WEST VIRGINIA CODE: §18B-7-3

§18B-7-3. Reducing workforce.

(a) Definitions for terms used in this section have the meanings ascribed to them in section two, article one of this chapter and section two, article nine of this chapter, except that, unless clearly noted otherwise, this section applies only to a regular employee who is classified and whose employment, if continued, accumulates to a minimum total of one thousand forty hours during a calendar year and extends over at least nine months of a calendar year.

(b) All decisions by an organization or its agents concerning reductions in workforce of full-time classified employees shall be made in accordance with this section and pursuant to a rule adopted by the applicable governing board of an organization, after consultation with and providing 30 days written notice to the applicable staff council of an organization.

(1) For layoffs for reason of lack of funds or work, or abolition of position or material changes in duties or organization, the institution may layoff the incumbent in the position being eliminated. In the case of elimination of some but not all of the positions of the same job title, consideration shall be given to an employee's documented quality of work performance as demonstrated in performance evaluations of record (including, but not limited to, disciplinary records), skills, seniority as measured by years of service, or other factors, as determined by the board.

(2) If the organization desires to lay off a more senior employee, the organization may offer to the more senior employee a severance package, the value of which shall not exceed the more senior employee's salary for one year.

WV Legislature