

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

**Introduced**

### **House Bill 4535**

**FISCAL  
NOTE**

BY DELEGATES TONEY, CAMPBELL, COOPER AND

HANSHAW (MR. SPEAKER)

[Introduced January 24, 2020; Referred to the  
Committee on Education]

1 A BILL to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to  
 2 amend and reenact §18A-4-8a of said code, all relating to student aide class titles for  
 3 school service personnel.

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

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

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

1 (a) The purpose of this section is to establish an employment term and class titles for  
 2 service personnel. The employment term for service personnel may not be less than 10 months.  
 3 A month is defined as 20 employment days. The county board may contract with, all or part of,  
 4 these service personnel for a longer term.

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

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

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

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

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

21 this subsection.

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

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

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

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

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

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

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

40 (i) The column heads of the state minimum pay scale and class titles, set forth in §18A-  
41 48a of this code, are defined as follows:

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

43 ~~(2)~~ "Years of employment" means the number of years which an employee classified as a  
44 service person has been employed by a county board in any position prior to or subsequent to  
45 the effective date of this section and includes service in the Armed Forces of the United States, if  
46 the employee was employed at the time of his or her induction. For the purpose of §18A-4-8a of

47 this code, years of employment is limited to the number of years shown and allowed under the  
48 state minimum pay scale as set forth in §18A-4-8a of this code;

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

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

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

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

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

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

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

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

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

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

73 as an aide in special education;

74 ~~(14)~~ “Aide IV” means a service person referred to in the “Aide I” classification who holds a  
75 high school diploma or a general educational development certificate; and

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

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

81 ~~(12)~~ “Aide V (Special Education Assistant Teacher) – Temporary Authorization” means a  
82 person who does not possess minimum requirements for the permanent authorization  
83 requirements, but is enrolled in and pursuing requirements;

84 ~~(13)~~ “Aide V (Special Education Assistant Teacher)” means a service person referred to  
85 in the “Aide I” classification who holds a high school diploma or a general educational  
86 development certificate and who has elected to complete three e-learning classes provided  
87 through the WVDE Department of Special Education. These classes are designed to improve  
88 skills and competency’s related to the provision of services to special needs students. The salary  
89 level will be equivalent to that of the Early Childhood Assistant Teacher. This level is voluntary for  
90 Special Education Assistant Teachers who wish to improve their skills and their salary;

91 ~~(14)~~ “Aide VI (Behavioral Support Assistant Teacher – Temporary Authorization)” means  
92 a person who does not possess minimum requirements for the permanent authorization  
93 requirements, but is enrolled in and pursuing requirements;

94 ~~(15)~~ “Aide VI (Behavioral Support Assistant Teacher)” means a person who works with a  
95 student or students who have identified behavior difficulties and meets standards and experiences  
96 to be determined by the state board. A person who has achieved the Aide III classification, and  
97 has a specialized training in behavioral supports for students. The salary level will be equivalent  
98 to that of the Early Childhood Classroom Assistant Teacher. This level is voluntary for Behavioral

99 Support Assistant Teachers who wish to improve their skills and their salary;

100 ~~(42)~~ "Audiovisual technician" means a person employed to perform minor maintenance on  
101 audiovisual equipment, films, and supplies and who fills requests for equipment;

102 ~~(43)~~ "Auditor" means a person employed to examine and verify accounts of individual  
103 schools and to assist schools and school personnel in maintaining complete and accurate records  
104 of their accounts;

105 ~~(44)~~ "Autism mentor" means a person who works with autistic students and who meets  
106 standards and experience to be determined by the state Board. A person who has held or holds  
107 an aide title and becomes employed as an autism mentor shall hold a multiclassification status  
108 that includes both aide and autism mentor titles, in accordance with §18A-4-8b of this code;

109 ~~(45)~~ "Braille specialist" means a person employed to provide braille assistance to students.  
110 A service person who has held or holds an aide title and becomes employed as a braille specialist  
111 shall hold a multiclassification status that includes both aide and braille specialist title, in  
112 accordance with §18A-4-8b of this code;

113 ~~(46)~~ "Bus operator" means a person employed to operate school buses and other school  
114 transportation vehicles as provided by the state board;

115 ~~(47)~~ "Buyer" means a person employed to review and write specifications, negotiate  
116 purchase bids and recommend purchase agreements for materials and services that meet  
117 predetermined specifications at the lowest available costs;

118 ~~(48)~~ "Cabinetmaker" means a person employed to construct cabinets, tables, bookcases  
119 and other furniture;

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

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

125           ~~(21)~~ “Carpenter II” means a person classified as a journeyman carpenter;

126           ~~(22)~~ “Chief mechanic” means a person employed to be responsible for directing activities  
127 which ensure that student transportation or other county board-owned vehicles are properly and  
128 safely maintained;

129           ~~(23)~~ “Clerk I” means a person employed to perform clerical tasks;

130           ~~(24)~~ “Clerk II” means a person employed to perform general clerical tasks, prepare reports  
131 and tabulations, and operate office machines;

132           ~~(25)~~ “Computer operator” means a qualified person employed to operate computers;

133           ~~(26)~~ “Cook I” means a person employed as a cook’s helper;

134           ~~(27)~~ “Cook II” means a person employed to interpret menus and to prepare and serve  
135 meals in a food service program of a school. This definition includes a service person who has  
136 been employed as a “Cook I” for a period of four years;

137           ~~(28)~~ “Cook III” means a person employed to prepare and serve meals, make reports,  
138 prepare requisitions for supplies, order equipment and repairs for a food service program of a  
139 school system;

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

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

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

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

146           ~~(33)~~ “Custodian IV” means a person employed as a head custodian. In addition to  
147 providing services as defined in “Custodian III” duties may include supervising other custodian  
148 personnel;

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

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

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

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

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

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

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

167 ~~(36)~~ “Early Childhood Classroom Assistant Teacher I” means a person who does not  
168 possess minimum requirements for the permanent authorization requirements, but is enrolled in  
169 and pursuing requirements;

170 ~~(37)~~ “Early Childhood Classroom Assistant Teacher II” means a person who has  
171 completed the minimum requirements for a state-awarded certificate for early childhood  
172 classroom assistant teachers as determined by the state board;

173 ~~(38)~~ “Early Childhood Classroom Assistant Teacher III” means a person who has  
174 completed permanent authorization requirements, as well as additional requirements comparable  
175 to current paraprofessional certificate;

176 ~~(39)~~ “Educational Sign Language Interpreter I” means a person employed to provide



177 communication access across all educational environments to students who are deaf or hard of  
178 hearing, and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant  
179 to state board policy;

180 ~~(40)~~ “Educational Sign Language Interpreter II” means a person employed to provide  
181 communication access across all educational environments to students who are deaf or hard of  
182 hearing, and who holds the Permanent Paraprofessional Certificate – Educational Interpreter  
183 pursuant to state board policy;

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

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

188 ~~(43)~~ (47) “Electronic technician I” means a person employed at the apprentice level to  
189 repair and maintain electronic equipment;

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

192 ~~(45)~~ “Executive secretary” means a person employed as secretary to the county school  
193 superintendent or as a secretary who is assigned to a position characterized by significant  
194 administrative duties;

195 ~~(46)~~ “Food services supervisor” means a qualified person who is not a professional person  
196 or professional educator as defined in §18A-1-1 of this code. The food services supervisor is  
197 employed to manage and supervise a county school system's food service program. The duties  
198 include preparing in-service training programs for cooks and food service employees, instructing  
199 personnel in the areas of quantity cooking with economy and efficiency and keeping aggregate  
200 records and reports;

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

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

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

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

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

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

214           ~~(53)~~ “Heating and air conditioning mechanic I” means a person employed at the apprentice  
215 level to install, repair and maintain heating and air conditioning plants and related electrical  
216 equipment;

217           ~~(54)~~ “Heating and air conditioning mechanic II” means a person employed at the  
218 journeyman level to install, repair and maintain heating and air conditioning plants and related  
219 electrical equipment;

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

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

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

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

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

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

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

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

236           ~~(63)~~ “Maintenance clerk” means a person employed to maintain and control a stocking  
237 facility to keep adequate tools and supplies on hand for daily withdrawal for all school  
238 maintenance crafts;

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

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

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

245           ~~(67)~~ “Multiclassification” means a person employed to perform tasks that involve the  
246 combination of two or more class titles in this section. In these instances, the minimum salary  
247 scale is the higher pay grade of the class titles involved;

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

250           ~~(69)~~ “Office equipment repairman II” means a person responsible for servicing and  
251 repairing all office machines and equipment. A person holding this class title is responsible for the  
252 purchase of parts necessary for the proper operation of a program of continuous maintenance  
253 and repair;

254           ~~(70)~~ “Painter” means a person employed to perform duties painting, finishing and

255 decorating wood, metal and concrete surfaces of buildings, other structures, equipment,  
256 machinery and furnishings of a county school system;

257 ~~(71)~~ "Paraprofessional" means a person certified pursuant to §18A-3-2a of this code to  
258 perform duties in a support capacity including, but not limited to, facilitating in the instruction and  
259 direct or indirect supervision of students under the direction of a principal, a teacher or another  
260 designated professional educator.

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

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

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

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

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

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

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

279 ~~(76)~~ "Printing supervisor" means a person employed to supervise the operation of a print  
280 shop;

281 ~~(77)~~ "Programmer" means a person employed to design and prepare programs for  
282 computer operation;

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

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

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

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

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

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

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

303 ~~(83)~~ "Secretary III" means a person assigned to the county board office administrators in  
304 charge of various instructional, maintenance, transportation, food services, operations and health  
305 departments, federal programs or departments with particular responsibilities in purchasing and  
306 financial control or any person who has served for eight years in a position which meets the

307 definition of “Secretary II” or “Secretary III”;

308 ~~(84)~~ “Sign Support Specialist” means a person employed to provide sign supported  
309 speech assistance to students who are able to access environments through audition. A person  
310 who has held or holds an aide title and becomes employed as a sign support specialist shall hold  
311 a multiclassification status that includes both aide and sign support specialist titles, in accordance  
312 with §18A-4-8b of this code.

313 ~~(85)~~ “Supervisor of maintenance” means a skilled person who is not a professional person  
314 or professional educator as defined in §18A-1-1 of this code. The responsibilities include directing  
315 the upkeep of buildings and shops, and issuing instructions to subordinates relating to cleaning,  
316 repairs and maintenance of all structures and mechanical and electrical equipment of a county  
317 board;

318 ~~(86)~~ “Supervisor of transportation” means a qualified person employed to direct school  
319 transportation activities properly and safely, and to supervise the maintenance and repair of  
320 vehicles, buses and other mechanical and mobile equipment used by the county school system.  
321 After July 1, 2010, all persons employed for the first time in a position with this classification title  
322 or in a multiclassification position that includes this title shall have five years of experience working  
323 in the transportation department of a county board. Experience working in the transportation  
324 department consists of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief  
325 mechanic or in a clerical position within the transportation department;

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

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

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

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

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

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

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

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

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

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

359 (1) Reclassified by class title; or

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

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

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

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

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

382 (r) Itinerant status means a service person who does not have a fixed work site and may  
383 be involuntarily reassigned to another work site. A service person is considered to hold itinerant  
384 status if he or she has bid upon a position posted as itinerant or has agreed to accept this status.



385 A county board may establish positions with itinerant status only within the aide and autism mentor  
386 classification categories and only when the job duties involve exceptional students. A service  
387 person with itinerant status may be assigned to a different work site upon written notice 10 days  
388 prior to the reassignment without the consent of the employee and without posting the vacancy.  
389 A service person with itinerant status may be involuntarily reassigned no more than twice during  
390 the school year. At the conclusion of each school year, the county board shall post and fill,  
391 pursuant to §18A-4-8b of this code, all positions that have been filled without posting by a service  
392 person with itinerant status. A service person who is assigned to a beginning and ending work  
393 site and travels at the expense of the county board to other work sites during the daily schedule,  
394 is not considered to hold itinerant status.

395 (s) Any service person holding a classification title on June 30, 2013, that is removed from  
396 the classification schedule pursuant to amendment and reenactment of this section in the year  
397 2013, has his or her employment contract revised as follows:

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

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

410 (3) Any service person holding the Paraprofessional classification title and holding the

411 Permanent Paraprofessional Certificate – Educational Interpreter has the title Educational Sign  
412 Language Interpreter II added to his or her employment contract. This action does not result in a  
413 loss or reduction of salary or supplement by any employee. Any seniority earned in the  
414 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned  
415 in the Educational Sign Language Interpreter II classification;

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

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

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

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

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

## STATE MINIMUM PAY SCALE PAY GRADE SCHEDULE I

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

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

STATE MINIMUM PAY SCALE PAY GRADE SCHEDULE II

Years

Exp.

PAY GRADE

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

4	2,015	2,037	2,078	2,131	2,184	2,248	2,279	2,354
5	2,048	2,069	2,111	2,164	2,217	2,280	2,312	2,386
6	2,080	2,102	2,145	2,197	2,250	2,313	2,345	2,419
7	2,114	2,134	2,177	2,229	2,282	2,346	2,377	2,452
8	2,147	2,167	2,210	2,262	2,315	2,378	2,410	2,484
9	2,179	2,200	2,243	2,296	2,348	2,411	2,442	2,517
10	2,212	2,233	2,275	2,328	2,380	2,445	2,476	2,550
11	2,245	2,266	2,308	2,361	2,413	2,477	2,509	2,582
12	2,277	2,299	2,340	2,394	2,447	2,510	2,541	2,615
13	2,310	2,331	2,373	2,426	2,479	2,542	2,574	2,648
14	2,343	2,364	2,406	2,459	2,512	2,575	2,607	2,680
15	2,375	2,397	2,438	2,491	2,544	2,608	2,639	2,713
16	2,408	2,429	2,471	2,524	2,577	2,640	2,672	2,746
17	2,440	2,462	2,505	2,557	2,610	2,673	2,705	2,779
18	2,473	2,495	2,537	2,589	2,642	2,706	2,737	2,812
19	2,507	2,527	2,570	2,622	2,675	2,738	2,770	2,844
20	2,539	2,560	2,603	2,656	2,708	2,771	2,803	2,878
21	2,572	2,592	2,635	2,688	2,740	2,804	2,835	2,912
22	2,605	2,626	2,668	2,721	2,773	2,837	2,869	2,944
23	2,637	2,659	2,701	2,754	2,807	2,871	2,903	2,978
24	2,670	2,691	2,733	2,786	2,839	2,905	2,936	3,012
25	2,703	2,724	2,766	2,819	2,873	2,937	2,970	3,044
26	2,735	2,757	2,798	2,853	2,907	2,971	3,002	3,078
27	2,768	2,789	2,831	2,885	2,939	3,003	3,036	3,111
28	2,801	2,822	2,865	2,919	2,973	3,037	3,070	3,145
29	2,833	2,856	2,898	2,951	3,006	3,071	3,102	3,179
30	2,867	2,888	2,932	2,985	3,039	3,103	3,136	3,212
31	2,900	2,922	2,966	3,019	3,073	3,137	3,170	3,245
32	2,934	2,955	2,998	3,052	3,105	3,171	3,202	3,279

33	2,968	2,988	3,032	3,086	3,139	3,203	3,236	3,312
34	3,000	3,022	3,066	3,120	3,173	3,237	3,270	3,345
35	3,034	3,056	3,098	3,152	3,205	3,271	3,303	3,379
36	3,068	3,089	3,132	3,186	3,240	3,304	3,337	3,411
37	3,100	3,123	3,166	3,220	3,274	3,338	3,370	3,445
38	3,134	3,155	3,198	3,252	3,306	3,371	3,403	3,479
39	3,168	3,189	3,232	3,286	3,340	3,404	3,437	3,511
40	3,200	3,223	3,265	3,319	3,374	3,438	3,470	3,545

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

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

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

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



95 Roofing/Sheet Metal Mechanic ..... F

96 Sanitation Plant Operator ..... G

97 School Bus Supervisor ..... E

98 Secretary I ..... D

99 Secretary II ..... E

100 Secretary III ..... F

101 Sign Support Specialist ..... E

102 Supervisor of Maintenance ..... H

103 Supervisor of Transportation ..... H

104 Switchboard Operator-Receptionist ..... D

105 Truck Driver ..... D

106 Warehouse Clerk ..... C

107 Watchman ..... B

108 Welder ..... F

109 WVEIS Data Entry and Administrative Clerk ..... B

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

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

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

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

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

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

122 (5) A service employee who holds 60 college hours or comparable credit obtained in a

123 trade or vocational school as approved by the state board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

175 assignment is prorated accordingly. When performing extra duty assignments, persons who are  
176 regularly employed on a one-half day salary basis shall receive the same hourly extra duty  
177 assignment pay computed as though the person were employed on a full-day salary basis.

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

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

201 the aide.

NOTE: The purpose of this bill is to add four student aide titles to the class titles for school personnel.

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