



**SOLVING THE MYSTERIES OF SERVICE
EMPLOYEE SENIORITY AND EXPERIENCE:
MULTICLASSIFIED JOBS, SUBSTITUTE
ASSIGNMENTS AND OTHER HEAD-
SCRATCHERS**

WVASBO SPRING CONFERENCE

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1 **§18A-4-7a. Employment, promotion and transfer of professional personnel; seniority.**

2 * * * * *

3 (g) With the exception of guidance counselors, the seniority of classroom teachers,
4 as defined in section one, article one of this chapter, shall be determined on the basis of the length
5 of time the employee has been employed as a regular full-time certified and/or licensed
6 professional educator by the county board of education and shall be granted in all areas that the
7 employee is certified, licensed or both.

8 (h) Upon completion of one hundred thirty-three days of employment in any one
9 school year, substitute teachers, except retired teachers and other retired professional educators
10 employed as substitutes, shall accrue seniority exclusively for the purpose of applying for
11 employment as a permanent, full-time professional employee. One hundred thirty-three days or
12 more of said employment shall be prorated and shall vest as a fraction of the school year worked
13 by the permanent, full-time teacher.

14 (i) Guidance counselors and all other professional employees, as defined in section
15 one, article one of this chapter, except classroom teachers, shall gain seniority in their nonteaching
16 area of professional employment on the basis of the length of time the employee has been
17 employed by the county board of education in that area: Provided, That if an employee is certified
18 as a classroom teacher, the employee accrues classroom teaching seniority for the time that
19 employee is employed in another professional area. For the purposes of accruing seniority under
20 this paragraph, employment as principal, supervisor or central office administrator, as defined in
21 section one, article one of this chapter, shall be considered one area of employment.

22 (j) Employment for a full employment term equals one year of seniority, but an
23 employee may not accrue more than one year of seniority during any given fiscal year.
24 Employment for less than the full employment term shall be prorated. A random selection system
25 established by the employees and approved by the county board shall be used to determine the
26 priority if two or more employees accumulate identical seniority: Provided, That when two or more
27 principals have accumulated identical seniority, decisions on reductions in force shall be based on
28 qualifications.

29 * * * * *



1 **§ 18A-4-7b. Calculation of seniority for professional personnel.**

2 Notwithstanding any other provision of this code to the contrary, seniority for professional
3 personnel as defined in section one [§§ 18A-1-1], article one, chapter eighteen-a of this code shall
4 be calculated pursuant to the provisions of section seven-a [§§ 18A-4-7a] of this article as well as
5 the following: Provided, That any recalculation of seniority of a professional personnel employee
6 that may be required in order to remain consistent with the provisions contained herein shall be
7 calculated retroactively, but shall not be utilized for the purposes of reversing any decision that
8 has been made or grievance that has been filed prior to the effective date of this section:

9 (a) A professional employee shall begin to accrue seniority upon commencement of the
10 employee's duties.

11 (b) An employee shall receive seniority credit for each day the employee is professionally
12 employed regardless of whether the employee receives pay for that day: Provided, That no
13 employee shall receive seniority credit for any day the employee is suspended without pay
14 pursuant to section eight [§§ 18A-2-8], article two of this chapter: Provided, however, That an
15 employee who is on an approved leave of absence shall accrue seniority during the period of time
16 that the employee is on the approved leave of absence.

17 (c) Any professional employee whose employment with a county board of education is
18 terminated either voluntarily or through a reduction-in-force shall, upon reemployment with the
19 same board of education in a regular full-time position, receive credit for all seniority previously
20 accumulated with the board of education at the date the employee's employment was terminated.

21 (d) Any professional employee whose employment has been terminated through reduction
22 in force and whose name is on the preferred recall list shall retain all accumulated seniority for the
23 purpose of seeking reemployment with the county from which he or she was terminated and
24 nothing in this section may be construed to the contrary.

25 (e) Any professional employee employed for a full employment term but in a part-time
26 position shall receive seniority credit for each day of employment prorated to the proportion of a
27 full employment day the employee is required to work: Provided, That nothing herein allows a
28 regular full-time employee to be credited with less than a full day of seniority credit for each day
29 the employee is employed by the board: Provided, however, That this calculation of seniority for
30 part-time professional personnel is prospective and does not reduce any seniority credit
31 accumulated by any employee prior to the effective date of this section: Provided further, That for
32 the purposes of this section a part-time employee shall be defined as an employee who is employed
33 less than three and one-half hours per day.



1 **§18A-4-8b. Seniority rights for school service personnel.**

2 * * * * *

3 (d) (2) Each class title listed in section eight of this article is considered a separate
4 classification category of employment for service personnel, except for those class titles having
5 Roman numeral designations, which are considered a single classification of employment:

6 * * * * *

1 **§18A-4-8e. Competency testing for service personnel; and recertification testing for bus**
2 **operators.**

3 (a) The state board shall develop and make available competency tests for all of the
4 classification titles defined in section eight of this article and listed in section eight-a of this article
5 for service personnel. The board shall review and, if needed, update the competency tests at least
6 every five years. Each classification title defined and listed is considered a separate classification
7 category of employment for service personnel and has a separate competency test, except for those
8 class titles having Roman numeral designations, which are considered a single classification of
9 employment and have a single competency test.

10 (1) The cafeteria manager class title is included in the same classification category
11 as cooks and has the same competency test.

12 (2) The executive secretary class title is included in the same classification category
13 as secretaries and has the same competency test.

14 (3) The classification titles of chief mechanic, mechanic and assistant mechanic are
15 included in one classification title and have the same competency test.

16 * * * * *



1 **§18A-4-8g. Determination of seniority for service personnel.**

2 (a) Seniority accumulation for a regular school service person:

3 (1) Begins on the date the employee enters upon regular employment duties
4 pursuant to a contract as provided in section five, article two of this chapter;

5 (2) Continues until the service person's employment as a regular employee is
6 severed with the county board; and

7 (3) Does not cease to accumulate when the county board has authorized an absence
8 whether without pay or due to illness or other reason over which the employee has no control.

9 (b) Seniority accumulation for a substitute service person:

10 (1) Begins on the date the employee enters upon the duties of a substitute as
11 provided in section fifteen of this article, after executing with the county board a contract of
12 employment as provided in section five, article two of this chapter; and

13 (2) Continues until the employee enters into the duties of a regular employment
14 contract as provided in section five, article two of this chapter; or employment as a substitute
15 service person with the county board is severed.

16 (c) Seniority of a regular or substitute service person does not continue to
17 accumulate under the following conditions:

18 (1) When a service person is willfully absent from employment duties because of a
19 concerted work stoppage or strike; or

20 (2) When a service person is suspended without pay.

21 (d) For all purposes including the filling of vacancies and reduction in force,
22 seniority shall be accumulated within particular classification categories of employment as those
23 classification categories are referred to in section eight-e of this article.

24 (e) When implementing a reduction in force, the service person with the least
25 seniority within a particular classification category shall be properly released and placed on the
26 preferred recall list. The particular classification title held by a service person within the
27 classification category may not be considered when implementing a reduction in force.

28 (f) On or before the first day of September and the fifteenth day of January of each
29 school year, county boards shall post at each county school or working station the current seniority
30 list or lists of each service personnel classification. Each list shall contain the name of each



31 regularly employed school service person employed in each classification and the date that each
32 employee began performing his or her assigned duties in each classification. Current seniority lists
33 of substitute school service personnel shall be available to employees upon request at the county
34 board office.

35 (g) The seniority of a service person who transfers out of a class title or
36 classification category of employment and subsequently returns to that class title or classification
37 category of employment is calculated as follows:

38 (1) The county board shall establish the number of calendar days between the date
39 the service person left the class title or category of employment in question and the date of return
40 to the class title or classification category of employment.

41 (2) This number of days shall be added to the service person's initial seniority date
42 to establish a new beginning seniority date within the class title or classification category.

43 (3) The service person then shall be considered as having held uninterrupted service
44 within the class title or classification category from the newly established seniority date.

45 The seniority of an employee who has had a break in the accumulation of seniority
46 as a result of being willfully absent from employment duties because of a concerted work stoppage
47 or strike shall be calculated in the same manner.

48 (h) Beginning on the first day of July, two thousand seven, a substitute school
49 service person shall acquire regular employment status, but not regular employee job bidding
50 rights or regular seniority, if the employee receives a position pursuant to the leave of absence or
51 suspension provisions of subdivisions (2) and (5), subsection (a), section fifteen of this article.

52 (1) A substitute service person shall accumulate substitute employee seniority while
53 holding a position acquired pursuant to subsections (2) and (5).

54 (2) Upon termination of the regular service person's leave of absence or suspension,
55 the substitute service person shall return to the status previously held.

56 (3) County boards are not prohibited from providing any benefits of regular
57 employment for substitute service personnel, but the benefits may not include regular service
58 personnel employee status or seniority.

59 (i) If two or more service personnel accumulate identical seniority, the priority shall
60 be determined by a random selection system established by the service personnel and approved by
61 the county board.



62 (1) A board shall conduct the random selection within thirty days of the time the
63 service personnel establish an identical seniority date. All service personnel with an identical
64 seniority date within the same class title or classification category shall participate in the random
65 selection.

66 (2) As long as the affected employees hold identical seniority within the same
67 classification category, the initial random selection conducted by the board shall be permanent for
68 the duration of the employment within the same classification category of the employees by the
69 board. This random selection priority applies to the filling of vacancies and to the reduction in
70 force of school service personnel.

71 (3) If any other service person subsequently acquires seniority identical to the
72 employees involved in the original random selection, a second random selection shall be held
73 within thirty days to determine the seniority ranking of the new employee within the group.

74 (A) The priority between the employees who participated in the original random
75 selection remains the same.

76 (B) The second random selection is performed by placing numbered pieces of paper
77 equal to the number of employees with identical seniority in a container. Any service person who
78 was not involved in the original random selection shall draw a number from the container which
79 will determine his or her seniority within the group as a whole.

80 (C) This process will be repeated if any additional service person subsequently
81 acquires identical seniority.

82 (D) The same process shall be used if any additional service person is subsequently
83 discovered to have the same seniority as the original group of employees but who did not
84 participate in the original random selection due to oversight or mistake.

85 (j) Service personnel who are employed in a classification category of employment
86 at the time when a vacancy is posted in the same classification category of employment shall be
87 given first opportunity to fill the vacancy.

88 (k) Seniority acquired as a substitute service person and as a regular service person
89 shall be calculated separately and may not be combined for any purpose. Seniority acquired within
90 different classification categories shall be calculated separately. If a school service employee
91 applies for a position outside of the classification category he or she currently holds, and if the
92 vacancy is not filled by an applicant within the classification category of the vacancy, the applicant
93 shall combine all regular employment seniority acquired for the purpose of bidding on the position.

94 (l) A school service person who holds a multiclassification title accrues seniority in
95 each classification category of employment that the employee holds and is considered an employee



96 of each classification category contained within his or her multiclassification title. A
97 multiclassified service person is subject to reduction in force in any category of employment
98 contained within his or her multiclassification title, based upon the seniority accumulated within
99 that category of employment. If a multiclassified service person is subject to a reduction in force
100 in one classification category, the service person retains employment in any of the other
101 classification categories that he or she holds within his or her multiclassification title. In that case,
102 the county board shall delete the appropriate classification title or classification category from the
103 contract of the multiclassified employee.

104 (m) When applying to fill a vacancy outside the classification categories held by a
105 multiclassified service person, seniority acquired simultaneously in different classification
106 categories is calculated as if accrued in one classification category only.

107 (n) The seniority conferred in this section applies retroactively to all affected school
108 service personnel, but the rights incidental to the seniority commence as of the effective date of
109 this section.



These materials are presented with the understanding that the information provided is not legal advice. Due to the rapidly changing nature of the law, information contained in these materials may become outdated. Anyone using information contained in these materials should always research original sources of authority and update this information to ensure accuracy when dealing with a specific matter. No person should act or rely upon the information contained in these materials without seeking the advice of an attorney.



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1 **§18A-4-7a. Employment, promotion and transfer of professional personnel; seniority.**

2 * * * * *

3 (g) With the exception of guidance counselors, the seniority of classroom teachers,
4 as defined in section one, article one of this chapter, shall be determined on the basis of the length
5 of time the employee has been employed as a regular full-time certified and/or licensed
6 professional educator by the county board of education and shall be granted in all areas that the
7 employee is certified, licensed or both.

8 (h) Upon completion of one hundred thirty-three days of employment in any one
9 school year, substitute teachers, except retired teachers and other retired professional educators
10 employed as substitutes, shall accrue seniority exclusively for the purpose of applying for
11 employment as a permanent, full-time professional employee. One hundred thirty-three days or
12 more of said employment shall be prorated and shall vest as a fraction of the school year worked
13 by the permanent, full-time teacher.

14 (i) Guidance counselors and all other professional employees, as defined in section
15 one, article one of this chapter, except classroom teachers, shall gain seniority in their nonteaching
16 area of professional employment on the basis of the length of time the employee has been
17 employed by the county board of education in that area: Provided, That if an employee is certified
18 as a classroom teacher, the employee accrues classroom teaching seniority for the time that
19 employee is employed in another professional area. For the purposes of accruing seniority under
20 this paragraph, employment as principal, supervisor or central office administrator, as defined in
21 section one, article one of this chapter, shall be considered one area of employment.

22 (j) Employment for a full employment term equals one year of seniority, but an
23 employee may not accrue more than one year of seniority during any given fiscal year.
24 Employment for less than the full employment term shall be prorated. A random selection system
25 established by the employees and approved by the county board shall be used to determine the
26 priority if two or more employees accumulate identical seniority: Provided, That when two or more
27 principals have accumulated identical seniority, decisions on reductions in force shall be based on
28 qualifications.

29 * * * * *



1 **§ 18A-4-7b. Calculation of seniority for professional personnel.**

2 Notwithstanding any other provision of this code to the contrary, seniority for professional
3 personnel as defined in section one [§§ 18A-1-1], article one, chapter eighteen-a of this code shall
4 be calculated pursuant to the provisions of section seven-a [§§ 18A-4-7a] of this article as well as
5 the following: Provided, That any recalculation of seniority of a professional personnel employee
6 that may be required in order to remain consistent with the provisions contained herein shall be
7 calculated retroactively, but shall not be utilized for the purposes of reversing any decision that
8 has been made or grievance that has been filed prior to the effective date of this section:

9 (a) A professional employee shall begin to accrue seniority upon commencement of the
10 employee's duties.

11 (b) An employee shall receive seniority credit for each day the employee is professionally
12 employed regardless of whether the employee receives pay for that day: Provided, That no
13 employee shall receive seniority credit for any day the employee is suspended without pay
14 pursuant to section eight [§§ 18A-2-8], article two of this chapter: Provided, however, That an
15 employee who is on an approved leave of absence shall accrue seniority during the period of time
16 that the employee is on the approved leave of absence.

17 (c) Any professional employee whose employment with a county board of education is
18 terminated either voluntarily or through a reduction-in-force shall, upon reemployment with the
19 same board of education in a regular full-time position, receive credit for all seniority previously
20 accumulated with the board of education at the date the employee's employment was terminated.

21 (d) Any professional employee whose employment has been terminated through reduction
22 in force and whose name is on the preferred recall list shall retain all accumulated seniority for the
23 purpose of seeking reemployment with the county from which he or she was terminated and
24 nothing in this section may be construed to the contrary.

25 (e) Any professional employee employed for a full employment term but in a part-time
26 position shall receive seniority credit for each day of employment prorated to the proportion of a
27 full employment day the employee is required to work: Provided, That nothing herein allows a
28 regular full-time employee to be credited with less than a full day of seniority credit for each day
29 the employee is employed by the board: Provided, however, That this calculation of seniority for
30 part-time professional personnel is prospective and does not reduce any seniority credit
31 accumulated by any employee prior to the effective date of this section: Provided further, That for
32 the purposes of this section a part-time employee shall be defined as an employee who is employed
33 less than three and one-half hours per day.



1 **§18A-4-8b. Seniority rights for school service personnel.**

2 * * * * *

3 (d) (2) Each class title listed in section eight of this article is considered a separate
4 classification category of employment for service personnel, except for those class titles having
5 Roman numeral designations, which are considered a single classification of employment:

6 * * * * *

1 **§18A-4-8e. Competency testing for service personnel; and recertification testing for bus**
2 **operators.**

3 (a) The state board shall develop and make available competency tests for all of the
4 classification titles defined in section eight of this article and listed in section eight-a of this article
5 for service personnel. The board shall review and, if needed, update the competency tests at least
6 every five years. Each classification title defined and listed is considered a separate classification
7 category of employment for service personnel and has a separate competency test, except for those
8 class titles having Roman numeral designations, which are considered a single classification of
9 employment and have a single competency test.

10 (1) The cafeteria manager class title is included in the same classification category
11 as cooks and has the same competency test.

12 (2) The executive secretary class title is included in the same classification category
13 as secretaries and has the same competency test.

14 (3) The classification titles of chief mechanic, mechanic and assistant mechanic are
15 included in one classification title and have the same competency test.

16 * * * * *



1 **§18A-4-8g. Determination of seniority for service personnel.**

2 (a) Seniority accumulation for a regular school service person:

3 (1) Begins on the date the employee enters upon regular employment duties
4 pursuant to a contract as provided in section five, article two of this chapter;

5 (2) Continues until the service person's employment as a regular employee is
6 severed with the county board; and

7 (3) Does not cease to accumulate when the county board has authorized an absence
8 whether without pay or due to illness or other reason over which the employee has no control.

9 (b) Seniority accumulation for a substitute service person:

10 (1) Begins on the date the employee enters upon the duties of a substitute as
11 provided in section fifteen of this article, after executing with the county board a contract of
12 employment as provided in section five, article two of this chapter; and

13 (2) Continues until the employee enters into the duties of a regular employment
14 contract as provided in section five, article two of this chapter; or employment as a substitute
15 service person with the county board is severed.

16 (c) Seniority of a regular or substitute service person does not continue to
17 accumulate under the following conditions:

18 (1) When a service person is willfully absent from employment duties because of a
19 concerted work stoppage or strike; or

20 (2) When a service person is suspended without pay.

21 (d) For all purposes including the filling of vacancies and reduction in force,
22 seniority shall be accumulated within particular classification categories of employment as those
23 classification categories are referred to in section eight-e of this article.

24 (e) When implementing a reduction in force, the service person with the least
25 seniority within a particular classification category shall be properly released and placed on the
26 preferred recall list. The particular classification title held by a service person within the
27 classification category may not be considered when implementing a reduction in force.

28 (f) On or before the first day of September and the fifteenth day of January of each
29 school year, county boards shall post at each county school or working station the current seniority
30 list or lists of each service personnel classification. Each list shall contain the name of each



31 regularly employed school service person employed in each classification and the date that each
32 employee began performing his or her assigned duties in each classification. Current seniority lists
33 of substitute school service personnel shall be available to employees upon request at the county
34 board office.

35 (g) The seniority of a service person who transfers out of a class title or
36 classification category of employment and subsequently returns to that class title or classification
37 category of employment is calculated as follows:

38 (1) The county board shall establish the number of calendar days between the date
39 the service person left the class title or category of employment in question and the date of return
40 to the class title or classification category of employment.

41 (2) This number of days shall be added to the service person's initial seniority date
42 to establish a new beginning seniority date within the class title or classification category.

43 (3) The service person then shall be considered as having held uninterrupted service
44 within the class title or classification category from the newly established seniority date.

45 The seniority of an employee who has had a break in the accumulation of seniority
46 as a result of being willfully absent from employment duties because of a concerted work stoppage
47 or strike shall be calculated in the same manner.

48 (h) Beginning on the first day of July, two thousand seven, a substitute school
49 service person shall acquire regular employment status, but not regular employee job bidding
50 rights or regular seniority, if the employee receives a position pursuant to the leave of absence or
51 suspension provisions of subdivisions (2) and (5), subsection (a), section fifteen of this article.

52 (1) A substitute service person shall accumulate substitute employee seniority while
53 holding a position acquired pursuant to subsections (2) and (5).

54 (2) Upon termination of the regular service person's leave of absence or suspension,
55 the substitute service person shall return to the status previously held.

56 (3) County boards are not prohibited from providing any benefits of regular
57 employment for substitute service personnel, but the benefits may not include regular service
58 personnel employee status or seniority.

59 (i) If two or more service personnel accumulate identical seniority, the priority shall
60 be determined by a random selection system established by the service personnel and approved by
61 the county board.



62 (1) A board shall conduct the random selection within thirty days of the time the
63 service personnel establish an identical seniority date. All service personnel with an identical
64 seniority date within the same class title or classification category shall participate in the random
65 selection.

66 (2) As long as the affected employees hold identical seniority within the same
67 classification category, the initial random selection conducted by the board shall be permanent for
68 the duration of the employment within the same classification category of the employees by the
69 board. This random selection priority applies to the filling of vacancies and to the reduction in
70 force of school service personnel.

71 (3) If any other service person subsequently acquires seniority identical to the
72 employees involved in the original random selection, a second random selection shall be held
73 within thirty days to determine the seniority ranking of the new employee within the group.

74 (A) The priority between the employees who participated in the original random
75 selection remains the same.

76 (B) The second random selection is performed by placing numbered pieces of paper
77 equal to the number of employees with identical seniority in a container. Any service person who
78 was not involved in the original random selection shall draw a number from the container which
79 will determine his or her seniority within the group as a whole.

80 (C) This process will be repeated if any additional service person subsequently
81 acquires identical seniority.

82 (D) The same process shall be used if any additional service person is subsequently
83 discovered to have the same seniority as the original group of employees but who did not
84 participate in the original random selection due to oversight or mistake.

85 (j) Service personnel who are employed in a classification category of employment
86 at the time when a vacancy is posted in the same classification category of employment shall be
87 given first opportunity to fill the vacancy.

88 (k) Seniority acquired as a substitute service person and as a regular service person
89 shall be calculated separately and may not be combined for any purpose. Seniority acquired within
90 different classification categories shall be calculated separately. If a school service employee
91 applies for a position outside of the classification category he or she currently holds, and if the
92 vacancy is not filled by an applicant within the classification category of the vacancy, the applicant
93 shall combine all regular employment seniority acquired for the purpose of bidding on the position.

94 (l) A school service person who holds a multiclassification title accrues seniority in
95 each classification category of employment that the employee holds and is considered an employee



96 of each classification category contained within his or her multiclassification title. A
97 multiclassified service person is subject to reduction in force in any category of employment
98 contained within his or her multiclassification title, based upon the seniority accumulated within
99 that category of employment. If a multiclassified service person is subject to a reduction in force
100 in one classification category, the service person retains employment in any of the other
101 classification categories that he or she holds within his or her multiclassification title. In that case,
102 the county board shall delete the appropriate classification title or classification category from the
103 contract of the multiclassified employee.

104 (m) When applying to fill a vacancy outside the classification categories held by a
105 multiclassified service person, seniority acquired simultaneously in different classification
106 categories is calculated as if accrued in one classification category only.

107 (n) The seniority conferred in this section applies retroactively to all affected school
108 service personnel, but the rights incidental to the seniority commence as of the effective date of
109 this section.



These materials are presented with the understanding that the information provided is not legal advice. Due to the rapidly changing nature of the law, information contained in these materials may become outdated. Anyone using information contained in these materials should always research original sources of authority and update this information to ensure accuracy when dealing with a specific matter. No person should act or rely upon the information contained in these materials without seeking the advice of an attorney.



**SOLVING THE MYSTERIES OF SERVICE
EMPLOYEE SENIORITY AND EXPERIENCE:
MULTICLASSIFIED JOBS, SUBSTITUTE
ASSIGNMENTS AND OTHER HEAD-
SCRATCHERS**

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1 **§18A-4-7a. Employment, promotion and transfer of professional personnel; seniority.**

2 * * * * *

3 (g) With the exception of guidance counselors, the seniority of classroom teachers,
4 as defined in section one, article one of this chapter, shall be determined on the basis of the length
5 of time the employee has been employed as a regular full-time certified and/or licensed
6 professional educator by the county board of education and shall be granted in all areas that the
7 employee is certified, licensed or both.

8 (h) Upon completion of one hundred thirty-three days of employment in any one
9 school year, substitute teachers, except retired teachers and other retired professional educators
10 employed as substitutes, shall accrue seniority exclusively for the purpose of applying for
11 employment as a permanent, full-time professional employee. One hundred thirty-three days or
12 more of said employment shall be prorated and shall vest as a fraction of the school year worked
13 by the permanent, full-time teacher.

14 (i) Guidance counselors and all other professional employees, as defined in section
15 one, article one of this chapter, except classroom teachers, shall gain seniority in their nonteaching
16 area of professional employment on the basis of the length of time the employee has been
17 employed by the county board of education in that area: Provided, That if an employee is certified
18 as a classroom teacher, the employee accrues classroom teaching seniority for the time that
19 employee is employed in another professional area. For the purposes of accruing seniority under
20 this paragraph, employment as principal, supervisor or central office administrator, as defined in
21 section one, article one of this chapter, shall be considered one area of employment.

22 (j) Employment for a full employment term equals one year of seniority, but an
23 employee may not accrue more than one year of seniority during any given fiscal year.
24 Employment for less than the full employment term shall be prorated. A random selection system
25 established by the employees and approved by the county board shall be used to determine the
26 priority if two or more employees accumulate identical seniority: Provided, That when two or more
27 principals have accumulated identical seniority, decisions on reductions in force shall be based on
28 qualifications.

29 * * * * *



1 **§ 18A-4-7b. Calculation of seniority for professional personnel.**

2 Notwithstanding any other provision of this code to the contrary, seniority for professional
3 personnel as defined in section one [§§ 18A-1-1], article one, chapter eighteen-a of this code shall
4 be calculated pursuant to the provisions of section seven-a [§§ 18A-4-7a] of this article as well as
5 the following: Provided, That any recalculation of seniority of a professional personnel employee
6 that may be required in order to remain consistent with the provisions contained herein shall be
7 calculated retroactively, but shall not be utilized for the purposes of reversing any decision that
8 has been made or grievance that has been filed prior to the effective date of this section:

9 (a) A professional employee shall begin to accrue seniority upon commencement of the
10 employee's duties.

11 (b) An employee shall receive seniority credit for each day the employee is professionally
12 employed regardless of whether the employee receives pay for that day: Provided, That no
13 employee shall receive seniority credit for any day the employee is suspended without pay
14 pursuant to section eight [§§ 18A-2-8], article two of this chapter: Provided, however, That an
15 employee who is on an approved leave of absence shall accrue seniority during the period of time
16 that the employee is on the approved leave of absence.

17 (c) Any professional employee whose employment with a county board of education is
18 terminated either voluntarily or through a reduction-in-force shall, upon reemployment with the
19 same board of education in a regular full-time position, receive credit for all seniority previously
20 accumulated with the board of education at the date the employee's employment was terminated.

21 (d) Any professional employee whose employment has been terminated through reduction
22 in force and whose name is on the preferred recall list shall retain all accumulated seniority for the
23 purpose of seeking reemployment with the county from which he or she was terminated and
24 nothing in this section may be construed to the contrary.

25 (e) Any professional employee employed for a full employment term but in a part-time
26 position shall receive seniority credit for each day of employment prorated to the proportion of a
27 full employment day the employee is required to work: Provided, That nothing herein allows a
28 regular full-time employee to be credited with less than a full day of seniority credit for each day
29 the employee is employed by the board: Provided, however, That this calculation of seniority for
30 part-time professional personnel is prospective and does not reduce any seniority credit
31 accumulated by any employee prior to the effective date of this section: Provided further, That for
32 the purposes of this section a part-time employee shall be defined as an employee who is employed
33 less than three and one-half hours per day.



1 **§18A-4-8b. Seniority rights for school service personnel.**

2 * * * * *

3 (d) (2) Each class title listed in section eight of this article is considered a separate
4 classification category of employment for service personnel, except for those class titles having
5 Roman numeral designations, which are considered a single classification of employment:

6 * * * * *

1 **§18A-4-8e. Competency testing for service personnel; and recertification testing for bus**
2 **operators.**

3 (a) The state board shall develop and make available competency tests for all of the
4 classification titles defined in section eight of this article and listed in section eight-a of this article
5 for service personnel. The board shall review and, if needed, update the competency tests at least
6 every five years. Each classification title defined and listed is considered a separate classification
7 category of employment for service personnel and has a separate competency test, except for those
8 class titles having Roman numeral designations, which are considered a single classification of
9 employment and have a single competency test.

10 (1) The cafeteria manager class title is included in the same classification category
11 as cooks and has the same competency test.

12 (2) The executive secretary class title is included in the same classification category
13 as secretaries and has the same competency test.

14 (3) The classification titles of chief mechanic, mechanic and assistant mechanic are
15 included in one classification title and have the same competency test.

16 * * * * *



1 **§18A-4-8g. Determination of seniority for service personnel.**

2 (a) Seniority accumulation for a regular school service person:

3 (1) Begins on the date the employee enters upon regular employment duties
4 pursuant to a contract as provided in section five, article two of this chapter;

5 (2) Continues until the service person's employment as a regular employee is
6 severed with the county board; and

7 (3) Does not cease to accumulate when the county board has authorized an absence
8 whether without pay or due to illness or other reason over which the employee has no control.

9 (b) Seniority accumulation for a substitute service person:

10 (1) Begins on the date the employee enters upon the duties of a substitute as
11 provided in section fifteen of this article, after executing with the county board a contract of
12 employment as provided in section five, article two of this chapter; and

13 (2) Continues until the employee enters into the duties of a regular employment
14 contract as provided in section five, article two of this chapter; or employment as a substitute
15 service person with the county board is severed.

16 (c) Seniority of a regular or substitute service person does not continue to
17 accumulate under the following conditions:

18 (1) When a service person is willfully absent from employment duties because of a
19 concerted work stoppage or strike; or

20 (2) When a service person is suspended without pay.

21 (d) For all purposes including the filling of vacancies and reduction in force,
22 seniority shall be accumulated within particular classification categories of employment as those
23 classification categories are referred to in section eight-e of this article.

24 (e) When implementing a reduction in force, the service person with the least
25 seniority within a particular classification category shall be properly released and placed on the
26 preferred recall list. The particular classification title held by a service person within the
27 classification category may not be considered when implementing a reduction in force.

28 (f) On or before the first day of September and the fifteenth day of January of each
29 school year, county boards shall post at each county school or working station the current seniority
30 list or lists of each service personnel classification. Each list shall contain the name of each



31 regularly employed school service person employed in each classification and the date that each
32 employee began performing his or her assigned duties in each classification. Current seniority lists
33 of substitute school service personnel shall be available to employees upon request at the county
34 board office.

35 (g) The seniority of a service person who transfers out of a class title or
36 classification category of employment and subsequently returns to that class title or classification
37 category of employment is calculated as follows:

38 (1) The county board shall establish the number of calendar days between the date
39 the service person left the class title or category of employment in question and the date of return
40 to the class title or classification category of employment.

41 (2) This number of days shall be added to the service person's initial seniority date
42 to establish a new beginning seniority date within the class title or classification category.

43 (3) The service person then shall be considered as having held uninterrupted service
44 within the class title or classification category from the newly established seniority date.

45 The seniority of an employee who has had a break in the accumulation of seniority
46 as a result of being willfully absent from employment duties because of a concerted work stoppage
47 or strike shall be calculated in the same manner.

48 (h) Beginning on the first day of July, two thousand seven, a substitute school
49 service person shall acquire regular employment status, but not regular employee job bidding
50 rights or regular seniority, if the employee receives a position pursuant to the leave of absence or
51 suspension provisions of subdivisions (2) and (5), subsection (a), section fifteen of this article.

52 (1) A substitute service person shall accumulate substitute employee seniority while
53 holding a position acquired pursuant to subsections (2) and (5).

54 (2) Upon termination of the regular service person's leave of absence or suspension,
55 the substitute service person shall return to the status previously held.

56 (3) County boards are not prohibited from providing any benefits of regular
57 employment for substitute service personnel, but the benefits may not include regular service
58 personnel employee status or seniority.

59 (i) If two or more service personnel accumulate identical seniority, the priority shall
60 be determined by a random selection system established by the service personnel and approved by
61 the county board.



62 (1) A board shall conduct the random selection within thirty days of the time the
63 service personnel establish an identical seniority date. All service personnel with an identical
64 seniority date within the same class title or classification category shall participate in the random
65 selection.

66 (2) As long as the affected employees hold identical seniority within the same
67 classification category, the initial random selection conducted by the board shall be permanent for
68 the duration of the employment within the same classification category of the employees by the
69 board. This random selection priority applies to the filling of vacancies and to the reduction in
70 force of school service personnel.

71 (3) If any other service person subsequently acquires seniority identical to the
72 employees involved in the original random selection, a second random selection shall be held
73 within thirty days to determine the seniority ranking of the new employee within the group.

74 (A) The priority between the employees who participated in the original random
75 selection remains the same.

76 (B) The second random selection is performed by placing numbered pieces of paper
77 equal to the number of employees with identical seniority in a container. Any service person who
78 was not involved in the original random selection shall draw a number from the container which
79 will determine his or her seniority within the group as a whole.

80 (C) This process will be repeated if any additional service person subsequently
81 acquires identical seniority.

82 (D) The same process shall be used if any additional service person is subsequently
83 discovered to have the same seniority as the original group of employees but who did not
84 participate in the original random selection due to oversight or mistake.

85 (j) Service personnel who are employed in a classification category of employment
86 at the time when a vacancy is posted in the same classification category of employment shall be
87 given first opportunity to fill the vacancy.

88 (k) Seniority acquired as a substitute service person and as a regular service person
89 shall be calculated separately and may not be combined for any purpose. Seniority acquired within
90 different classification categories shall be calculated separately. If a school service employee
91 applies for a position outside of the classification category he or she currently holds, and if the
92 vacancy is not filled by an applicant within the classification category of the vacancy, the applicant
93 shall combine all regular employment seniority acquired for the purpose of bidding on the position.

94 (l) A school service person who holds a multiclassification title accrues seniority in
95 each classification category of employment that the employee holds and is considered an employee



96 of each classification category contained within his or her multiclassification title. A
97 multiclassified service person is subject to reduction in force in any category of employment
98 contained within his or her multiclassification title, based upon the seniority accumulated within
99 that category of employment. If a multiclassified service person is subject to a reduction in force
100 in one classification category, the service person retains employment in any of the other
101 classification categories that he or she holds within his or her multiclassification title. In that case,
102 the county board shall delete the appropriate classification title or classification category from the
103 contract of the multiclassified employee.

104 (m) When applying to fill a vacancy outside the classification categories held by a
105 multiclassified service person, seniority acquired simultaneously in different classification
106 categories is calculated as if accrued in one classification category only.

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108 service personnel, but the rights incidental to the seniority commence as of the effective date of
109 this section.



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