WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
Com. Sub. for
HOUSE BILL No. 1206

(By Mr. Barley & Mr. Haden)

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 promotion of auxiliary and service personnel on the basis of seniority, qualifications and evaluation of past service.

4 For purposes of determining seniority under this section, an employee's seniority begins on the date that he enters into his assigned duties.
Notwithstanding any other provisions of this chapter to the contrary, decisions affecting such personnel with respect to extra-duty assignments, shall be made in the following manner: an employee with the greatest length of service time in a particular category of employment shall be given priority in accepting such assignments, followed by other fellow employees on a rotating basis according to the length of their service time until all such employees have had an opportunity to perform similar assignments. The cycle then shall be repeated.

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

(1) The seniority of any such service and auxiliary personnel shall be determined on the basis of the length of time the employee has been employed by the county board of education within a particular job classification. For the purpose of establishing seniority for a preferred recall list as hereinafter provided, when an employee has been employed in one or more classifications, the seniority accrued in each previous classification shall be retained by the employee.

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

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

(2) The seniority of professional personnel shall be determined on the basis of the length of time the employee has been employed by the county board of education. For the purposes
of establishing seniority for a preferred recall list as herein-
after provided, when an employee holds valid certification or
licensure in one or more areas, the seniority shall accrue in
each area.

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

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

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

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

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

No position openings may be filled by the county board,
whether temporary or permanent, until all employees on the
preferred recall list have been properly notified of existing
vacancies and have been given an opportunity to accept re-
employment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ________ is approved ________ this the ________ day of ________, 1981.

Governor