service person who  
19 was subject to reduction in force, the position of the released service person shall be posted and filled  
20 in accordance with this section.

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

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

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

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

11 (p) The county board shall notify all service personnel on the preferred recall list of all  
12 position openings that exist from time to time. The notice shall be sent by certified mail to the last  
13 known address of the service person. Each service person shall notify the county board of any  
14 change of address.

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

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

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

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

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

NOTE: The purpose of this bill is to redefine the service personnel class titles of early childhood classroom assistant teachers to smooth the transition of former early childhood aides to this new classification of school service personnel. The changes include protections from reduction in force or transfer for these aides eligible for full retirement benefits before July 1, 2020 to create vacancy for less senior early childhood classroom assistant teacher; requiring an aide who becomes employed as early childhood classroom assistant teacher to hold certain multiclassification status; and including early childhood assistant classroom assistant teacher in same classification category as aides.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.