

# West Virginia State University Board of Governors

## West Virginia State University

### BOG Policy # 64

#### **Title: Designation/Status of Employees**

#### **Section 1. General**

- 1.1. Scope: The purpose of this policy is to define the status of West Virginia State University employees as either Faculty or Staff.

Prior to legislation enacted by the Legislature in spring 2017 via HB2542, amendments to West Virginia Code §18B, regular employees in public higher education institutions in West Virginia held one of three designations or statuses: Faculty, Classified Staff or Non-Classified Staff. While the recent legislation had no impact on faculty status, it did serve to broaden the definition of non-classified status, resulting in changes to both classified and non-classified status. In response to those changes, this policy establishes that henceforth all non-faculty positions will be in non-classified status and referred to as Staff.

- 1.2. Authority: West Virginia Code §18B Section 9A-2; West Virginia Higher Education Policy Commission Title 133, Series 9

- 1.3. Adopted: September 6, 2018

- 1.4. Effective:

#### **Section 2. Designations/Statuses**

##### **2.1 Student Employee**

An employee enrolled at the institution as a student and whose primary purpose for being at the institution is to obtain an education. The employee category of “student employee” is for students who work at the institution in jobs or positions that are solely available to students enrolled at the institution, as opposed to the general public. When the student worker is no longer enrolled he/she is no longer eligible to work in the student worker position. A student employee is not eligible for benefits and is not covered by the West Virginia Higher Education Compensation Management Program. A student employee must be paid at least minimum wage in accordance with federal and state wage/hour laws. A student employee is not permitted to file a grievance under West Virginia Code §6C-2.

##### **2.2 Faculty Positions (Faculty Status)**

Faculty employees are appointed at the discretion of the institutional president or designee to support the academic mission of the institution, via teaching, research, public service, and or academic administration (WV HEPC Title 133, Series 9.). A full time faculty member is an employee appointed to render full time academic service for a full academic year under a

nine-month minimum appointment for at least six (6) semester credit hours teaching per semester or the equivalent in teaching, research, public service, and/or administrative responsibilities. Faculty are not considered as non-classified staff nor subject to the West Virginia Higher Education Compensation Management Program.

### 2.3 Staff

“Non-classified employee” means a non-faculty regular employee of the University who meets one or more of the following criteria:

- Holds a direct policy-making position at the department or organization level including but not limited to executive, administrative, college, school and academic support departments;
- Reports directly to the president or designated/acting chief executive officer of the University;
- Is in an information technology-related position as outlined by title, working title or job description;
- Is hired after July 1, 2017, and meets the duties test for exempt status under the provisions of the Fair Labor Standards Act at the time of hire or anytime thereafter; or was in a non-classified position as of January 1, 2017; and/or
- Is designated by the President or designee to be critical to the accomplishment of the mission of the university.

West Virginia State University considers all positions critical to the accomplishment of the mission of the institution. Therefore, all staff positions are non-classified as critical and may fall under another non-classified criterion as well. Non-classified employees, even those that serve as at-will employees, are subject to the West Virginia Higher Education Compensation Management Program and eligible for benefits.

While critical to daily operations, a non-classified employee may or may not be deemed essential for operational or service purposes. An essential employee is required to report for duty in emergencies or other special situations as identified by the President or his/her designee. Supervisors are required to notify employees annually or as circumstances change if they or their positions are identified as essential.

### 2.4 At-Will Employees

This status includes full-time and part-time administrative officers, deans (faculty members may serve in administrative roles, with the administrative portion of their duties being at-will), heads of major divisions or departments, information technology-related staff and nonacademic staff officers and/or administrators.

The inclusion OR exclusion of a specific position or employee within this category is determined by the President or her/his designee, based on the level of duties and responsibilities assigned to the position and consistent with the provisions of applicable policies and WV Code §18-B-9A2. Such appointments, so determined, are considered “at-will employment” and, as such, serve at the discretion of the President. At-will employees are subject to the West Virginia Higher Education Compensation Management Program and eligible for benefits.

## 2.5 All Other Employees (Staff)

All regular full-time and part-time positions not covered in the definitions of “at-will” above shall be included in this category. Employees in this category are primarily engaged in nonteaching support and service activities of the University. Such employees are subject to progressive discipline as outlined in BOG policy 19.