



Policy ~~4370~~ 523 – Seniority for of Service Personnel

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1st reading May 23, 2019

2nd reading

3rd reading

Statutory authority (none)

Administrative Guidelines
(none)

~~Seniority accumulation for a regular school service employee begins on the date the employee enters upon regular employment duties and continues until the employee's employment as a regular employee is severed with the County Board.~~

~~Seniority shall not cease to accumulate when an employee is absent without pay as authorized by the County Board or the absence is due to illness or other reasons over which the employee has no control as authorized by the County Board.~~

~~Seniority of a regular or substitute employee shall continue to accumulate except during the time when an employee is willfully absent from employment duties because of a concerted work stoppage or strike or is suspended without pay.~~

~~Seniority acquired as a substitute and as a regular employee shall be calculated separately and shall not be combined for any purpose.~~

~~For all purposes, including the filling of vacancies and reduction in force, seniority shall be accumulated within particular classification categories of employment. Service personnel who are employed in a classification category of employment at the time when a vacancy is posted in the same classification category of employment shall be given first opportunity to fill the vacancy. When implementing a reduction in force, an employee with the least seniority within a particular classification category shall be properly released and placed on the preferred recall list. The particular classification title held by an employee within the classification category shall not be taken into consideration when implementing a reduction in force.~~

TRANSFER OUT OF CLASSIFICATION

~~The seniority of an employee who transfers out of a class title or classification category of employment and subsequently returns to that class title or classification category of employment shall be calculated as follows: The County Board shall establish the number of calendar days between the date the employee left the class title or category of employment in question and the date of return to the class title or classification category of employment. This number of days shall be added to the employee's initial seniority date to establish a new beginning seniority date within the class title or classification category. The employee shall then be considered as having held uninterrupted service within the class title or classification category from the newly established seniority date. The seniority of an employee who has had a break in the accumulation of seniority as a result of~~

being willfully absent from employment duties because of a concerted work stoppage or strike shall be calculated in the same manner.

SENIORITY ACQUIRED IN DIFFERENT CLASSIFICATIONS

Seniority acquired within different classification categories shall be calculated separately except when a school service employee makes application for a position outside of the classification category currently held and the vacancy is not filled by an applicant within the classification category of the vacancy, the applicant shall combine all regular employment seniority acquired for the purposes of bidding on the position.

MULTICLASSIFICATION

School service personnel who hold multiclassification titles shall accrue seniority in each classification category of employment which the employee holds and shall be considered an employee of each classification category contained within his/her multiclassification title. Multiclassified employees are subject to reduction in force in any category of employment contained within their multiclassification title based upon the seniority accumulated within that category of employment; however, if a multiclassified employee is reduced in force in one (1) classification category, the employee shall retain employment in any of the other classification categories that s/he holds within his/her multiclassification title. In that case, the County Board shall delete the appropriate classification title or classification category from the contract of the multiclassified employee. When applying to fill a vacancy outside the classification categories held by the multiclassified employee, seniority acquired simultaneously in different classification categories shall be calculated as if accrued in one (1) classification category only.

When filling multiclassification vacancies, the applicant with the greatest seniority in any one (1) of the classification titles included within the multiclassified position shall be deemed the most senior applicant for the position.

SCHOOL CONSOLIDATION

For purposes of this section, "consolidation" means that one or more schools are closed, or one or more grade levels are removed from one or more schools, and the students who previously attended the closed schools or grade levels are assigned to a new school; and "merger" means that one or more schools are closed or one or more grade levels are removed from one or more schools and the students who previously attended the closed schools or grade levels are assigned to another existing school.

When a majority of the school service personnel vote to do so, in accordance with procedures established in this policy, and who are employed by the Board, the Board shall give priority to school service personnel in any school or schools to be closed as a result of a consolidation or merger when filling positions in the new school created by consolidation or newly created positions in existing schools as a result of the merger.

Each year a consolidation or merger is proposed, prior to the implementation of that plan, the Superintendent shall cause to be prepared and distributed to all schools or other work sites a ballot on which service personnel may indicate whether or not they desire those affected by school closings to be given priority status in filling new positions. A secret ballot election shall be conducted at each school or work site for school service personnel. The service personnel supervisor at each school or work site shall convey the results of the election to the Superintendent.

~~The Superintendent shall tabulate and post all results prior to the notice requirements for reduction in force and transfer as outlined in WV Code 18A-2-2 and WV Code 18A-2-7. The total number of votes shall be tabulated for service personnel separate from any tabulations for classroom teachers.~~

~~If a majority of the total number of service personnel who cast a ballot vote to approved priority status, then school service personnel in the school or schools to be closed have priority in filling new positions in the new or merged schools for which the school service personnel are qualified and meet the standards set forth in the job posting on the basis of seniority within the County. However; a school service person may receive priority for filling a position at a school affected by a merger or consolidation only for the position being created by the influx of students from a consolidated or merged school into the school receiving students from their closed school or grade level.~~

~~The most senior service person from the closed school or schools has priority in filling any position within his/her classification category. The second most senior service person from the closed school or schools then has priority in filling remaining vacancies and so on until all available positions are filled.~~

~~If there are fewer new positions in the newly created school or merged school than there are school service personnel from the school or schools to be closed, the school service personnel who were not placed in the new positions retain the same rights as all other service personnel with regard to seniority, transfer and reduction in force.~~

~~This section of the policy does not grant any employee additional rights or protections with regard to reduction in force.~~

~~SUBSTITUTE SERVICE PERSONNEL~~

~~Seniority accumulation for a substitute employee shall begin upon the date the employee enters upon the duties of a substitute. The seniority of a substitute employee, once established, shall continue until the employee enters into the duties of a regular employment or employment as a substitute with the County Board is severed.~~

~~A substitute school service employee shall acquire regular employment status, but not regular employee job bidding rights or regular seniority, if the employee receives a position pursuant to subsections (2) and (5) of WV Code 18A-4-15. The substitute service person shall accumulate substitute seniority while holding a position acquired pursuant to subsections (2) and (5) of WV Code 18A-4-15. Upon termination of a leave of absence or a suspension, the substitute employee shall return to the status previously held. Substitute service personnel shall not be granted regular employee status or seniority other than as stated above.~~

~~MULTI-COUNTY VOCATIONAL CENTERS~~

~~Service personnel employed by a multi-county vocational center operated by the Board whose employment with the multi-county vocational center was immediately preceded by employment with the Board:~~

- ~~_____ A. _____ shall retain any seniority accrued during employment by said County Board;~~
- ~~_____ B. _____ shall accrue seniority as a regular employee with said County Board during employment with the Center;~~
- ~~_____ C. _____ shall attain continuing contract status with both the County and the Center if the sum of the years employed by the County and the Center equals the statutory number required for continuing contract status; and~~

~~_____ D. _____ shall retain and continue to accrue County and Center seniority in the event of re-employment by said participating County as a result of direct transfer from the Center or recall from the preferred list. Only years of employment within the multi-county vocational center shall be considered for purposes of reduction in force within the Center.~~

SENIORITY LISTS:

~~A. _____ On or before the first day of September and the fifteenth day of January of each school year, the County Board shall post at each county school or working station the current seniority list or lists of each school service classification. Each list shall contain the name of each regularly employed school service personnel employed in each classification and the date that each employee began performing his/her assigned duties in each classification. It is the responsibility of all service employees to verify the accuracy of the published information and to request any corrections. Erroneous information will be promptly corrected. However, personnel decisions, relying on erroneous information, will not be rescinded on behalf of an employee who failed to provide notification of erroneous information in a timely manner.~~

~~_____ B. _____ Current seniority lists of substitute school service personnel shall be available to employees upon request at the County Board office.~~

The Superintendent shall maintain lists of all service personnel classifications employed by the Board, indicating in each the name, seniority date, and current position of all those currently employed in that classification. These lists shall be posted on the Board's website and shall be updated regularly but at least twice per year on or before September 1 and on or before January 15.

Seniority of service personnel shall be quoted as a date certain. This date shall be the date on which each person began his / her duties as a regular employee in the classification listed, except that if he / she is separated from this classification by reduction-in-force or voluntarily transferred to another classification, this date shall be adjusted forward by a period equal to each and every calendar day that he / she was not employed in that classification. Any service person who voluntarily leaves employment with or is terminated by the Board shall forfeit any and all seniority earned previously.

If two or more service personnel are to begin their duties in a particular classification on the same date such that each will earn an identical seniority date, then a random selection process must be commenced within thirty days of this seniority date to establish a ranked order. This process shall be agreed upon by the employees and shall be performed by the Board at a regular or special meeting. For regular employees, this ranked order shall be permanent so long as the two or more of the involved service personnel maintain that seniority date.

For substitute employees who have not yet been called to work, a similar process shall be used to establish a ranked order for any and all substitute employees hired in a particular classification to begin work on a particular date. This ranked order shall only be used for this purpose except that, if two or more service personnel in a particular classification are offered and commence work on the same date so that they earn an identical seniority date as substitute service personnel, a random selection process separate from any previous process shall be commenced to establish a ranked order which shall then be permanent so long as two or more of the involved substitute service personnel maintain that seniority date.

Seniority earned as a substitute service personnel shall not be transferable upon employment as a regular employee or considered equivalent to that earned by regular service personnel, and any seniority earned as a substitute service personnel shall immediately be forfeit upon employment as a regular employee.

IDENTICAL SENIORITY

If two (2) 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. A board shall conduct the random selection within thirty (30) days upon the employees establishing an identical seniority date. The Board delegates its responsibility to approve and conduct random selections to the Superintendent. The approval by the Board of any personnel action involving a random selection shall constitute ratification of the random selection procedure that was observed by the affected employees. All employees with an identical seniority date within the same class title or classification category shall participate in the random selection. As long as the affected employees hold identical seniority within the same classification category, the initial random selection conducted by the Board shall be permanent for the duration of the employment within the same classification category of the employees by the Board. This random selection priority applies to the filling of vacancies and to the reduction in force of school service personnel. If another employee or employees subsequently acquire seniority identical to the employees involved in the original random selection, a second random selection shall be held within thirty (30) days to determine the seniority ranking of the new employee or employees within the group. The priority between the employees who participated in the original random selection shall remain the same. The second random selection shall be performed by placing numbered pieces of paper equal to the number of employees with identical seniority in a container. The employees who were not involved in the original random selection shall draw a number from the container which will determine their seniority within the group as a whole. This process will be repeated if additional employees subsequently acquire identical seniority. The same process shall be utilized if additional employees are subsequently discovered to have the same seniority as the original group of employees but who did not participate in the original random selection through oversight or mistake.

The seniority conferred under identical seniority policy applies retroactively to all affected school service personnel, but the rights incidental to the seniority shall commence as of April 8, 1993.