

PRESTON COUNTY BOARD OF EDUCATION**FILE: 8 – PERSONNEL MANAGEMENT****File: 8-19 Employee Seniority Rights****Last Reviewed: 6-28-10****Next Review: 7-01-12**

The Preston County Board of Education shall make decisions affecting promotion, reduction, and recall of all personnel on the basis of seniority, qualifications and evaluation of past service. County employees may accrue employment seniority in the manner prescribed by state law as described in the procedures that follow.

R 8-19-1 Professional Personnel Seniority Rights

The Board shall compile and update annually, by July 1, a list of all professional personnel employed by the county, their areas of certification, and their seniority. Said list will be available by electronic or other means as deemed appropriate by the Board.

The Manner in Which Professional Personnel Seniority is Calculated:

- ❖ Seniority begins to accrue upon commencement of the employee's duties.
- ❖ An employee shall accrue seniority for each day employed regardless of whether the employee receives pay for the day except that no employee shall receive credit for any day s/he is suspended without pay. Employees shall accrue seniority during the time they are on an approved leave of absence.
- ❖ Employment for a full term shall equal one year of seniority. Employment for less than the full employment term shall be prorated.
- ❖ Counselors, administrators, and other professional employees shall accrue seniority only for those years they serve in the specialty area.
- ❖ Persons employed for a full employment term but in a part-time position shall have their seniority prorated to the proportion of a full employment day the employee is required to work.
- ❖ The West Virginia Code requires that a full-time regular professional employee who servers in a part-time position (part day) which spans three and one-half or more hours per day shall be credited with a full day of seniority for each day employed by the Board.
- ❖ Professional employees whose employment has been terminated through reduction in force and have been placed on the preferred recall list shall retain all accumulated seniority for the purpose of seeking reemployment with Preston County.
- ❖ A professional employee whose employment is terminated through a reduction in force or voluntarily shall, upon reemployment with the Preston County Board in a full-time position, receive credit for all seniority previously accrued at the time the employment was terminated. (WVC §18A-4-7a; §18A-4-7b)

Professional Personnel Substitute Seniority:

Substitute professional personnel who work 133 days or more in an instructional term may earn seniority for employment purposes only. Seniority earned as a substitute may not be carried over to employment as a regular, full-time professional employee and all newly appointed professional employees begin with zero seniority. (WVC §18A-4-7a)

Professional Employees Holding Identical Seniority:

In the event of a reduction in force, a random selection system established by the employees and approved by the Board shall be used to determine the priority if two or more employees accumulate identical seniority. The order of priority established by this process shall be recognized for that personnel action season only. Identical seniority issues must be resolved on an annual basis when employment priority is in question.

When two or more principals have accumulated identical seniority, decisions on reductions in force shall be based on qualifications.
(WVC §18A-4-7a)

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R-8-19-2 Service Personnel Seniority Rights

The Board shall post a current list of all service personnel including their classification and seniority twice yearly (On or before September 1 and January 15).

The Manner in Which Service Personnel Seniority is Calculated:

- ❖ The seniority of service personnel is to be determined on the basis of the length of time the employee has been employed within a particular job classification in the following manner:
- ❖ Seniority begins to accrue upon commencement of the employee's duties.
- ❖ Employees shall accrue seniority for each day employed regardless of whether they receive pay for the day except that employees shall not receive seniority credit for any day they are suspended without pay or if they are in a concerted work stoppage or strike. Employees shall accrue seniority during the time they are on an approved leave of absence.
- ❖ Employment for a full term shall equal one year of seniority. Employment for less than the full employment term shall be prorated.
- ❖ Seniority acquired within different classification categories shall be calculated separately; however, when a school service employee makes application for a position outside of the classification category currently held, if 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. Class titles having Roman numeral designations shall be considered a single classification for employment purposes.
- ❖ School service personnel who hold multi-classification 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 or her multi-classification title.

- ❖ Unlike professional personnel, service personnel who leave employment and are subsequently reemployed by the same board of education are not entitled to reinstatement of their seniority credit earned when previously employed.
(WVC §18A-4-8b, §18A-4-8g)

Service Personnel Substitute Seniority:

Substitute service personnel earn substitute seniority from the time they begin their duties as a substitute until they either obtain regular employee status or lose their substitute contract.

Beginning July 1, 2007, a substitute school service employee who acquires regular employment status serving in posted long-term substitute assignments will no longer acquire regular employee job bidding or regular seniority while serving in such assignments.
(WVC §18A-4-8g)

Service Employees Holding Identical Seniority:

If two 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. The random selection process must be conducted within thirty days of the discovery of the tie. 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. However, if another employee subsequently acquires identical seniority, a second random selection will be held within 30 days to determine the priority of the new employee versus the existing group. Priority within the original group will not change.

(WVC §18A-4-8b, §18A-4-8g)

R-8-19-3 Service Personnel Request for Reclassification

State Code requires the Board to review each service employee's job classification annually and to reclassify all service employees whose job responsibilities have changed in accordance with the state defined job classifications.

Service personnel are also encouraged to review the seniority listing published twice annually as a reference resource for appropriate classification. Any service employee who believes s/he is incorrectly classified may complete a Request for Reclassification Form and submit it to the Assistant Superintendent in charge of personnel on or before January 20 of the current year. All requests for reclassification shall be reviewed by a committee which shall be composed of the members of the Service Personnel Staff Development Council and a recommendation shall be made to the Superintendent.
(WVC §18-4-8)

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Adopted: July 22, 1996
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