

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 8 – PERSONNEL MANAGEMENT</p> <p>File: 8-1 Personnel Policies Related to Employment in Preston County</p>	<p>Last Reviewed: 6-28-10</p> <p>Next Review: 7-01-12</p>
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All employees of the Preston County Board of Education are classified as either professional or service. Professional personnel are those employees required by law or by the rules and regulations of the State Board of Education to hold professional certification for the work they perform in areas of administration, supervision and instruction. All other Board employees are designated as service personnel. A comprehensive list of service job titles is contained in WVC §18A-4-8. The Board shall hire such members and classes of service employees as may be deemed necessary to support the total school program.

R 8-1-1 Equal Employment Opportunity

As required by federal laws and regulations, the Preston County Board of Education does not discriminate on the basis of gender, race, color, religion, handicapping condition, marital status, or national origin in employment or in the administration of its educational programs and activities. This policy shall be implemented in a manner that provides equal opportunity in all areas of personnel management such as recruitment, selection, hiring, benefits, promotions, transfers, training, discipline, terminations and any other employment actions. All employees of the Board are covered by this policy as well as applicants for employment.

The Superintendent/designee shall be responsible for assuring compliance with this policy. Corrective actions shall be taken in the event this policy is violated in any way.
(WVC §5-11-1---19; see Endnotes for Federal Acts)

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R 8-1-2 Employer-Employee Relations

The West Virginia Board of Education recognizes that the effective and efficient operation of the public schools within West Virginia depends upon the development of harmonious and cooperative relationships between county boards of education and school employees. Each group has a fundamental role to perform in the educational program and each has, in some instances, separate, distinct and clearly defined areas of responsibility, as provided for in Chapters 18 and 18A of the West Virginia Code. However, there are instances, particularly involving questions of wages, salaries, and conditions of work that are subject to disagreement and misunderstanding and may not be so clearly set forth.

In order to minimize possible disagreement and misunderstanding, the State Board has adopted the following statement of policy and procedure:

- ❖ County boards of education, subject to provisions of Chapter 18 and 18A of the West Virginia Code and the rules and regulations of the State Board of Education, are responsible for the management of the schools within each county. Their powers and responsibilities in setting policy and procedures and in providing for such management are broad but are not absolute.

- ❖ Employees of boards of education share the responsibility for implementing the policies and practices approved by boards of education and they have certain rights and responsibilities as provided in statute, in contract or in accepted practice.
- ❖ School employees are entitled to meet together within associations and to work together in order to improve their circumstances or the circumstances of the schools. However, the right to strike does not exist for any public employee in the State of West Virginia, including school employees.
- ❖ Board of education and school employees can most effectively discharge their total responsibilities to the public and to each other by establishing clear and open lines of communication. Employees should be encouraged to make suggestions, proposals and recommendations to the board of education through appropriate channels. Decisions of boards of education concerning such suggestions, proposals and recommendations should be communicated to the employees clearly and openly.
- ❖ Official meetings of boards of education are public meetings and employees are free to attend such meetings without fear of reprisal and should be encouraged to do so.
- ❖ All employees are entitled to know how well they are performing their jobs, and should be offered the opportunity of open and honest evaluation of their performance on a regular basis. Any decision concerning promotion, demotion, transfer or termination of employment should be based upon such evaluation and not upon extraneous factors.
- ❖ All employees are entitled to the opportunity to improve their job performance, prior to the termination or transfer of their services. All employees are also entitled to "due process" in matters affecting their employment, transfer, demotion or promotion.
- ❖ All official and enforceable personnel policies and procedures must be written and made available to every employee of each county board of education.
(SBP 5300 and WVC §18A-2-12)

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R 8-1-3 Employee Involvement in Decision Making

The Preston County Board of Education recognizes the following agencies through which the employees of the county may develop and represent their considered professional opinion on matters of concern to them and to the educational program:

- ❖ The Preston County Education Association (PCEA), affiliated with the West Virginia Education Association (WVEA)
- ❖ American Federation of Teachers – West Virginia (AFT-WV)
- ❖ The Preston County Service Personnel Association (PCSPA), affiliated with the West Virginia School Service Personnel Association (WVSSPA)
- ❖ United School Service Personnel Association (USSPA)
- ❖ Preston County Principals Association (PCPA)

The Board agrees to give due consideration to proposals and presentations made by these groups. Under this agreement, an invitation is extended to presidents of these groups to address the Board on matters of professional concern. Those who desire to make a proposal or presentation to the Board shall provide a copy of the same, along with a written request to appear before the Board, to the Superintendent at least ten days in advance of a regular or special meeting of the Board so that the request may be placed on the agenda.

(WVC §18-5A-5 and §18-5A-6)

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R 8-1-4 Employee Conflict of Interest

The Board of Education recognizes each employee as an individual and is not concerned with his personal habits and business affairs, unless:

- ❖ They are contrary to law, policy or regulation;
- ❖ They affect or impair the individual's ability to perform his official duties effectively or efficiently.

The statute concerning pecuniary interest specifically applies to all Board of Education members and employees. It prohibits any board member or board employee from becoming pecuniarily interested, directly or indirectly, in the proceeds of any contract or service or in furnishing supplies to the school district.

As interpreted by the State Superintendent of Schools, the statute declares "it is unlawful for board members or employees of a board to receive gifts or commissions on band equipment sold to schools or school children, commissions on pictures of school children taken by a company, yearbooks, class rings, caps and gowns, diplomas or any other equipment or material sold to a school or school children, or promise of benefits directly or indirectly in return for a contract, or the awarding of business, or promise of jobs in return for nomination or retention of a public official or office."

(WVC §61-10-15)

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R 8-1-5 Employee Protection

Liability Insurance:

As prescribed by state law, the Preston County Board of Education shall provide liability insurance coverage for all Board employees and the Board members themselves in the amount of six million dollars for each occurrence of a lawsuit. The State Board of Risk shall provide one million dollars of this coverage and the remaining five million dollars shall be provided through coverage purchased by the Preston County Board of Education from a company licensed to do business in the state. The insurance policy shall include comprehensive coverage, personal injury coverage, malpractice coverage, corporal punishment coverage, legal liability coverage, and payment of appropriate attorney fees.

Sexual violence (sexual abuse or molestation) in our society has become such an issue that the West Virginia Board of Risk and Insurance Management (BRIM) can no longer find an insurance carrier who is willing to provide excess coverage for employees beyond the one million dollars provided by the state. As of July 1, 2005, school employees may only rely on the one million dollars of coverage for acts involving sexual violence. BRIM will continue to provide five million dollars of excess liability coverage for other types of allegations lodged against school employees.

Protection against Physical Threat or Actual Physical Assault:

Recognizing the increasing possibility of physical threat or actual physical assault upon Board of Education employees, the West Virginia State Legislature has enacted appropriate protective legislation. The essence of the act is as follows:

- ❖ Any person who commits an assault by unlawfully attempting to inflict a violent injury to the person of school employees shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than five days or more than six months and fined not less than fifty dollars or more than one hundred dollars. An assault may occur:
 - While employees are engaged in the performance of their duties; or
 - Are commuting to or from work; or
 - As a result of retaliation for some action taken by the employee to supervise or discipline a student; or
 - By exhibiting behaviors that place a school employee in reasonable apprehension of immediately receiving a violent injury
- ❖ Any person who commits a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee or by unlawfully and intentionally causing physical harm to a school employee shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than ten days nor more than twelve months and fined not less than one hundred dollars nor more than five hundred dollars. A battery may occur:
 - While employees are engaged in the performance of their duties; or
 - Are commuting to or from work; or
 - As a result of retaliation for some action taken by the employee to supervise or discipline a student.

For purposes of this section, "school employee" means a person employed by the Board of Education whether employed on a regular full-time basis, an hourly basis or otherwise. Also, for the purpose of this section, student teachers shall be considered "school employees".

Threats, harassment, physical or mental abuse of any employee from any source will not be tolerated. The guidelines listed below should be followed if a violation occurs.

- ❖ The employee will use reasonable and prudent measures to avoid physical harm.
- ❖ The employee should immediately notify his/her principal or supervisor. In serious incidents, proper police authorities will be notified and furnished needed information.

- ❖ A written report of the incident will be filed with the immediate supervisor.
- ❖ Employees will be granted paid leave for mandatory court appearance concerning these violations.

For the general welfare of staff and students, loitering on school property will not be permitted. Employees have the obligation to notify the principal of the presence of unauthorized personnel on school property. The principal will take the necessary action to insure safety of staff and students.
(WVC §18A-5-1a; §29-12-5a; §61-2-15 and §61-6-14a)

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Adopted: May 23, 1983
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