

**CHAPTER 3 (Revised 01/07/92), (Revised 12/13/94), (Revised 1/10/95),
(Revised 5/27/04), (Revised 07/27/04), (Revised 02/27/07)
(Revised 04/22/08)**

3.1.2 Employment and Working Conditions

It shall be the honest endeavor of the Marshall County Board of Education, the administrative staff, certificated and non-certificated personnel to make every effort to strive to continue the improvement of the employment practices and to improve working conditions in the system.

Part-time Employment During School Term

The Board of Education has increased salaries as rapidly as possible hoping to give instructional personnel sufficient financial security to prevent their needing to seek additional income during the school term. Since teaching is most exhausting and involves spending additional time for preparation and study, it requires the major portion of the time of teachers if they are to perform their duties well and also protect their health. Therefore, the Board of Education recommends that instructional personnel not seek additional employment during the school term, but those who do find it necessary to supplement their teaching salary accept only limited, part-time employment.

3.1.2.1 Contracted Status

3.1.2.1.1 Terms

The terms of a teacher's employment shall be specified in a contract made between the teacher and the Marshall County Board of Education. Revocation of a teaching certificate annuls a contract. Statutory requirements, rules and regulations of the State Board of Education and of the Marshall County Board of Education shall be considered a part of the contract.

The contract only assures employment as a teacher within the county, but not in a particular school or a particular position.

3.1.2.1.2 Termination

Contract may be terminated by mutual consent of the Board and the employee, by dismissal, or upon expiration of probationary employment. See Section 3.1.2.7.

3.1.2.1.3 Emergency Teachers

Emergency teachers are subject to replacement if a qualified teacher is available for and will accept the emergency teacher's position.

3.1.2.2 Beginning Educator Internship and Monitoring (Adopted 1/7/92)

An inductee is defined by the following: A beginning teacher to whom a professional teaching certificate is awarded after the first of January, 1992; a special education teacher on permit; any professional educator who is on a new assignment; or an experienced teacher in first new assignment.

The major goal of the Teacher Induction Program is to assist inductees in developing self-confidence, pride, and commitment to the school system and the profession. The outcome of this process will be the development of an individual who can successfully bear the responsibility for instructing, motivating, and challenging students.

3.1.2.2.1 Procedure (Adopted 01/07/92)

During their first three years as teachers in the Marshall County School System, inductees shall be provided a three-year developmental program that includes orientation, mentoring, staff development, peer observation, and evaluation.

Year One ·Orientation (county, school, community)

- Inductee handbook
- Implementation of mentor program
- Observation by and conferencing with mentor and/or other personnel
- Meeting with support team
- Peer observation by inductees
- Evaluation of inductee by the principal according to state guidelines

Year Two

- Continued implementation of the mentor program
- Observation by and conferencing with mentor and/or other personnel
- Meeting with support team
- Peer observation by inductees
- Evaluation of inductee by the principal according to state guidelines
- Seminars

- Year Three**
- Continued implementation of the mentor program
 - Selective observation by and conferencing with the support personnel
 - Meeting with the support team
 - Peer observation by inductee
 - Evaluation of inductee by principal according to state guidelines
 - Seminars

3.1.2.2.2 Staff Responsibility (Revised 12/13/94)

The initial orientation session will be provided by the superintendent and the staff. It shall consist of a welcome message from the superintendent and an overview of our county school system.

Other staff members will provide information about the Marshall County School System according to the area of responsibility of the presenter.

It shall be the responsibility of the school principal and an assigned master teacher to provide a comprehensive orientation to the methods of operation of the school to which the new employee is assigned. The principal, master teacher or new teacher may request a special meeting to discuss any concern when it may be deemed appropriate. Further, the master teacher shall be available for a day by day contact with the new teacher and shall attempt to assure that the apprehensions and fears of the new teacher are discussed and resolved.

The principal, master teacher and the new teacher will consult one another to assure that any needed self-improvement program is carried forward by the new teacher.

3.1.2.3 Compensation

All salaries will be paid according to the most recent action of the Board of Education pertaining to salaries.

3.1.2.4 Tenure of Employment

The State of West Virginia has made it mandatory that all new teachers or other certified instructional personnel be employed on probationary contracts and that no permanent tenure contract be granted until said employee shall have held and executed three probationary contracts, each of which was

granted for a one school year period. Then, tenure is only for employment, not position.

Tenure contracts shall be awarded to professional personnel who meet the above requirements, hold a professional certificate based upon a bachelor's degree, and are recommended by the superintendent.

Effective June 8, 1984, W.Va. Code §18A-2-2 was amended to provide "that a teacher holding continuing contract status with one county shall be granted continuing contract status with any other county upon completion of one year of acceptable employment if such employment is during the next succeeding school year or immediately following an approved leave of absence extending no more than one year.

3.1.2.5 Reemployment

Before reemployment by probationary or continuing contract, each teacher must have received a recommendation of approval from the principal, and/or an assistant superintendent, and/or superintendent.

All such reemployment is contingent upon the superintendent's recommendation.

3.1.2.6 Dismissal (Revised 12/13/94)

Notwithstanding any other provisions of law, a board may suspend or dismiss any person in its employment at any time for: immorality, incompetence, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge. A charge of unsatisfactory performance shall not be made except as a result of an employee performance evaluation. The charges shall be stated in writing served upon the employee within two days of presentation of said charges to the board. The employee so affected shall be given an opportunity, within five days of receiving such written notice, to request, in writing, a level four hearing and appeals pursuant to West Virginia Code 18-29-1 as amended, except that dismissal for conviction of a felony or guilty plea or plea of nolo contendere to a felony charge is not by itself a grievable dismissal. An employee charged with the commission of a felony may be reassigned duties which do not involve interaction with pupils pending final disposition of the charges. (See West Virginia Code 18A-2-8)

3.1.2.7 Resignations

All resignations shall be tendered to the superintendent in writing and should include the reason(s) for resigning.

Written resignation should be received by the first Monday of April for termination at the close of the school year. The contract may be terminated at any time by mutual consent of the school board and the teacher.

Any classroom teacher who gives written notice to the county board of education on or before the first day of February of the school year of their retirement from employment with the board at the conclusion of the school year shall be paid five hundred dollars from the "Early Notification of Retirement." W.Va. Code 18A-2-2.

All resignations are subject to acceptance or rejection by the Board of Education upon the recommendation of the superintendent.

3.1.2.8 Substitute Employee Assignment Procedure (Revised 12/13/94), (Revised 1/10/95), (Revised 07/27/04) (Revised 02/27/07)

1. Substitute Employees will be called and assigned by the Substitute Employee Management System as defined by the Office of Personnel.
2. Service personnel substitutes will be called from approved substitute lists on a rotating basis according to their service category and the length of their service time until each substitute on the list has had an opportunity to perform similar duties.
3. West Virginia Code 18A-4-8b states in part "All professional personnel whose seniority with the county board is insufficient to allow their retention by the county board during a reduction in work force shall be placed upon a preferred recall list".

From a list of substitutes approved by the Board, teacher substitutes will be called in this order:

- a) Employee whose name appears on the preferred recall list and who is certified in the field of the absent teacher
- b) Other substitute certified in the field of the absent

teacher

- c) Employee whose name appears on the preferred recall list and who is certified in a closely related field to that of absent teacher (e.g. math-science), etc.
 - d) Other substitute certified in a closely related field to that of absent teacher
 - e) Employee whose name appears on the preferred recall list and who is certified outside the field of the absent teacher
 - f) Other substitute certified outside the field of the absent teacher
4. Dissatisfaction with a substitute shall be reported in writing, stating reasons on forms created for evaluation purposes. The report for substitutes will be sent to the office of personnel. The office of personnel will alert the employee of the negative evaluation with the instructions to report back to the principal of the school for instructions on improving future performance. The substitute employee will be notified that repeated negative evaluations will result in their removal from the substitute calling list.

3.1.2.8.1 Obligation of Substitute Personnel

A substitute, in signing a contract with the Marshall County Board of Education, is agreeing to substitute whenever he/she is needed. To assure continuity of service for our students, it will be the duty of the substitute to accept all substitute assignments. If a service substitute refuses or does not respond to five (5) consecutive calls (calls on the same day will be considered one call), this shall constitute grounds for termination of their substitute contract by the Marshall County Board of Education following written notice to the substitute employee by the Office of Personnel. Exceptions to this rule may be granted by the Superintendent based on approved medical reasons and/or extenuating circumstances when provided proper documentation by the substitute employee.

3.1.2.8.2. Duties of Substitute Employees

- a) Arrive at the assignment promptly at the designated time.

- b) Go directly to the Principal's office for instructions.
- c) Follow instructions as provided at the specific location, noting any safety rules/regulations that apply to the assignment.
- d) Carry out the regular employee's duties as closely as possible, unless otherwise instructed.
- e) Leave a written report for the regular employee giving any pertinent information concerning duties performed as a substitute.
- f) Check with the school office prior to leaving the building.

3.1.2.8.3 Evaluations of Substitute Employees

- Professional substitutes shall be evaluated in accordance with West Virginia Code 18A-2-12 by the principal after serving ten (10) or more days in a position. When serving less than ten (10) days, a professional substitute shall be evaluated through classroom teacher checklists and informal observation of the principal.
- Service personnel shall be evaluated utilizing the Marshall County service personnel evaluation system by the principal and/or supervisor.
- Any written evaluation is placed in the substitute's personnel file and a copy provided for the substitute. Unsatisfactory evaluations shall be grounds for removal from the substitute list by the Marshall County Board of Education following written notice to the substitute by the Superintendent.

3.1.2.8.4 Substitute Employee Payroll Information

- Substitute employees will be paid according to the Marshall County Board of Education Salary Program.
- Substitutes are paid on the 5th and the 20th of each month, the same as regular employees. When payday falls on Saturday or Sunday, checks are issued on the Friday before. The pay for substitutes is always a minimum of two weeks

behind. For example, work done between the 5th and the 20th of September would be paid for on the 5th of October. Cut off dates for pay periods vary.

- A substitute shall receive no pay for any day not actually worked, such as Outside School Environment Days and paid holidays granted to regular employees.
- A substitute teacher is not entitled to pay for additional students above the class size limits as defined by 18-5-18a.
- Substitutes are not entitled to personal leave days or seniority, except as defined in West Virginia Code 18A-4-7a and 18a-4-8g. Regular employee seniority gained for prior service as a service personnel substitute may not be used in the bidding process for regular positions unless the employee again attains regular employee status or has attained preferred recall status. WV Code 18a-4-8g.
- Substitute payroll deductions
 1. Social Security
 2. State and Federal Income Taxes.

3.1.2.9 Faculty Senates (Revised 12/13/94) (Revised 05/27/04)

A local school faculty senate shall be established in every Marshall County School. The faculty senate shall have a two-hour block of time scheduled for the opening of school prior to the beginning of the instructional term, but within the employment term, and a two-hour block of time on each instructional support and enhancement day. Emergency meetings may also be held at the call of the chair or a majority of the voting members. A quorum of more than one-half of the voting members of the faculty shall be present at any meeting of the faculty senate at which official business is conducted. Agendas must be developed for each meeting and must be available to each member at least two employment days in advance of the meetings.

The faculty senates will be comprised of all full-time professional personnel in each school. Those professional educators assigned to more than one school should be considered to be a member of the faculty senate of their choice. Unless specific arrangements are made with the principals of the schools to which the individual is assigned, he/she will be considered a faculty senate member at the school which is considered his/her home base.

Each faculty senate shall:

Control funds allocated to the school from legislative appropriations from which each teacher, counselor and librarian is to be allocated a minimum of \$50 annually for the purchase of academic materials, supplies or equipment;

Submit a report in writing to the State Board of Education if the majority of the senate members determine that the evaluation procedures at their school were not conducted in accordance with state code;

Elect annually three faculty representatives to the school improvement council;

Have the opportunity to make recommendations on the selection of faculty to serve as mentors for the beginning teacher internship program;

Develop a strategic plan to manage the integration of special needs student into the regular classroom and submit the plan to the superintendent. The faculty senate shall encourage the participation of local school improvement councils, parents and the community in developing the plan.

Each strategic plan shall include at least;

1. Mission statement
2. Goals
3. Needs
4. Objectives and activities to implement plans relating to each goal
5. Guidelines for placing additional staff into integrated classrooms to meet the needs of exceptional students
6. Guidelines for implementation of collaborative planning and instruction
7. Training for all regular classroom teachers who serve students with exceptional needs in integrated classrooms.

Each faculty senate may:

Establish a process for faculty members to interview prospective professional educators and paraprofessionals and to make recommendations regarding employment;

Nominate teacher and other personnel at the school, including

parents, for appropriate recognition; and

Recommend to the principal the master schedule curriculum for the school year;

Recommend to the principal the assignment of secretaries, clerks, aides and para-professionals;

Establish a process for the review and comment on sabbatical leave requests submitted by employees pursuant to state code;

Nominate a member for election to the county staff development council;

Solicit, accept, and expend grants, gifts, bequests, donations, and other funds;

Officers shall be elected from the membership annually. These offices should be those of chairperson, vice-chairperson, and secretary/ treasurer. Officers shall be elected at a meeting convened by the principal each year within the employment term, but prior to the instructional term.

General duties of the chair shall be to preside at meetings, appoint such committees as may be desirable to study and submit recommendations to the full faculty senate, and to call emergency meetings of the faculty senate as warranted. The vice chair shall preside at meetings when the chair is absent. The secretary/treasurer shall prepare the minutes of the meeting and handle other communications of the faculty senate. This officer shall have the duty of maintaining a record of all funds received and expended by the faculty senate, which record shall be kept in the school office and shall be subject to normal auditing procedures. Any funds obtained by faculty senates through grants, gifts, bequests, donations and other local efforts should be deposited into the school's bank account and accounted for as a separate fund, similar to the funds of other school organizations.

For legislatively derived funds, the county shall receive such, and shall disburse the funds to each school based on \$200 per Teacher, Counselor and Librarian at the school. These funds shall be budgeted according to the directions of the respective faculty senates. Faculty Senates are to follow The Individual School Accounting Manual.

Recommendations of any faculty senate requiring approval of the county board and/or the county superintendent or his/her designee should be tendered by the school principal. Recommendations approved or remanded from the county level should be given the school principal.

Reference: WV Code 18-5A-5