

# **WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS**

## **West Virginia State University**

### **BOG Policy #19**

#### **Title: Personnel Administration**

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

1.1 Scope: Policy is hereby established in a number of areas related to personnel administration for classified and non-classified employees of West Virginia State.

1.2 Authority: West Virginia Codes §18B-1-6, §18B-1 B-4 and §18B-9-4.

1.3 Effective Date:

#### **Section 2. Definitions**

2.1 This section defines the different types of employment at West Virginia State with the accompanying status under the classification program, and for eligibility for benefits.

2.1.1 Full-Time Regular Employee (FTR). Any employee in a classified position created to last a minimum of nine months of a twelve month period and in which such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than 0.53 FTE. Such an employee is covered under the classification program set out by this policy and is eligible for all applicable benefits of a full-time regular classified employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE. Length of service as a full-time regular employee with the State of West Virginia shall be credited toward initial placement on the salary schedule enacted by the Legislature or adopted by the governing boards.

2.1.2 Part-Time Regular Employee (PTR). An employee in a position created to last less than 1,040 hours during a twelve-month period where such position is anticipated to be funded year after year. An employee in a PTR position is not eligible for benefits, but is covered under the

classification program. In case of an administrative error in which an employee works 1,040 hours or more during a twelve-month period, a change in status does not automatically occur to full-time regular status, and the employee's employment shall cease immediately. An employee shall be notified if an official administrative change of his/her position from part-time regular to full-time regular status occurs. Change of status may only occur through formal, written action of the institution and not through administrative error that permits the employee to work more than 1,040 hours during a twelve-month period.

2.1.3 Temporary Employee. An employee hired into a classified position expected to last fewer than nine months of a twelve month period and less than 1,040 hours. The position shall have a specified end date. A temporary employee is not eligible for benefits, but is covered by the classification program. In case of an administrative error in which an employee works 1,040 hours or more during a twelve-month period, a change in status does not automatically occur to full-time regular status, and the employee's employment shall cease immediately. An employee shall be notified if an official administrative change of his/her position from part-time regular to full-time regular status occurs. Change of status may only occur through formal, written action of the institution and not through administrative error that permits the employee to work more than 1,040 hours during a twelve-month period.

2.1.4 Casual Employee. A casual employee position is a position created to meet specific operational needs at an institution for no more than 225 hours in a 12-month period. Individuals in a casual employee position are not eligible for benefits and are not covered by the classification program. A casual employee must be paid at least minimum wage in accordance with federal and state wage/hour laws.

2.1.5 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. A student employee is not eligible for benefits and is not covered by the classification 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 §18-29.

2.1.6 Full-Time Faculty. Employment as a faculty member for a full academic year (minimum of a nine-month contract basis) 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 classified employees or subject to the classification program.

A classified employee teaching outside his/her regular duties shall be given an adjunct faculty appointment.

2.1.7 Non-Classified Employee. An employee designated by the president, who is responsible for policy formation at the department or institutional level or reports directly to the president of the institution, or is in a position considered critical to the institution by the president. Non-classified employees are not subject to the classification program but are eligible for benefits. Non-classified shall not exceed ten percent of the total number of employees at the institution who are eligible for membership in any state retirement system and shall serve at the will and pleasure of the President. An additional ten percent of the total number of employees of that institution may be placed in this category if they are in a position considered critical to the institution by the President.

2.1.8 § Change In Status. The President, or his/her designee, will review and make a final determination as to the status or change in status of any employee under this section. When the President, or his/her designee, determines that a part-time regular employee becomes a full-time regular employee, he/she shall credit that employee's previous service toward any calculation of length of service for purposes of this policy and benefit eligibility based upon a prorated comparison against a 1.00 FTE. Previous length of service as temporary, casual, and student employees shall not be credited toward seniority calculations under other sections of this policy or statute.

2.2 Position. A set of duties and responsibilities performed by a specific employee at a particular institution.

2.3 Job. A collection of duties and responsibilities performed by one or more employees at one or more institutions whose work is substantially of the same nature and which requires the same skill and responsibility level. For jobs occupied by only one employee, the terms "position" and "job" shall be considered the same.

2.4 Job Title. The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of

institutional location, which are substantially the same, and which require substantially the same knowledge, skills and abilities performed under similar working conditions. A classified employee cannot have a job title different from those job titles established by the Job Evaluation Committee. A non-classified employee cannot have a job title utilized in the classification program.

2.5 Position Information Questionnaire (PIQ). The system-wide document developed by the Job Evaluation Committee which describes the duties and responsibilities, minimum knowledge, minimum experience, complexity and problem solving, freedom of action, breadth of responsibility, scope and effect, intrasystems contacts, external contacts, direct supervision exercised, indirect supervision exercised, working conditions, physical coordination, and physical demands of a position in the state system of higher education.

2.6 Generic Job description. A summary of the essential functions of a job, including the general nature of the work performed, a characteristic listing of duties and responsibilities, and the specifications necessary to perform the work. Generic job descriptions shall be prepared for systems-wide and institution-specific titles occupied by more than one employee. For a job occupied by only one employee, the position description becomes the job description.

2.7 Pay Grade. The number assigned to a range of compensation values for a job defined by a series of step values. Positions which occupy the same job title shall be assigned to the same pay grade. Job titles having similar factor levels shall be classified within the same pay grade.

2.8 Promotion. Movement from a position requiring a certain level of skill, effort or authority to a vacant or newly created position assigned to a different job title and higher pay grade requiring a greater degree of skill, effort, or responsibility.

2.9 Interim Upgrade. A significant change in duties and responsibilities of a classified employee which occurs for a specified temporary period.

2.10 Upgrade. A reassignment of the employee's current position to job title assigned a higher pay grade as a result of an expansion in the position's level of duties and responsibilities, misclassification, or a decision made by the Job Evaluation Committee in accordance with the job evaluation process as defined herein.

2.11 Demotion. Movement from a position requiring a certain level of skill, effort and responsibility to a vacant or newly created position assigned to a different job title and lower pay grade requiring a lesser degree of skill, effort or responsibility.

2.12 Downgrade. A reassignment of the employee's current position to a job title assigned to a lower pay grade as a result of a reduction in the position's duties and responsibilities, misclassification, or resulting in a reduction of the paygrade via a decision made by the Job Evaluation committee in accordance with the job evaluation process. A downgrade does not create a new position for purposes of

lateral transfer, posting or demotion. A downgrade is the direct opposite of an upgrade.

2.13 Lateral Transfer. Movement from a position to a vacant or newly created position requiring the same degree of skill, effort or responsibility in the same pay grade within the institution.

2.14 Base salary. The amount of salary paid annually to an employee, excluding any annual increment earned pursuant to West Virginia Code §5-5-2. Total salary is base salary plus any increment earned.

2.15 Benefits. A comprehensive package, which may include health insurance, life insurance, disability insurance, retirement, annual leave, sick leave, holidays, and all other standard benefits offered by the governing board. All plans, programs, benefits, services and other provisions are subject to review and change.

2.16 Base salary adjustment. The amount that a base salary increases within the pay grade to reward performance, which could be merit, to accommodate competitive market conditions.

2.17 Years of Experience. The total number of years employed at state institutions of higher education and other agencies of state government in West Virginia for purposes of determining placement on any salary schedule enacted by the Legislature or adopted by the governing boards. For purposes of determining placement on the classified employee salary schedule, employment for nine months or more shall equal one year of experience, but no classified employee may accrue more than one year of experience during any given fiscal year.

2.18 President. The chief administrative officer of the University.

2.19 Chancellor. The chancellor of the West Virginia Higher Education Policy Commission.

2.20 Salary schedule. A schedule consisting of a series of pay grades, years of service and associated salaries.

2.21 Recall. A situation where an employee laid off under the provisions of West Virginia Code §18B-7-1 is recalled to work at his/her previous institution under the same provisions. The salary for a recalled employee shall be at the appropriate pay grade for the job title and at the appropriate years of service.

2.22 Inter-institutional Employment. An inter-institutional employment occurs when a classified employee accepts a classified position at one of the state college or university institutions where he/she is not currently employed.

2.23 FTE. Full time equivalency is the percentage of time for which a position is established, where a full-time position working 1950 hours per year equals 1.00 FTE. (FTE is calculated by dividing the total number of hours worked per year by

1950). A 20 hour per week employee works 1040 hours per year; therefore is designated as a 0.53 FTE employee.

2.24 Classified Employee. Any full-time regular or part-time regular employee of the institution who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by the appropriate governing board.

2.25 Exempt. Employees not covered by federal and state wage/hour laws for the purposes of overtime compensation.

2.26 Non-Exempt. Employees covered by federal and state wage/hour laws for purposes of overtime compensation.

2.27 Factor. One of the thirteen (13) items used to evaluate jobs. The items are knowledge, experience, complexity and problem solving, freedom of action, breadth of responsibility, scope and effect, intrasystems contacts, external contacts, direct supervision exercised, indirect supervision exercised, working conditions, physical coordination, and physical demands.

2.28 Point factor methodology. A job evaluation method that employs (1) compensable factors, (2) factor degrees numerically scaled, and (3) weights reflecting the relative importance of each factor. Once scaled, degrees and weights are established for each factor, each job is measured against each compensable factor and a total score is calculated for each job. The total points assigned to a job determine the job's relative value and hence its paygrade in the pay structure.

2.29 Job Family. A series of job titles in an occupational area or group.

### **Section 3. Compensation; Pay Calculations**

3.1 Base salary is calculated on a thirty-seven and one-half (37 1/2) hour workweek which equates to 1950 hours in a fifty-two (52) week period.

3.2 Overtime pay for nonexempt employees is calculated at the rate of one and one-half(1 1/2) times the regular hourly rate, which is the total base salary, plus any incremental pay, divided by 1,950 hours. Overtime does not commence until forty (40) hours have actually been worked within one (1) workweek. Regular hourly pay, also known as "straight time," is paid for work time between thirty-seven and one-half(37 1/2) hours and forty (40) hours in a work week.

3.3 Only actual hours worked are included in calculating overtime. Pay which is received for holidays, annual leave, sick leave, or work release time, as authorized by Series 35, is not counted as working hours for purposes of overtime.

3.4 Annual leave, sick leave, years of experience and seniority do not accumulate in any part of a month for which an employee is off the payroll on a leave without pay or during a terminal leave period. A terminal leave period is that time between the employee's last day of work and his/her last day on the payroll.

#### Section 4. Compensatory and Holiday Premium Time off

4.1 Compensatory time off shall be allowed only to the extent authorized by federal and state law.

4.2 When a full-time or part-time classified non-exempt employee is required to work on any designated board or institution holiday, that employee at his/her option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1 1/2) times the number of hours actually worked. The time off must be used within a six-month period following the holiday.

4.3 When an exempt employee is required to work on any designated board or institution holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.

#### Section 5. Workweek

5.1 The workweek is a regularly recurring period of one hundred sixty-eight (168) hours in the form of seven (7) consecutive twenty-four (24) hour periods. It begins at 12:01 a.m. on Sunday and ends at 12 midnight the following Saturday. (The President, or his/her designee, may establish a workweek different from this for an employee or a group of employees provided that record keeping requirements are met as set forth in relevant law.) A work schedule of thirty-seven and one-half (37 1/2) hours will be established within a workweek.

#### Section 6. Notification of Employment and Change in Employment Status

6.1 A classified employee shall receive written notification at the time of initial employment to include: job title, annual salary, employment date, FTE status, Federal Labor Standards Act (FLSA) status and any special terms and conditions of employment. Written notification including the above information shall also be given to a classified employee when any change in employment status occurs such as: promotion, demotion, upgrade, downgrade, lateral transfer, and change in salary.

#### Section 7. Access to Personnel File

7.1 A classified employee may have access to his/her official personnel file maintained by the Human Resources Office during normal business hours. An employee may examine his/her own file and the contents therein with the following exception:

7.1.1 Materials which were gathered with the employee's prior agreement to forfeit his/her right of access, such as some references.

7.2 A representative of the Human Resources Office shall be present with the employee during the review. The date, time and location of each review shall be recorded in the personnel file.

7.3 A copy of any material in the personnel file, except as prohibited by law, policy, regulation or prior agreement shall be provided to an employee upon request. A copy fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. Documents may not be removed from or added to a personnel file by the employee during a review. An employee may petition at any time for either the removal or addition of documents to his/her own personnel file. The Human Resources Office may require that employees schedule an appointment to see the personnel file.

7.4 Any medical information relating to applicants or employees shall be kept in a separate medical file maintained by the Human Resources Office and shall be kept confidential to the extent required by law.

## **Section 8. Changes in Name, Address, Number of Dependents and Related Matters**

8.1 It is the exclusive responsibility of each employee to notify all appropriate persons, agencies and parties when changes in name, address, number of dependents and related matters occur, including emergency information. This must be done in writing and a copy of such notification will be placed in the employee's personnel file.

## **Section 9. Classification Review Request**

9.1 When significant changes occur in the principal duties and responsibilities of a classified position, it is the responsibility of the supervisor to recommend through established procedures that the position be reviewed. Requests for position reviews also may be initiated by an employee through discussion with the immediate supervisor. Within thirty (30) days from the date of request for review of a job, the Human Resources Office shall report to the requestor, in writing, whether the reclassification has been denied or approved. The employee and/or the immediate supervisor must prepare a complete and accurate position information questionnaire (PIQ).

9.1.1 The responsibility for assigning tasks and duties to a position belongs to the supervisor. It is the supervisor's responsibility to document and submit the position information questionnaire to the next level of management who shall be responsible for submitting the PIQ to the Human Resources Office for classification review. The President, or his/her designee, may also initiate action to review positions.

9.2 A position information questionnaire shall exist for every classified position. The most recently approved PIQ on file with the Human Resources Office shall be considered the official PIQ of record. The date of each review shall be recorded on the description.

9.3 The institution, at the time of the annual performance appraisal, shall include as part of that process a statement to be signed by the employee, immediate supervisor and the next level of management indicating that the current PIQ on file is accurate for the position.

9.4 The date of each review shall be recorded on the position information questionnaire by including a new sign-off sheet for the employee, immediate supervisor, management, and the Human Resource Officer.

### **Section 10. Job Evaluation Process**

10.1 The review of individual positions occupying system-wide titles shall be carried out by the President, or his/her designee, provided that the action involves the reclassification or the assignment of the into existing system-wide titles.

10.2 The review of institution-specific job titles, as well as the assignment of positions into existing institution-specific titles, shall be carried out by the President, or his/her designee.

10.3 If the institution initiates an action to establish a job which exists exclusively at another institution, the Human Resources Officer in consultation with the President, or his/her designee, shall submit a request for the use of the title to the Human Resources Office of the institution where the position exists. With approval of the institution to utilize the title, the PIQ for the position at the requesting institution and the data line developed for the position at the requesting institution shall be sent to the job evaluation committee for review and approval. A review shall then be conducted, a determination made, and notification forwarded to the Human Resources Officer.

### **Section 11. Interim Upgrade**

11.1 Interim upgrade pay shall be provided when a classified employee accepts a temporary assignment which shall be for no less than four (4) consecutive weeks and normally no more than twelve (12) months.

11.2 Interim upgrade assignments are to a classification in a higher pay grade.

11.3 When an employee is moved into a classification with a higher pay grade and assumes the entire responsibilities of the position, the employee is to be paid at the new pay grade utilizing the provisions of the upgrade procedures as outlined in the policy. Any salary schedule increase that occurs during the interim assignment will be calculated based on the interim pay grade.

11.4 When interim upgrades are assigned to an employee, a determination as to the appropriate title shall be made by the Human Resources Office utilizing the point factor methodology. Should more than one employee be assigned the duties of a position with a higher pay grade, a determination as to percentage of duties assumed should be made and each employee shall be paid that percentage of the higher pay grade utilizing the upgrade procedures as outlined in this policy.

11.5 At the end of the interim upgrade assignment, the affected employee shall have his/her salary reduced to its original level plus any salary increase which the employee would have received in his/her regular position. Such increases shall be calculated by utilizing the base pay prior to the interim upgrade and applying the appropriate formula.

## **Section 12. Critical Retention**

12.1 The supervisor of an employee in a position identified to be critical to the institutional mission is required to provide a written justification which may include information related to turnover rates, market position, internal and external equity of the position.

12.2 Upon receipt of the justification from the supervisor by the President, or his/her designee, and in consultation with the Human Resource Officer, a determination of the need for critical retention and the amount of the salary adjustment increase shall be made.

12.3 If a critical retention salary adjustment increase is determined to be in order for this position and same title and/or like positions, the institution shall institute the increase, not to exceed the maximum of the pay grade.

12.4 A notice to the employee(s) will be prepared which will include the percentage of the increase, the new salary, benefits, pay back provisions, etc. The supervisor and the President, or his/her designee, will sign the letter.

12.5 The employee will be required to sign a statement indicating that he/she accepts the critical retention adjustment. Once this statement is signed, the increase for critical retention shall be made effective upon receipt of all necessary approvals at all levels.

12.6 Should an employee resign within a twelve (12) consecutive month period of the effective date of the critical retention adjustment, the critical retention increase will be withdrawn and the employee shall be required to pay back to the institution the total difference between the previous salary and the critical retention adjustment. The employee will not be paid at the higher rate during the terminal leave period.

12.7 The institution shall prepare a letter within fifteen (15) working days to the chairperson of the Compensation Review Committee indicating the reasons

for determining that a critical retention increase was provided including market data and Mission information, the amount of the increase, and the effective date. The Compensation Review Committee will review the critical retention increases at the end of each quarter and shall report back to the chairperson of the Compensation Review Committee any concerns or issues which should be referred to the Chancellor. The Chancellor will determine what, if any, action should be taken and shall notify the President.

### **Section 13. Promotion**

13.1 Promotions result from an employee moving from his/her current position to a vacant or newly created position assigned to a different job title and higher pay grade.

13.2 Upon promotion from a position in one pay grade to a different position in a higher pay grade, the employee will receive an increase of five percent (5%) per pay grade based upon the employee's base salary, or the entry rate of the new pay grade, whichever is greater. The new base salary may not exceed the maximum of the new pay grade.

13.3 Should the salary schedule enacted by the Legislature or adopted by the HEPC be fully funded, when a promotion occurs, the incumbent's position shall be assigned to the appropriate higher pay grade at the appropriate years of experience step.

### **Section 14. Upgrade**

14.1 Upgrades result from the process of job evaluation. A new pay grade value shall then be established based on the application of the job evaluation plan and the calculation of a revised total point value for the position. Upon determination of the pay grade, PIQs of other titles having the same pay grade and whose duties, responsibilities and requirements closely match the work of the position as it is now described shall be reviewed. The position shall then be assigned the classification whose grade is consistent with the point value calculated and whose duties and requirements most appropriately characterize the position. An upgrade does not create a new position for the purposes of lateral transfer, posting, or promotion.

14.2 When an employee occupies a position at the time that a position upgrade occurs, the method of calculating the employee's base salary increase is the same as that specified for a promotion. In the absence of funds to support an upgrade, work at the higher level shall not be performed.

### **Section 15. Demotion**

15.1 Upon demotion, the employee's base salary is decreased five percent (5%) per pay grade.

15.2 Should the salary schedule enacted by the Legislature or adopted by the HEPC be fully funded, when a demotion occurs, the incumbent's position shall be assigned to the appropriate lower pay grade at the appropriate years of experience step.

### **Section 16. Downgrade**

16.1 Downgrades result from the process of job evaluation. A new pay grade shall then be established based on the application of the job evaluation plan and the calculation of a revised total point value for the position. Upon determination of the pay grade, the position information questionnaires (PIQs) of the other titles having the same pay grade and whose duties and responsibilities closely match the work of the position as it is now described. The position shall then be assigned the classification whose grade is consistent with the point value calculated and whose duties and responsibilities most appropriately characterize the position. A downgrade does not create a new position for purposes of lateral transfer, posting, or promotion.

16.2 The method of calculating the employee's new base salary after a downgrade is the same as that specified for a demotion.

### **Section 17. Reviews and Appeals**

17.1 Any employee who believes there have been significant changes in the principal duties and responsibilities of his/her position since its last classification review may make a classification review request pursuant to procedures set forth in this policy.

17.2 If the employee disagrees with the finding, he/she may institute a grievance with his/her immediate supervisor.

### **Section 18. Salary Determination After Being Rehired**

18.1 When rehired into a classified staff position, the employee's salary is determined by the Entry Rate consistent with the Paygrade assigned by the Director of Human Resources.

18.1.1 Future raises are determined in a manner consistent with the procedure applied for other classified staff;

18.1.1.1 The "9 = 12" legislative provision to be used for determining years of service for the purposes of placement on the Salary Schedule is applied in a manner consistent with state statute and consonant with other classified staff.

## Section 19. Salary Schedule and Implementation Strategy

19.1 Any classified employee who is assigned into the appropriate pay grade for his/her job title and whose base salary is at least the entry step (i.e., step 0) for that pay grade, shall be deemed to be equitably and uniformly compensated in relation to other classified employees within the pay grade for the purposes of Article 9, Chapter 18B of the state code.

## Section 20. Disciplinary Process

20.1 The institution utilizes a progressive disciplinary procedure under which classified employees are provided with counseling and/or a series of notifications, warnings, or other administrative actions calculated to conform the employee's conduct or performance.

19.2 Normally a classified employee shall be given two written warnings before he/she is suspended or terminated. Such warnings shall include, but are not limited to: the nature of the substandard work, performance, or conduct; remedial steps the employee must take; the date the employee's work, performance, or conduct must be brought back to standard; and notification that failure to bring the work, performance, or conduct back to standard by the specified date may result in further disciplinary action.

19.3 In cases of gross misconduct by an employee, he/she may be suspended or terminated without previous counseling, warnings, or other administrative actions. Gross misconduct is conduct by the employee which presents a danger to persons or property, or to the orderly conduct of the affairs of the institution, or demonstrates willful disregard of the institution's interest or a wanton disregard of standards of behavior which the institution has a right or expect of its employees.

19.4 Classified employees may be suspended without pay or terminated for "just cause," which includes, but is not limited to, the following:

19.4.1 Reporting to work under the influence of alcohol or narcotics or partaking of these substances while at work;

19.4.2 Malicious destruction or theft of property, visitors, patrons or employees;

19.4.3 Wrongful injury to an employee;

19.4.4 Refusal to comply with rules;

19.4.5 Neglect of duty;

19.4.6 Dishonesty;

19.4.7 Sleeping on duty;

19.4.8 Failure to maintain established performance standards;

19.4.9 Habitual absence from work without permission or proper explanation;

19.4.10 Tardiness;

19.4.11 Insubordination;

19.4.12 Inappropriate or unprofessional conduct.

19.5 Prior to any suspension without pay or termination, the employee shall be notified in writing of the intent to suspend or to terminate and be given the opportunity prior to the effective date of the suspension or the termination to rebut the charges against him/her in an informal meeting with the administrator taking the disciplinary action. If the employee's continued presence presents an immediate danger to persons or property, he/she may be suspended or terminated without first being given this written notice of intent. However, if such immediate action is taken, the employee shall be given an opportunity to rebut the charges as soon after the effectiveness of the suspension or termination as possible.

19.6 If an employee believes he/she has been disciplined unjustly, he/she may use the appropriate grievance procedure.