

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time \_\_\_\_\_

No: 1206

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1206

(By Mr. Barley + Mr. Horden)



Passed April 10, 1981

In Effect Ninety Days From Passage



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 1206**

(By MR. BARLEY and MR. HARDEN)

[Passed April 10, 1981; in effect ninety days from passage.]

AN ACT to amend article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-b, relating to providing certain rights based on seniority for school personnel; providing certain rules with respect to such seniority and when such seniority shall begin.

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

That article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight-b, to read as follows:

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

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

1 A county board of education shall make decisions affecting  
2 promotion of auxiliary and service personnel on the basis of  
3 seniority, qualifications and evaluation of past service.

4 For purposes of determining seniority under this section, an  
5 employee's seniority begins on the date that he enters into  
6 his assigned duties.

7 Notwithstanding any other provisions of this chapter to the  
8 contrary, decisions affecting such personnel with respect to  
9 extra-duty assignments, shall be made in the following manner:  
10 an employee with the greatest length of service time in a  
11 particular category of employment shall be given priority in  
12 accepting such assignments, followed by other fellow em-  
13 ployees on a rotating basis according to the length of their  
14 service time until all such employees have had an opportunity  
15 to perform similar assignments. The cycle then shall be  
16 repeated.

17 All decisions by county boards of education concerning  
18 reduction in work force of all personnel shall be made on the  
19 basis of seniority, as hereinafter provided.

20 (1) The seniority of any such service and auxiliary per-  
21 sonnel shall be determined on the basis of the length of time  
22 the employee has been employed by the county board of  
23 education within a particular job classification. For the pur-  
24 pose of establishing seniority for a preferred recall list as  
25 hereinafter provided, when an employee has been employed  
26 in one or more classifications, the seniority accrued in each  
27 previous classification shall be retained by the employee.

28 Should a county board of education be required to reduce  
29 the number of employees within a particular job classification,  
30 the employee with the least amount of seniority within that  
31 classification or grades of classification shall be properly  
32 released and employed in a different grade of that classification  
33 if there is a job vacancy. *Provided*, That if there is no job  
34 vacancy for employment within such classification or grades  
35 of classification, he shall be employed in any other job  
36 classification which he previously held with the county board  
37 if there is a vacancy and shall retain any seniority accrued in  
38 such job classification or grade of classification.

39 If two or more employees accumulate identical seniority,  
40 the priority shall be determined by a random selection system  
41 established by the employees and approved by the county  
42 board.

43 (2) The seniority of professional personnel shall be deter-  
44 mined on the basis of the length of time the employee has been  
45 employed by the county board of education. For the purposes

46 of establishing seniority for a preferred recall list as herein-  
47 after provided, when an employee holds valid certification or  
48 licensure in one or more areas, the seniority shall accrue in  
49 each area.

50 Whenever a county board is required to reduce the number  
51 of professional personnel in its employment, the employee  
52 with the least amount of seniority shall be properly notified  
53 and released from employment pursuant to the provisions of  
54 section two, article two of this chapter: *Provided, however,*  
55 That such employee shall be employed in any other position  
56 for which he is certified and/or licensed if his seniority is  
57 greater than the seniority of any other employee in that area  
58 of certification and/or licensure.

59 All employees whose seniority with the county board is  
60 insufficient to allow their retention by the county board  
61 during a reduction in work force shall be placed upon a pre-  
62 ferred recall list and shall be recalled to employment by the  
63 county board on the basis of seniority.

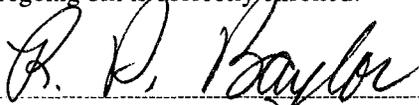
64 Employees placed upon the preferred list shall be recalled  
65 to any position openings by the county board within the  
66 classification(s), where they had previously been employed,  
67 or to any position for which the employee is qualified or to  
68 an area for which an employee has certification and/or  
69 licensure.

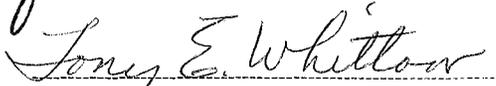
70 Employees on the preferred recall list shall not forfeit their  
71 right to recall by the county board if compelling reasons  
72 require an employee to refuse an offer of reemployment by the  
73 county board.

74 The county board shall be required to notify all employees  
75 on the preferred recall list of all position openings that from  
76 time to time exist. Such notice shall be sent by certified mail  
77 to the last known address of the employee; it shall be the duty  
78 of each such employee to notify the county board of any  
79 change in the address of such employee.

80 No position openings may be filled by the county board,  
81 whether temporary or permanent, until all employees on the  
82 preferred recall list have been properly notified of existing  
83 vacancies and have been given an opportunity to accept re-  
84 employment.

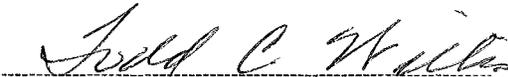
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

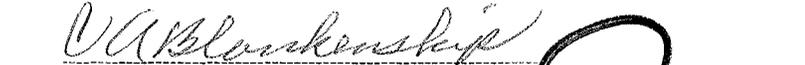
  
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Chairman Senate Committee

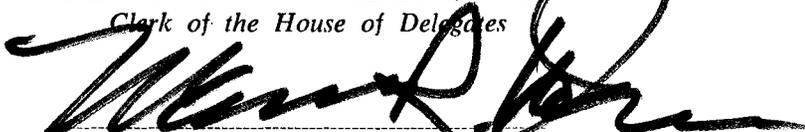
  
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Chairman House Committee

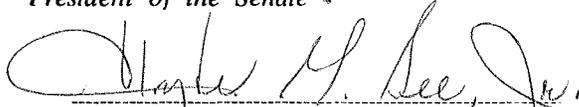
Originated in the House.

Takes effect ninety days from passage.

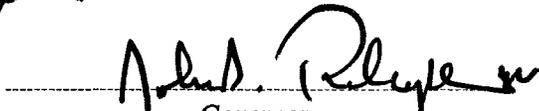
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved this the 28  
day of April, 1981.

  
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Governor

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SECY. OF STATE