WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Committee Substitute for
SENATE BILL NO. 520

(By Mr. Coon)

PASSED March 12, 1983
In Effect ninety 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 institutions of higher learning concerning reductions in
work force of full-time nonprofessional classified personnel, whether by temporary furlough or permanent termination, shall be made on the basis of seniority, as hereinafter provided:

(a) As used in this section:

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

(2) "Full-time nonprofessional classified employee" means an employee of the board of regents at any institution under its control

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

(ii) Whose job title or position is delineated in a current, authorized state expenditure schedule; and

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

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

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

(5) "Grade of classification" means a job title or position with its numerical designation which distinguishes it from other titles in the same classification.

(b) The seniority of any full-time nonprofessional classified employee shall be determined on the basis of the length of time the employee has been employed by the board of regents or its agents in institutions of higher learning 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. If an institution is required to reduce
the number of employees within a particular job classi-
fication, the employee with the least amount of seniority
within that classification or grades of classifications 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 pre-
viously held with the institution if there is a vacancy and
shall retain any seniority accrued in such job classifica-
tion or grade of classification.

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

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

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

(f) The institution shall be required to notify all em-
ployees maintaining active listings 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 employee listed to notify the institution of any change in his address and to timely renew his listing with the institution.

(g) No position openings may be filled by the institution, 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 reemployment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Donald Axillo
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Donald L. Young
Clerk of the House of Delegates

Wara R. McLean
President of the Senate

Speaker House of Delegates

The within ______ approved ______ this the ____________ day of ____________, 1983.

Governor