

HUMAN RESOURCES**TRANSFER/REDUCTION IN FORCE**

- I. Transfer of personnel shall be accomplished according to the following guidelines.
 - A. Transfer of continuing contract and probationary employees shall follow WV Code 18A-2-7.
 1. Notification in writing by the Superintendent on or before the first of March if employee is being considered for transfer. This letter of notification shall be distributed by the principal or other administrative personnel with receipt of employee signature. This letter will be sent by certified mail in the event of employee absence.
 2. Employee must request statement of reasons for proposed transfer within five days of notification.
 3. Such statement of reasons shall be delivered as per A.1. above to the employee within ten days of receipt of payment.
 4. Within ten days of receipt of statement of reasons, employee may request in writing to the Superintendent a hearing before the board of education on the proposed transfer.
 5. Hearing shall be held on or before April 15. At the hearing, the reasons for the proposed transfer must be shown.
 6. Superintendent, at a meeting of the board on or before April 15, shall furnish in writing a list of those employees to be considered for transfer and subsequent assignment for the next ensuing school year. Employees not so listed for transfer and subsequent assignment shall be considered reassigned to their current position at the time of this meeting.
 7. The list of those recommended for transfer shall be included in board minutes and all those so listed shall be notified in writing, which notice shall be delivered in writing by certified mail, return receipt requested, to such person's last known address within ten days following said board meeting, of their having been recommended for transfer and subsequent assignment and the reasons therefore.

8. The provisions of this section respecting hearing upon notice of transfer shall not be applicable in emergency situations where the school building becomes damaged or destroyed through an unforeseeable act and which act necessitates a transfer of such school personnel because of the aforementioned condition of the building.
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- B. Procedures for realignment of professional staff within a building as per WV Code 18A-4-7a shall be as follows.
 1. Notwithstanding any other provision of the code to the contrary, where the total number of classroom teaching positions in an elementary school does not increase from one school year to the next, but there exists in that school a need to realign the number of teachers in one or more grade levels, kindergarten through six, teachers at the school may be reassigned to grade levels for which they are certified without that position being posted: Provided, that the employee and the county board of education mutually agree to the reassignment.
 2. When the total number of classroom teaching positions in an elementary school needs to be reduced, such reduction shall be made on the basis of seniority with the least senior classroom teacher being recommended for transfer: Provided, that a specified grade level needs to be reduced and the least senior employee in the school is not in that grade level, the least senior classroom teacher in the grade level that needs to be reduced shall be reassigned to the position made vacant by the transfer of the least senior classroom teacher in the school without that position being posted: Provided, however, that the employee is certified and/or licensed and agrees to the reassignment.
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- II. Reduction in Force (RIF) for probationary and continuing contract personnel shall be delineated according to WV Code 18A-2-2, 18A-4-7a, and 18A-4-8b.
 - A. Procedures for professional personnel are as follows.
 1. Whenever a county board is required to reduce the number of professional personnel in its employment, the employee with the least amount of seniority shall be properly notified and released from employment pursuant to the provisions of section two, article two of this chapter.

2. Provided, that 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 as position is subject to release. In accordance with West Virginia Legislative Code 18A-4-7a(k)(2), notwithstanding any provision of this code to the contrary, all employees subject to release shall be considered applicants for any vacancy in an established, existing or newly created position that, on or before February 15, is known to exist for the ensuing school year, and for which they are qualified, and, upon recommendation of the superintendent, the board shall appoint the successful applicant from among them before posting such vacancies for application by other persons.
3. Provided, however, that an employee subject to release shall be employed in any other professional position where such employee is certified and was previously employed or to any lateral area for which such employee is certified and/or licensed, if such employee's seniority is greater than the seniority of any other employee in that area of certification and/or licensure: Provided further, that if an employee subject to release holds certification and/or licensure in more than one lateral area and if such employee's seniority is greater than the seniority of any other employee in one or more of those areas of certification and/or licensure, the employee subject to release shall be employed in the professional position held by the employee with the least seniority in any of those areas of certification and/or licensure pursuant to West Virginia Legislative Code 18A-4-7a(4).
4. The continuing contract of any teacher shall remain in full force and effect except as modified by mutual consent of the school board and the teacher unless and until terminated by a majority vote of the full membership of the board on or before March 1 of the then current year after written notice, served upon the teacher, return receipt requested, stating cause of causes, and an opportunity to be heard at a meeting of the board prior to the board's action thereon. Such termination shall take effect at the close of the

school year in which the contract is so terminated.

5. Provided further, that a continuing contract shall not operate to prevent a teacher's dismissal based upon the lack of need for the teacher's services pursuant to the provisions of law relating to the allocation to teachers and pupil-teacher ratios. But in case of such dismissal, the teachers so dismissed shall be placed upon a preferred list in the order of their length of service with that board, and no teacher shall be employed by the board until each qualified teacher upon the preferred list, in order, shall have been offered the opportunity for reemployment in a position for which they are qualified: And provided further, that he/she has not accepted a teaching position elsewhere.
 6. Such reemployment shall be upon a teacher's preexisting continuing contract and shall have the same effect as though the contract had been suspended during the time the teacher was not employed.
- B. Procedures for service personnel are as follows.
1. The continuing contract of any service personnel shall remain in full force and effect except as modified by mutual consent of the school board and the employee, unless and until terminated with written notice stating cause or causes, to the employee, by a majority vote of the full membership of the board before March 1 of the then current year, or by written resignation of the employee before that date. All decisions by county boards of education concerning reduction in force of service personnel shall be made on the basis of seniority, as hereinafter provided.
 2. The seniority of any such service personnel shall be determined on the basis of the length of time the employee has been employed by the county board of education within a particular job classification. For the purpose of establishing seniority for a preferred recall list as hereinafter provided, when an employee has been employed in one or more classifications, the seniority accrued in each pervious classification shall be retained by the employee.
 3. Should a county board of education be required to reduce the number of employees within a particular job classification, the employee with the least

amount of seniority within that classification or grades of classification shall be properly released before March 1 according to WV Code 18A-2-7 and employed in a different grade of the classification if there is a job vacancy: Provided, that if there is no job vacancy for employment within such classification or grades of classification, he shall be employed in any other job classification which he previously held with the county board if there is a vacancy and shall retain any seniority accrued in such job classification or grade of classification.

4. All employees whose seniority with the county board is insufficient to allow their retention by the county board during a reduction in work force shall be placed upon a preferred recall list and shall be recalled to employment by the county on the basis of seniority.
 5. Employees placed upon the preferred list shall be recalled to any position openings by the county board within the classification(s), where they had previously been employed, or to any lateral positions for which the employees are qualified or to a lateral area for which an employee has certification and/or licensure.
 6. Employees on the preferred recall list shall not forfeit their right to recall by the county board if compelling reasons require an employee to refuse an offer of reemployment by the county board. The county board shall be required to notify all employees on the preferred recall list of all position openings that from time to time exist. Such notice shall be sent by certified mail to the last known address of the employee; it shall be the duty of each such employee to notify the county board of any change in the address of such employee.
 7. No position openings may be filled by the county board, whether temporary or permanent, until all employees on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity.
- C. If two or more employees accumulate identical seniority, the following procedure will be utilized to reduce the force.
1. All employees affected will be notified to attend a meeting.

2. All employees shall attend or appoint a representative to attend the meeting.
3. At the meeting, all affected employees' names shall be placed in a container. The first name drawn the container will be dismissed for lack of need and placed on the preferred list. This procedure shall be repeated until the reduction has been completed.

III. Reduction in Force (RIF) for Probationary Personnel, Professional and Service, shall be delineated per WV Code 18A-2-8a and 18A-4-7a.

- A. The procedures for non-renewal of professional and service probationary personnel are as follows.
 1. The Superintendent at a meeting of the board on or before April 15 of each year shall provide in writing to the board a list of all probationary teachers that s/he recommends to be rehired for the next ensuing school year.
 2. The board shall act upon the Superintendent's recommendations at that meeting in accordance with section one, 18A-2-1, of this article. The board at this same meeting shall also act upon the retention of other probationary employees as provided in WV Code 18A-2-8a and 18A-2-5.
 3. Any such probationary teacher or other probationary employee who is not rehired by the board at that meeting shall be notified in writing, by certified mail, return receipt requested, to such person's last known address within ten days following said board meeting of their not having been rehired or not having been recommended for rehiring.
 4. Any probationary teacher who receives notice that he/she has not been recommended for rehiring or other probationary employee who has not been reemployed may within ten days after receiving the written notice request a statement of the reasons for not having been rehired and may request a hearing before the board.
 5. Such hearing shall be held at the next regularly scheduled board of education meeting or a special meeting of the board called within thirty days of the request for hearing. At the hearing, the reasons for the non rehiring must be shown.
- B. Professional personnel whose seniority with the county board is insufficient to allow their retention by the county board during a reduction in work force shall be

places upon a preferred recall list. The following outlines the recall procedure.

1. As to any professional positions opening within the areas where they had previously been employed or to any lateral areas for which they have certification and/or licensure, such employees 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 positions.
2. Before position openings that are known or expected to extend for twenty consecutive employment days or longer for professional personnel may be filled by the board, the board shall be required to notify all qualified professional personnel on the preferred list and give them an opportunity to apply, but failure to apply shall not cause said employees to forfeit any right to recall.
3. The notice shall be sent by certified mail to the last known address of the employee, and it shall be the duty of each professional personnel to notify the board of continued availability annually, of any change in address, or of any change in certification and/or licensure.

IV. Administrative Procedures to determine staff needs and assignments for the ensuing school year.

- A. Determine projected staff needs based on projected student population and allowable ratios.
- B. Prepare a list of projected staff needs for each building for the next year. The number of staff members is determined by a combination of the student/teacher ratio in each building, the student/teacher ratio in other buildings and/or the overall county need to reduce staff.
- C. Determine which staff member(s) will no longer be needed in their current assignment.
- D. Staff members to be released from a building shall be transferred or reduced in force (RIF) in accordance with the procedures in regulations 4014.01.
- E. Employees so placed per above shall retain the right to request a transfer to a posted position in accordance with provisions of WV School law.

V. These regulations shall be followed until such time as legislative or administrative action requires said

4014.01

procedures to be adjusted accordingly. Procedural adjustments may be made, when necessary, without prior written changes to these regulations.

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OHIO COUNTY BOARD OF EDUCATION