



WV SCHOOLS OF DIVERSION AND TRANSITION  
EMPLOYEE HANDBOOK

Revised April 2021



West Virginia Schools of Diversion and Transition  
Jacob C. Green, Superintendent  
W. Clayton Burch, West Virginia Superintendent of Schools  
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## WELCOME

It is a pleasure to welcome you to the staff of the West Virginia Schools of Diversion and Transition (WVSDT). You join an outstanding staff of professional and service personnel dedicated to the development of a high-quality education system in West Virginia.

Employees in the WVSDT are state employees whose professional and personal demeanor reflects upon the state and the public's trust. You are expected to demonstrate the highest standards of dedication and ethical conduct in the performance of your duties.

This handbook is intended as an overview of some of the policies, benefits, and general information which should be of assistance to you during your employment.

As a new member of the WVSDT team, we are counting on you to help us meet the challenges that lie ahead and to bring to work each day a "can do" spirit of enthusiasm for the education of students in our facilities.

Sincerely,

Jacob C. Green, Superintendent

# YOUR EMPLOYEE HANDBOOK

This Employee Handbook has been prepared to outline in a general way the policies, benefits, and general information for West Virginia Schools of Diversion and Transition staff. Specifically, the purposes of the handbook are to:

1. Provide employees with information concerning their benefits, rights and responsibilities;
2. Establish guidelines/procedures for day-to-day administration of personnel matters;
3. Ensure fairness and consistency in personnel decision-making;
4. Ensure that the WVSdT recruits, selects and retains the best personnel, i.e., those with high capabilities and a commitment to the mission and goals of the State Board of Education (State Board) and the WVDE;
5. Provide a climate which fosters optimal staff performance and high morale; and
6. Meet both WVSdT and employee needs in providing leadership and service for high quality education.

The Employee Handbook is not intended as a detailed statement of all applicable personnel statutes, regulations, and policies. Employees may request further information from their supervisor or the WVSdT Central Office if more specific information is desired. In the case of any inconsistency between the content of this handbook and applicable statutes, regulations or policies, the latter shall prevail.

This handbook is applicable only to WVSdT employees and does not constitute a contract for employment. No representative or employee of the state is authorized to enter into any such employment contract or other agreement. The employment relationship of each employee is "at-will." "At-will" means that it is for no definite period and is terminable at any time at the will of the State Superintendent, with or without notice, cause, or compensation.

This handbook is a continuous working document and subject to modification and further development as determined by the Superintendent of WVSdT or his/her designee. Employees are encouraged to provide suggestions to their immediate supervisor concerning improvements in personnel policies and procedures.

References throughout this handbook to the WVDE should be interpreted at all times as the West Virginia Department of Education; references to the State Board or the Board should be interpreted at all times as the West Virginia Board of Education; references to the State Superintendent should be interpreted at all times as the State Superintendent of Schools.

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# Getting Acquainted

## Mission of the WV Schools of Diversion and Transition

The mission of the WVSDT is to prepare juveniles and adults for successful transition to school or employment and to life in their communities as responsible and productive citizens.

The WVSDT provides educational services to over 6,000 juveniles and adults in residential and other state-operated facilities. The WVSDT are responsible for the education of:

1. juveniles in state correctional facilities;
2. juveniles placed in secure pre-dispositional juvenile centers and diagnostic centers;
3. adults in state correctional facilities and regional jails; and
4. juveniles placed in residential facilities for custody and treatment.

The WVSDT coordinates with county school systems to provide support to students placed in Alternative Learning Centers.

Additionally, the WVSDT coordinates with teachers, administrators, transition specialists, county school systems and host agencies to provide ongoing support for students who are transitioning from a WVSDT school to a public school.

## Your Employment Relationship

WVSDT employees are governed by applicable policies of the State Board, policies of the WVSDT, applicable state and federal laws and regulations and directives of the State Superintendent or his/her designee(s). Staff working in these facilities are non-contractual employees. The employment relationship between the employer and the employee may be terminated by either party. Reasons for termination by the employer include, but are not limited to, immorality; incompetency; cruelty; insubordination; intemperance; willful neglect of duty; unsatisfactory performance; the conviction of a felony or a guilty plea of nolo contendere to a felony charge; misuse of funds or property; violations of law or policies of the State Board; lack of need; or a lack or loss of funding. No supervisor is authorized to make any promises or assurances of continued employment or job security to employees.

## Orientation

On the first day of employment, new employees shall report to their assigned school to participate in an orientation coordinated by WVSDT Central Office. The orientation will include insurance and payroll matters, salary, tax withholding, payroll deduction options, benefit plans, and direct deposit.

In accordance with The Immigration Reform and Control Act, all new employees will complete the Federal I-9 Form and must present approved documents establishing their identify and authorizing their right to work in the United States.

All new employees will sign documents verifying receipt of the WVSDT Employee Handbook; State Board Policy 1461 Drug-Free Workplace; State Board Policy 4373 Expected Behavior in Safe and Supportive Schools; State Board Policy 5902 Employee Code of Conduct; and State Board Policy 2460 Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet.

The principal, assistant principal, or lead teacher shall provide additional training in regard to the WVSDT Handbook and WVSDT Policy and Procedure Manual.

The principal, assistant principal, or lead teacher shall provide each new employee with a school handbook outlining all policies and procedures necessary for working at the specific school and facility. The principal, assistant principal, or lead teacher shall serve as advisor for all new school employees. The advisor will be available to answer questions for new employees concerning the day-to-day operation of the school and facility.

### Equal Employment Opportunity

The WVSDT provides equal employment opportunities to all employees and applicants for employment without discriminating based on race, creed, color, religion, sex, age, national origin, ancestry, disabilities, veteran status, sexual orientation, gender identify, gender expression, genetic testing results, marital status, military status, or any other characteristic protected by state or federal law. It is likewise applicable to every office, faculty, worksite, and program within the WVSDT. Equal employment opportunities will prevail throughout every aspect of the employment relationship including recruitment, selection, placement, training, promotions, pay, benefits, and other terms and conditions of employment. All employees are encouraged to foster the spirit of equal opportunity with fellow workers and the public.

### Accommodating Employees with Disabilities

The WVSDT will make a reasonable accommodation to the known physical or mental impairment of a qualified individual with a disability, when necessary, to enable the qualified individual with a disability to perform the essential functions of the job. An individual with a disability has the responsibility to request an accommodation. Information concerning reasonable accommodations for disabilities may be obtained at <http://www.ada.gov/>.

### Harassment

It is the intent of the WVSDT that the learning and work environments are free from any type of harassment or violence. State Board Policy 4373 Expected Behavior in Safe and Supportive Schools strictly prohibits racial, sexual or religious/ethnic harassment of any kind or violence towards students and staff. All WVSDT employees are required to receive training in the contents of this policy and abide by its provisions.

The WVSDT will not tolerate any form of discrimination or harassment that creates an intimidating, hostile or offensive work environment nor any act done with intent to cause fear of bodily harm in another. If you believe you have been subjected to discrimination or harassment on the job, you have the right to file a complaint with the WVDE Office of Human Resources (OHR), the West Virginia Human Rights Commission (WVHRC) at <http://www.hrc.wv.gov/> and/or the Equal Employment Opportunity Office (EEO) <http://www.eeo.wv.gov/>. Contact the WVDE OHR for further information about filing a complaint.

## Conflict and Incivility in the Workplace

Employees of WVSDT have a right to a civil work environment and a right to be free of harassment, conflict and incivility on the job. The Central Office has a moral and legal obligation to ensure that such behavior does not occur and that effective means of redress are available to employees without reprisal. All reports of incivility, harassment and requests for intervention will result in an investigation, conducted by the principal/lead teacher, Central Office staff or other third party designated by Central Office.

## Reporting Violations

All employees are obligated to report known or suspected incidents of discrimination or harassment, including sexual harassment, and violations of EEO as soon as possible.

There are several ways that can be done:

- Report to immediate supervisor or a higher-level administrator,
- Report to the WVDE's Office of Human Resources or Office of Legal Services, or
- Report to the WV Human Rights Commission.

All complaints regarding discrimination or harassment will be investigated promptly, thoroughly, and objectively, ensuring confidentiality to the maximum extent practicable. All employees have a duty to cooperate in such investigations.

## Whistle-Blower Protection

The Whistle-Blower law prohibits discrimination or retaliatory actions against a full- or part-time public employee or any person acting on behalf of or under the direction of a public employee who reports or is about to report an action or suspected violation of state, local, or federal law. The law also protects those who participate in any hearing, investigation, legislative inquiry, or court action.

## Communications Policy

To ensure high employee morale and productivity, the WVSDT is committed to establishing and maintaining good lines of communication with and among employees at all levels of the organization. This is accomplished by holding frequent staff meetings; maintaining an up-to-date web-site (<http://wvde.state.wv.us>); displaying information on bulletin boards; issuing memoranda and operational policies and procedures, and encouraging an open-door policy to permit employees to speak openly with supervisors. In addition, all supervisors are responsible for keeping their staff members reasonably informed about matters that affect their job responsibilities or work assignments, the organization's objectives, policies, problems and matters of mutual interest.

## Employment Categories

WVSDT certified staff salary requirements for both professional and service personnel are outlined in W. Va. Code §18A-4-18. In addition, W. Va. Code §12-3-13 does not allow money to be drawn from the treasury to pay the salary of any officer or employee before services have been rendered.

The WVSDDT categorizes employees as "professional" or "service" personnel. Job titles for professional and service personnel are subject to change at the discretion and approval of the Superintendent of WVSDDT. Any new job titles and salaries added to the salary schedules shall be approved in writing by the State Superintendent.

*Full-Time Employee*

Full-time employees are individuals employed by the WVSDDT to fill a service or professional personnel position for 200 days or more per fiscal year. These individuals will receive benefits, as applicable, such as insurance, retirement, sick and personal leave. Only employees working 261 days per year shall receive annual leave.

*Part-Time/Temporary Employee*

Part-time/Temporary employees are individuals employed by the WVSDDT to fill a service or professional personnel position for a maximum of 1039 hours per fiscal year. These individuals are not eligible for the same benefits as full-time employees. Part-time/Temporary employees shall submit weekly/biweekly time sheets in accordance with department payroll procedures.

Part-time/Temporary employees filling a long-term substitute assignment for more than 30 consecutive days shall earn 1.5 sick days per month worked in the assignment. These individuals will also be paid for holidays, OS days, and days cancelled due to weather or special circumstances, provided they were already scheduled to work. Retired teachers working as substitutes are not eligible for these benefits.

# **Work Schedules and Pay**

## Work Year

A full-time staff member is employed for a specified number of work days during a school year. The number of days of employment is usually between 220 to 261 depending upon the scope and extent of an employee's responsibilities. The number of days of employment is approved by the State Board or the State Superintendent when a staff member is initially hired. An employee's job description also specifies the number of days a staff member is employed during the school year. The number of days of employment runs between July 1 to June 30 of the following year.

An employee usually works the number of days of employment in accordance with a school calendar. The school calendar is developed by education staff at the facility in collaboration with the host agency and is approved by the State Superintendent and State Board. The school calendar normally consists of a 200-day regular term and an extended school term of up to 40 days. The work schedule for staff employed on a 261-day basis includes all weekdays of the year with the exception of holidays observed in the school calendar and vacation periods.

An employee's number of days of employment may be reduced as a result of lack of funding, lack of need, or changes in the scope and delivery of the education program.

## Work Week

The normal work week for a full-time employee is defined as 37.5 hours of work from Monday through Friday.

## Work Day

The normal work day for full-time staff includes the time allocated for the instructional day and other activities such as, but not limited to, lunch, planning periods, class changes, and staff development. The normal work day must be at least seven and one-half clock hours but may not exceed eight clock hours.

In addition, part of the professional responsibilities of instructional and supervisory staff includes the attendance and full participation in activities which must necessarily take place before or after the work day. It is expected that professional personnel will fulfill these responsibilities without additional compensation.

Priority is given to teaching and learning with a focus on the active engagement of students during designated instructional class time. An instructional day is provided that includes a minimum of 315 minutes for kindergarten and grades 1 through 5; 330 minutes for grades 6 through 8; and 345 minutes for grades 9 through 12. The school submits to WVSOT a calendar with a minimum of 180 instructional days (W. Va. Code §18-5-45; Policy 2510). An extended school term is provided as required by statute or interagency agreement. Additionally, adult correctional facilities will need to ensure that six hours of instruction per day is offered by each instructor.

## Work Schedules

The principal/lead teacher, with the approval of the Superintendent of WVSdT, establishes the school schedule and the work schedules for staff.

Employees are responsible for reporting to work at the prescribed time and location. In the event of an emergency or other unusual circumstance, work hours may be changed to meet the demands of the job and to serve the public interest.

## Overtime

Overtime may be required in excess of scheduled working hours or on a holiday in response to the WVDE's needs. Any hours worked between 37.5 hours to 40 hours are not considered overtime.

For service personnel staff, overtime is defined as the number of hours worked beyond 40 in the workweek. Overtime must be approved in advance and authorized by the supervisor. Nonexempt employees are paid one and one-half times their hourly rate of pay for all hours worked in excess of 40 each week. Hours worked do not include hours of paid leave (annual, sick, holiday, military, jury) or time spent on unpaid leaves of absence.

Professional personnel is exempt from overtime pay requirements and in response to peak business needs are expected to work the hours and schedules necessary to fulfill job requirements. Any change in a professional personnel's work schedule must be approved in advance by the Superintendent of WVSdT.

Compensatory time is not available to any employee for work in excess of regularly scheduled hours. Work schedules may be adjusted for professional personnel required to work on a Saturday, Sunday, legal holiday or scheduled day off or out of the school environment. An adjusted work schedule must be approved in advance and authorized by the Superintendent of WVSdT. Adjusted time must be used within a twenty (20) day work period.

## Lunch/Meal Periods

Staff employed more than one-half the class periods in the work day or more than three and one-half hours during the work day are granted a duty free lunch/meal period of not less than thirty consecutive minutes. The lunch/meal period is counted as paid work time. No school or educational program shall increase the number of hours in the work day as a result of staff receiving a duty free lunch/meal period.

It may be necessary because of special or unusual circumstances to require employees to work through the scheduled lunch/meal period; however, occurrences of this type should be infrequent.

Professional and service personnel may exchange a lunch/meal period for any compensation or benefit mutually agreed upon by the employee, their immediate supervisor and the Superintendent of WVSdT.

## Planning Period

Teaching staff who are regularly employed for a period of time more than one-half the class periods of the regular school day are provided at least one planning period within each school instructional day to be used to complete necessary preparations for the instruction of students. The planning period shall be the length of the class period in the school or educational program but not less than forty (40) minutes. In adult facilities, a planning period shall not exceed one hour or less than forty (40) minutes.

No teacher shall be assigned responsibilities during a planning period and the number of hours to be worked by a teacher shall not be increased as a result of the use of planning time.

## School Closure Due to Inclement Weather and Special Circumstances

Weather conditions or emergency circumstances may necessitate the closure of school or impose a delay in the opening of school. It is the responsibility of the school principal/lead teacher, to notify the Superintendent of the facility or his/her designee and to decide whether to close or delay the opening of school and to initiate a procedure for notifying staff and the Superintendent of WVSDT or his/her designee. A make-up date for instruction shall be designated within the school calendar if schools fail to meet the 180 day requirement.

If school remains open, staff who missed work must use available leave. If an employee does not have sufficient leave to cover the absence, the employee's pay will be docked.

In some cases, extreme weather conditions or special circumstances occur after employees have reported to work. In such instances, the responsibility for the cancellation of classes and early dismissal of employees rests with the school principal/lead teacher. If the early dismissal involves more than one-half of the instructional day, the day is counted as a non-instructional day. A make-up date for instruction shall be designated within the school calendar by converting a remaining non-instructional day to an instructional day.

## Salary

The daily rate of pay for WVSDT staff is equivalent to the daily rate of pay of a comparable position in the public schools of the county where the facility is located.

The daily rate of pay for Career and Technical Education Instructors shall be determined as follows:

- Two (2) years of industry experience shall be counted as one (1) year of teaching experience for pay purposes.
- Teaching experience shall be counted for any year in which the instructor was teaching for at least 133 days during the school year.

## Pay Periods and Paydays

Employees are paid in arrears, bi-weekly. Employees are required to utilize a pay card or the Direct Deposit system to minimize delays.

Employees are paid in 26 bi-weekly pay periods. If an employee should erroneously receive payment for days in excess of the actual number of days worked upon separation from the WVDE, the employee shall be required to reimburse the WVDE for wages paid in excess of actual days worked.

## Payroll Deductions

Earnings statements may be viewed by going to <https://myapps.wvsao.gov/apps/default.aspx> and logging into your MyApps account. Once you are logged into your personal MyApps page click on the green ESS box. On the ESS Home page, under Pay Summary click on View Notice of Deposit. On the next screen you will download your earnings statement. Any errors or unexplained discrepancies should be reported to the WVDE payroll office immediately.

Mandatory deductions from your paycheck are Federal Withholding Tax, State Withholding Tax, Social Security Withholding Tax (FICA), Medicare and Teachers Retirement System Contribution.

Other payroll deductions may be made based on authorization by the employee including, but not limited to: Insurance Premiums (Basic Health, Optional Life, Dependent Life); Credit Union; U.S. Savings Bonds; Combined Campaign for Charitable Organizations; Employee Association Dues; and other miscellaneous deductions.

## Salary Advancements

Professional and service personnel may earn salary advancements through achievement of advanced salary classifications. The training prescribed for advanced salary classifications is contained within State Board Policy 5202: Minimal Requirements for the Licensure of Educational Personnel and Advanced Salary Classifications.

Following the completion of the necessary course work, employees have the responsibility to file the appropriate paperwork for the advanced salary classification in a timely manner in accordance with the procedures prescribed by the WVDE's Office of Certification. Upon receipt of the notification of the advanced salary classification from the WVDE's Office of Certification, the employee also has the responsibility to present this documentation to the principal/lead teacher in a timely manner for the purpose of initiating the required paperwork for the pay raise.

## Certification

The WVSDT requires all employees to obtain and maintain all relevant certifications and/or permits required by the employee's job description and West Virginia Board of Education Policy 5202. All current employees must maintain and renew certifications as applicable in order for continued employment. New employees who require renewal or permit attainment have 90 calendar days from the first day of employment to obtain the required certifications or permits as described in their job description. Failure to submit these forms within these 90 days may result in separation from employment with the WVSDT. All certification applications are available from <http://wvde.state.wv.us/certification/forms/>. It is the employee's responsibility to complete and submit all certification applications. These applications with the required fees are to be submitted to the WVSDT Superintendent for processing. The WVSDT Superintendent will review and process the applications and either send the completed application to the WVDE Office of Certification or send the incomplete application back to the employee for more information.

# Benefits

## Holiday Observations

Employees are granted paid time off in observance of the following official school holidays when they fall within the employment term:

New Years Day	1 <sup>st</sup> Day of January
Martin Luther King's Birthday	3 <sup>rd</sup> Monday of January
Memorial Day	Last Monday in May
West Virginia Day	20 <sup>th</sup> Day of June
Independence Day	4 <sup>th</sup> Day of July
Labor Day	1 <sup>st</sup> Monday of September
Veteran's Day	11 <sup>th</sup> Day of November
Thanksgiving Day	4 <sup>th</sup> Thursday of November
Christmas Day	25 <sup>th</sup> Day of December
Primary Election Day	When a Statewide Primary Election is held
General Election Day	When a Statewide General Election is held
Any other dates proclaimed by the President or Governor as a holiday of special observance by people of the state.	

When a holiday occurs on Sunday, the Monday immediately following will be observed as the holiday. When a holiday occurs on Saturday, the Friday immediately preceding will be observed as the holiday.

The WVSDT will make reasonable accommodations for an employee's religious holiday observance. However, the employee must elect either to make application for Annual Leave (261-day employee) or other available leave.

Reference to holidays can be found in State Code §18A-05-2.

## Out-of-School Environment Days

Six (6) paid non-instructional days are designated and scheduled within the regular term of the school calendar to be used by employees outside the school environment. Two hundred sixty one (261) day employees are required to work at the school site on OSE days or request accrued annual leave.

## Annual Leave for 261-Day Employees

Two hundred sixty one (261) day personnel are eligible to earn annual leave. Annual leave is earned according to an employee's total length of state employment, county board of education employment and employment in other educational positions, including educational experience outside of West Virginia.

Annual leave is earned each Saturday after each payday according to the following table:

YEARS OF SERVICE	HOURS EARNED BIWEEKLY
0-4 Years	4.33 Hours
5-9 Years	5.20 Hours
10-14 Years	6.06 Hours
15+ Years	6.93 Hours

Annual leave cannot be taken before it is earned.

A maximum of 300 hours of annual leave may be carried over from one calendar year to another (January 1 to December 31).

#### *Requesting Annual Leave*

Employees are required to take their annual leave days at a time which will not adversely affect the efficient operation of the school. Annual leave must be requested in advance and must have prior approval of the supervisor. The minimum charge against annual leave is thirty (30) minute increments and any additional leave is charged in multiples thereof.

All annual leave requests shall be submitted online through the KRONOS system.

#### *Payment of Annual Leave Balance on Separation of Employment*

Employees who separate from employment for any reason are paid for their balance of annual leave subsequent to their separation, and may elect to be paid for the balance of leave in a lump sum not to exceed 300 hours. The lump sum payment will be paid at the time that would have been the employee's next scheduled pay day, subsequent to the date of separation. Annual leave is not earned after the last day worked.

#### *Transfer of Annual Leave*

When an employee transfers to another state agency, all accumulated annual leave is transferred.

### Sick Leave

#### *Sick Leave Accrual*

Each full-time regular 261 day employee receives 5.20 hours of sick leave per pay period of service effective 12:01 a.m. on the Saturday following the end of a pay period. The minimum charge against sick leave is thirty (30) minute increments and any additional leave is charged in multiples thereof.

Each full-time regular 220 and 240 day employee receives 15 days or 112.5 hours of sick leave annually effective July 1 of the current fiscal year. For employees hired after July 1, sick leave accrual will be pro-rated based on the beginning date of employment. The minimum charge against sick leave is thirty (30) minute increments and any additional leave is charged in multiples thereof.

### *Requesting Sick Leave*

Any request to use sick leave for scheduled medical/dental appointments should be made in advance of the appointment and requires the prior approval of the supervisor.

Any unscheduled absence due to illness should be personally reported, if possible, to the immediate supervisor prior to the beginning of the normally scheduled workday.

Immediately after returning to the work site from an unscheduled absence due to illness, employees must submit their leave request online through the KRONOS system.

Sick leave may be requested for the following:

1. Illness or injury that prevents the employee from performing her/his duties;
2. Illness or routine medical/dental appointments for a member of the employee's immediate family\*;
3. Employee's exposure to contagious illness as determined by a physician. The physician must verify in writing that the employee's presence on duty may endanger the health of others;
4. Any incapacity due to pregnancy (charged to personal leave under the same conditions applying to illness);
5. Routine medical/dental appointments for the employee; and
6. Death in the employee's immediate family\*, not to exceed five days.

\* Immediate family is defined as mother, father, daughter, son, sister, brother, wife, husband, mother-in-law, son-in-law, father-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather and stepchildren.

The employee shall furnish a written statement from the attending physician/licensed medical caregiver for all consecutive days of sick leave granted beyond three (3)–working days. If the employee's physician/licensed medical caregiver has placed restrictions or limitations on the employee's work activities, the employee shall furnish the physician's/licensed medical caregiver's written statements to the WVSOT Central Office. Any exception must be made by the Superintendent of WVSOT.

All sick leave requests shall be submitted on-line through the KRONOS system.

Abuse of sick leave benefits will lead to more strict control thereof, including but not limited to, being required to produce a physician's statement for all absences. Sick leave can be accumulated on an unlimited bases. Sick leave is provided for the benefit of employee and/or immediate family medical needs and should be accrued for future unexpected medical emergencies.

### *Separation from Employment*

No additional sick leave is earned after the last day of employment. An employee will not be paid for unused sick leave upon separation.

If an employee returns to the WVDE after separation, any previous sick leave balance will be restored.

### *Illness While on Annual Leave*

An employee who becomes ill while on previously approved annual leave may request that the time be charged to sick leave. However, if the leave exceeds three days a physician's statement must be provided. The employee must request the sick leave usage immediately upon return to the work site and must provide a physician's or hospital statement listing the specific dates of hospitalization or emergency room services.

### *Transfer of Sick Leave*

When an employee transfers to another state agency, all accumulated sick leave is transferred.

Accumulated sick leave may be transferred to the WVDE from other state agencies, institutions of higher education, and county boards of education within the state. The employee is required to submit documentation from the previous employer of accumulated sick leave to the OHR.

### *Incentive for Accumulation of Sick Leave Under the Teachers Retirement System (TRS) Plan I*

The state provides an incentive for employees to accumulate a sick leave balance at retirement under the Teachers' Retirement System Plan 1 (TRS). Sick leave accumulated at retirement under the TRS Plan 1 may be used to purchase health insurance during retirement or to purchase additional years of service (Ask the OHR for details).

### Personal Leave

Each full-time regular 220 and 240 day employees shall receive 3 days or 22.5 hours of personal leave annually effective July 1 of the current fiscal year. For employees hired after July 1, personal leave accrual will be pro-rated based on the beginning date of employment.

Employees are permitted to use personal leave without specifying the cause of the absence, except that: (1) personal leave without regard to cause may not be taken on consecutive work days unless authorized or approved by the principal/lead teacher or immediate supervisor; (2) notice of such leave shall be given to the principal/lead teacher or immediate supervisor at least twenty-four (24) hours in advance, except that, in the case of sudden and unexpected circumstances such notice shall be given as soon as reasonably practicable; (3) the use of such leave may be denied if, at the time notice is given, either fifteen percent (15%) of the employees or three (3) employees, whichever is greater, under the supervision of the principal/lead teacher or immediate supervisor, have previously given notice of their intention to use that day for such leave; and (4) that such leave shall not be used in connection with a concerted work stoppage or strike.

Each employee shall be entitled to accumulate a maximum of five (5) days of unused personal leave without cause. The employee may carry over a maximum of two (2) days in one year. However, no employee may use more than five (5) personal days of leave without cause in any one fiscal year.

### Leave Donation Program

Employees may be permitted to request donated leave upon the exhaustion of all accumulated annual and sick leave. For more information, contact the WVDE's OHR at (304) 558-2702.

## Leave Expectations

It is the responsibility of the supervisor to monitor employee absences. As outlined in the evaluation procedures under Attendance (minimizes absences) and Punctuality (minimizes tardiness), abuse of leave benefits will lead to more strict control thereof, including but not limited to, being required to produce a physician's statement for all absences. If an employee's attendance record suggests a problem, the immediate supervisor shall hold a conference with the employee to identify and resolve the problem.

WVSDT employees are not required to take leave to interview for an internal job position; however, job interviews outside the WVSDT require employees to take leave.

## Court Witness and Jury Duty Leave

Upon request in writing, an employee will be granted leave with pay when subpoenaed to testify in court in a case in which he or she is not a party or is summoned to serve on a jury. Leave requests must be accompanied by a copy of the subpoena or summons.

## Military Leave

The WVSDT grants military leave in accordance with the provisions of state law W.VA. §15-1F-1 and under the Uniformed Services Employment and Reemployment Rights Act of 1995 ("USERRA") and federal laws. WVSDT employees who are members of the National Guard or any reserve component of the United States Armed Forces may be granted paid military leave, without loss of status or benefits, for a period not to exceed thirty (30) working days in any one calendar year. Check with the WVSDT Central Office for further details concerning military leaves of absence (with and without pay) and associated benefits. When an employee is called to active duty by the properly designated authority, the time may exceed 30 days (W. Va. Code §15-1F-1). A request for military leave must be accompanied by an official order from the appropriate military officer.

## West Virginia Parental Leave Act

In accordance with the West Virginia Parental Leave Act (PLA), the WVSDT will grant job-protected unpaid leave to eligible employees for up to 12 consecutive weeks per 12-month period for any one or more of the following reasons:

- Birth of a child of the employee;
- Placement of a son or daughter with the employee for adoption; or
- To care for the employee's child, spouse, parent, or dependent who has a serious health condition.

To be eligible, an employee must be a permanent employee of the WVSDT that has worked at least 12 consecutive weeks. Any accumulated sick or annual leave must be exhausted before the employee is eligible for PLA leave.

PLA leave will run concurrently with any other available leave.

### *Birth/Adoption of Child*

Employees are expected to provide at least 30 days' notice of his/her intent to take PLA leave when the leave is foreseeable. When an employee becomes aware of a need for PLA leave less than 30 days in advance, the employee must provide notice as soon as reasonably possible.

### *Care of Employee's Child/Spouse/Parent/Dependent*

Employees desiring to take PLA leave to care for the employee's child, spouse, parent and/or dependent are to follow the same process and procedures for notifying, requesting, certifying, returning from FMLA leave outlined in the section below.

### *Additional Information*

Any questions regarding the PLA or requesting PLA leave should be directed to the WVSDT Central Office at (304) 558-8833 or WVDE's OHR at (304) 558-2702.

### Family and Medical Leave Act (FMLA)

In accordance with the Family and Medical Leave Act (FMLA), the WVSDT will grant job-protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

- In order to care for a child following the child's birth, adoption, or placement in foster care with the employee.
- In order to care for an immediate family member (spouse, child, parent) of the employee if such family member has a serious health condition.
- The employee's own serious health condition makes the employee unable to perform the functions of his/her position.
- The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

To be eligible, an employee must have been employed at the WVSDT for at least 12 months, worked at least 1,250 hours during the 12-month period preceding the request for leave, and work in a worksite where 50 or more employees are employed by the company within 75 miles of that office or worksite. Workers' Compensation, Short Term Disability, and other paid or unpaid time off prior to taking FMLA leave are not included in the 1,250 work hours referenced above which are used to determine eligibility.

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain “qualifying exigencies.” Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:

- A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. (Note, the FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of serious health condition).

#### *Requesting Family Medical Leave*

Employees are expected to provide at least 30 days’ notice of his/her intent to take FMLA leave when the leave is foreseeable. When an employee becomes aware of a need for leave less than 30 days in advance, the employee must provide notice of the need for leave either the same day or the next business day. Requests for FMLA leave may be conditionally granted pending the WVSDT’s receipt of the appropriate certification of the employee’s serious health condition.

FMLA leave will run concurrently with any other available leave.

#### *Certifications for FMLA Medical Leave*

Requests for FMLA leave will require medical certification for the medical reason giving rise to the need for FMLA leave. Employees must submit medical certification of the serious health condition to the WVSDT Central Office within 15 days of requesting FMLA leave. Certification forms may be obtained from the WVSDT Central Office. Failure to comply with the above mentioned requirements may result in denial of leave or reinstatement from leave.

If an incomplete medical certification is received, the WVSDT Central Office will provide the employee with the opportunity to either have the health care provider correct the certification or provide a written release for WVSDT Central Office to contact the health care provider directly. The employee will have five business days to resolve any deficiencies in the medical certification. If, after five business days the identified deficiencies have not been resolved, the request for leave may be denied.

#### *Job Benefits & Protection*

During FMLA leave, employees may continue health benefits coverage; however, for the period of unpaid FMLA leave, he or she will be responsible for paying the employee contribution until the employee’s return to work. Upon return from FMLA leave, employees will be restored to their original

or equivalent position with equivalent pay, benefits and other employment terms. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### *Notice Requirements for Returning from Family Medical Leave*

Employees are expected to be able to return to work by the end of their approved leave. Prior to returning from leave, the employee must secure a release (fitness-for-duty certification) from his/her healthcare provider confirming the release to return to work to perform regular duties or set forth any medical restrictions. Medical restrictions are those that prevent the employee from performing his/her regular duties at the end of the approved leave due to a continuing medical condition. If the employee is released to return to work with restrictions, the WVSDT Central Office will determine whether the restriction can be reasonably accommodated.

If the return date for an employee granted FMLA leave is changed by the employee's healthcare provider, the employee must submit the necessary certification forms, either to return to work sooner than expected or to delay the return to work date, to the WVSDT Central Office as soon as reasonably possible. Changes to an employee's return to work date must be received at least two business days prior to the approved return to work date.

#### *Unable to Return from FMLA Leave*

If an employee is not medically released to return to work at the end of his/her leave and the employee has not been granted any additional leave, employment ends as "unable to return from leave" effective the last day of the approved leave, unless a continuation of leave has been granted as an accommodation, or for other reasons.

#### *Failure to Return from FMLA Leave*

Any employee who fails to return to work as scheduled after leave may be subject to termination. Employees who exceed their leave without extension(s) of their leave approved under appropriate leave provisions, may be subject to termination of employment.

#### *Additional Information*

Any questions regarding the FMLA or requesting FMLA leave should be directed to the WVSDT Central Office at (304) 558-8833 or WVDE's OHR at (304) 558-2702.

## Medical Leave of Absence Without Pay

An injured or ill employee is granted a medical leave of absence without pay not to exceed six (6) months in a twelve (12) month period with the following provisions:

1. The employee makes written application to the Superintendent of WVSOT no later than fifteen (15) calendar days following the expiration of any personal sick and/or annual leave time the employee may choose to utilize.

AND

2. The employee's absence is due to an illness or injury which is substantiated by a physician's written statement that which:
  - a. verifies that the employee is unable to perform his/her duties;
  - b. gives a tentative date for the employee to return to work;

AND

3. The physician verifies that the disability is not of such a nature as to render the employee permanently unable to perform his/her duties.

A written statement from the physician verifying the need for continuing medical leave of absence must be submitted by the employee at the end of each month in which the employee has been on medical leave of absence.

While on a medical leave of absence without pay, an employee does not earn personal sick or annual leave and time spent on this leave does not count as service with the state. An employee on medical leave of absence without pay will be afforded the opportunity to return to his/her position previously held unless this position is eliminated due to lack of funding or a reduction in force.

During a medical leave of absence without pay the employee is required to pay the premium currently being deducted to maintain medical/basic life insurance benefits; the WVDE is obligated to pay its proportionate share for one year. The employee is also required to pay her or his optional or dependent life insurance premiums when granted a medical leave of absence.

## Leave of Absence - Personal

An individual hired for permanent employment may be granted a personal leave of absence without pay subject to the discretionary approval of the Superintendent of WVSOT.

The period of a personal leave of absence should not exceed one year but may be granted for a shorter or longer period at the discretion of the Superintendent of WVSOT. Unless specifically authorized by the Superintendent of WVSOT, a personal leave of absence is from employment from the WVSOT and not from a specific position.

The WVSOT reserves the right to fill, modify, or eliminate the vacant position if required by business needs or a lack or loss of funding. However, the employee who returns from such leave may be afforded the opportunity to return to the position previously held or may be placed in a position for which he or she is qualified within a six month period of the expiration date established for the leave of absence.

Prior to or upon the expiration date established for the leave of absence, the employee must provide in writing to the WVSDT Central Office, a status letter of intent. If there is intent to return to work, the employee must request re-employment consideration for any available position the employee may be qualified.

While on a personal leave of absence without pay, an employee does not earn sick or annual leave. Time spent on a personal leave of absence is excluded as qualifying years of service credit with the state unless the leave of absence is for military reasons.

The employee is required to pay his or her share of the premium and the WVDE's share of the premium to maintain medical/basic life insurance when granted a personal leave of absence. The employee is also required to pay optional or dependent life insurance while on a personal leave of absence.

### Medical/Basic Life Insurance

Full-time employees of the State of West Virginia are eligible for enrollment in the Public Employees Insurance Agency (PEIA) Benefit Plan. The plan offers hospital, surgical, major medical, prescription drug and other medical care benefit coverage to employees, dependents and retirees. Participation in the insurance plan is voluntary. The WVDE OHR and PEIA provide detailed information concerning types of coverage and plans.

Coverage terminates at the end of the month in which an employee voluntarily ends his or her employment and goes off the payroll. Coverage for an employee who is involuntarily terminated or laid off may continue for three (3) additional months after the end of the month in which the employee goes off the payroll. This extension of basic coverage is provided at no additional cost to the employee. For exclusions, information on pre-certification and applicable premium costs, employees should contact PEIA.

### COBRA (Consolidated Omnibus Budget Reconciliation Act)

Federal law entitles employees and covered dependents to continue medical coverage when coverage would otherwise terminate, provided the employees and/or dependents pay the full group premiums. Additional information may be obtained from PEIA, the OHR or <http://peia.wv.gov/Pages/default.aspx>.

### Flexible Benefits

The Mountaineer Flexible Benefits program allows money for dental, vision, hearing, and disability insurance, as well as medical expenses not reimbursed by PEIA (such as deductibles, co-payments and child care expenses), to be deducted before it is taxed. Taxable income is reduced and saves money through lower federal, state and Social Security salary deductions. Open enrollment for the flexible benefits plan is held once each year usually during the months of April and May. This is the only time an employee may enroll or withdraw from the plan, unless a change in family status occurs. The plan is legally binding for one year (July 1 through June 30).

For more information about the flexible benefits plan, visit <http://www.fbmc.com/>.

## Teacher Retirement System

All personnel regularly employed by the WVSDT are required by state law to be members in the TRS administered by the West Virginia Consolidated Public Retirement Board (CPRB). The only exception is if the employee has already retired from a WV State Retirement System administered by the CPRB.

Employees who have worked in other state government positions may be protected under the Public Employees Retirement Act and should consult the Office of Internal Operations (Payroll) for assistance in determining their status in this regard.

Employee/Employer Retirement Contributions:

<u>Title</u>	<u>Hire Date</u>	<u>Employee Contribution</u>	<u>Employer Contribution</u>
<b>Teacher Retirement System (TRS) Plan 1</b>	Prior to 07/01/91	6%	15%
<b>Teacher Defined Contributions (TDC)</b>	07/01/91 – 06/30/05	4.5%	7.5%
<b>Teacher Retirement System (TRS) Plan 3</b>	07/01/05 – 06/30/15	6%	7.5%
<b>Teacher Retirement System (TRS) Plan 9</b>	07/01/15 - present	6%	7.5%

Employees with questions regarding the TRS Plans or the TDC Retirement System may visit: <http://www.wvretirement.com/>.

## Staff Development

WVSDT employees will be provided with a variety of opportunities to help develop and improve job skills. Pending available funding and prior approval, the WVSDT permits employees to attend workshops and training sessions offered by organizations and agencies when these training opportunities are pertinent to an employee's area of responsibility.

## Unemployment Compensation

Employees of the state are covered by the West Virginia Unemployment Compensation Law, which is designed to provide insurance against loss of wages to employees who become unemployed. Additional information may be obtained from WorkForce West Virginia.

## Workers' Compensation

If an employee sustains a job-related illness or injury, the employee may be eligible to receive benefits under the Workers' Compensation Fund. The Workers' Compensation Fund provides compensation for loss of wages due to both temporary and permanent disabilities as well as payments for approved medical expenses. Employees are expected to notify their supervisors and the WVSDT Central Office immediately of any injury sustained while on duty.

The Employee Manual on Workers' Compensation and Employee's and Physician's Report of Occupational Injury can be accessed through HRMS at <http://wveis.k12.wv.us/nclb/HRMS/Signon.cfm>. When an employee is absent from work due to a compensable work-related injury or illness, the employee may elect to receive Temporary Total Disability Benefits (TTD) or take paid sick leave during the period of absence from work but may not receive both simultaneously. W. Va. Code §23-4-1 provides that employees of the state are ineligible to receive workers' compensation benefits while drawing sick leave benefits at the same time for the same reason. Therefore, the employee must make his/her choice known by completing an Election of Option Form and returning the form to the WVSDDT Central Office. This form can be accessed through HRMS at <http://wveis.k12.wv.us/nclb/HRMS/Signon.cfm>.

Employees receiving paid sick leave and/or annual leave until initial TTD benefits check must reimburse the net value of the paid leave to the WVDE who will then restore that leave. Additional information on Workers' Compensation may be obtained at the website of the West Virginia Offices of the Insurance Commissioner <http://www.wvinsurance.gov/WorkersCompensation.aspx> or from the WVSDDT Central Office.

### Other Benefits

Other benefits available to WVSDDT employees include the purchase of U. S. Savings Bonds through a payroll savings plan, tax sheltered annuities and membership in the State Credit Union. Email: [WVPECU@aol.com](mailto:WVPECU@aol.com) or visit <http://www.wvpecu.org/>

## **Employment and Related Policies**

### Personnel Selection Criteria

The WVSDT shall recruit and employ the highest qualified personnel for all professional and service personnel positions. The WVSDT applies Operational Procedure 3.63 –Personnel Selection Process to select the most highly qualified applicant.

### Employment Process

Position announcements for external postings are posted and sent to standard recruiting sources and are advertised for a minimum of five (5) business days. Position announcements for internal postings are posted for a minimum of five (5) business days. All positions may be reopened if a candidate is not selected after the original announcement period. Positions which are re-advertised may be left open until filled as needed.

Applicants for professional and service personnel positions will submit an application to the OHR where the application is processed and forwarded to the WVSDT Central Office for an initial screening. The required typing test for secretarial positions will be administered to each applicant being considered for the position. A screening committee in the WVSDT Central Office reviews the applications against the criteria listed in the position announcement and provides a list of qualified candidates to the school/facility principal.

Applicants who meet the minimum criteria are considered and the top three (3) candidates as determined by the hiring matrix may be interviewed. Additional qualified candidates may be interviewed at the interview committee's discretion. The interview committee recommends the most qualified candidate to the Superintendent of WVSDT who will recommend the appointment to the State Superintendent. The State Superintendent and, when applicable, the West Virginia State Board of Education must approve appointment of the qualified applicant.

Applicants selected for a position are subject to a criminal background check and shall complete a Criminal Identification Bureau card and are fingerprinted.

Once the State Superintendent, and when applicable, the West Virginia State Board of Education has approved the selection, a proposed offer of employment is extended to the successful applicant by the Superintendent of WVSDT or his/her designee. Letters indicating that the position has been filled are sent by the WVSDT to applicants.

Upon approval for employment, the employee is sent a letter of appointment from the Superintendent of WVSDT.

The same employment process is followed for employees who wish to apply for a vacancy at any facility. Staff wishing to work for another facility must go through the application process. Staff interviewing for jobs within WVSDT will not be charged leave for the time required to interview.

## Employment of Family Members

The Superintendent of WVSDT discourages, as a matter of policy, the employment of immediate family members of WVSDT personnel. For this purpose, "immediate family members" are defined as husband, wife and children. The Superintendent of WVSDT recognizes, however, that in certain unusual circumstances it may be desirable or necessary to employ an individual who is related to a current staff member, or to retain staff members who become related after employment. Therefore, employment of an immediate family member of a WVSDT employee is permissible under the following circumstances:

1. The family members are assigned to separate facilities
2. The family members work in the same facility but are not directly supervised by a family member.

Any exceptions to the policy must be approved by the Superintendent of WVSDT.

## Mentorship Program

The WVSDT will provide all new employees a mentor and mentorship program. This program will be in accordance with the WVSDT Mentorship Policy. Those employees who are new to Adult Education positions or Career-technical Education (CTE) positions shall use their Adult Education peer training and/or CTE Mentorship through Marshall University as their Beginning Teacher Internship Program.

## Outside Employment

Outside employment is not prohibited as long as it does not conflict with the employee's primary employment. Any outside employment must not present a conflict of interest or prevent the employee from performing his or her assigned duties and must be during off duty hours.

Employees shall request approval from the Superintendent of WVSDT to serve as a consultant for other county school districts or state agencies. Consulting services shall not commence until approval has been confirmed.

Employees who serve as consultants for other county school districts or state agencies shall use annual or personal leave for the days where the work conflicts with the work day.

In addition, a WVSDT employee working for a residential provider must disclose said working relationship and schedule to immediate supervisor to assure no conflict exists with regular employment.

## Personnel File

WVSDT employees may view and/or copy information contained in their personnel files by contacting OHR to schedule an appointment.

Personnel files are accessible to a supervisor for administrative or employment purposes. Individuals who review personnel files shall date and sign documentation at the time of file review.

Personnel files may not be removed from the OHR apart from the required release to the WVSDT General Counsel. No information in a personnel file will be disclosed to anyone outside the Department without written consent from the employee or former employee specifically authorizing the release of the information unless authorized by law.

### Minimal Requirements for Licensure of Professional Personnel

Professional personnel employed by the WVSDT shall hold a valid teaching license or permit, student support certificate or permit or career-technical education certificate or permit endorsed in the assigned areas of responsibility.

Professional personnel are personally responsible for: (1) knowing the expiration date of their teaching license; (2) being aware of renewal requirements; (3) filing appropriate applications; and, (4) upgrading salary classifications.

Staff may receive technical assistance from the WVDE Office of Certification.

### Performance Expectations

The WVSDT have established performance expectations for all staff members. Employees are expected to:

1. Work effectively as a member of the educational team;
2. Demonstrate self-control;
3. Exhibit an attitude of mutual respect and tolerance;
4. Demonstrate ethical conduct;
5. Demonstrate good work habits;
6. Demonstrate effective writing and oral presentation skills;
7. Demonstrate expertise in areas of responsibility;
8. Abide by state and federal laws and regulations, State Board policies, directives of the State Superintendent or his/her designee, and safety, health and security policies and procedures of the host agency;
9. Represent the WVSDT in a positive and professional manner;
10. Keep up-to-date with developments in her or his field;
11. Demonstrate faithfulness and promptness in attendance at work;
12. Maintain just, courteous and professional relationships with administrative and supervisory personnel, students, parents, staff members, and host agency personnel; and
13. Transact official school business with the properly designated authorities and demonstrate respect for established lines of authority.

In addition to these performance expectations, the State Board adopted an Employee Code of Conduct (Policy 5902) applicable to all West Virginia school employees including employees in the WVSDT. This policy requires that employees shall:

1. Exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language, and appearance;
2. Contribute, cooperate, and participate in creating an environment in which all employees/students are accepted and are provided the opportunity to achieve at the highest levels in all areas of development;

3. Maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence, and free from bias and discrimination;
4. Create a culture of caring through understanding and support;
5. Immediately intervene in any code of conduct violation, that has a negative impact on students, in a manner that preserves confidentiality and the dignity of each person;
6. Demonstrate responsible citizenship by maintaining a high standard of conduct, self-control, and moral/ethical behavior; and
7. Comply with all Federal and West Virginia laws, policies, regulations and procedures.

### Performance Evaluations

Employees receive job performance evaluations in accordance with WVDE procedures established to implement State Board of Education Policy 5310 (Personnel Evaluation of School Personnel) and State Board of Education Policy 5314 (Evaluation of Service Personnel). Evaluations are based upon established performance criteria or goal accomplishment. The performance evaluation process gives the employee and supervisor an opportunity to review the employee's work and compare performance data against performance expectations. Performance evaluations are conducted to: (1) promote professional growth and development and assure quality performance; and, (2) provide evaluation data as one basis for sound personnel decisions. Employees are entitled to on-going feedback regarding their job performance.

The Supervisor will review the completed evaluation form and offer written or verbal feedback to employees. The employee acknowledges the review by signing the evaluation (even when in disagreement). The employee is provided the opportunity to add an addendum to the evaluation if he/she does not agree with the evaluation.

Professional personnel whose performance requires improvement may be placed on a Focused Support or Corrective Action Plan to address identified deficiencies.

Service personnel who receive an unsatisfactory evaluation may be placed on an improvement plan to address identified deficiencies.

## **Administrative Policies**

### Staff-Student Relationship

Staff members shall regard each student as an individual and accord each the rights and respect due any individual. Staff members shall also exercise a high level of professional conduct in the teacher-student relationship. In meeting these expectations, all employees shall comply with the following rules:

1. Staff shall treat students with respect, courtesy, and consideration. Abuse or any form of corporal punishment is prohibited;
2. No profane, demeaning, indecent, or insulting language or words with racial or ethnic connotations shall be directed toward students;
3. A sincere professional interest in an individual student is commendable provided partiality is avoided. The staff member who inspires, guides, and helps can have a positive, lasting influence on a student's life but such teacher-student friendships must be on a teacher-student basis. "Pals-like" relationships indicate excessive personal involvement, are not compatible with good professional ethics, and shall not be condoned. Inappropriate relationships, with or without sexual contact, are prohibited and will result in employee discipline.
4. Employees shall not extend or promise a student or former student unauthorized special privileges or favors;
5. Information pertaining to the records, offense, personal history, or private affairs of students is for official use only. Employees may seek to obtain such information only as needed for the performance of official duties and shall not discuss such information except as required in the performance of official duties;
6. Neither insults nor sarcasm will be used before a student's peers as a way of forcing compliance with a staff member's requirements or expectations;
7. Staff members shall strive to provide for the fullest self-determination by each student in regard to his or her education program, consistent with the State Board of Education and WV Department of Education's mission and goals; and
8. Staff members shall comply with host agency policies and rules concerning matters such as safety, security, health and welfare of students, and non-professional contact with students and former students during non-school hours and following parole, probation and discharge.
9. Regardless of the type of social media or electronic communication, inside or outside school, all employees shall maintain a professional relationship with students. Therefore, all employees are discouraged from using any social media to establish nonprofessional interaction with students. Doing so places the employee at risk.
10. Staff members shall comply with West Virginia Code and the Prison Rape Elimination Act, as applicable, regarding the charges and penalties for sexual contact with an inmate.

### **§61-8B-10. Imposition of sexual intercourse or sexual intrusion on incarcerated persons; penalties.**

- a) Any person employed by the Division of Corrections and Rehabilitation, any person working at a correctional facility managed by the Commissioner of Corrections and Rehabilitation pursuant to contract or as an employee of a state agency or as a volunteer or any person employed by, or acting pursuant to, the authority of any sheriff, county commission, or court to ensure compliance with the provisions of §62-11B-1 et seq. of this code who engages in sexual intercourse, sexual intrusion, or sexual contact with a person who is incarcerated in this

state is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years or both fined and imprisoned.

- b) Any person employed by the Division of Corrections and Rehabilitation as a parole officer or by the West Virginia Supreme Court of Appeals as an adult or juvenile probation officer, who engages in sexual intercourse, sexual intrusion, or sexual contact with a person said parole officer or probation officer is charged as part of his or her employment with supervising, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- c) Any person working or volunteering in an alternative sentence program authorized by the provisions of §62-11C-1, et seq. of this code who, as part of his or her employment or volunteer duties, supervises program participants, engages in sexual intercourse, sexual intrusion, or sexual contact with a program participant is guilty of a felony and upon conviction, shall be fined not more than \$5,000, imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- d) The term "incarcerated in this state" for purposes of this section includes in addition to its usual meaning, offenders serving a sentence under the provisions of article §62-11B-1 et seq. of this code.
- e) Authorized pat-down, strip search or other security related tasks do not constitute sexual contact pursuant to this section.

## Supervision of Students

Professional and service personnel assigned responsibility for the supervision of students shall perform this responsibility in a diligent manner. Staff members are accountable for taking student attendance and for reporting absences to the appropriate official as required by the host agency and/or policy and procedure. Under no circumstances are students to be left unattended and under no circumstances are staff members permitted to delegate supervision responsibility to another staff member or host agency official without the authorization of the principal/lead teacher.

Supervision extends beyond the classroom to all areas of the school and is a shared responsibility by all staff. Since the safety of staff and students is a paramount concern in WVSDT, it is essential that staff supervise students in a professional and diligent manner and in accordance with directives and established policies and procedures.

## Safety and Security

WVSDT staff have responsibilities in assisting the host agency in maintaining safety and security by:

- complying with host agency policies and procedures for safety and security;
- establishing and managing effective classroom discipline;
- maintaining vigilance and detecting and responding to behavioral changes in students;
- maintaining inter-departmental and interagency communications; and
- performing reporting and security functions required of school personnel.

The maintenance of a safe and secure environment is a critical responsibility of all personnel in WVSDT facilities. Staff members are **not** expected to assume the role of security or treatment personnel but are expected to be part of a team in facility settings in the maintenance of a safe and secure environment and in the mission of the facility. The host agency can determine that an employee is a risk and can ban the employee from the facility, which can result in termination after a WVSDT investigation.

### Safe Schools

It is the responsibility of every staff member to report all violations of the Expected Behavior in Safe and Supportive Schools (WVBE Policy 4373) to the principal/lead teacher. All staff have a personal responsibility for reducing the risk of violence and must take steps to maintain order, demonstrate mutual respect for one another and ensure that students receive the help they need. Staff shall not carry or possess a deadly weapon in the workplace or on the grounds of a facility. Security violations at adult facilities must be reported to the Superintendent of WVSDT.

### Staff Dress and Grooming

In dress, grooming and conduct, staff members should recognize that they are continually observed by students and serve as role models for juveniles and adults in WVSDT facilities. Staff members are expected to dress and groom appropriately for the educational environment and in a manner that is not disruptive to the educational process. Staff dress and grooming must also meet health, safety and security requirements. Staff members will be held accountable to dress in accordance with Policy 5310.

### Reporting of Child Abuse and Neglect

When any staff member in a juvenile setting of WVSDT has reasonable cause to suspect that a child is neglected or abused, including sexual abuse or sexual assault, or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than 24 hours after suspecting this abuse or neglect, notify the person in charge of the school who will be responsible to report the circumstances to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Compliance with these reporting procedures is required by state law (W.Va. Code § 49-2-803). Failure to report suspected child abuse or neglect may result in a fine and/or incarceration.

### Health and Safety

Employees are expected to follow safety instructions and to comply with procedures established to prevent accidents. An employee has the responsibility to immediately report all health and safety problems to his or her immediate supervisor. Students injured in class (including CTE) must notify immediate supervisor and the supervisor will notify the Superintendent of WVSDT and send a copy of the incident report.

### Tuberculosis Test

Follow host agency policy.

## Hepatitis B Inoculation

The potential for exposure to Hepatitis B is somewhat elevated in facility settings. State law, however, does not require vaccination for Hepatitis B protection. Employees in WVS DT are strongly encouraged to receive Hepatitis B inoculations. The inoculation series consists of three injections administered over a five month period. Staff interested in receiving the Hepatitis B vaccination should contact their principal or lead teacher for information.

## Attendance and Punctuality

The WVS DT expects regular attendance from all employees. Employees are required to be on time and in designated work areas ready to work at the beginning of their scheduled work periods. It is recognized that there are, on occasion, justifiable causes for tardiness; however, your employment assumes that you are consistently available to work during your scheduled working hours.

The principal/lead teacher is responsible for reviewing the attendance records of all employees under her or his supervision at the end of each month. If an employee's record suggests a potential problem such as frequent use of leave without a physician's verification or a pattern of absences immediately preceding or following weekends or holidays, the principal/lead teacher is responsible for holding a conference with the employee to identify and solve the problem. The principal/lead teacher also informs the employee that improvement in the attendance record is expected. If improvement does not occur, subsequent conferences are held. Conferences are documented and signed by the employee.

When documentation suggests the employee has a record of suspected attendance abuse, the principal/lead teacher notifies the Superintendent of WVS DT who reviews the employee's attendance records and records of conferences. Upon review of the documentation, the Superintendent of WVS DT will notify the employee in writing of the concern(s) regarding the employee's attendance record and outline subsequent actions to be taken including, when necessary, requiring verification of illnesses for absences of less than three days. Employees with attendance abuse problems are subject to unsatisfactory personnel evaluations and/or disciplinary action including possible termination.

## Absence Reporting

Although requests for annual leave and the use of sick leave for scheduled appointments (doctor's appointments, lab tests, surgery, dental appointments, etc.) are to be requested in advance of the time the leave is to be taken, it is recognized that situations may occur which would require an employee to be absent without prior approval.

If an employee must be absent without prior approval (personal or family illness, emergency, etc.), he or she is required to personally notify, if possible, his or her immediate supervisor (or another such person designated by the supervisor) in accordance with the procedures and time specified by the supervisor. Having a family member, or other individual, report the absence does not meet the employee's obligation to call the supervisor unless the employee is physically unable to make the notification. Failure to observe the absence reporting procedure may result in the employee's absence being charged as unauthorized leave, the employee's wages being docked for the absence, and disciplinary action being taken against the employee.

## Political Activities

The WVSOT is a nonpartisan entity and its employees are prohibited from using their official positions or WVSOT resources to engage in partisan political activities or support candidates for public office.

All state employees are permitted to participate in certain political activities which include: (1) voting; (2) expressing opinions as private citizens; (3) attending political rallies as spectators; and, (4) making lawful, voluntary political contributions. Employees planning to participate in other types of political activities should confer with the Office of Legal Services to ensure that participation in the activities is in keeping with state and federal laws.

## Alcohol and Drugs in the Workplace

It is the policy of the WVSOT to ensure that its workplaces are free of alcohol, illegal drugs and controlled substances by prohibiting the use, possession, purchase, distribution, sale, or presence in the body system, without medical authorization. This is applicable while employees are engaged in any work-related activity which includes performance of WVSOT business during regularly scheduled work days, meal breaks, and/or social occasions having a connection with the job or agency. The unlawful possession, use, manufacture, distribution, or dispensation of alcohol, illegal drugs or a controlled substance; the reporting to work under the influence of illegal drugs, alcohol or a controlled substance without medical authorization; the presence of a non-medically prescribed controlled substance, illegal drugs, or alcohol in the body system; or possession of drug paraphernalia are all prohibited in the workplace.

Employees will not be disciplined for voluntarily seeking assistance for a substance abuse problem. However, any employee charged with use, possession, and/or distribution of alcohol, illegal drugs or a controlled substance at the work site and/or on state property will be subject to legal and/or administrative disciplinary procedures prescribed by the State Board or State Superintendent, including possible termination.

Employees are required to abide by the provisions of State Board of Education Policy 1461: Drug-Free Workplace. Staff are subject to host agency's drug and alcohol policies.

## Tobacco Control Policy

The WVSOT maintains a smoke-free workplace. The use of tobacco products at any time by any person in any WVSOT school or facility is prohibited. This policy includes private buildings, automobiles, or other vehicles when used for school activities and functions when students and staff are present. Staff are permitted to use tobacco during their thirty minute duty free lunch period only in designated areas.

## Confidentiality

Employees may on occasion, or during routine, daily work assignments, be exposed to information that must remain confidential. Employees are prohibited from disclosing confidential information or any other information which has not been made available to the general public. Violation of this confidentiality policy may be grounds for disciplinary action and/or other legally mandated penalties.

## Solicitations

Direct or indirect political solicitation on state property or at any state work site is prohibited. Nonpolitical solicitation, sales, and/or distribution of literature or merchandise by state employees and/or non-state employees is prohibited on state property or at any work site without the written permission of the Superintendent of WVSDT.

## Membership Fees

The WVSDT may pay organizational membership fees for individuals in accordance with fiscal office procedures. Upon approval by the Superintendent of WVSDT, a school may subscribe to periodicals or other organizational literature, but such subscriptions may not be used by an individual for the purpose of membership in organizations.

Participation in, and recognition by, professional organization(s) is important to staff members and the WVSDT. The holding of offices and committee assignments places obligations on staff members which involve expenditure of time and money. The expenditures must be carefully weighed against the broad background of benefits to the WVSDT. Therefore, before agreeing to accept any office or committee assignment, which requires such expenditures of state time and money, approval must be obtained from the Superintendent of WVSDT.

## Copyright Infringement

Employees must provide verification in writing if any copyrighted materials are used in publications or duplicated.

## Electronic Information Systems

The WVSDT's information systems are to be used exclusively for the business of the organization. All information system messages are records of the WVSDT. The WVSDT reserves the right to access and disclose all messages sent over its information systems for any purposes. For reasons of privacy, employees may not attempt to gain access to another employee's personal file of messages in the WVSDT's information systems. However, the WVSDT reserves the right to enter an employee's information system files whenever there is a business need to do so.

Follow host agency's regulations regarding cell phones.

## Telephone Calls

All telephones are for the purpose of conducting official business. The WVSDT recognizes that employees may have an occasional need to make a local call or receive a personal call. These calls shall be held to a minimum.

All long distance personal calls will be paid for by the individual.

## Use of Department Property

Employees have the responsibility to use WVSDT property in accordance with the following:

1. An employee is prohibited from using, for other than officially approved activities, WVSDT property of any kind, including property leased to the WVSDT.
2. An employee has an obligation to protect and conserve WVSDT property, including equipment, supplies and all other state property.
3. Any state-owned or leased property which is lost or misplaced must be reported to the employee's immediate supervisor within twenty-four (24) hours of discovery of the loss.
4. State vehicles are to be used for official business only. Instructions in case of an accident, a credit card and operating manuals are located in vehicle glove compartments.

## Travel

All travel requests must be submitted on-line through the HRMS at <http://wveis.k12.wv.us/nclb/HRMS/Signon.cfm> for approval no less than one week, if possible, to the Superintendent of WVSDT, and in the case of out-of-state travel, the State Superintendent or his/her designee. All travel must be in compliance with applicable state travel regulations.

## Conflicts of Interest

WVSDT employees are bound by W. Va. Code §6B-1-1, West Virginia Governmental Ethics Act. This Act establishes a code of conduct to guide employees and help them avoid conflicts between their personal interests and public responsibilities. An overview of the West Virginia Ethics Act: A Code of Conduct for Public Servants may be viewed at <http://www.ethics.wv.gov/ethicsact/Pages/Overview.aspx>.

## Relationships with Media

Prepared news releases must first be approved by the Superintendent of WVSDT and the Director of Office of Communications. WVSDT employees should not contact the media directly about newsworthy matters without first discussing them with the Superintendent of WVSDT and the Director of Communications.

Staff members receiving calls from the media will refer the call to the Superintendent of WVSDT and/or designee.

## Department Stationery

Employees are required to use official WVSDT stationery for conducting business. Use of any other stationery for WVSDT business is prohibited.

## Freedom of Information

The State Superintendent shall serve as the official custodian of the records of the State Board, the WVDE, and of reports and forms filed with the Office of the State Superintendent.

Under the Freedom of Information Act (FOIA), every person has a right to inspect or copy any public record maintained at the State Superintendent's Office except as provided by the Act. Such exceptions include, but may not be limited to, information of a personal nature, test questions and examinations data, and internal memoranda or letters.

All FOIA requests must be made in accordance with West Virginia Board of Education Policy 1230: Freedom of Information Requests. All such requests must state, with reasonable specificity, the information sought. The State Superintendent or his/her designee shall respond, within five (5) working days:

- a) Furnish copies of the requested information, or
- b) Advise the person making the request of the time and place at which he or she may inspect and copy the materials, or
- c) Deny the request, stating in writing the reasons for such denial. Such a denial shall indicate that the responsibility of the custodian of the records is at an end or that the information is protected and shall afford the person requesting them the opportunity to institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

Persons seeking (a) public record(s) under the FOIA (W.Va. Code §29B-1-1 et seq.) and who request that the information contained in the public record(s) be reproduced in copy form, will be required to reimburse the WVDE forty (40) cents per page payable prior to release of the requested copies.

## Department Publications

The Department maintains a graphic arts and print shop to ensure high quality publications. To use these services, an online request form must be submitted two weeks prior to the actual need for the publication. Items that need to be copied only must be submitted in PDF format. Graphics and copy requests may be accessed at <http://wvde.state.wv.us/forms/requisition/list.php> through the employee Webtop account.

Publications include, but are not limited to, newsletters, reports, manuals, programs, handbooks, brochures, directories and other publications related to programs, services or operations.

All publications/materials that result from the paid work time and/or prescribed duties of staff members will remain the property of the WVDE and the WVDE will retain all rights and privileges pertaining to ownership.

## Faculty Advisory Committee

The function of a Faculty Advisory Committee, (FAC), will be to assist the principal/lead teacher in discussing concerns of the school and presenting recommendations to address those concerns. When decision-making is shared, the goals of the organization are more likely to be achieved.

The procedures for a FAC are described in this paragraph. At the beginning of the school term on a non-instructional day, the principal/lead teacher will conduct an election of a chair and a secretary for the FAC. The FAC meetings will be held on scheduled non-instructional days at the facility. The chair of the FAC shall facilitate the meetings following the Roberts Rules of Order. This can be viewed online at <http://www.rulesonline.com>. The chair of the FAC shall provide an agenda prior to the FAC meeting. The secretary of the FAC shall maintain records of all FAC meetings, agendas, attendance and minutes, for review, upon request, by authorized parties. The FAC may consent to include school staff meeting agenda items on the FAC agenda under the “Principal/lead teacher concerns.” The FAC does not receive any appropriation funds from the WV legislature. The FAC may nominate teachers for recognition programs within WVDE policy. The FAC may submit recommendations to the principal/lead teacher regarding the master schedule for the next school term. **Note: WVSDDT facilities with three or less education professionals do not need to have FAC’s.**

## Operational Procedures Manual

The Superintendent of WVSDDT is responsible for the development and maintenance of an operational procedures manual to provide staff with guidance in the implementation of applicable State Board policies, state and federal laws and regulations, accreditation standards, personnel policies and procedures, and directives from the State Superintendent or his/her designated staff. The principal/lead teacher at each facility shall maintain an updated copy of the manual and shall make the manual available to staff and review it with staff as new policy and procedures are implemented. The principal/lead teacher shall also provide staff with applicable host agency policies and procedures.

# Disciplinary and Grievance Procedures

## Disciplinary Action

Employees are expected to meet standards of conduct and performance expectations and to adhere to applicable state and federal laws and regulations, as well as State-Board policies and directives from the State Superintendent or his/her designee. Failure to meet such standards, adhere to rules, regulations, policies, and directives may result in disciplinary action.

The purpose of any disciplinary action is to communicate to an employee that certain actions are inappropriate or are in violation of Board policies and WVSDDT procedures. Disciplinary actions may take one of several forms. For example, a verbal reprimand may be given, a written warning may be issued, or an employee may be suspended or dismissed.

When an offense is of a magnitude to warrant it, an employee may be suspended without pay or may be dismissed from employment. Examples of reasons for suspension or dismissal include, but are not limited to, misuse of state funds or property, insubordination, incompetence, unsatisfactory performance, intemperance, willful neglect of duty, immorality, cruelty, violation of the alcohol and drugs in the workplace policy, fraud, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge, activities involving conflict of interest and violations of law and/or policy of the State Board. Suspension or dismissal may be effective immediately.

The following procedure shall be utilized in suspension or dismissal cases:

1. Recommendations to suspend or dismiss an employee may arise with the immediate supervisor and shall be presented in writing with documented reasons for the action to the Superintendent of WVSDDT.
2. The Superintendent of WVSDDT or designee shall investigate the matter and, if warranted, recommend suspension or dismissal to the State Superintendent.
3. Should an employee be recommended for suspension or dismissal, proper written notice enumerating the charges shall be sent to the employee by certified mail return receipt requested.
4. If host agency denies access to a facility due to security violations, the employee will be terminated.

Employees who commit acts of violence or other egregious misconduct or serious violations posing a threat to the health, safety or welfare of students or staff, including the use, possession, or distribution of alcohol or illegal drugs or controlled substances, may be temporarily suspended without pay at the time of the incident upon oral notice by the school principal or supervisor in charge of the school or program pending an investigation and review of the matter by the Superintendent of WVSDDT or his/her designee. The school principal or supervisor shall immediately notify the Superintendent of WVSDDT or his/her designee of the temporary suspension. Decisions regarding suspension or other disciplinary action shall be made in collaboration with the State Superintendent and written notice shall be provided to the employee.

Suspended employees cleared of charges pending against them as the result an investigation will be reinstated with full back pay.

## Grievance Procedures

Employees of the WVSDT are covered by the West Virginia Public Employees Grievance Procedure (W.Va. Code §6C-2-1, et seq. and §6C-3-1, et seq.). This law ensures that WVSDT employees have an equitable and consistent procedure for the resolution of grievances.

The intent of the Grievance Procedure is to foster an environment in which grievances can be resolved at the lowest possible administrative level. The Legislature also intended that management and employees use this procedure in an atmosphere of cooperation, which will balance the rights, and interests of the employees, management, and the citizens of the State.

The basic steps of the Grievance Procedure and more detailed information, including copies of all required forms, can be obtained at the West Virginia Public Employees Grievance Board website at <https://pegb.wv.gov>.

## **Separations**

A separation from employment occurs when an employee (1) voluntarily resigns, (2) retires, (3) is laid off because of lack of work or shortage of funds, (4) is dismissed, or (5) dies.

All personnel who leave the employment of the WVSDT must schedule an exit interview with the principal or lead teacher at which time the employee will be required to return all assigned WVSDT property including credit cards, ID cards, door keys, equipment, etc. The employee and principal or lead teacher shall sign the exit interview form/checklist and forward it to the WVSDT Central Office. Failure to receive clearance of WVSDT property results in a delay in processing the employee's final paycheck. The WVSDT Human Resources Coordinator will complete a personnel action form for processing.

Upon separation from employment, employees should contact the Public Employees Insurance Agency (PEIA) and the TRS for more complete information concerning benefits on separation.

### **Resignation**

Employees who plan to resign should give a minimum of two-weeks written notice prior to their last day of work. The notice should state the reason for the resignation. This written notice of the resignation must be submitted to the Superintendent of WVSDT with copies to the immediate supervisor and the WVSDT Central Office. Employees who resign are entitled to payment for accrued annual leave.

### **Retirement**

Employees who retire are entitled to be paid for all accrued annual leave not to exceed 300 hours. Some employees may be eligible to use accrued sick leave for retirement and/or insurance purposes. Contact the Consolidated Public Retirement Board at (304) 558-3570 for more information.

Eligible retirees may elect medical insurance coverage for themselves and their eligible dependents and optional life insurance for themselves; however, participation is NOT automatically continued at the time of retirement. The retiree must complete new enrollment forms to continue coverage. Contact PEIA at (304) 558-7850 for more information.

### **Reduction in Force**

Due to a drop in enrollment, a lack of need, or a lack or loss of funding, it may become necessary for the State Board to reduce the number of employees in any or all of the WVSDT. Employees may be reduced by the State Board at any time. Whenever it is necessary to reduce the number of professional or service personnel, the affected employee will be notified, in writing, by certified mail, at least thirty (30) calendar days in advance of the last day of work.

Whenever the WVSDT is required to reduce the number of professional personnel in its employment at a facility, the employee at the facility with the least amount of seniority (number of years employed by the WVSDT and host agency as a professional educator and computed in accordance with Chapter 18A of the West Virginia Code) in the area to be reduced shall be properly notified and released from employment. Provided, all persons employed in a certification area to be reduced who are employed

under a temporary permit shall be properly notified and released before a fully certified employee in such a position is subject to release. A professional personnel subject to release shall have the right to be employed at the facility in any previously held position or any lateral area for which certification or licensure is held provided the employee's seniority is greater than any other employee at the facility in that area of certification and/or licensure.

All professional personnel whose seniority is insufficient to allow their retention shall be placed on a preferred recall list at the facility which will allow re-employment at the facility into the area of previous employment or to any lateral area for which they have certification and/or licensure and shall be recalled on the basis of seniority if no regular full-time professional personnel or those returning from leaves of absence with greater seniority are qualified, apply for and accept such a position. The WVSDT will notify all individuals on the preferred list as to positions which are available. This notice shall be sent by certified mail.

Should there be a reduction in force of service personnel at a facility, the employee with the least amount of seniority at the facility within that classification or grades of classification shall be properly released and employed in a different grade of that classification if a vacancy at that facility exists. Provided, that if there is no job vacancy for employment within such classification or grades of classification at the facility, he or she shall be employed in any other job classification which he or she previously held at the facility if there is a vacancy and shall retain any seniority accrued in such job classification or grade or classification.

All service personnel not retained due to a reduction in force shall be placed on a preferred recall list and shall be recalled at the facility on the basis of seniority within the classification(s) where they had previously been employed or to a lateral position for which they are qualified. All individuals on the preferred recall list shall be notified of vacancies which are available.

If two or more professional or service personnel accumulate identical seniority, priority for reduction in force shall be determined by a random selection.

Employees who are laid off may file a grievance in accordance with the WVPEGB within ten (10) working days of the effective date of the layoff.

Laid-off employees are entitled to be paid for accrued annual leave (261-day employees). Employees shall have all sick leave restored if recalled to employment within the applicable recall period.

Laid-off employees who are participating members of the PEIA will have continued basic health and life insurance coverage for themselves and basic health insurance coverage for eligible dependents for the entire month of separation plus an additional three months following the month of separation, at no additional cost to the employee. Under the provisions of the (COBRA), laid off employees and eligible dependents may continue their medical insurance coverage at their own expense for an additional eighteen months beyond the mandatory three-month extension period. The eighteen-month maximum period may be extended to twenty-nine months for COBRA beneficiaries who were disabled on the date insurance coverage terminates.

Laid-off employees may apply for returns of retirement contributions provided they are not age 60 and eligible for an annuity at the time of layoff; however, all credited service is forfeited on withdrawal of the contributions.

## Dismissal

Employees who are dismissed have the right to file a grievance with the WVPEGB through the expedited grievance procedure. Dismissed employees are entitled to be paid for all accrued annual leave not to exceed 300 hours; however, all accumulated sick leave is canceled as of the effective date of the dismissal or last day worked during the separation from employment notice period.

## Death

Upon the death of an employee, a balance of accrued annual leave not to exceed 300 hours is paid in a lump sum to the estate of the deceased employee. Annuity benefits may be available through the Consolidated Public Retirement Board (CPRB) to a surviving spouse or eligible dependents. Contact the CPRB for details.

Under the provisions of the (COBRA), the surviving legal spouse and eligible dependents of a deceased employee who was a PEIA participant may elect to continue medical coverage at their own expense.