

Policy ~~3130.01~~ 524 – Transfers and Reductions-in-Force

Revised policy and repeal of Policy 3131 (Reduction In Force – Classroom Teachers and Other Professional Personnel), Policy 3131.01 (Reduction in Classroom Teaching Positions in Elementary Schools), Policy 3131.02 (Preferred Recall List), Policy 4130 (Assignment and Transfer of Service Personnel), Policy 4131 (Reduction in Force – Service Personnel), and Policy 4131.02 (Preferred Recall List) effective July 1, 2019

1st reading May 23, 2019

2nd reading

3rd reading

Statutory authority West Virginia Code 18A-2-2, 18A-2-7, 18A-2-7b, 18A-4-7a, 18A-4-8b, 18A-4-8g; West Virginia Board of Education Policy 5000

Administrative Guidelines

(none)

The Board recognizes that from time to time, it may be necessary to transfer employees or reduce the number of employees in the Board's staff.

Transfers and reductions-in-force shall be executed as prescribed in state law and policies.

Lateral Transfers of Professional Personnel

When considering transfers of professional personnel, the following shall be govern considering lateral areas of employment. For administrators, see also Policy 154.

1. The Title I Coordinator shall be lateral only to him/herself.
2. The Math Instructional Coach shall be lateral only to him / herself.
3. The Student Support Specialist shall be lateral only to him / herself.
4. Technology Support Specialists shall be lateral only to other Technology Support Specialists.
5. Technology Integration Specialists shall be lateral only to other Technology Integration Specialists.
6. School Psychologists shall be lateral only to other School Psychologists.
7. Counselors shall be lateral only to other Counselors.
8. School Nurses shall be lateral only to other School Nurses.

Pursuant to state law, all classroom teaching positions are considered lateral to any other classroom teaching position provided the teacher possesses the appropriate certification and / or endorsements.

All persons employed in the positions listed above shall accrue seniority as classroom teachers if they possess the appropriate certification. Any such person subject to release shall be employed in any other professional position where such person is certified and was previously employed or to any lateral area for which such employee is certified and/or licensed, if such person's seniority is greater than the seniority of any other employee in that area of certification and/or licensure; provided, that any such person employed under a temporary permit shall be released before any fully certified teacher is subject to release.

The Superintendent, subject only to approval of the Board of Education, shall have authority to transfer professional personnel. However, the employee shall be notified in writing by the Superintendent on or before April 1st if s/he is being considered for transfer or to be transferred.

~~Only those professional personnel employees whose consideration for transfer or intended transfer is based upon known or expected circumstances which will require the transfer of employees shall be considered for transfer or intended for transfer and the notification shall be limited to only those employees.~~

~~Any professional personnel employee who desires to protest such proposed transfer may request in writing a statement of the reasons for the proposed transfer. The statement of reasons shall be delivered to the employee within ten (10) days of the receipt of the request. Within ten (10) days of the receipt of the statement of the reasons, the employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the Board. The hearing on the proposed transfer shall be held on or before May 1st. At the hearing, the reasons for the proposed transfer must be shown.~~

~~The Superintendent at a meeting of the Board on or before May 1st shall furnish in writing to the Board a list of employees to be considered for transfer and subsequent assignment for the next ensuing school year. An employee who was not provided notice and an opportunity for a hearing pursuant to this policy may not be included on the list. All other employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting. The list of those recommended for transfer shall be included in the minute record of such meeting and all those so listed shall be notified in writing, which notice shall be delivered in writing, by certified mail, return receipt request, to such person's last known address within ten (10) days following said Board meeting, of their having been so recommended for transfer and subsequent assignment and the reasons for such transfer.~~

~~When actual student enrollment in a grade level or program, unforeseen on or before May 1st of the preceding school year, permits the assignment of fewer teachers to or within a school under any pupil teacher ratio, class size or caseload standard established in WV Code 18-5-18a or any policy of the State Board, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any such pupil teacher ratio, class size or caseload standard. Provided:~~

- ~~A. Before any reassignment may occur, notice shall be provided to the employee via certified mail or hand delivery at least ten (10) days prior to the same and the employee shall be provided an opportunity to appear before the Board to state the reasons for his/her objections, if any, prior to the Board voting on the reassignment. The opportunity to be heard shall not be a hearing with the right to present witnesses, rather, it is an opportunity for the employee to concisely state his/her objections to the Board. _____~~
- ~~B. Except as otherwise provided in (A) above, the reassignment may be made without following the notice and hearing provisions of WV Code 18A-2-7(a) and (b) and at any time during the school year when the student enrollment conditions above exist; however, the reassignment may not occur after the last day of the second school month.~~
- ~~C. A professional employee reassigned under this paragraph, shall be the least senior of the surplus professional personnel who holds certification or licensure to perform the duties at the other school or at the grade level or program within the school.~~
- ~~D. No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment.~~

~~The Superintendent shall provide documentation of the staffing needs as of May 1st.~~

~~It is not in the best interest of the students particularly in the elementary grades to have multiple teachers for any one grade level or course during the instructional term. Filling positions through transfers of personnel from one professional position to another after the twentieth day prior to the beginning of the instructional term should be kept to a minimum. Except as otherwise provided herein, pursuant to WV Code 18A-2-7b(a) after the twentieth day, prior to the beginning of the instructional term, no person employed and assigned to a professional position may transfer to another professional position in the County during that instructional term unless the person holding that position does not have valid certification subject to the following:~~

- A. ~~The person may apply for any posted, vacant positions with the successful applicant assuming the position at the beginning of the next instructional term.~~
- B. ~~Professional personnel who have been on an approved leave of absence may fill these vacancies upon their return from the approved leave of absence.~~
- C. ~~The Board, upon recommendation of the Superintendent may fill a position before the next instructional term when it is determined to be in the best interest of the students.~~

~~Upon recommendation of the Principal and approval by the classroom teacher, Superintendent, and Board, a classroom teacher assigned to the school may at any time during the school year be assigned to a new or existing classroom teacher position at the school during that school year without the position being posted. This provision shall not apply to vacancies that will occur in the ensuing year or other future years. Transfers made under these provisions are not subject to the limitation on transfers found in WV Code 18A-2-7b(a).~~

~~For purposes of this policy, an itinerant teacher shall be considered to be assigned to the school where s/he spends the majority of his/her instructional time. If an itinerant teacher does not spend the majority of this/her instructional time in any one school, the itinerant teacher shall be considered to be assigned to a school as designated by the Superintendent.~~

~~West Virginia State Board of Education policy 5000
WV Code 18A-2-7, and 18A-4-7a, 18A-2-7b(a)~~

~~*Reduction In Force — Classroom Teachers and Other Professional Personnel*~~

~~It is the responsibility of the Board of Education to provide classroom teachers and other professional personnel necessary for the implementation of the educational program of the County.~~

~~The Board reserves the right to abolish classroom teaching and other professional positions and to reduce classroom teaching and other professional positions whenever reasons of decreased enrollment of students, return to duty of regular professional staff members after leaves of absence, lack of need, change in financial conditions, or other good cause warrant.~~

~~The Superintendent shall, when circumstances warrant, recommend the reduction of classroom teaching positions and other professional personnel positions in accordance with Federal requirements, State laws, local Board policies, and the best interests of the County. Specifically, the requirements of WV Code 18-9A-4, WV Code 18A-2-2, 18A-4-7a, and any amendments thereto, shall be observed in achieving a reduction in force of classroom teaching positions and other professional personnel.~~

~~Definitions~~

- A. ~~Lateral area — For the purposes of complying with the requirements of WV Code 18A-4-7a the term "lateral" shall be defined and applied as follows:~~
 - 1. ~~Employment as a classroom teacher shall be deemed an area of lateral employment to classroom teaching positions requiring that one (1) or more of the certifications and/or licenses be held by such teacher.~~
 - 2. ~~Employment as a guidance counselor shall be deemed lateral to guidance counseling positions requiring certification in a span of grade levels in which the guidance counselor holds seniority. Guidance counselors lacking seniority to move to a lateral guidance counseling position shall be lateral to classroom teaching positions requiring that one (1) or more of the certifications and/or licenses be held by such guidance counselor.~~
 - 3. ~~Employment as a school nurse shall be deemed lateral to other school nurse positions.~~
 - 4. ~~Employment in a professional position requiring licensure, including physical therapist, speech language pathologist, and occupational therapist shall be lateral to professional positions requiring like licensure.~~

- B. ~~Reduction in force vacancy~~—Means a vacancy created for the purpose of accommodating the placement of an employee who, by virtue of seniority and certification, is entitled to employment in a position in connection with a reduction in force.
- C. ~~Employment in a position where previously employed~~—Means the employment of a professional employee in a classification of employment of previous employment as contrasted with employment in an exact position of previous employment.

Reduction in Force Steps

The following steps shall be observed in staffing schools, adjusting other professional personnel assignments and, if necessary, accomplishing a reduction in force:

- A. Each year the Superintendent shall determine the professional staffing levels of each school.
- B. Each year the Superintendent shall determine any recommended reductions or additions of other professional personnel positions.
- C. Each year, provided there are no provisions of State law to the contrary, for any vacancy in an established, existing or newly created position that on or before March 1, is known to exist for the ensuing school year, upon recommendation of the Superintendent, the Board shall appoint the successful applicant from among all qualified applicants. All employees subject to release shall be considered applicants for the positions for which they were qualified and shall be considered before posting such vacancies for application by nonemployees. This provision shall not preclude the Board from posting and filling vacancies that exist in the current school year nor shall it supersede or alter the operation of WV Code 18A-4-8f or WV Code 18A-4-8i.

An employee shall be considered subject to release if the Superintendent would recommend the individual to the Board for release but for the availability of the known position. A vacancy for a position that will exist on the first day of the next ensuing school year will be known to exist when the person holding the position has submitted his/her resignation or retirement to the Board, in writing, and the resignation or retirement has been accepted by the board. Newly created positions will not be considered to be known to exist until the Board has voted to approve their creation.

An individual will be considered to be qualified for a known vacancy if s/he fully meets the qualifications for the vacancy. If more than one (1) individual subject to release is qualified for a known vacancy, the successful candidate shall be selected based on application of the factors set forth in WV Code §18A-4-7a(b)(1) through (9), weighted equally. This provision shall apply to vacancies and newly created positions known to exist on or before February 15, 2014, and in subsequent school years.

- D. Each year all persons who are to be recommended for transfer as a part of a reduction in force shall be identified and, on or before April 1st, notified in writing by the Superintendent that s/he is being considered or to be transferred.
- E. The Superintendent shall then ascertain the least senior professional employees according to areas of certification and/or licensure needed to accommodate more senior employees who are to be recommended for transfer.
- F. Prior to May 1st of each year all continuing contract professional employees who are required to be reduced shall be so notified in a timely fashion and provided with an opportunity to be heard by the Board. The Board shall take action on the termination issue on or before May 1st of the then current year.
- G. If, prior to August 1st of the year a reduction in force is approved, the reasons for any particular reduction in force no longer exists as determined by the Board in its sole and exclusive judgment, the Board shall rescind the reduction in force or transfer and shall notify the released employee in writing of his/her right to be restored to his/her position of employment. Within five (5) days of being so notified, the released employee shall notify the Board, in writing, of his/her intent to resume his/her position of employment or the right to be restored shall

terminate. If there is another employee on the preferred recall list with proper certification and higher seniority, that person shall be placed in the position restored as a result of the reduction in force being rescinded.

Effect of Policy

Nothing within this policy shall be construed to confer any rights upon school employees beyond those rights conferred by statute.

West Virginia State Board of Education policy 5000
WV Code 18-9A-4, 18A-2-2, 18A-4-7a, 18A-4-7a(k)(2)

Reduction in Classroom Teaching Positions in Elementary Schools

When the total number of classroom teaching positions in an elementary school needs to be reduced, the reduction shall be made on the basis of seniority with the least senior classroom teacher being recommended for transfer.

When a specified grade level needs to be reduced and the least senior employee in the school is not in that grade level, the least senior classroom teacher in the grade level that needs to be reduced shall be reassigned to the position made vacant by the transfer of the least senior classroom teacher in the school without that position being posted provided that the employee is certified and/or licensed and agrees to the reassignment.

The Board shall compile and update annually on the first day of July and make available by electronic or other means to all employees a list of all professional personnel employed by the County, their areas of certification and their seniority.

WV Code 18A-4-7a

Preferred Recall List

All professional personnel employees whose seniority with the Board of Education is insufficient to allow their retention by the Board during a reduction in work force shall be placed upon a preferred recall.

Such employee shall be recalled on the basis of seniority for any professional position opening within the area where s/he had previously been employed or to any lateral area for which s/he has certification, licensure or both providing no regular, full-time professional personnel, or those returning from leaves of absence with greater seniority, are qualified, apply for and accept the position.

Before position openings that are known or expected to extend for twenty (20) consecutive employment days or longer for professional personnel may be filled by the Board, the Board shall be required to notify all qualified professional personnel on the preferred list and give them an opportunity to apply, but failure to apply shall not cause the employee to forfeit any right to recall. The notice shall be sent by certified mail to the last known address of the employee, and it shall be the duty of each professional personnel to notify the Board of continued availability annually, of any change in address or of any change in certification, licensure or both.

Any professional employee whose employment has been terminated through reduction in force and whose name is on the preferred recall list shall retain all accumulated seniority for the purpose of seeking reemployment with the county from which s/he was terminated.

Additionally, when rescinding a reduction in force, if there is another employee on the preferred recall list with proper certification and higher seniority, that person shall be placed in the position restored.

Assignment and Transfer of Service Personnel

Relocation of service personnel may become necessary to meet shifting student population, building or program requirements or for other good reasons.

- A. ~~Service personnel employees shall be notified in writing by the Superintendent on or before April 1st if being considered for transfer or to be transferred. Only those service employees whose consideration for transfer or intended transfer is based upon known or expected circumstances which will require the transfer of employees shall be considered for transfer or intended for transfer and the notification shall be limited to only those employees. Any service personnel employee who desires to protest such proposed transfer may request in writing a statement of the reasons for the proposed transfer. Such statement of reasons shall be delivered to the service employee within ten (10) days of the receipt of the request. Within ten (10) days of the receipt of the statement of the reasons, the service personnel employee may make written demand upon the Superintendent for a hearing on the proposed transfer before the County Board of Education. The hearing on the proposed transfer shall be held on or before May 1st. At the hearing, the reasons for the proposed transfer must be shown.~~
- B. ~~The Superintendent at a meeting of the Board on or before May 1st shall furnish in writing to the Board a list of service personnel employees to be considered for transfer and subsequent assignment for the next ensuing school year. An employee who was not provided notice and an opportunity for a hearing pursuant to subsection (A) of this section may not be included on the list. All service personnel employees not so listed shall be considered as reassigned to the positions or jobs held at the time of this meeting. The list of those recommended for transfer shall be included in the minute record of such meeting and all those so listed shall be notified in writing, and shall be delivered within ten (10) days following said Board meeting, with written receipt notification documented by the Superintendent, and shall state that the person is being recommended for transfer and subsequent assignment and the reasons therefor.~~
- C. ~~Service personnel employees who are assigned to schools that require a reduction in the number of employees within a classification shall be recommended for transfer on the basis of the best interests of the schools, with consideration being given to achieving the least disruption to educational programming and the efficient operation of the schools. Provided, however, that if the identification of an employee within a classification to be recommended for transfer will have little or no effect upon educational programming or the efficient operation of the schools, the least senior employee within such classification area shall be recommended for transfer.~~
- D. ~~When actual student enrollment in a grade level or program, unforeseen before May 1st of the preceding school year, permits the assignment of fewer service personnel to or within a school under any class size or caseload standard established in WV Code 18-5-18a or any policy of the West Virginia State Board of Education, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any class size or caseload standard. Provided:~~
 - 1. ~~Before any reassignment may occur, notice shall be provided to the employee and the employee shall be provided an opportunity to appear before the Board to state the reasons for his/her objections, if any, prior to the Board voting on the reassignment. The opportunity to be heard shall not be a hearing with the right to present witnesses, rather, it is an opportunity for the employee to concisely state his/her objections to the Board.~~
 - 2. ~~Except as otherwise provided in (1) above, the reassignment may be made without following the notice and hearing provisions of WV Code 18A-2-7 and at any time during the school year when the student enrollment conditions above exist; however, the reassignment may not occur after the last day of the second school month.~~
 - 3. ~~A service employee reassigned shall be the least senior of the surplus personnel who holds the same classification or multiclassification needed to perform the duties at the other school or at the grade level or program within the same school. In considering whether an aide is a surplus employee, the Board shall consider each classification and/or multi-classification held by him/her and shall not be limited only to the current program or assignment held by the surplus aide.~~

4. ~~No school employee's annual contract term, compensation or benefits shall be changed as a result of a reassignment.~~

~~The Superintendent shall provide documentation of the staffing needs as of May 1st.~~

- E. ~~It is not in the best interest of students with autism or with an exceptionality whose IEP requires one-on-one services, or students in the early childhood years, to have multiple teachers, mentors, aides, paraprofessionals, interpreters or any combination thereof during the instructional term. Therefore, after the twentieth day, prior to the beginning of the instructional term, filling positions through transfers of personnel from one position to another be kept to a minimum for autism mentors and aides who work with students with autism and for paraprofessionals, interpreters, early childhood classroom assistant teachers and aides who work with students with exceptionalities whose IEPs require one-on-one services, in accordance with the following:~~
1. ~~After the twentieth day prior to the beginning of the instructional term, a service person may not transfer to another position in the County during that instructional term, unless s/he does not have valid certification, if the service person is employed and assigned as an autism mentor or aide who works with students with autism, or as a paraprofessional, interpreter, early childhood classroom assistant teacher, or aide who works with a student with an exceptionality whose IEP requires one-on-one services;~~
 2. ~~The aide, autism mentor, paraprofessional, interpreter, or early childhood classroom assistant teacher may apply for any posted, vacant position with the successful applicant assuming the position at the beginning of the next instructional term; and~~
 3. ~~The Board, upon recommendation of the Superintendent, may fill a position before the beginning of the next instructional term when it is determined to be in the best interest of the students.~~
- F. ~~Except as provided in Section E above, after the twentieth day prior to the beginning of the instructional term, a service person may transfer to another position of employment one time only during any one-half (1/2) of the instructional term, unless otherwise mutually agreed upon by the service persona and the County Superintendent, subject to School Board approval. During the first year of employment as a service person, a service person may not transfer to another position of employment during the first one-half (1/2) of the instructional term unless mutually agreed upon by the service person and District Superintendent, subject to Board approval, except as follows:~~
1. ~~upon return from an approved leave of absence, a service person may fill a vacant position for which s/he is qualified or holds valid certification;~~
 2. ~~a service person may apply for a posted, vacant position at any time. The successful applicant for the position may not assume the position until the beginning of the next one-half (1/2) of the instructional term; and~~
 3. ~~extra-curricular assignments for school bus operators pursuant to WV Code 18A-4-16 are exempt from the requirements of this policy.~~
- G. ~~Itinerant status means a service person who does not have a fixed work site and may be involuntarily reassigned to another work site. A service person is considered to hold itinerant status if s/he has bid upon a position posted as itinerant or has agreed to accept this status. The Board may establish positions with itinerant status only within the aide and autism mentor classification categories and only when the job duties involve exceptional students. A service person with itinerant status may be assigned to a different work site upon written notice (10) days prior to the reassignment without the consent of the employee and without posting the vacancy. A service person with itinerant status may be involuntarily reassigned no more than twice during the school year. At the conclusion of each school year, the Board shall post and fill, pursuant to WV Code 18A-4-8b, all positions that have been filled without posting by a service person with itinerant status. A service person who is assigned to a beginning and ending work site and travels at the expense of the Board to other work sites during the daily schedule, shall not be considered to hold itinerant status.~~
- H. ~~Surplus Personnel~~
- ~~Notwithstanding any other provision of State law, when actual student enrollment in a grade level or program, unforeseen on or before May 1st of the preceding school year, permits the assignment of fewer service personnel to or within a school under any class size or caseload standard established in section eighteen a,~~

article five, chapter eighteen of this code or any policy of the West Virginia State Board of Education, the Superintendent, with Board approval, may reassign the surplus personnel to another school or to another grade level or program within the school if needed there to comply with any such class size or caseload standard.

1. ~~Before any reassignment may occur pursuant to this subsection, notice shall be provided to the employee and the employee shall be provided an opportunity to appear before the Board to state the reasons for his/her objections, if any, prior to the Board voting on the reassignment.~~
2. ~~Except as otherwise provided in subdivision 1. Of this subsection, the reassignment may be made without following the notice and hearing provisions of this section, and at any time during the school year when the conditions of this subsection are met: provided, that the reassignment may not occur after the last day of the second school month.~~
3. ~~A service employee reassigned under this subsection shall be the least senior of the surplus personnel who holds the same classification or multi-classification needed to perform the duties at the other school or at the grade level or program within the same school.~~
4. ~~No school employee's annual contract term, compensation, or benefits shall be changed as a result of a reassignment under this subsection.~~

WV Code 18A-4-8b, 18A-5-8g, 18A-4-8(r), 18A-2-7(e)

Reduction in Force — Service Personnel

~~Prior to May 1st of each year, all service personnel employees who are required to be reduced shall be so notified in a timely fashion and provided with an opportunity to be heard by the Board. The Board shall take action on the termination issue on or before May 1st of the then current year.~~

If a reduction in service personnel becomes necessary, the County shall make all decisions on the basis of seniority and follow the procedures listed below:

- A. ~~The employee with the least amount of seniority within the classification or grades of classification to be reduced shall be properly released and employed in a different grade of that classification if there is a job vacancy.~~
- B. ~~If there is no job vacancy for employment within the classification or grades of classification, s/he shall be employed in any other job classification which s/he previously held with the Board if there is a vacancy and shall retain any seniority accrued in the job classification or grade of classification.~~
- C. ~~All employees whose seniority with the County Board is insufficient to allow their retention by the County Board during a reduction to work force shall be placed upon a preferred recall list and shall be recalled to employment by the County Board on the basis of seniority.~~
- D. ~~Multi-classified employees are subject to reduction in force in any category of employment contained within their multi-classification title based upon the seniority accumulated within that category of employment: provided, that if a multi-classified 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 multi-classification title. In that case, the County Board shall delete the appropriate classification title or classification category from the contract of the multi-classified employee.~~
- E. ~~Any person employed in an aide position on June 8, 2007 may not be transferred or subject to a reduction in force for the purpose of creating a vacancy for the employment of a licensed practical nurse.~~

If, after the reduction in force or transfer is approved by the Board and later the reason for any particular reduction in force or transfer no longer exists as determined by the Board in its sole and exclusive judgment prior to August 1st, the Board shall follow the following procedures:

- A. ~~Rescind the reduction in force or transfer and shall notify the affected employee in writing of his/her right to be restored to his/her former position of employment.~~

- ~~B. Within five (5) days of being so notified, the affected employee shall notify the Board of his/her intent to return to his/her former position of employment or the right of restoration to the former position shall terminate.~~
- ~~C. The Board shall not rescind the reduction in force of an employee until all employees with more seniority in the classification category on the preferred recall list have been offered the opportunity for recall to regular employment.~~

~~If there are insufficient vacant positions to permit reemployment of all more senior employees on the preferred recall list within the classification category of the employee who was subject to reduction in force, the position of the released employee shall be posted per Policy 4132 and filled in accordance with State Law.~~

~~WV Code 18A-2-6, 18A-4-8b~~

Preferred Recall List

~~All service personnel employees whose seniority with the Board of Education is insufficient to allow their retention by the Board during a reduction in work force shall be placed upon a preferred recall list.~~

~~When a service employee has been employed in one (1) or more classifications, the seniority accrued in each previous classification shall be retained by the service employee.~~

~~Service employees placed upon the preferred list shall be recalled to any position openings by the Board within the classification(s), where they had previously been employed, or to any lateral position for which the employee is qualified or to a lateral area for which an employee has certification and/or license.~~

~~Service employees on the preferred recall list shall not forfeit their right to recall by the Board if compelling reasons require an employee to refuse an offer of reemployment by the Board.~~

~~The Board shall notify all employees on the preferred recall list of all position openings that exist from time to time as required by West Virginia Code. The notification shall be sent annually, with written receipt notification documented by the Superintendent and shall list instructions to access job postings on any website maintained by or available for the use of the Board.~~

~~No service personnel position opening may be filled by the Board, whether temporary or permanent, until all service employees on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity to accept reemployment.~~

~~A service employee released from employment for lack of need as provided by West Virginia Code shall be accorded preferred recall status on the first day of July of the succeeding school year if the employee has not been reemployed as a regular employee.~~

~~If, prior to the first day of August of the year a reduction in force is approved, the reason for any particular reduction in force no longer exists as determined by the Board in its sole and exclusive judgment, the Board shall rescind the reduction in force or transfer and shall notify the released employee in writing, of his/her right to be restored to his/her position of employment. Within five (5) days of being so notified, the released employee shall notify the Board, in writing, of his/her intent to resume his/her position of employment or the right to be restored shall terminate. If there is another employee on the preferred recall list with higher seniority in the classification area, that person shall be placed in the position restored as a result of the reduction in force being rescinded.~~

~~WV Code 18A-4-8b~~