

No: 520

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APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

Date 3-29-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

Committee Substitute for
SENATE BILL NO. 520

(By Mr. Coon)

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PASSED March 12 1983

In Effect sixty days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 520
(MR. COOK, original sponsor)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-six, relating to seniority rights for full-time nonprofessional classified personnel employed by the board of regents; defining certain terms; specifying requirements for determining seniority; requiring that seniority be observed in temporary furloughs and permanent terminations; requiring that a recall list be kept by each institution controlled by the board of regents; providing that listings be renewed annually; and requiring notification of all listed persons prior to filling vacancies.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-26. Definitions; requirements for determining seniority for full-time nonprofessional classified personnel; seniority to be observed in reducing work force; preferred recall list; renewal of listing; notice of vacancies.

- 1 All decisions by the board of regents or its agents in
- 2 institutions of higher learning concerning reductions in

3 work force of full-time nonprofessional classified person-
4 nel, whether by temporary furlough or permanent termi-
5 nation, shall be made on the basis of seniority, as here-
6 inafter provided:

7 (a) As used in this section:

8 (1) "Employee" means any full-time nonprofessional
9 classified employee.

10 (2) "Full-time nonprofessional classified employee"
11 means an employee of the board of regents at any institu-
12 tion under its control

13 (i) Who holds a job title that, under the rules and
14 regulations of the board of regents, is considered classi-
15 fied and is subject to the minimum wage and maximum
16 hours standards of article five-c, chapter twenty-one of
17 this code;

18 (ii) Whose job title or position is delineated in a cur-
19 rent, authorized state expenditure schedule; and

20 (iii) Whose employment is on a regular basis and if
21 continued shall accumulate to a minimum total of one
22 thousand forty hours during a calendar year and extend
23 over at least nine months of a calendar year.

24 (3) "Job title" means the name of a position or job
25 held by an employee.

26 (4) "Job classification" means a grouping of job titles
27 with the same name without regard to their numerical
28 designations, or any job title for which there is no related
29 title of the same name.

30 (5) "Grade of classification" means a job title or posi-
31 tion with its numerical designation which distinguishes it
32 from other titles in the same classification.

33 (b) The seniority of any full-time nonprofessional
34 classified employee shall be determined on the basis of
35 the length of time the employee has been employed by
36 the board of regents or its agents in institutions of higher
37 learning within a particular job classification. For the
38 purpose of establishing seniority for a preferred recall
39 list as hereinafter provided, when an employee has been
40 employed in one or more classifications, the seniority
41 accrued in each previous classification shall be retained

42 by the employee. If an institution is required to reduce
43 the number of employees within a particular job classi-
44 fication, the employee with the least amount of seniority
45 within that classification or grades of classifications shall
46 be properly released and employed in a different grade
47 of that classification if there is a job vacancy: *Provided,*
48 That if there is no job vacancy for employment within
49 such classification or grades of classification, he shall be
50 employed in any other job classification which he pre-
51 viously held with the institution if there is a vacancy and
52 shall retain any seniority accrued in such job classifica-
53 tion or grade of classification.

54 (c) If two or more employees accumulate identical
55 seniority, the priority shall be determined by a random
56 selection system established by the employees and ap-
57 proved by the institution.

58 (d) Any employee whose seniority with the institution
59 is insufficient to allow his retention by the institution
60 during a furlough or reduction in work force shall be
61 placed upon a preferred recall list and shall be recalled to
62 employment by the institution on the basis of seniority.
63 An employee's listing with an institution shall remain
64 active for a period of one calendar year from the date of
65 his termination or furlough, or from the date of his most
66 recent renewal. If an employee fails to renew his listing
67 with the institution, his name may be removed from the
68 list. An employee placed upon the preferred list shall be
69 recalled to any position opening by the institution within
70 the classification(s), in which he had previously been
71 employed, or to any lateral position for which the em-
72 ployee is qualified.

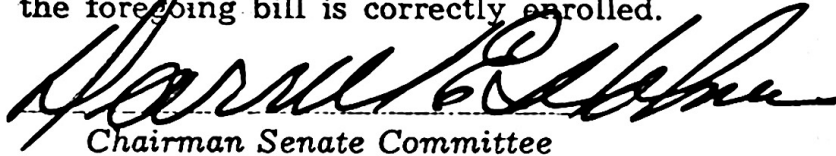
73 (e) An employee on the preferred recall list shall not
74 forfeit his right to recall by the institution if compelling
75 reasons require such employee to refuse an offer of re-
76 employment by the institution.

77 (f) The institution shall be required to notify all em-
78 ployees maintaining active listings on the preferred recall
79 list of all position openings that from time to time exist.
80 Such notice shall be sent by certified mail to the last
81 known address of the employee. It shall be the duty of

82 each employee listed to notify the institution of any
83 change in his address and to timely renew his listing
84 with the institution.

85 (g) No position openings may be filled by the institu-
86 tion, whether temporary or permanent, until all employ-
87 ees on the preferred recall list have been properly notified
88 of existing vacancies and have been given an opportunity
89 to accept reemployment.

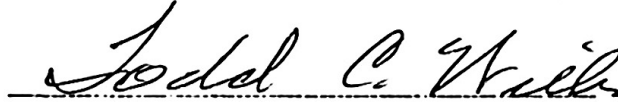
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee



Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.


Clerk of the Senate

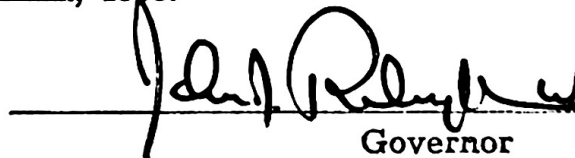

Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 29

day of March, 1983.


Governor

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SECY. OF STATE