

RECEIVED

1992 MAR 17 PM 5:16

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992



# ENROLLED

*Committee Substitute for*  
**SENATE BILL NO. 299**

(By Senator Lucht, et al)



**PASSED** March 7, 1992

In Effect from Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 299**

(SENATORS LUCHT, WAGNER, HUMPHREYS, FELTON,  
BRACKENRICH, HOLLIDAY, M. MANCHIN, BURDETTE,  
MR. PRESIDENT, DALTON AND TOMBLIN, *original sponsors*)

[Passed March 7, 1992; in effect 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-f, relating to the seniority rights of classroom teachers in consolidated schools.

*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-f, to read as follows:

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

**§18A-4-8f. Seniority rights, school consolidation.**

1 Notwithstanding any provision of this article to the  
2 contrary, when a majority of the classroom teachers,  
3 as defined in section one, article one of this chapter,  
4 who vote to do so, in accordance with procedures

5 established herein, and who are employed by a county  
6 board of education, the board shall give priority to  
7 classroom teachers in any school or schools to be  
8 closed as a result of a consolidation or merger when  
9 filling positions in the new school created by consoli-  
10 dation or newly created positions in existing schools as  
11 a result of the merger. Each year a consolidation or  
12 merger is proposed, prior to the implementation of  
13 that plan, the superintendent shall cause to be pre-  
14 pared and distributed to all faculty senates a ballot on  
15 which teachers may indicate whether or not they  
16 desire those affected by school closings to be given  
17 priority status in filling new positions. A secret ballot  
18 election shall be conducted in each faculty senate and  
19 the faculty senate chair shall convey the results of  
20 such election to the superintendent. The superinten-  
21 dent shall tabulate and post all results prior to the  
22 notice requirements for reduction in force and trans-  
23 fer as outlined in sections two and seven, article two  
24 of this chapter. The total number of votes shall be  
25 tabulated and the provisions of this section shall be  
26 implemented only if a majority of the total number of  
27 teachers who cast a ballot vote to do so. The teachers  
28 in the school or schools to be closed shall have priority  
29 in filling new positions in the new or merged schools  
30 for which the teachers are certified and meet the  
31 standards set forth in the job posting on the basis of  
32 seniority within the county: *Provided*, That a teacher  
33 shall only receive priority for filling a position at a  
34 school impacted by a merger, or consolidation with the  
35 position being created by the influx of students from  
36 a consolidated or merged school into the school  
37 receiving students from their closed school or grade  
38 level. The most senior teacher in the closed school or  
39 schools shall be placed first, the second most senior  
40 shall be placed next and so on until all the newly  
41 created positions are filled, or until all the teachers in  
42 the closed school or schools who wish to transfer into  
43 the newly created positions are placed: *Provided*,  
44 *however*, That if there are fewer new positions in the  
45 newly created school or merged school than there are  
46 classroom teachers in the school or schools to be

47 closed, the teachers who were not placed in the new  
48 positions shall retain the same rights as all other  
49 teachers with regard to seniority, transfer and reduc-  
50 tion in force: *Provided further*, That nothing herein  
51 shall be construed to grant any employee additional  
52 rights or protections with regard to reduction in force.

53 For the purposes of this section only, a consolidation  
54 shall mean when one or more schools are closed, or  
55 one or more grade levels are removed from one or  
56 more schools and the students who previously  
57 attended the closed schools or grade levels are assigned  
58 to a new school. For purposes of this section only, a  
59 merger shall mean when one or more schools are  
60 closed or one or more grade levels are removed from  
61 one or more schools and the students who previously  
62 attended the closed schools or grade levels are assigned  
63 to another existing school.

64 The provisions of this section shall not apply to  
65 positions which are filled by a county board prior to  
66 the effective date of this section.

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

*Homer Heck*  
.....  
Chairman Senate Committee

*Bruce C. Medce*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Carroll E. Colman*  
.....  
Clerk of the Senate

*Donald L. Kopp*  
.....  
Clerk of the House of Delegates

*Will Switzer*  
.....  
President of the Senate

*B. H. C.*  
.....  
Speaker House of Delegates

The within *is approved* this the *17<sup>th</sup>*.....  
day of *March*....., 1992.

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/92

Time 4:15 pm