

## Roane County Schools

### Bylaws & Policies

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#### 4120.01 - FOOD SERVICE PERSONNEL

Employment of food service personnel must comply with all Federal and State laws and regulations.

The employment term for food service personnel may not be less than ten (10) months. A month is defined as twenty (20) employment days. The beginning and closing dates of the ten (10) month employment term may not exceed forty-three (43) weeks. The Board of Education may contract food service personnel for a longer term, and, if on a yearly or twelve (12) month basis, may be employed by calendar months.

Food service personnel employed for the first time must hold a high school diploma or general education development certificate (GED) or be enrolled in an approved adult education course for GED completion at the time of employment and pass the State Board of Education's Competency test for the classification category of the job. The cafeteria manager class title is included in the same classification category as cooks and has the same competency test.

The Board shall make decisions affecting promotions and the filling of any food service personnel positions of employment or jobs on the basis of seniority, qualifications and evaluation of past service.

An employee's seniority begins on the date that s/he enters into his/her assigned duties and is accumulated within particular job classification categories as those classification categories are referred to in WV Code 18A-4-8e.

Qualifications shall mean that the applicant holds a classification title in his/her category of employment. The cafeteria manager class title shall be included in the same classification category as a Cook I, II, and III.

Evaluation of past service shall include the past two (2) years. A qualified employee with satisfactory evaluations shall be considered before those employees with an unsatisfactory evaluation regardless of seniority.

Applicants shall be considered in the following order:

- A. regularly employed food service personnel who are employed in the classification category of the vacancy;
- B. regularly employed service personnel who are not employed in the classification category of the vacancy;
- C. service personnel whose employment has been discontinued due to a reduction of force
- D. professional personnel who held temporary service personnel jobs or positions prior to June 9, 1982, and who apply only for such temporary jobs or positions
- E. substitute service personnel
- F. new service personnel

The Board shall post and date notices of all job vacancies of established existing or newly created positions in conspicuous places for all school service employees to observe for at least five (5) working days, as well as on the School District's website. The notice of the job vacancies shall include the job description, the period of employment, the amount of pay and any benefits and other information that is helpful to the employees to understand the particulars of the job. After the five (5) day minimum posting period, all vacancies shall be filled within twenty (20) working days from the posting date notice of any job vacancies of established existing or newly created positions. Job postings for vacancies shall be written so as to ensure that the largest possible pool of qualified applicants may apply. Job postings may not require criteria which are not necessary for the successful performance of the job and may not be written with the intent to favor a specific applicant.

The Board will not employ as food service personnel the unemancipated children or, except for a spouse, a dependent (IRS criteria) of the Superintendent any member of the Board. Otherwise, the Board may employ the Superintendent's or a member's relatives, including his/her parent or parent-in-law, brother or sister, brother-in-law or sister-in-law, child, son-in-law or daughter-in-law, grandparent, or grandchild. When any such relative of a Board member is employed as a food service employee, the related Board member shall not participate in any way in the discussion or vote on the employment, and the Board member shall leave the Board meeting during the discussion and vote. In the case of the Superintendent's relative, the Superintendent shall not participate in any way in the discussion. Thereafter, the Board member may not vote on a personnel matter involving his/her relative unless the matter affects the Board member's relative as a member of a profession or occupation, or as a member of a class of at least five (5) persons.

Any person who intentionally misstates facts material to his/her qualifications for employment or the determination of salary shall be subject to dismissal by the Board.

The Board shall employ and the Superintendent, subject to the approval of the County Board, shall assign substitute food service personnel on the basis of seniority to perform any of the following duties:

- A. to fill the temporary absence of another food service employee;
- B. to fill the position of a regular food service employee who either requests a leave of absence from the Board in writing and is granted the leave in writing by the Board, or is on workers' compensation and absent;

If such an absence is to extend beyond thirty (30) working days, the Board shall post the position of the absent employee under the procedures set forth above for filling vacancies in established existing or newly created positions. If a substitute service person is employed to fill the position of the absent employee and is employed in the position for, twenty (20) or more working days, the substitute service person acquires regular employee status with the exception of regular employee job bidding rights, does not accrue regular seniority, and is accorded all other rights, privileges and benefits pertaining to the position until the regular employee returns to the position or ceases to be employed by the Board. If a regular or substitute employee fills a vacancy related in any manner to a leave of absence or the absence of an employee on workers' compensation as provided above, upon termination of the absence the employee shall be returned to his/her original position or status.

- C. to perform the service of a food service employee who is authorized to be absent from duties without loss of pay;
  - D. to temporarily fill a vacancy in a permanent position caused by severance of employment by the resignation, transfer, retirement, permanent disability, dismissal for cause, or death of the regular food service employee who has been assigned to fill the position;
- Within twenty (20) working days from the commencement of the vacancy, the Board shall fill the vacancy under the procedures set forth above and the person hired to fill the vacancy shall have and shall be accorded all rights, privileges and benefits pertaining to the position.
- E. to fill the vacancy created by a regular food service employee's suspension;

If the suspension is for more than thirty (30) working days, the Board shall post the position of the suspended employee under the procedures set forth above for filling vacancies in established existing or newly created positions. If a substitute service employee is employed to fill the suspended employee's position, the substitute acquires regular employment status with the exception of regular employee job-bidding rights, does not accrue regular seniority, and is accorded all rights, privileges and benefits

pertaining to the position until the termination by the Board becomes final or the suspended employee is returned to employment. If the suspended employee is not returned to his/her job, the Board shall fill the vacancy under the procedures set out above for filling vacancies in established existing or newly created positions.

- F. to temporarily fill a vacancy in a newly created food service position prior to employment of food service personnel on a regular basis.

Food service substitutes shall be assigned in the following manner:

- A. Regular food service employees employed in the same building or working station as the absent food service employee and in the same classification category of employment as the absent employee, shall be first offered the opportunity to fill the position of the absent employee on a rotating and seniority basis, with a substitute food service employee then filling the regular employee's position. A regular employee assigned to fill the position of an absent employee shall be given the opportunity to hold that position throughout the absence.
- B. If no regular food service employees fill the position of the absent employee under that procedure, then the food service substitute with the greatest length of service time in the vacant category of employment, that is, from the date s/he began his/her assigned duties as a substitute in that particular category of employment, shall be given priority in accepting the assignment throughout the period of the regular employee's absence or until the vacancy is filled on a regular basis under the procedures set out above for filling vacancies in established existing or newly created positions. All food service substitutes shall be employed on a rotating basis according to the length of their service time until each substitute has had an opportunity to perform similar assignments.

Food Service personnel are classified as follows:

- A. "Cafeteria Manager" means personnel employed to direct the operation of a food service program in a school, including assigning duties to employees, approving requisitions for supplies and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation, preparing financial reports and keeping records pertinent to food services of a school.
- B. "Cook I" means personnel employed as a cook's helper.
- C. "Cook II" means personnel employed to interpret menus, to prepare and serve meals in a food service program of a school, or and shall include personnel who have been employed as a "Cook I" for a period of four (4) years.
- D. "Cook III" means personnel employed to prepare and serve meals, make reports, prepare requisitions for supplies, order equipment and repairs for a food service program of a school system.

Decisions affecting food service personnel with respect to extra-duty assignments shall be made in the following manner:

- A. An employee with the greatest length of service time in a particular category of employment shall be given priority in accepting extra duty assignments.
- B. Other fellow employees shall then follow 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.

An alternate procedure for making extra-duty assignments may **not** be utilized. In order for an alternative procedure to be used, it must be approved both by the Board and by an affirmative vote of two-thirds (2/3's) of the food service employees within the affected classification categories. "Extra-duty assignments" are defined as irregular jobs that occur periodically or occasionally such as, but not limited to, field trips, athletic events, proms, banquets and band festival trips.

In order to maintain a high degree of productivity and performance, school food service employees will be evaluated periodically in compliance with adopted evaluation policies.

A grievance procedure has been adopted by the State of West Virginia to enable food service employees to reach solutions to problems which arise within the scope of their respective employment relationships to the end that good morale may be maintained, effective job performance may be enhanced and the citizens of the community may be better served. This procedure is intended to provide a fair, efficient, cost-effective, and consistent process for resolving problems.

WV Code 6C-2-1, *et seq.*

W. Va. Code 18A-4-8

W. Va. Code 18A-4-8b

W. Va. Code 18A-4-8e

W. Va. Code 18A-4-15

W.Va. Board of Education Policy 4320

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