

<p>PRESTON COUNTY BOARD OF EDUCATION FILE: 8 – PERSONNEL MANAGEMENT File: 8-2 Employment of Professional and Service Personnel</p>	<p>Last Reviewed: 6-28-10 Next Review: 7-01-12</p>
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The employment of all personnel shall be made by the Board only upon the nomination and recommendation of the Superintendent. In case the Board refuses to employ any or all of the persons nominated, the Superintendent shall nominate others and submit the same to the Board at such time as the Board may direct. All personnel so nominated and recommended for employment and for subsequent assignment shall meet the certification, licensing, training, and other eligibility classification as may be required by state law, state board regulation, or local regulations.

All prospective employees shall make application through the personnel office. When possible, all credentials should be on file before the recommendation is presented to the Board.

R 8-2-1 Vacancy Posting and Recruitment of Professional Personnel

The Director of Personnel shall maintain an up-to-date list of job vacancies. After each regular board meeting an updated vacancy list will be compiled. Per the requirements of State Code, the Board may not declare a position vacant and post a job opening sooner than ten days following the death of an individual employed in that position. Other lists may be published when vacancies are anticipated.

Persons seeking employment or current employees interested in transferring to a different position should check vacancy lists frequently. Persons interested in a job which is listed should contact the Personnel Office. The Director of Personnel shall keep a master list of people who requested a transfer on their intent form for the following school year. Those people who have requested transfer to specific schools or jobs will be considered when such openings occur.

Openings in established, existing, or newly created positions shall be processed in the following manner:

- ❖ Said notices shall be placed in conspicuous working places and on the PCBOE website for at least five working days. When vacancy postings are posted at the Board Office Complex and on the Board’s web site by 1:00 p.m., that day will be considered the first day of the five day posting requirement. The posting may then be closed at 4:00 p.m. on the fifth day.
- ❖ During school months every vacancy list will be sent to each principal;
- ❖ The vacancy list shall be posted for public review in the Board Office Complex;
- ❖ The notices shall be posted within 20 working days of the position opening and shall include the job description;
- ❖ Postings for vacancies shall be written so as to ensure that the largest possible pool of qualified applicants may apply;
- ❖ Any special skills or criteria required for the position must be included in the job description and must be directly related to the performance of the job. The posting may include other information such as the period of employment, amount of pay, and any benefits or other related information;

- ❖ Job postings shall contain only the criteria necessary for the successful performance of the job and shall not be written with the intent to favor a specific applicant;
- ❖ No vacancy shall be filled until after the five-day minimum posting period;
- ❖ Persons who wish to be considered for a posted position must complete a Bid Sheet. Bid Sheets may be obtained in the various schools, at the Central Office and online at the Board's web site. All Bid Sheets must be deposited in the collection box located in the main lobby at the Central Office prior to 4:00 p.m. of the closing date of the posting.
- ❖ If one or more of the applicants meets the qualifications listed in the job posting, the successful applicant to fill the vacancy shall be selected by the Board within 30 working days of the end of the posting period;
- ❖ A position held by a teacher who is certified, licensed or both and who has been issued a permit for full-time employment and is working toward certification in the permit area shall not be subject to posting if the certificate is awarded within five years;
- ❖ Job descriptions of each vacancy will be available to the public at each location where jobs are advertised.
(WVC §18A-4-7a)

Special Note: If an approved Innovation Zone plan includes a job posting that exceeds the qualification provided in §18A-4-7a, teachers in the county must approve the job posting by a majority vote in accordance with W.Va. Code §18-5B-8.

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R 8-2-2 Criteria for the Selection of Professional Personnel

The Board of Education shall make decisions affecting the hiring of professional personnel other than classroom teachers and the hiring of new classroom teachers on the basis of the applicant with the highest qualifications. The first set of criteria shall be used in judging the qualifications of both non-classroom professionals and new-to-the system applicants for teaching positions. Consideration shall be given to each of the following:

- ❖ Appropriate certification and or licensure
- ❖ Amount of experience relevant to the position, or the amount of teaching experience in the subject area
- ❖ The amount of course work and/or degree level in the relevant field and degree level generally
- ❖ Academic achievement
- ❖ Relevant specialized training
- ❖ Past performance evaluations conducted pursuant to §18A-2-12

- ❖ Other measures of indicators upon which the relative qualifications of the applicant may be fairly judged.

(A Board is free, within its discretion, to assign whatever weight it wishes to the various factors, as long as it considers each factor.)

If one or more permanently employed instructional personnel apply for a classroom teaching position and meet the standards set forth in the job posting, the Board shall make the decision affecting the filling of such position on the basis of the most qualified applicant. Should the process determine that the applicants' qualifications are equal; the final criteria shall be applied as a tie-breaker. The criteria for determining qualifications are as follows:

- ❖ Appropriate certification and or licensure;
- ❖ Total amount of teaching experience;
- ❖ The existence of teaching experience in the required certification area;
- ❖ Degree level in the required certification area;
- ❖ Specialized training directly related to the performance of the job as stated in the job description;
- ❖ An overall satisfactory rating on evaluations in the previous two evaluations conducted pursuant to §18A-2-12; and
- ❖ Seniority.

(Consideration shall be given to each criterion with each criterion being given equal weight.)

If the applicant with the most seniority is not selected for the position, upon the request of the applicant, a written statement of reasons shall be given with suggestions for improving the applicant's qualifications.

The Board shall hire professional educators for positions in summer school programs in accordance with §18-5-39 or §18A-4-7a of the code as applicable, except that a professional educator who is currently employed by the Board shall be given employment preference over applicants who are not current employees.

(WVC §18-5-39; §18A-4-7a)

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R 8-2-3 Vacancy Posting for Service Personnel

The Preston County Board of Education shall post and date notices of all service personnel job vacancies of established existing or newly created positions in conspicuous working places and on the Board's website for at least five working days. Per the requirements of State Code, the Board may not declare a position vacant and post a job opening sooner than 10 days following the death of an individual employed in that position.

When vacancy postings are posted at the Board Office Complex and on the Board's web site by 1:00 p.m., that day will be considered the first day of the five day posting requirement. The posting may then be closed at 4:00 p.m. on the fifth day.

Persons who wish to be considered for a posted position must complete a Bid Sheet. Bid Sheets may be obtained in the various schools, at the Central Office and online at the Board's web site. All Bid Sheets must be deposited in the collection box located in the main lobby at the Central Office prior to 4:00 p.m. of the closing date of the posting.

In the event a regular service employee submits a written request for a leave of absence in excess of 30 days and the Board grants the request in writing, or in the event a regular service employee is on workers compensation and the absence will extend beyond 30 days; the position shall be posted as a vacancy in accordance with WVC §18A-4-8b Full-time service employees shall have priority over substitute employees in filling such vacancies. All other absences, even long-term absences, will be treated as "temporary absence" to be covered through rotation of substitute service personnel as prescribed by law.

The notice shall include the job description, the period of employment, the work site, the starting and ending time of the daily shift, the amount of pay and any benefits and other information that is helpful to the employees to understand the particulars of the job. The notice of a job vacancy in the aide classification categories shall include the program or primary assignment of the position (e.g., kindergarten aide, special education aide, other classroom aide, and transportation aide).

From July 1, 2009 forward, all custodian positions shall be posted as shift-specific (e.g. morning, afternoon, evening, hoot owl).

Job postings may not require criteria which are not necessary for the successful performance of the job and may not be written with the intent to favor a specific applicant. After the five-day minimum posting period, all vacancies shall be filled within 20 working days from the posting date notice of any job openings. The factors the Board must use in comparing applicants for a service personnel position are:

- ❖ Seniority;
- ❖ Qualifications; and
- ❖ Evaluations of past service.

(WVC 18A-4-8b)

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R 8-2-4 Promotion and Filling Service Personnel Vacancies

The Preston County Board of Education shall make decisions affecting promotions and the filling of any service personnel positions of employment or jobs occurring throughout the school year that are to be performed by service personnel on the basis of seniority, qualifications and evaluation of past service.

Qualifications means the applicant holds a classification title in his/her category of employment as provided in WVC §18A-4-8b and is given first opportunity for promotion and filling vacancies. Other employees then shall be considered and shall qualify by meeting the definition of the job title that relates to the promotion or vacancy, as defined in WVC §18A-4-8.

Any employee who has ever been regularly employed in a classification title is deemed fully qualified to fill that classification. Likewise, any employee who passes the competency test for a classification title shall be fully qualified to fill a position in that job classification. Qualified applicants for employment vacancies shall be considered in the following order:

- ❖ Regularly employed service personnel who hold a classification title within the classification category of the vacancy;
- ❖ Service personnel who have held a classification title within the classification category of the vacancy whose employment has been discontinued (RIF) in accordance with WVC §18A-4-8b and are on the preferred recall list;
- ❖ Regularly employed service personnel who do not hold a classification title within the classification category of vacancy;
- ❖ Service personnel who have not held a classification title within the classification category of the vacancy and whose employment has been discontinued (RIF) in accordance with this section;
- ❖ Substitute service personnel who hold a classification title within the classification category of the vacancy;
- ❖ Substitute service personnel who do not hold a classification title within the classification category of the vacancy; and
- ❖ New service personnel.

The Board shall notify any person who has applied for a posted job of the status of his or her application as soon as possible after the Board makes a hiring decision regarding the posted position.

Upon request, the Board shall show valid cause when an employee with the most seniority is not promoted or employed in the position for which s/he applied.

Definition of a Promotion:

A promotion means any change in employment that the service person considers to improve his or her working circumstance within the classification category of employment.

- ❖ A promotion includes a transfer to another classification category or place of employment if the position is not filled by an employee who holds a title within that classification category of employment.
- ❖ Each class title listed in WVC §18A-4-8 is considered a separate classification category of employment for service personnel, except for those class titles having Roman numeral designations, which are considered a single classification of employment:
 - The cafeteria manager class title is included in the same classification category as cooks;

- The executive secretary class title is included in the same classification category as secretaries;
- Paraprofessional, autism mentor and Braille or sign language specialist class titles are included in the same classification category as aides; and
- The mechanic assistant and chief mechanic class titles are included in the same classification category as mechanics.
- ❖ The assignment of an aide to a particular position within a school is based on seniority within the aide classification category if the aide is qualified for the position.
- ❖ Assignment of a custodian to work shifts in a school or work site is based on seniority within the custodian classification category.
(WVC §18A-4-8b)

Limitations on Aide Transfers

An aide may transfer to another position of employment one time only during any one half of a school term, unless otherwise mutually agreed upon by the aide and the Superintendent, subject to Board approval. During the first year of employment as an aide, an aide may not transfer to another position of employment during the first one-half school term of employment unless mutually agreed upon by the aide and the Superintendent, subject to county board approval.

Autism Mentors and Aides

After the fifth day prior to the beginning of the instructional term service personnel who are employed and assigned as an autism mentor or aide who works with students with autism, or as a paraprofessional, interpreter or aide who works with a student with an exceptionality whose IEP requires one-on-one services may not transfer to another position in the county during that instructional term, unless s/he does not have valid certification for the position currently held.

However, the autism aide, autism mentor or paraprofessional or interpreter or aide may apply for any posted vacant position and, if successful, assume the position at the beginning of the next instructional term. With the Superintendent's recommendation, the Board may allow the successful applicant to fill the position before the end of the instructional term, but only if it is determined to be in the best interest of the students. The Superintendent must notify the State Board of Education when such an exception is made.

Special Circumstances Surrounding Aide Positions

The assignment of aide positions by seniority within a school will occur only when there is a classroom aide vacancy or reassignment. In those instances the regular aides currently assigned to the school may be offered, on the basis of their county seniority as aides, the opportunity to move to the position assignment where the need for a regular aide exists. Once all such realignments are made, the successful candidate under the posting would assume the assignment for which there remains a need. Interested applicants would be alerted to the fact that aide positions will be resolved in this way.

All aides who were hired in the past under job positing with or without a specific position designation shall be treated as permanently assigned to the recognized aide designation which matches their assigned duties as of July 1, 2009. As long as these individuals remain assigned to the position designation that s/he held on July 1, 2009, they may not be displaced by the new aide assignment rule contained in WVC§ 18A-4-8b.

In the event that the need arises within a school to assign more aides to a recognized aide position designation (without changing the total number of regular aide positions in the school) opportunities to move to a different designated aide position shall be offered on the basis of county seniority as an aide to the regular aides currently assigned to the school. If the need cannot be filled in this manner owing to a lack of interest of the current aides, the need shall be met utilizing the transfer or other personnel provisions of the West Virginia Code available to the school system.

Special Circumstances Surrounding Custodian Positions

The assignment of custodian positions by seniority within a school will occur only when there is a custodian vacancy or reassignment. In those instances the regular custodians currently assigned to the school may be offered, on the basis of their county seniority as custodians, the opportunity to move to the position assignment where the need for a regular custodian exists. Once all such realignments are made, the successful candidate under the posting would assume the assignment for which there remains a need. Interested applicants would be alerted to the fact that custodian positions will be resolved in this way.

All custodians who were hired in the past under job posting with or without a specific shift designation shall be treated as permanently assigned to the work shift which matches their assigned duties as of July 1, 2009. As long as these individuals remain assigned to the work shift that s/he held on July 1, 2009, they may not be displaced by the new custodian assignment rule contained in WVC§ 18A-4-8b.

In the event that the need arises within a school to assign more custodians to a particular work shift at a school or work site (without changing the total number of regular custodian positions in the school or work site) opportunities to move to a different shift shall be offered on the basis of county seniority as a custodian to the regular custodians currently assigned to the school or work site. If the need cannot be filled in this manner owing to a lack of interest of the current custodians, the need shall be met utilizing the transfer or other personnel provisions of the West Virginia Code available to the school system.

(WVC 18A-4-8b)

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R 8-2-5 FBI Background Check

Effective January 1, 2002, any applicant for an initial teaching license shall be fingerprinted and undergo a criminal background check by the FBI. Likewise, applicants for an initial position of bus driver shall be fingerprinted and undergo a criminal background check. The fingerprints shall be analyzed by the state police for a state criminal record check through the central abuse registry and then forwarded to the FBI for a national criminal record check. Information contained in the central abuse

registry or the FBI record may form the basis for denying a teaching certificate. The applicant must pay the cost of the background check. Upon written consent to the state department by the applicant and within 90 days of the state fingerprint analysis, the results of the state analysis may be provided to the Preston County Board of Education without further cost to the applicant.
(WVC §18A-3-10)

Access to the West Virginia Central Abuse Registry

Amendments to §15-2C-1 and §15-2C-9 authorize the State Board of Education and “qualified entities” (county boards of education) to access the West Virginia Central Abuse Registry maintained by the State Police Criminal Identification Bureau. The registry may be utilized as part of the screening process for current and prospective employees, including the screening of contractors and vendors who have or may have unsupervised access to children.

In the event the Board wishes to verify its eligibility as a qualified entity, it shall apply to the West Virginia State Police on a form prescribed by that organization.

Once verified as a qualified entity by the West Virginia State Police, the Board shall keep all records necessary to facilitate a security audit by the West Virginia State Police and shall cooperate in such audits as the West Virginia State Police or other authorities may deem necessary. Such records include, but are not limited to, criminal history records; notification that an individual has no criminal history; internal policies and procedures articulating the provisions for physical security; records of all disseminations of criminal history information; and a current, executed qualified entity user agreement with the West Virginia State Police.
(WVC §15-2C-1)

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R 8-2-6 Return of Contracts and Employment Forms

All persons who are employed by the Preston County Board of Education shall execute a written contract before entering upon their duties.

When a contract for employment is tendered to a prospective employee, it shall be stipulated by a notation thereon that the contract will be void if it is not signed and returned to the Board of Education Office within a designated time. Unless the employee is needed to start work immediately, the date of return on the contract shall be fourteen calendar days for professional contracts and thirty calendar days for service contracts.

All employment forms which accompany the contract or letter of assignment should be returned to the personnel office before the employee starts to work.

The necessary employment forms will be listed on the letter of assignment. They may include TB report, birth certificate, retirement form, withholding form, and certification and transcripts for teachers. Failure to return the employment forms may result in the withholding of pay until all forms are returned.

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R. 8-2-7 Service Personnel Employment Policies and Regulations

Except where noted, service employees shall be subject to and benefit from the same personnel policies and regulations as professional employees. General personnel policies and regulations relative to evaluation, suspension, dismissal, retirement, and/or resignations, which are in effect for both service and professional personnel, are contained in the Preston County Policy Manual.

Service personnel shall receive the State Basic Salary for their job classification and years of experience. The salary scale can be found in West Virginia Code §18A-4-8a.

Contracts with service personnel indicate the beginning and ending date for the year. Their supervisors shall determine specific time schedules and workload.

Employees accepting part-time employment in addition to their full-time employment by the Board shall be considered in violation of Board policy in the event such employment results in the employee reporting to work in a mentally and/or physically impaired condition.

SBP 4336 - West Virginia School Bus Transportation Policy and Procedures Manual specifies that any person accepting employment as a school bus operator shall accept such position with the understanding that the responsibilities involved are his/her primary employment, and that such employment shall not be limited, or interfered with, by any commitment as a result of any other employment. SBP 4336 further states that any person who performs responsibilities as a school bus operator shall not be eligible to operate a school bus without a minimum of six (6) consecutive hours of off duty time, for proper rest between the conclusion of the previous day's regularly scheduled afternoon run and immediately prior to the beginning of the next day's regularly scheduled morning run.

No service employee shall be permitted to become employed in more than one regular full-day position, nor more than two one-half day positions at the same time. This prohibition does not apply to extracurricular assignments or summer positions.

Personnel employed to perform tasks that involve the combination of two or more class titles are considered to be multi-classified. In this instance, the minimum salary scale shall be the higher pay grade of the class titles involved.

(WVC §16-3-4a; §18A-2-5; §18A-4-8a; §18A-4-8h and SBP 4336)

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R 8-2-8 Employment of Coordinator of Transportation

After July 1, 2010, all persons employed for the first time as a Supervisor of Transportation or in a multi-classification position that includes this title shall have five years of experience working in the transportation department of a county board. Experience working in the transportation department shall consist of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief mechanic or in a clerical position within the transportation department.

(WVC §18A-4-8i)

R 8-2-9 Service Personnel Itinerant Status

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. A county 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 county board shall post and fill, pursuant to §18A-4-8b, all positions that have been filled without posting by a service person with itinerant status.

A service person that is assigned to a beginning and ending work site and travels at the expense of the county board to other work sites during the daily schedule shall not be considered to hold itinerant status.

(WVC §18A-4-8)

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