

CHAPTER 4

4.1.22 Reduction In Force of Service Personnel (Revised 1/10/95)

1. If, in order to reduce the number of service employees in a particular job classification, the Marshall County Board of Education releases any of its service personnel, it shall do so only upon recommendation of the County Superintendent of Schools and in accordance with the applicable school laws. On the date this policy was adopted, the applicable school laws included West Virginia Code § 18A-4-8b, § 18-9A-5, § 18-9A-5a, and, depending upon whether the employee holds a continuing or probationary contract, West Virginia Code § 18A-2-6 or § 18A-2-8a.
2. If, in order to reduce the number of service employees, any service personnel are transferred, the transfer shall proceed only upon recommendation of the County Superintendent of Schools and in accordance with the applicable school laws. On the date this policy was adopted, the applicable school laws included West Virginia Code § 18A-2-7 and § 18A-4-8b.
3. If the seniority of a service employee is insufficient to allow the Marshall County Board of Education to retain the employee during a reduction in work force, the employee's recall rights, if any, shall be governed by the applicable school law. On the date this policy was adopted, the applicable school law was West Virginia Code § 18A-4-8b.
4. Unless otherwise provided by applicable school law, priorities between or among service employees who have accumulated identical seniority in a particular job classification shall be determined by a random selection system to which the employees and the County Superintendent of Schools, on behalf of the Marshall County Board of Education, agree. Although not intending to restrict employees in the choice of a random selection system, the Marshall County Board of Education commends to them and gives it prior approval to the following procedure:
 - a. The employees who have identical seniority shall be given advance written notice to attend a meeting. The notice shall be sent to each employee's last known address.
 - b. The employees or their representatives shall attend the meeting.
 - c. At the meeting, the names of the employees shall be written on identical pieces of paper, placed in identical capsules, and placed in a container. The names shall then be drawn out of the container, one at a time, by a person agreeable to the employees who cannot see the names in the container.
 - d. An employee whose name is drawn from the container shall be deemed to have more seniority than the employee or employees whose names or names

are then in the container.

5. The power of the Marshall County Board of Education to transfer or release employees as part of a reduction in force shall be exercised in a reasonable manner and in the best interests of the Marshall County Schools. The power shall not be exercised arbitrarily or capriciously.
6. Except for those persons who are entitled or required under applicable law to assume a specific service personnel position, and, for that reason, are included on a list of persons to be considered for transfer and subsequent assignment, all service employees whose names are on such a list as part of a reduction in force shall be considered as applicants for all posted service vacancies for which they qualify, regardless of whether they make application for such vacancies.