

<p>PRESTON COUNTY BOARD OF EDUCATION FILE: 8 – PERSONNEL MANAGEMENT File: 8-18 Reduction in Force</p>	<p>Last Reviewed: 6-28-10 Next Review: 7-01-12</p>
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Reductions in the professional and the service personnel work force may be conducted in the event of a lack of funding, a lack of need, declining enrollments, the elimination of programs, the closing of schools, the consolidation of schools, or other factors beyond the control of the Board. Employees shall be terminated on the basis of their certification or job classification and seniority, provided that such employees shall be properly released according to West Virginia Code and employed in any other professional position where they had previously been employed or to any lateral area for which they are certified, licensed or both if their seniority is greater than the seniority of any other employee in that area of certification, licensure or both

R 8-18-1 Professional Personnel

If an employee subject to release holds certification, licensure or both in more than one lateral area and if his/her seniority is greater than the seniority of any other employee in one or more of those areas of certification, licensure or both, s/he shall be employed in the professional position held by the employee with the least seniority in any of those areas of certification, licensure or both. Additionally, any employee who holds a temporary permit in a certification area that is being reduced shall be laid off before any person who is fully certified regardless of their relative seniority.

Prior to *February 1* of the current year, affected professional employees shall receive written notice by certified mail, return receipt requested, advising them that the Superintendent intends to ask the Board on or before *February 1* to terminate their contract at the close of the school year for lack of need. However, written notification of teachers being considered for dismissal for lack of need shall be limited to only those teachers whose consideration for dismissal is based upon known or expected circumstances that require the action. The cause or causes for the termination shall be included in the notification letter. All employees who have received notice of the pending reduction in force have the right to request a hearing before the Board prior to the Board taking final action to complete the termination process.

If, prior to August 1, the reason for the reduction in force of any employee no longer exists, as determined by the Board, the Board shall rescind the reduction in force and restore the released employee to his/her former position of employment. Within five days of being so notified, the affected employee shall notify the board of his or her intent to return to his or her former position of employment or the right of restoration to the former position shall terminate. Notwithstanding any other provisions of WVC §18A-4-7a, if there is another employee on the preferred recall list with proper certification and greater seniority, that person shall be placed in the position restored as a result of the reduction in force being rescinded.

When a reduction in force becomes necessary, tenured professional employees shall be released from employment in the following manner:

- ❖ Teachers working on a permit shall be the first to be released.
- ❖ Teachers with the least seniority in a certification area shall be properly notified and released according to provisions of the code.

- ❖ Teachers holding more than one certification may move to another certification area if their seniority is sufficient to do so. (Lateral movement)
- ❖ Employees subject to a RIF must be notified prior to *February 1*, they must be given reasons for the action, and they must be afforded the opportunity of a hearing if so desired.
- ❖ The full membership of the Board must act upon all Reductions in Force on or before February 1.
- ❖ Those professional staff employees reduced in force shall have their seniority frozen and shall be placed on a preferred recall list.
(WVC §18A-2-2 and §18A-4-7a)

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R 8-18-2 Lateral Positions/Areas for Professional Personnel

For the purpose of a reduction-in-force, the following positions shall be considered lateral:

- ❖ All positions which meet the definition of classroom teacher as defined in §18A-1-1 of the WV Code shall be considered lateral.
- ❖ All positions which meet the definition of other professional employee as defined in §18A-1-1 of the WV Code shall be considered lateral if the positions are alike in terms of position title and nature of responsibilities.
- ❖ Central office administrative positions shall be considered lateral to other central office administrative positions if the positions are alike in terms of responsibilities, title, salary level, certification/licensure, and days in the period of employment.
 - During a reduction-in-force of central office administrators, the employee subject to release shall be employed in the position of the least senior central office administrator in a lateral area position if the employee's seniority is greater than the seniority of the least senior central office administrator in the lateral area;
 - If the employee's seniority is not greater or if no central office administrative position is lateral, the employee shall be employed in the position of the least senior central office administrator in any other area in which the employee has been previously employed, if appropriately certified/licensed for the position, and if more senior.
- ❖ Central office administrative positions shall be considered lateral to principal and assistant principal positions provided that:
 - If the central office administrator subject to release is not employed in another county office administrative position, the employee shall be employed in the position of the least senior principal in any area in which the employee has been previously employed, if appropriately certified/licensed for the position, and if more senior;
 - If the employee's seniority is not greater or if not previously employed in a principal position, the employee shall be employed in the position of the least senior principal, if appropriately certified/licensed for the position, and if more senior;

- If the employee's seniority is not greater or if not appropriately certified/licensed, the employee shall be employed in the position of the least senior assistant principal in any area in which the employee has been previously employed, if appropriately certified/licensed for the position, and if more senior; or
- If the employee's seniority is not greater, or if not previously employed in an assistant principal position, the employee shall be employed in the position of the least senior assistant principal, if appropriately certified/licensed for the position, and if more senior.
- ❖ High school principal positions shall be considered lateral to other high school principal positions and elementary/junior high/middle school principal positions shall be considered lateral to other elementary/junior high/middle school principal positions.
 - During a reduction-in-force of principals, the employee subject to release shall be employed in the position of the least senior principal in a lateral area position if the employee's seniority is greater than the seniority of the least senior principal in the lateral area. If the employee's seniority is not greater, the employee shall be employed in the position of the least senior principal in any other area in which the employee has been previously employed, if appropriately certified/licensed for the position, and if more senior.
 - If the employee's seniority is not greater, or if not previously employed in a principal position in any other area, the employee shall be employed in the position of the least senior principal if appropriately certified/licensed for the position, and if more senior.
- ❖ Principal positions shall be considered lateral to assistant principal positions provided that:
 - If the principal subject to release is not employed in a principal position, the employee shall be employed in the position of the least senior assistant principal in the same area as the employee, if appropriately certified/licensed for the position and if more senior;
 - If the employee's seniority is not greater or if not appropriately certified/licensed, the employee shall be employed in the position of the least senior assistant principal in any other area in which the employee has been previously employed, if appropriately certified/licensed for the position, and if more senior; or
 - If the employee's seniority is not greater or if not previously employed in an assistant principal position in any other area, the employee shall be employed in the position of the least senior assistant principal, if appropriately certified/licensed for the position, and if more senior.
- ❖ High school assistant principal positions shall be considered lateral to other high school assistant principal positions and elementary/junior high/middle school assistant principal positions shall be considered lateral to other elementary/junior high/middle school assistant principal positions.
 - During a reduction-in-force of assistant principals, the employee subject to release shall be employed in the position of the least senior assistant principal in a lateral area position if the employee's seniority is greater than the seniority of the least senior assistant principal in the lateral area;

- If the employee's seniority is not greater, the employee shall be employed in the position of the least senior assistant principal in any other area in which the employee has been previously employed, if appropriately certified/licensed for the position, and if more senior.
- If the employee's seniority is not greater or if not previously employed in an assistant principal position in any other area, the employee shall be employed in the position of the least senior principal, if appropriately certified/licensed, and if more senior.
- ❖ If a county office administrator, principal, or assistant principal subject to release is not employed in a lateral area position, the employee shall be employed in a classroom teaching position in accordance with §18A-4-7a of the West Virginia Code.

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R 8-18-3 Reductions of Classroom Teaching Positions in an Elementary School

When the total number of classroom teaching positions in an elementary school needs to be reduced, such reduction shall be made on the basis of seniority with the least senior classroom teacher being recommended for transfer; Provided, that if a specific 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, however, that the employee is certified and/or licensed and agrees to the reassignment.

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R 8-18-4 Service Personnel

Prior to *February 1* of the current year, affected service employees shall receive written notice by certified mail, return receipt requested, advising them that the Superintendent intends to ask the Board before *February 1* to terminate their contract at the close of the school year. The cause or causes for the reduction in force shall be stated in the notification letter. All employees who have received notice of the pending reduction in force have the right to request a hearing before the Board prior to the Board taking final action to complete the termination process. All layoffs of service personnel must be made according to seniority. Seniority is determined by the length of time an employee has been employed within a certain classification.

- ❖ The following order of reduction in force for tenured employees shall be observed:
 - The employee with the least amount of seniority within a particular job classification or grades of classification shall be properly released and employed in a different grade of that classification if there is a job vacancy.

- If there is no job vacancy for employment within the classification or grades of classification, he or she shall be employed in any other job classification that he or she previously held with the county board if there is a vacancy. If no vacancy exists, the employee is subject to a RIF.
- 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. Multi-classified employees who are reduced in force in one classification category shall retain employment in any of the other classification categories that they hold within their multi-classification title. In such a case, the Board shall delete the appropriate classification title or classification category from the contract of the multi-classified employee.
- ❖ Rescinding a reduction in force: If, prior to the first day of August after a reduction in force is approved, the reason for any particular reduction in force no longer exists the board shall rescind the reduction in force and shall notify the affected employee in writing of his or her right to be restored to his or her former position of employment.
 - Within five days of being so notified, the affected employee shall notify the board of his or her intent to return to his or her former position of employment or the right of restoration to the former position shall terminate.
 - 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 as provided in the code.
 - 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 and filled in accordance with §18A-4-8b of the code.
(WVC §18A-2-6, §18A-4-8b and §18A-4-8g)

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R 8-18-5 Preferred Recall List

Professional Personnel Preferred Recall List

Professional personnel who are affected by a RIF shall have their names placed on the Preferred Recall List according to the seniority they hold in a certification area licensure area or both. Persons on this list shall be recalled in the following manner:

- ❖ Individuals on a preferred recall list shall receive copies of all posted job vacancies for which they are eligible. The posted job vacancies shall be mailed to eligible reduced individuals by certified mail at their last known address. This notice shall apply to all positions known or expected to extend for twenty or more consecutive working days.
- ❖ Persons on this list shall be recalled on the basis of seniority to any position within an area where they were previously employed or to any lateral area for which they are certified, licensed or both.

- ❖ Persons on this list are entitled to recall provided no regular, full-time employee with greater seniority or no employee returning from a leave of absence with greater seniority desires the job.
- ❖ Failure on the part of the employee to apply shall not cause the employee to forfeit any right to recall.
- ❖ It is the responsibility of the employee to notify the school system of any change of address or of any change in certification, licensure or both.
- ❖ Persons on the preferred recall list are not eligible for any of the benefits or privileges of an employee except as expressed herein.
(WVC §18A-2-2, §18A-4-7a, §18A-4-8b and §18A-4-8g)

Service Personnel Preferred Recall List

All employees whose seniority with the county board is insufficient to allow their retention by the county board during a reduction in 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.

- ❖ An employee released from employment for lack of need as provided in the 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.
- ❖ Employees placed upon the preferred list shall be recalled to any position openings by the county 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 licensure.
- ❖ Employees on the preferred recall list shall not forfeit their right to recall by the Board if compelling reasons require them to refuse an offer of reemployment.
- ❖ The Board shall notify all employees on the preferred recall list of all position openings. The notice shall be sent by certified mail to the last known address of the employee.
- ❖ It is the duty of each employee to notify the county board of any change of address.
- ❖ The county board may fill no position openings, whether temporary or permanent, until all employees on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity to accept reemployment.
- ❖ Full-time personnel or employees returning from a leave of absence with greater seniority may be placed in a position before an employee on the preferred recall list.
(WVC §18A-4-8b)

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