

Employee Handbook



*Transforming Lives
Through Education*

INSTITUTIONAL EDUCATION PROGRAMS

We Are Counting On You!

Office
of
Institutional Education Programs
West Virginia Department of Education



**WEST VIRGINIA BOARD OF EDUCATION
2003-2004**

Sandra M. Chapman, President
Vacant, Vice President
Barbara N. Fish, Secretary

Delores W. Cook, Member
Priscilla M. Haden, Member
Sheila M. Hamilton, Member
Paul J. Morris, Member
Howard M. Persinger, Jr., Member
Ronald B. Spencer, Member

J. Michael Mullen, Ex Officio
Chancellor
West Virginia Higher Education Policy Commission

David Stewart, Ex Officio
State Superintendent of Schools

Discrimination Prohibited: The West Virginia Department of Education does not discriminate on the basis of sex, race, color, religion, disability, age and national origin in employment and in the administration of any of its education programs and activities. Inquiries may be directed to the Elimination of Sex Discrimination Program Coordinator, 304-558-3401; to the Section 504 Coordinator, 304-558-2696, (V/I/DD), WV Department of Education, 1900 Kanawha Blvd. E., Charleston, West Virginia, 25305-0330; or to the U.S. Department of Education's Director of the Office for Civil Rights, 215-656-8541.

Employee Handbook



INSTITUTIONAL EDUCATION PROGRAMS

We Are
Counting
On You!

Office
of
Institutional Education Programs
West Virginia Department of Education

YOUR EMPLOYEE HANDBOOK

This Employee Handbook has been prepared to outline in a general way the West Virginia Department of Education's personnel policies for staff in Institutional Education Programs. 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 Department 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 and the Department;
5. provide a climate which fosters optimal staff performance and high morale; and,
6. meet both Department and employee needs in providing leadership and service for high quality education in Institutional Education Programs.

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 Department's Office of Human Resources 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 West Virginia Department of Education employees working in Institutional Education Programs 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 policies in this handbook are subject to modification and further development by the State Board of Education. Employees are encouraged to provide suggestions to their immediate supervisor concerning improvements in personnel policies and procedures.

References throughout this handbook to the "Department" 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" or "Superintendent" should be interpreted at all times as the State Superintendent of Schools.

WELCOME MESSAGE

It is a pleasure to welcome you to the staff of the West Virginia Department of Education. You join an outstanding staff of professionals and associates dedicated to the development of a high quality education system in West Virginia.

Employees in Institutional Education Programs are state employees whose professional and personal demeanor reflect upon the state and the public's trust. The Department expects that you will demonstrate the highest standards of dedication and ethical conduct in the performance of your duties.

This employee handbook has been prepared to provide you with general information concerning your benefits, rights and responsibilities as an employee. It is also designed to help you understand how the West Virginia Department of Education conducts business.

*As a new member of the Department's team in Institutional Education Programs, **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 institutional settings.*

Sincerely,



David Stewart
State Superintendent of Schools

TABLE OF CONTENTS

YOUR EMPLOYEE HANDBOOK	II
WELCOME MESSAGE	III

SECTION I - GETTING ACQUAINTED

An Overview of the Board and Department	2
Mission of the State Board of Education	2
Institutional Education Programs	2
Your Employment Relationship	3
Equal Employment Opportunity	3
Accommodating Employees with Disabilities	3
Harassment	4
Communications Policy	4
Employment Categories	5

SECTION II. - WORK SCHEDULES AND PAY

Work Year	8
Work Week	8
Work Day	8
Work Schedules	9
Overtime	9
Lunch/Meal Periods	9
Planning Period	10
School Closure Due to Inclement Weather and Special Circumstances	10
Pay Periods and Paydays	11
Payroll Deductions	11
Salary Advancements	12

SECTION III. - BENEFITS

Holiday Observations	14
Out-of-School Environment Days	14

TABLE OF CONTENTS

SECTION III. - BENEFITS

Annual Leave for 261-Day Employees	15
Personal Leave for Illness and Other Causes	16
Leave Donation Program	19
Court Witness and Jury Duty Leave	19
Military Leave	19
Parental/Family Leave	20
Medical Leave of Absence Without Pay	21
Leave of Absence - Personal	22
Medical/Basic Life Insurance	23
COBRA (Consolidated Omnibus Budget Reconciliation Act)	23
Teachers Retirement System	23
Staff Development	24
Unemployment Compensation	24
Workers' Compensation	24
Other Benefits	24

SECTION IV. - EMPLOYMENT AND RELATED POLICIES

Personnel Selection Criteria	26
Employment Process	26
Employment of Family Members	27
Orientation	28
Outside Employment	28
Personnel File	29
Minimal Requirements for Licensure of Professional Staff	30
Performance Expectations	30
Performance Evaluations	31

SECTION V. - ADMINISTRATIVE POLICIES

Staff-Student Relationships	34
Supervision of Students	35

TABLE OF CONTENTS

SECTION V. - ADMINISTRATIVE POLICIES

Safety and Security	35
Safe Schools	36
Staff Dress and Grooming	36
Reporting of Child Abuse and Neglect	36
Health and Safety	36
Tuberculosis Test	37
Hepatitis B Inoculation	37
Attendance and Punctuality	37
Absence Reporting	38
Political Activities	38
Alcohol and Drugs in the Workplace	39
Tobacco Control Policy	39
Confidentiality	40
Solicitations.....	40
Membership Fees.....	40
Copyright Infringement	40
Information Systems	41
Telephone Calls	41
Use of Department Property	41
Travel.....	42
Conflicts of Interest	42
Relationships with Media.....	42
Department Stationery	42
Freedom of Information	43
Department Publications	43
Faculty Advisory Committee	44
Floral Contributions	44
Operational Procedures Manual	44

SECTION VI. - DISCIPLINARY AND GRIEVANCE PROCEDURES

Disciplinary Action	46
Grievance Procedure	47

TABLE OF CONTENTS

SECTION VII. -SEPARATIONS

Resignation	52
Retirement	53
Reduction in Force	53
Dismissal	55
Death	55

I. GETTING ACQUAINTED

An Overview of the Board and Department

Mission of the State Board of Education

Institutional Education Programs

Your Employment Relationship

Equal Employment Opportunity

Accommodating Employees with Disabilities

Harrassment

Communications Policy

Employment Categories

I. GETTING ACQUAINTED

An Overview of the Board and Department

The general supervision of the public schools is vested in the West Virginia Board of Education. The Board consists of nine (9) members appointed by the Governor for overlapping terms of nine (9) years. The West Virginia Board of Education is the policy-making body for education in the state. The State Superintendent of Schools is the chief school officer of the state and the chief executive officer of the West Virginia Board of Education.

Department of Education staff work under the direction of the State Superintendent of Schools for the purposes of carrying into effect the provisions of law and the policies of the Board. Department of Education staff are state employees. Department staff are responsible to the State Board through the State Superintendent of Schools. Lines of authority are established via the Department's organizational chart. The organizational chart provides an overview of the Department's responsibilities and functions. The organizational chart is on the Department' website at <http://wvde.state.wv.us>.

Mission of the State Board of Education

The mission of the West Virginia Board of Education is to establish and maintain a thorough, efficient, accountable and dynamic education system. The Board's vision is to establish a high quality education system in West Virginia which will prepare all children for future success.

Institutional Education Programs

The State Board of Education and the State Superintendent of Schools are responsible for the education of:

1. juveniles in state correctional institutions;
2. juveniles placed in secure pre-dispositional juvenile detention centers and diagnostic centers;
3. adults in state correctional institutions and regional jails;
4. juveniles in the state's residential institution for the seriously emotionally disturbed; and,
5. juveniles placed in certain residential institutions for custody and treatment.

I. GETTING ACQUAINTED

The Department acts like a “special school district” for these institutionalized youth and adults. The Department’s educational programs in institutions are administered by the Office of Institutional Education Programs.

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

Your Employment Relationship

Department staff in Institutional Education Programs are governed by the policies of the State Board of Education, applicable state and federal laws and regulations and directives of the State Superintendent of Schools or 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.

Equal Employment Opportunity

It is the policy of the West Virginia Department of Education to afford equal opportunity for employment without regard to race, color, religion, national origin, disability which can be reasonably accommodated, gender, age, veteran status, or political affiliation. This policy of nondiscrimination prevails throughout every aspect of the employment relationship including recruitment, selection, placement, training, promotions, pay, benefits, and other terms and conditions of employment.

Accommodating Employees with Disabilities

The Department 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.

I. GETTING ACQUAINTED

Information concerning reasonable accommodations for disabilities may be obtained from the Superintendent of Institutional Education Programs or from the Office of Human Resources.

Harassment

It is the intent of the State Board of Education that the learning and work environments are free from any type of harassment or violence. The West Virginia Department of Education strictly prohibits racial, sexual or religious/ethnic harassment of any kind or violence towards students and staff. The State Board of Education has adopted a Racial, Sexual, Religious/Ethnic Harassment and Violence Policy (2421) to prevent racial, sexual or religious/ethnic harassment or violence toward students and staff. All Department of Education employees in Institutional Education Programs are required to receive training in the contents of this policy and abide by its provisions.

The Department will not tolerate any form of discrimination or harassment. If you believe you have been subjected to discrimination or harassment on the job, you have the right to file a complaint with the Department and/or the State Equal Employment Opportunity Office. You also have the right to file a complaint with the West Virginia Human Rights Commission. Contact the Department's Office of Human Resources for further information.

Communications Policy

To ensure high employee morale and productivity, the West Virginia Department of Education is committed to establishing and maintaining good lines of communication with and among employees at all levels of the organization. The Department accomplishes this objective 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.

I. GETTING ACQUAINTED

Employment Categories

The Department categorizes employees as “professional” or “associate” staff members. Professional staff members are “exempt” from the provisions of the Fair Labor Standards Act (FLSA) and W.Va. Code § 21-5C-1 et seq. In general, associate staff members are “nonexempt” and are covered under the wage and hour laws and will receive overtime pay for all hours worked in excess of 40 hours per week (see Overtime).

SECTION II. - WORK SCHEDULES AND PAY

Work Year

Work Week

Work Day

Work Schedules

Overtime

Lunch/Meal Periods

Planning Period

School Closure Due to Inclement Weather and
Special Circumstances

Pay

Pay Periods and Paydays

Payroll Deductions

Salary Advancements

SECTION II. - 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 200 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 of Education 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 institution in collaboration with the host agency and is approved by the State Superintendent of Schools and State Board of Education. 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 workweek for a full-time employee is defined as 37.5 hours of work from 5:01 p.m. Friday to 5:00 p.m. the following 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 staff will fulfill these responsibilities without additional compensation.

SECTION II. - WORK SCHEDULES AND PAY

Work Schedules

The principal/lead teacher, with the approval of the Superintendent of Institutional Education Programs, 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 Department's needs.

For associate 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 staff are 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.

Compensatory time is not available to any employee for work in excess of regularly scheduled hours. Work schedules may be adjusted for professional staff 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 Institutional Education Programs. 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.

SECTION II. - WORK SCHEDULES AND PAY

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.

A teacher or associate staff member may exchange a lunch/meal period for any compensation or benefit mutually agreed upon by the employee and the Department.

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 thirty (30) 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. A teacher may exchange a planning period for any compensation or benefit mutually agreed upon by the employee and the Department.

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, in coordination with the chief executive officer of the institution or designee, to decide whether to close or delay the opening of school and to initiate a procedure for notifying staff and the Superintendent of Institutional Education Programs. If required by law or a directive from the State Superintendent of Schools or designee, a make-up date for instruction shall be designated within the school calendar by converting a remaining non-instructional day to an instructional day.

If school remains open, staff who missed work must use Personal Leave for Illness and Other Causes (sick leave). If an employee does not have sufficient leave to cover the absence, the employee's pay will be docked.

SECTION II. - WORK SCHEDULES AND PAY

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 in consultation with the chief executive officer of the institution or designee. If early dismissal results in less than one-half of the instructional day, the day is counted as a non-instructional day. Under these circumstances, if required by law or a directive from the State Superintendent of Schools or designee, a make-up date for instruction shall be designated within the school calendar by converting a remaining non-instructional day to an instructional day.

Pay

The daily rate of pay of Department staff employed in Institutional Education Programs is equivalent to the daily rate of pay of a comparable position in the public schools of the county where the facility is located.

Pay Periods and Paydays

Employees are paid twice a month - on the 15th and 30th for a thirty-day month and the 16th and 31st for a thirty-one day month. If a scheduled payday falls on a Saturday or Sunday, paychecks are generally issued on the Friday preceding the scheduled payday.

Employees are usually paid in 24 equal semi-monthly pay periods. The number of days actually worked during a pay period, however, may differ from the number of days an employee is paid. For example, an employee may receive a check for a two week period when the institution is closed (closed days). During the course of the employment period, however, the number of days worked will equal the number of days paid. If an employee should erroneously receive payment for days in excess of the actual number of days worked upon separation from the Department, the employee shall be required to reimburse the Department for wages paid in excess of actual days worked.

Payroll Deductions

An earnings statement is attached to each paycheck indicating gross wages, itemized deductions, and net pay. It is your responsibility to review your earnings statement EACH payday. Any errors or unexplained discrepancies should be reported to the

SECTION II. - WORK SCHEDULES AND PAY

Department's 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: 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 items.

Salary Advancements

Professional and associate staff may earn salary advancements through achievement of advanced salary classifications. The training prescribed for advanced salary classifications is contained within State Board of Education 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 Department's certification office. Upon receipt of the notification of the advanced salary classification from the Department's certification office, 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.

SECTION III. - BENEFITS

Holiday Observations

Out-of-School Environment Days

Annual Leave for 261-Day Employees

Personal Leave for Illness and Other Causes

Leave Donation Program

Court Witness and Jury Duty Leave

Military Leave

Parental/Family Leave

Medical Leave of Absence Without Pay

Leave of Absence - Personal

Medical/Basic Life Insurance

COBRA (Consolidated Omnibus Budget Reconciliation Act)

Teachers Retirement System

Staff Development

Unemployment Compensation

Workers' Compensation

Other Benefits

SECTION III. - BENEFITS

Holiday Observations

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

- | | |
|--|--|
| 1. New Year's Day | 1st Day of January |
| 2. Martin Luther King's Birthday | 3rd Monday of January |
| 3. Memorial Day | Last Monday in May |
| 4. West Virginia Day | 20th Day of June |
| 5. Independence Day | 4th Day of July |
| 6. Labor Day | 1st Monday of September |
| 7. Veteran's Day | 11th Day of November |
| 8. Thanksgiving Day | 4th Thursday of November |
| 9. Christmas Day | 25th Day of December |
| 10. Primary Election Day | When a Statewide
primary election is held |
| 11. General Election Day | When a Statewide
general election is held |
| 12. Any other dates proclaimed by the President or Governor as a holiday of special observance by the 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 Department 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 Personal Leave for Illness or Other Causes.

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.

SECTION III. - BENEFITS

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 calendar month according to the following table:

YEARS OF SERVICE	DAYS EARNED PER MONTH
0 through 4	1 1/4
5 through 9	1 1/2
10 through 14	1 3/4
15+	2

Annual leave is earned effective at 11:59 p.m. on the 15th (30 day month) or at noon on the 16th (31 day month) day of each month worked. Example: An employee who begins work on July 20, would not earn leave for the month of July, but an employee who begins work on July 14, would earn the total to be accrued for July.

Annual leave cannot be taken before it is earned.

Up to 40 days of annual leave may be carried over from one calendar year to another.

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 one-quarter (1/4) day and any additional leave is charged in multiples thereof.

SECTION III. - BENEFITS

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 not to exceed 40 days. Annual leave is not earned after the last day worked. Employees may choose one of the following options for payment of the annual leave balance:

- a. An employee may elect to be paid the balance of leave in semi-monthly payroll installments until all the leave is exhausted.
- b. An employee may elect to be paid for the balance of leave in a lump sum. 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.

Transfer of Annual Leave

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

Personal Leave for Illness and Other Causes (Sick Leave)

Personal leave for illness and other causes may be requested for the following:

1. Illness or injury that prevents the employee from performing her/his duties;
2. Routine medical/dental appointments for the employee;
3. Illness or routine medical/dental appointments for a member of the employee's immediate family;
4. Death in the employee's immediate family*, not to exceed five days;
5. 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;
6. Any incapacity due to pregnancy (charged the personal leave under the same conditions applying to illness) and,
7. Other causes authorized or approved by the State Superintendent of Schools or designee.

* Immediate family, for this purpose, 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.

SECTION III. - BENEFITS

A physician's written statement is required for use of personal leave beyond three (3) consecutive working days. Any exception must be approved by the Superintendent of Institutional Education Programs.

An employee shall be permitted three (3) days of accumulated personal leave annually 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.

Earning Rate

A regular full-time employee (37 1/2 hours per week) shall be entitled annually to one and one-half (1 1/2) days of personnel leave for each employment month or major fraction thereof in the employee's employment term. All personal days for the employment term will be awarded at the beginning of the employment term. For example, if an employee works 240 days (12 months) from July 1 to June 30, the employee will accrue 18 personal leave/sick leave days on July 1.

If an employee should use personal leave/sick leave which the employee has not yet accumulated on a monthly basis and subsequently leaves employment with the Department, the employee shall be required to reimburse the Department for the salary or wages paid to him or her for such unaccumulated personal leave.

Personal leave at the rate of 1 1/2 days per month is accorded regular salaried part-time employees eligible for personal leave at the end of each month of service on a prorata basis.

SECTION III. - BENEFITS

The minimum charge against such leave is one-quarter (1/4) day and any additional leave is charged in multiples thereof. Personal leave can be accumulated on an unlimited basis.

Requesting

1. Any request to use personal leave for scheduled medical/dental appointments should be made in advance of the appointment and requires the prior approval of the supervisor.
2. Any unscheduled absence due to illness must be reported as per the procedures and time designated by the immediate supervisor.
3. Immediately after returning to work from an unscheduled absence due to illness, employees must complete a leave form.

Separation from Employment

1. No additional personal leave is earned after the last day worked.
2. If an employee returns to work after separation, any previous personal leave balance will be restored.

Illness While on Annual Leave

An employee who becomes ill and is either (1) admitted to a hospital or (2) has medical services performed in an emergency room while on previously approved annual leave may request that the time spent in the hospital or emergency room be charged to personal leave. The employee must request the personal leave usage immediately upon return to work AND must provide a physician's or hospital statement listing the specific dates of hospitalization or emergency room services.

Transfer of Personal Leave

When an employee transfers to another state agency, all accumulated personal leave is transferred. Accumulated personal leave may be transferred to the Department from other state agencies, institutions of higher education, RESAs and county boards of education within the state. The employee is required to submit documentation of accumulated personal leave to the personnel office.

SECTION III. - BENEFITS

Incentive for Accumulation of Personal Leave

The state provides an incentive for employees to accumulate a personal leave balance at retirement. Personal leave accumulated at retirement may be used to purchase health insurance during retirement or to purchase additional service (Ask the Office of Human Resources for details).

Leave Donation Program

The Department of Education has established a leave donation program under which annual leave accrued or accumulated by an employee may, if voluntarily agreed to by the employee, be transferred to the annual leave account of another designated employee if the other employee requires additional leave because of a medical emergency or prolonged illness. A medical emergency means a medical condition of an employee or a family member of an employee that is likely to require the prolonged absence of the employee from duty and which will result in a substantial loss of income because of the unavailability of paid leave. (Information about the Leave Donation Program is available in the Office of Human Resources.)

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 Department grants military leave in accordance with the provisions of state and federal laws. Department employees who are members of the National Guard or any reserve component of the United States Armed Forces may be granted military leave, without loss of status or benefits, for a period not to exceed thirty (30) working days in any one calendar year. Please check with the Personnel Office for further details concerning military leaves of absence (with and without pay) and associated benefits.

A request for military leave must be accompanied by an official order from the appropriate military officer.

SECTION III. - BENEFITS

Parental/Family Leave

In accordance with the West Virginia Parental Leave Act (PLA), an employee hired for permanent employment, who has worked for at least twelve (12) consecutive weeks performing services for remuneration, shall be entitled to a total of at least twelve (12) calendar weeks of unpaid family leave following the exhaustion of all his/her annual and personal leave during any twelve month period for the following reasons:

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

In the case of a son, daughter, spouse, parent or dependent who has a serious health condition, such family leave may be taken intermittently when medically necessary. A serious health condition is defined as any physical or mental illness, injury or impairment which involves (1) inpatient care in a hospital, hospice or residential health care facility, or (2) continuing treatment, health care, or continuing supervision by a health care provider.

If an employee requests family leave to care for a designated family member with a serious health condition, the employer may require the employee to provide certification by a health care provider of the family member's serious health condition.

If a leave because of the birth or adoption is foreseeable, the employee shall provide the employer with two weeks written notice of such expected birth or adoption.

If a leave under this section is foreseeable because of planned medical treatment or supervision, the employee shall: (1) make a reasonable effort to schedule the treatment or supervision so as to not unduly disrupt the operations of the employer, subject to the approval of the health care provider of the employee's son, daughter, parent or dependent; and (2) provide the employer with two weeks written notice of the treatment or supervision.

The position held by the employee immediately before the leave is commenced shall be held for the employee and the employee shall be returned to that position provided that such leave does not exceed twelve (12) calendar weeks.

SECTION III. - BENEFITS

An employee may also be covered under the federal Family Medical Leave Act (FMLA) of 1993. The FMLA mandates that a qualifying employee be eligible for a total of twelve (12) workweeks of unpaid leave during any consecutive twelve (12) month period. FMLA leave may be for one or more of the following:

1. Birth of child of the employee, in order to care for such child;
2. Placement of a child with the employee for adoption or foster care;
3. Care of a seriously ill child, partner, or parent of the employee; and,
4. The employee's own serious illness which causes the employee to be unable to perform the functions of his/her position.

Questions about either the PLA or FMLA should be addressed to the Department's Office of Human Resources.

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

and

The employee's absence is due to an illness or injury which is substantiated by a physician's written statement that:

- a. verifies that the employee is unable to perform his/her duties; and,
- b. gives a tentative date for the employee to return to work;

and

The physician verifies that the disability is not of such 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 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 is eligible to return to his/her former position unless this position is eliminated due to lack of funding or a reduction in force.

SECTION III. - BENEFITS

During a medical leave of absence the employee is required to pay the premium currently being deducted to maintain medical/basic life insurance benefits; the Department 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 State Superintendent and the State Board provided:

1. The employee makes written application for such leave to the State Superintendent;
2. and
The State Superintendent and the State Board determine that the Department's personnel needs are not compromised by the granting of such leave.

The period of a personal leave of absence should normally not exceed one year but may be granted for a shorter or longer period at the discretion of the State Superintendent and State Board. Unless specifically authorized by the State Superintendent and State Board, a personal leave of absence is from employment from the Department and not from a specific position. The employee returning from such leave will be afforded the opportunity to return to the position previously held or be placed in a position for which he or she is qualified, if available. The Department reserves the right to fill, modify, or eliminate a vacant position if required by business needs or a lack or loss of funding. Exception: A personal leave of absence will be granted for an employee during the extended school term with the provision that he or she will have the right to return to the same position, provided that, the Department is able to fill the vacant position with a qualified replacement for the period of the leave.

While on a personal leave of absence without pay, an employee does not earn personal 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 Department'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 her or his optional or dependent life insurance while on a personal leave of absence.

SECTION III. - BENEFITS

Medical/Basic Life Insurance

Full-time employees of the State of West Virginia are eligible for enrollment in the Public Employees Insurance Agency Benefit Plan. The plan offers hospital, surgical, major medical, prescription drug and other medical care benefit coverage to employees and dependents and retirees. Participation in the insurance plan is voluntary. Detailed information concerning types of coverage and plans is provided by the Office of Human Resources and the Public Employees Insurance Agency.

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 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 Public Employees Insurance Agency.

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 and more specific information may be attained from the Public Employees Insurance Agency or the Office of Human Resources.

Teachers Retirement System

All personnel regularly employed by the Department are required by state law to be members in the Teachers Retirement System administered by the West Virginia Consolidated Public Retirement Board. Employees who have worked in other state government positions may be protected under the Public Employees Retirement Act and should consult the Payroll Office for assistance in determining their status in this regard.

SECTION III. - BENEFITS

Staff Development

Department employees are provided with a variety of opportunities to help develop and improve job skills. Pending available funding and prior approval, the Department 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 through no fault of their own. Additional information may be obtained from the Bureau of Employment Programs (558-2630).

Workers' Compensation

If you sustain a job-related illness or injury, you may be eligible to receive benefits under the Workers' Compensation Fund. This fund provides compensation for loss of wages due to both temporary and permanent disabilities as well as payments for approved medical expenses.

Employees are to notify their supervisors immediately of any injury sustained while on duty. It is the employee's responsibility to file a claim on the prescribed Workers' Compensation Fund Form which may be obtained from the Office of Human Resources or the Workers' Compensation Fund. Additional information on Workers' Compensation may be obtained from the Office Human Resources or the Workers' Compensation Division.

Other Benefits

Other benefits available to Department employees include the purchase of U. S. Savings Bonds through a payroll savings plan, tax sheltered annuities and membership in the West Virginia Public Employees Credit Union.

Personnel Selection Criteria

Employment Process

Employment of Family Members

Orientation

Outside Employment

Personnel File

Minimal Requirements for Licensure of Professional Staff

Performance Expectations

Performance Evaluations

SECTION IV. - EMPLOYMENT AND RELATED POLICIES

Personnel Selection Criteria

The West Virginia Department of Education shall recruit and employ the highest qualified personnel for all professional and associate staff positions. Qualified shall mean that the individual possesses the knowledge, skills and abilities to successfully: (1) perform the job requirements; (2) work within the special setting of a correctional, health or human service facility; and (3) work as part of an educational and rehabilitation team in concert with others. The Department uses a number of factors to determine whether an individual is the highest qualified applicant for a position as required by applicable provisions of state code and operational procedures developed by the Department.

Employment Process

All position announcements are posted and sent to standard recruiting sources and are advertised for a minimum of ten (10) calendar days with an option to advertise only within the Department. All positions may be reopened if a candidate is not selected after the original announcement period. Positions which are re-advertised are posted for a minimum of ten (10) calendar days with a maximum closing date of forty-five (45) days from the date of the re-advertisement.

Applicants for associate positions apply to the Office of Human Resources where the application is processed and appropriate testing and initial screening conducted. All applications are referred to the interviewing supervisor and Superintendent of Institutional Education Programs. After interviewing selected candidates, the interviewing supervisor ranks the top applicants on the basis of the personnel selection criteria and recommends a candidate to the Superintendent of Institutional Education Programs who shall make the selection, subject to the approval of the State Superintendent.

Applicants for professional positions will submit an application to the Office of Human Resources where receipt of the materials is recorded and acknowledged. A screening committee appointed by the Superintendent of Institutional Education Programs reviews the applications against the criteria listed in the position announcement. Candidates who meet the minimum criteria are considered and the top candidates as determined by the Superintendent of Institutional Education Programs or designee are interviewed. The interview committee recommends up to three candidates to the Superintendent of Institutional Education Programs who will recommend the

SECTION IV. - EMPLOYMENT AND RELATED POLICIES

appointment to the State Superintendent of Schools. The State Superintendent may select any of the recommended candidates or repost the position or withdraw the posting.

Applicants who are interviewed are subject to a criminal background check and shall complete a Criminal Identification Bureau card and are finger printed.

Once the State Superintendent has approved the selection, a proposed offer of employment is extended to the successful applicant by the State Superintendent or designee. Letters indicating that the position has been filled are sent by the Office of Human Resources to applicants.

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

The same employment process is followed for employees who wish to apply for a vacancy at any institution.

Employment of Family Members

The Superintendent and Board discourage, as a matter of policy, the employment of immediate family members of Department personnel. For this purpose, "immediate family members" are defined as husband, wife and children. The Superintendent and Board recognize, 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 Department employee is permissible under the following circumstances:

1. The family members are assigned to different facilities, or
2. The family members work in the same facility but are neither accountable to the same immediate supervisor nor directly supervised by a family member.

Any exceptions to the policy must be approved by the State Superintendent and the Board.

SECTION IV. - EMPLOYMENT AND RELATED POLICIES

Orientation

All newly hired employees will be given formal orientations to the Department and school designed to ease their entry into the organization and provide them with basic information they need to succeed in their jobs.

Department Orientation

On the first day of employment new employees report to the Office of Human Resources and receive a copy and orientation to the employee handbook for Institutional Education Programs, apply for benefits, and complete other necessary forms. At that time, new employees receive information about the Department and usually confer with the Superintendent of Institutional Education Programs. Employees will sign statements that they have received an employee handbook and will abide by its contents. Additional orientation programs are scheduled as needed. Employees should complete the Department orientation program within 30 days of initial employment.

School Level Orientation

On the first day in the school, new employees will report to the principal/lead teacher and receive a school handbook outlining all policies and procedures necessary for working at the school and institution. The principal/lead teacher will review all relevant materials with the employee and will assign an adviser (mentor) to the employee. The adviser will be available to answer questions for the employee concerning the day-to-day operation of the school and institution. During the orientation period the principal/lead teacher will meet with employee periodically, as needed, to discuss concerns and performance. Employees should complete the school level orientation program within 90 days. The principal/lead teacher is responsible for maintaining an orientation check list for each employee to ensure the employee has received an appropriate orientation.

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 must provide the Superintendent of Institutional Education Programs with prior written notice of consultant agreements with county school districts, Regional Education Service Agencies, and other state agencies.

SECTION IV. - EMPLOYMENT AND RELATED POLICIES

Personnel File

Necessary job-related and personal information about each employee is retained in the official personnel file kept by the Department's Office of Human Resources. The contents of these files include basic identifying information (such as the employee's name, address, and job title); employment applications and other related documents; job descriptions; certification and training records; notices of pay changes; benefit coverage information; performance evaluations; disciplinary records; and other relevant job-related information or documents deemed essential by the Department. Essential records of current and former employees are kept indefinitely.

If the personnel file is to reflect skills and experience, it is essential that the employee assist the Department by providing certificates of completed education and training and other pertinent information. Employees will be given copies of information which are placed in the file by the immediate supervisor or assistant state superintendent. At the request of the employee, the Office of Human Resources will provide copies of documents on file.

Employees and former employees have the right to inspect and copy the information contained in their files or records. Individuals will be given access to their files only in the presence of an authorized Department official and at a mutually convenient time and place. The personnel file is accessible to a supervisor or the legal counsel to the State Superintendent of Schools on a "need-to-know" basis for decision making purposes. Individuals who review personnel files will date and sign the inside left cover of the file. Personnel files may not be removed from the Office of Human Resources for any reason.

If an employee questions the accuracy or completeness of information contained in her or his personnel file, the employee should bring the matter to the attention of the Office of Human Resources. The Department will consider the employee's objection and correct or remove erroneous or improper information. If the Department decides to retain the disputed information in the file, the employee is entitled to attach a written objection to that item, making the objection a part of the permanent file.

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. The Department reserves the right, however, to verify basic information, such as employment status and job title, without notification to the individual involved, and to cooperate with law enforcement, public safety, or medical officials who have a valid need to ascertain limited, specific information about an individual.

SECTION IV. - EMPLOYMENT AND RELATED POLICIES

To keep the Department personnel records current, please notify your supervisor and the Personnel Office in writing if there is a change of address, telephone number, name, marital status, tax exemption, insurance beneficiary, number of dependents, certification status, or other pertinent information.

Minimal Requirements for Licensure of Professional Staff

Professional educators employed by the State Board of Education to provide services in Institutional Education Programs shall hold a valid teaching license endorsed in the assigned area(s) of responsibility.

Professional staff 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 your principal/lead teacher or the Department's Certification Office.

Performance Expectations & Employee Code of Conduct

As your employer, the State Superintendent and State Board have established performance expectations for all staff members of the West Virginia Department of Education. The State Superintendent and Board expect employees 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 of Education policies, directives of the State Superintendent of Schools or designee, and safety, health and security policies and procedures of the host agency;
9. represent the Department 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;

SECTION IV. - EMPLOYMENT AND RELATED POLICIES

12. maintain just and courteous 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 of Education adopted an Employee Code of Conduct (Policy 5902) applicable to all West Virginia school employees including employees in Institutional Education Programs. 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 written job performance evaluations in accordance with Department 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) (see evaluation procedures). 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

SECTION IV. - EMPLOYMENT AND RELATED POLICIES

expectations. Performance evaluations are conducted to: (1) promote professional growth and development and assure quality performance in Institutional Education Programs; and, (2) provide evaluation data as one basis for sound personnel decisions. Employees are entitled to on-going feedback regarding their job performance.

Employees may review the completed evaluation form and offer written or verbal comments. The employee acknowledges the review by signing the evaluation form (even when in disagreement). If the employee's written evaluation is unsatisfactory, an improvement plan is developed and implemented; however, any time an employee's performance is unsatisfactory prior to the annual written evaluation, an improvement plan shall be implemented.

SECTION V. - ADMINISTRATIVE POLICIES

Staff-Student Relationships
Supervision of Students
Safety and Security
Safe Schools
Staff Dress and Grooming
Reporting of Child Abuse and Neglect
Health and Safety
Tuberculosis Test
Hepatitis B Inoculation
Attendance and Punctuality
Absence Reporting
Political Activities
Alcohol and Drugs in the Workplace
Tobacco Control Policy
Confidentiality
Solicitations
Membership Fees
Copyright Infringement
Information Systems
Telephone Calls
Use of Department Property
Travel
Conflicts of Interest
Relationships with Media
Department Stationery
Freedom of Information
Department Publications
Faculty Advisory Committee
Floral Contributions
Operational Procedures Manual

SECTION V. - ADMINISTRATIVE POLICIES

Staff-Student Relationships

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;
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's mission and goals; and

SECTION V. - ADMINISTRATIVE POLICIES

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.

Supervision of Students

Professional and associate staff members 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 Institutional Education Programs, 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

Department staff in Institutional Education Programs have responsibilities in assisting the host agency in maintaining safety and security by:

1. complying with host agency policies and procedures for safety and security;
2. establishing and managing effective classroom discipline;
3. maintaining vigilance and detecting and responding to behavioral changes in students;
4. maintaining inter-departmental and interagency communications; and
5. 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 institutions. Staff members are not expected to assume the role of security or treatment personnel, but are expected to be part of a team in institutional settings in the maintenance of a safe and secure environment and in the mission of the institution.

SECTION V. - ADMINISTRATIVE POLICIES

Safe Schools

It is the responsibility of every staff member to report all violations of the Student Code of Conduct (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 an institution.

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 institutions. 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.

Reporting of Child Abuse and Neglect

When any staff member in a juvenile Institutional Education Program has reasonable cause to suspect that a child is neglected or abused or observes a child being subjected to conditions that are likely to result in neglect or abuse, the staff member shall immediately, and not more than 48 hours after suspecting this abuse, report the circumstances in accordance with the operational procedures developed by the Office of Institutional Education Programs (see operational procedures). Compliance with these reporting procedures is required by state law (§ 49-6A-2). Failure to report suspected child abuse or neglect may result in a fine or incarceration, or both.

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.

SECTION V. - ADMINISTRATIVE POLICIES

Tuberculosis Test

All school personnel are required to have an approved tuberculin test at the time of employment and once every two years thereafter, unless otherwise medically indicated or unless required more often by the school's host agency. A confidential record of the approved test results shall be maintained in the school's office as well as in the Office of Human Resources.

Hepatitis B Inoculation

The potential for exposure to Hepatitis B is somewhat elevated in institutional settings. State law, however, does not require vaccination for Hepatitis B protection. Employees in Institutional Education Programs 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 Department expects regular attendance from all employees. Employees are required to be on time and ready and able 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/leader 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 Institutional Education Programs who reviews the employee's attendance records and records of conferences.

SECTION V. - ADMINISTRATIVE POLICIES

Upon review of the documentation, the Superintendent of Institutional Education Programs will notify the employee in writing of the Department's 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 personal 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 Department is a nonpartisan entity and its employees are prohibited from using their official positions or Department 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 Department's Executive Director of Legal Services to insure that participation in the activities is in keeping with state and federal laws.

SECTION V. - ADMINISTRATIVE POLICIES

Alcohol and Drugs in the Workplace

It is the policy of the Department 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, of alcohol, illegal drugs or controlled substances. This is applicable while employees are engaged in any work-related activity which includes performance of Department 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 of Education or State Superintendent, including possible termination.

Employees are required to abide by the provisions of State Board of Education Policy 1461: Drug-Free Workplace.

Tobacco Control Policy

The West Virginia Department of Education maintains a smoke-free workplace. Further, State Board of Education Policy 2422.5A restricts the use of any tobacco product at any time by any person in any building or other property owned or operated by the Department or by a county board of education or Regional Education Service Agency. This policy includes private buildings, automobiles, or other vehicles when used for school activities and Department functions when students and staff are present.

SECTION V. - ADMINISTRATIVE POLICIES

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 Institutional Education Programs.

Membership Fees

The Department does not pay organizational membership fees for individuals. Upon approval by the Superintendent of Institutional Education Programs, 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 Department. 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 Department. 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 Institutional Education Programs.

Copyright Infringement

Infringement of copyright is prohibited by law and is addressed by West Virginia Board of Education Policy 5711 (see policy). Employees must adhere to the copyright law in regard to the reproduction of print and nonprint materials.

SECTION V. - ADMINISTRATIVE POLICIES

Information Systems

The Department's information systems are to be used exclusively for the business of the organization. All information system messages are records of the Department. The Department 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 Department's information systems. However, the Department reserves the right to enter an employee's information system files whenever there is a business need to do so.

Telephone Calls

All telephones are for the purpose of conducting official business. The Department 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.

Use of Department Property

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

1. An employee is prohibited from using, for other than officially approved activities, Department property of any kind, including property leased to the Department.
2. An employee has an obligation to protect and conserve Department 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.

SECTION V. - ADMINISTRATIVE POLICIES

Travel

All travel must be approved in advance by the Superintendent of Institutional Education Programs, and in the case of out-of-state travel, the State Superintendent of Schools or designee. All travel must be in compliance with applicable state travel regulations (see State of West Virginia Travel Regulations).

Conflicts of Interest

Department employees are bound by the 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 (see brochure entitled The Ethics Act: A Code of Conduct for Public Servants).

Relationships with Media

Prepared news releases must first be approved by the Superintendent of Institutional Education Programs and the Executive Director of Public Information. Department employees should not contact the media directly about newsworthy matters without first discussing them with the Superintendent of Institutional Education Programs and the Executive Director of Public Information.

Staff members receiving calls from the media must be prepared to be responsible for information provided or should refer the caller to the director of public information and/or the state director of institutional education programs. Staff members contacted by the media are expected to respond to those inquiries within their scope of work. Such information should be factual and consistent with the policies of the State Board of Education.

Under all circumstances, the Superintendent of Institutional Education Programs and the Executive Director of Public Information must be notified as soon as possible regarding information provided to the media.

Department Stationery

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

SECTION V. - ADMINISTRATIVE POLICIES

Freedom of Information

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

Under the Freedom of Information Act, 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 Freedom of Information Act 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, 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 Freedom of Information Act (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 Department of Education 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, appropriate work orders must be approved by the state director and the director of publications.

All publications must be approved in advance by the Superintendent of Institutional Education Programs and the Executive Director of Public Information. Publications

SECTION V. - ADMINISTRATIVE POLICIES

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 Department and the Department will retain all rights and privileges pertaining to ownership.

Faculty Advisory Committee

The appointed school principal/lead teacher is responsible for the administration of the institutional education program at the facility. In carrying out this responsibility, the principal/lead teacher shall organize a Faculty Advisory Committee whose purpose shall be to provide the school principal/lead teacher with recommendations concerning program development and improvement. Each Faculty Advisory Committee will be scheduled to meet during instructional time as specified in the school calendar.

Floral Contributions

A fund is maintained for purchase of flowers and/or donations sent in memory of deceased Department personnel, active or retired, and members of their immediate families, defined here as husband, wife, son, daughter, father or mother - regardless of their place of residence - and other members of the family, if immediately prior to their death, they resided in the same household as the employee.

A voluntary contribution will be requested from time to time by the Department's Finance Office Manager. An employee may see records regarding this fund at any time.

Operational Procedures Manual

The Superintendent of Institutional Education Programs is responsible for the development and maintenance of an operational procedures manual to provide staff with guidance in the implementation of applicable State Board of Education policies, state and federal laws and regulations, accreditation standards, personnel policies and procedures, and directives from the State Superintendent of Schools or designated staff. The principal/lead teacher at each institution shall maintain an updated copy of the manual and shall make the manual available to staff. The principal/lead teacher shall also provide staff with applicable host agency policies and procedures.

Disciplinary Action

Grievance Procedure

SECTION VI. - 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 of Education policies and directives from the State Superintendent of Schools or 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 Department policies and 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 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 Institutional Education Programs.
2. The Superintendent of Institutional Education Programs 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. An employee recommended for suspension or dismissal shall be afforded the opportunity for a predeprivation conference or hearing conference with the State Superintendent of Schools or designee to respond to the charges.

SECTION VI. - DISCIPLINARY AND GRIEVANCE PROCEDURES

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 State Superintendent of Schools or designee. The school principal or supervisor shall immediately notify the State Superintendent of Schools or designee of the temporary suspension. The State Superintendent shall in turn provide the employee with written notice of suspension.

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

Grievance Procedure

Employees of the West Virginia Department of Education are covered by the Grievance Procedure for Education Employees (W.Va. Code 18-29-1 et seq.). This law ensures that State Board 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.

An employee may file a grievance for any of the following:

1. A violation, misapplication or misinterpretation of the statutes, policies, rules, regulations or written agreements under which such employees work;
2. Any violation, misapplication or misinterpretation regarding compensation, hours, terms and conditions of employment, employment status or discrimination;
3. Any discriminatory or otherwise aggrieved application of unwritten policies or practices of the employer;
4. Any specifically identified incident of harassment or favoritism; and,
5. Any action, policy or practice constituting a substantial detriment to or interference with effective classroom instruction, job performance or the health and safety of students or employees.

SECTION VI. - DISCIPLINARY AND GRIEVANCE PROCEDURES

The grievance procedure is a four level procedure, with each level assigned time frames which must be observed. The Department's grievance form describes the procedure at each level and the time frames required for compliance. Forms for filing grievances or making appeals and detailed information about the grievance law and procedure will be made available by the immediate supervisor to any employee, upon request.

Steps of the Procedure

(a) Level One

1. Before a grievance is filed and within fifteen (15) days following the occurrence of the event upon which the grievance is based, or within fifteen (15) days of the date on which the event became known to the grievant or within fifteen (15) days of the most recent occurrence of a continuing practice giving rise to a grievance, the grievant or the designated representative shall schedule a conference with the immediate supervisor to discuss the nature of the grievance and the action, redress or other remedy sought. The conference with the immediate supervisor concerning the grievance shall be by the grievant in the grievant's own behalf or both the grievant and the designated representative.
2. The immediate supervisor shall respond to the grievance within ten (10) days of the conference.
3. Within ten (10) days of the receipt of the response from the immediate supervisor following the informal conference, a written grievance may be filed with said supervisor by the grievant or the designated representative on a form furnished by the Office of Human Resources.
4. The immediate supervisor shall state the decision to such filed grievance within ten (10) days after the grievance is filed.

(b) Level Two

Within five (5) days of receiving the decision of the immediate supervisor, the grievant may appeal the decision to the chief administrator, and such administrator or his/her designee shall conduct a hearing in accordance with section six of this article within five (5) days of receiving the appeal and shall issue a written decision within five (5) days of such hearing. Such decisions may affirm, modify or reverse the decision appealed.

SECTION VI. - DISCIPLINARY AND GRIEVANCE PROCEDURES

(c) Level Three

All Department grievances will proceed from Level Two to Level Four.

(d) Level Four

1. If the grievant is not satisfied with the decision at Level Two, within five (5) days of the written decision the grievant may request in writing on a form furnished by the Office of Human Resources, that the grievance be submitted to a hearing examiner as provided for the WV State Code Section 18-29-5. Such hearing to be conducted with WV State Code Section 18-29-6 within ten (10) days following the request therefore; Provided, however, that such hearing may be held within thirty (30) days following the request, or within such time as is mutually agreed upon by the parties, if the hearing examiner gives reasonable cause, in writing, as to the necessity for such delay.
2. Within thirty (30) days following the hearing, the hearing examiner shall render a decision in writing to all parties setting forth findings and conclusions on the issues submitted. Subject to the provisions of WV State Code Section 18-29-7, the decision of the hearing examiner shall be final upon the parties and shall be enforceable in circuit court. Appeals of the decision of the hearing examiner may be brought in the circuit court where the grievance arose or Kanawha County.

Matters Excluded From the Grievance Procedure

The following are not legitimate grievance matters:

1. when authority to act is not vested with the employer;
2. relating to public employee retirement; and
3. relating to public employees insurance.

Expedited Grievance Procedure

A grievance involving suspension without pay, demotion, dismissal, or loss of wages may be filed at Level 2. An employee may file a grievance directly to the Education and State Employees Grievance board for a Level 4 hearing within 10 working days of the

SECTION VI. - DISCIPLINARY AND GRIEVANCE PROCEDURES

effective date of the following action:

1. suspension exceeding 20 working days;
2. demotion for cause (with prejudice); and
3. dismissals.

Time Limits

If a decision is not rendered at any level within the prescribed time limits, the grievant may appeal to the next level of the grievance procedure. Time frames at Levels 1 and 2 may be extended by the written mutual agreement of the parties.

The grievant may prevail by default if a grievance evaluator required to respond to a grievance at any level fails to make a required response in the time limits required, unless the evaluator was prevented from doing so directly as a result of sickness, injury, excusable neglect, unavoidable cause, or fraud. The grievant is required to serve written notice of the default claim to the State Superintendent.

SECTION VII. - SEPARATIONS

Resignation

Retirement

Reduction in Force

Dismissal

Death

SECTION VII. - 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 terminated from a limited term appointment, (5) transfers from one state agency to another, (6) is dismissed, or (7) dies.

All personnel who leave the employment of the Department must complete the separation form. Completion of the separation form clears the employee of all assigned Department property including credit cards, ID cards, door keys, etc. The employee and immediate supervisor sign the form and forward it to the personnel office. Failure to receive clearance of Department property results in a delay in processing the employee's final paycheck.

Contact the Public Insurance Agency and the Teachers Retirement System 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 State Superintendent of Schools with copies to the immediate supervisor, Superintendent of Institutional Education Programs, and the Office of Human Resources. Employees who resign are entitled to payment for accrued annual leave. Although entitled to a refund of contributions to the Retirement Fund, it may be advantageous for an employee to leave retirement contributions invested to assure future retirement benefits, otherwise, all credited service is forfeited on withdrawal. Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees who resign may also elect to continue medical coverage for themselves and eligible dependents at their own expense for up to eighteen months from the date coverage would have terminated. This 18-month maximum period may be extended to 29 months for COBRA beneficiaries who were disabled on the date insurance coverage terminates.

Resigning/retiring employees of the Department may be asked to participate in an exit interview.

SECTION VII. - SEPARATIONS

Retirement

Employees who elect to retire through the Teachers Retirement System are entitled to be paid for all accrued annual leave. Employees may, however, elect not to receive payment for accrued annual leave and may apply this balance as well as any accrued sick leave balance toward extended insurance coverage or to acquire additional credited service in the retirement system.

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 cards to continue coverage which also authorizes the premium cost, which is the full responsibility of the retiree, to be deducted from the pension annuity.

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 of Education to reduce the number of employees in any or all of the Institutional Education Programs. Employees may be reduced by the State Board at any time. Whenever it is necessary to reduce the number of professional or associate staff, 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 Board 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 State Board 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 employee 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 employees 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

SECTION VII. - SEPARATIONS

full-time professional or those returning from leaves of absence with greater seniority are qualified, apply for and accept such a position. The Department 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 associate staff 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 associate staff members 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 associate staff members 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 State Employees Grievance Procedure 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 Public Employee's Insurance Agency 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 Consolidate Omnibus Budget Reconciliation Act (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.

SECTION VII. - SEPARATIONS

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 services is forfeited on withdrawal of the contributions. Laid-off employees may wish to consider leaving their retirement contributions invested with the fund to ensure future retirement benefits.

Dismissal

Employees who are dismissed have the right to file a grievance with the Education and State Employees Grievance Board through the expedited grievance procedure. Dismissed employees are entitled to be paid for all accrued annual leave; 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

When an employee dies leaving a balance of accrued annual leave, this balance is paid in a lump sum to the estate of the deceased employee. Annuity benefits may be available through the Public Employees Retirement System to a surviving spouse or eligible dependents. Contact the retirement system for details.

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (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.

David Stewart
State Superintendent of Schools
West Virginia Department of Education