

SENIORITY RIGHTS FOR SCHOOL PERSONNEL

PROFESSIONAL PERSONNEL

The seniority of currently employed professional personnel shall be determined on the total length of time the employee has been professionally employed by the Tyler County Board of Education. When an employee holds a valid certification or licensure in one or more areas, the seniority shall accrue in each area. Employment for a full employment term shall equal one year of seniority, but no employee may accrue more than one year of seniority during any given fiscal year. Employment for less than the full employment term shall be prorated.

Seniority of classroom teachers shall be determined on the basis of the length of time employed as a regular full-time teacher and shall be granted in all areas of certification.

Guidance counselors and all other professional employees, except classroom teachers, shall gain seniority in their non-teaching area of professional employment based on the length of time employed in that area. For the purpose of accruing seniority, employment as a principal or central office administrator shall be considered one area of employment.

Calculation of seniority shall be determined in accordance with the provisions of the School Laws of West Virginia 18a-4-7b.

- a) Seniority begins to accrue upon commencement of the employee's duties.
- b) Seniority credit is earned for each day the employee is professionally employed regardless of whether the employee receives pay for that day, except that no employee shall receive seniority credit for any day the employee is suspended without pay.
- c) An employee who is on an approved leave of absence shall accrue seniority during an approved leave of absence.
- d) An employee who is terminated either voluntarily or through a reduction-in-force shall, upon reemployment in a regular full-time position, receive credit for all previously accumulated seniority through the date of termination.
- e) Half-time employees shall receive seniority credit for each day prorated to the proportion of a full employment day.

Substitute teachers shall accrue seniority solely for the purpose of applying for a full-time position, in accordance with the School Laws of West Virginia 18A-4-7a. One hundred thirty-three (133) days or more of substitute employment during one school year shall be prorated and shall vest as a fraction of the school year.

SERVICE PERSONNEL

Decisions affecting promotion and filling of any service personnel positions shall be made on the basis of seniority, qualifications and evaluation of past performance, in accordance with the School Laws of West Virginia 18A-4-8b.

For purposes of determining seniority, an employee's seniority begins on the date that the employee enters into the assigned duties. Interruption in employment does not cause a loss of previously earned seniority as long as employment has been regained.

The seniority of service personnel shall be determined on the basis of the length of time the employee has been employed by the Tyler County Board of Education within a particular job classification.

Seniority shall not cease to accumulate when an employee is absent without pay as authorized by the Board if the absence is due to illness or other reasons over which the employee has no control.

Seniority shall continue to accumulate except during the time when an employee is willfully absent from employment duties because of a concerted work stoppage or strike or is suspended without pay.

In accordance with the provisions of the School Laws of West Virginia 18A-4-8g, (f) on or before the first day of September and the fifteenth day of January of each school year, the Personnel Director shall be responsible for posting at each school and worksite the current seniority list of each service personnel classification.

REFERENCES: West Virginia Code 18A-4-7b, 18A-4-7a, 18A-4-8b, 18A-4-8g

DATE: 11/6/17, 3/18/13, 4/2/07, 3/4/96