



WEST VIRGINIA STATE UNIVERSITY

Frequently Asked Questions- Board of Governors Policy 64 - Designation/Status of Employees

On September 6, 2018, the West Virginia State University Board of Governors (BOG) approved the BOG Policy 64 - Designation/Status of Employees. The Legislature 2017-HB 2542 repeals and adopted changes to Chapter 18B Higher Education which had implications for West Virginia State University employees, which include classified, non-classified, and faculty. The most sweeping changes impact Classified Staff, including but not limited to hiring (recruitment, selection, and placement), layoff or reduction in force, and classification and compensation. This policy was designed to help address those changes. Given the potential impact of this bill and this policy, Human Resources has compiled a list of frequently asked questions, many of which were submitted after consultation with the Classified Staff Council.

1. WHY WERE THESE CHANGES MADE?

A. These changes were made to create a more inclusive environment on campus. Our hope is that by eliminating the delineation of “classified staff” and just having “staff”, we will be able to bring more people to the table to discuss the important issues surrounding this campus.

2. DOES THIS MEAN THAT WE LOSE ALL OF OUR RIGHTS THAT WE HAD AS CLASSIFIED STAFF?

A. No. The Legislature 2017-HB 2542 eliminates the bumping and recall provisions of the code. HB 2542 also eliminated the stipulation on the number of non-classified employees an institution may have, which consequently, eliminated the classified/non-classified ratio. Additionally, the internal hiring preference for non-exempt classified employees is eliminated; however, WVSU will continue its efforts to recruit and hire the most qualified person for any hiring.

3. WHAT PROTECTIONS STILL REMAIN FOR THE TRADITIONAL CLASSIFIED STAFF?

A. The traditional classified employees are not at-will employees, and this bill does not change that fact. Traditional classified employees will remain State employees and will continue to have all rights associated with the public employees’ grievance procedure. The bill continues the establishment and recognition of the Classified Staff Council, and the right to have a classified employee as a member of the WVSU Board of Governors. The bill has language regarding the use of performance reviews, and WVSU will continue to use the progressive discipline process as appropriate. Furthermore, this bill does not impact any of the protections afforded to employees by various laws such as Title VII of the Civil Rights Act of 1964 (Title VII); Age Discrimination in Employment Act of 1967 (ADEA); Title I of the Americans with Disabilities Act of 1990 (ADA); the West Virginia Human Rights Act, etc.

4. WHAT WILL HAPPEN TO THE CLASSIFIED STAFF



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REPRESENTATIVE POSITION ON THE BOARD OF GOVERNORS?

A. The current Classified Staff Representative will be allowed to serve their remaining term on the BOG. At the conclusion of the term for the Classified Staff Representative, the BOG will then decide if they are going to redefine the position on the board or eliminate the position completely. If the BOG decides to maintain the position on the board, the election for a Staff representative will need to be expanded to reflect the elimination of Classified Staff and the inclusion of all Staff.

5. WILL THE INSTITUTION CONTINUE TO PAY OVERTIME AND COMPENSATORY TIME OFF (CTO)?

A. The rules regarding overtime and CTO are covered by the Fair Labor Standards Act. This policy and the 2017-Legislature HB 2542 does not make any changes to these provisions.

6. WILL THE BILL OR THIS NEW POLICY AFFECT RETIREMENT AND THE TIME WE HAVE ACCRUED? FOR LONG-TERM EMPLOYEES WHO HAVE BANKED SICK LEAVE, WILL WE STILL BE ABLE TO PURCHASE INSURANCE UPON RETIREMENT?

A. Neither HB 2542 or the new policy will impact retirement for current employees. Current employees who are eligible for the sick leave conversion benefit will still be able to use accrued sick leave at retirement.

7. IF THE UNIVERSITY IS ELIMINATING THE CLASSIFIED/NON-CLASSIFIED RATIO, WHAT MEASURES WILL THE INSTITUTION TAKE TO NOT BECOME TOO TOP HEAVY WITH MANAGERS? WE HAVE TOO MANY IN LEADERSHIP/ MANAGER ROLES NOW AND NEED MORE WORKERS.

A. The University has already started the process of reviewing the supervisor hierarchy. In many instances, the restrictive rules of the classification and compensation system made it very difficult to reward and retain high performing workers, and adding leadership responsibilities was the only way to work within that system. The flexibility to manage the classification and compensation system at the institutional level will allow the University to resolve many of the issues created by the restrictive rules of the past.

8. WHAT IS AN ESSENTIAL EMPLOYEE AND HOW WILL I KNOW IF I AM ONE?

A. An essential employee is an employee who performs a function that is essential to the continuation and/or maintenance of operations and may be required to work during an emergency. The University is currently in the process of identifying and notifying essential staff. Once essential staff has been determined, they will be notified by letter.

9. WHAT IS AN AT-WILL EMPLOYEE AND HOW WILL I KNOW IF I AM ONE?

A. An at-will employee is an employee who serves at the will and pleasure of the President and is therefore not subject to progressive discipline. Please remember that



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anyone who was traditionally a classified staff member will not be subject to this provision. The University is currently in the process of identifying and notifying at-will staff. Once at-will staff have been determined, they will be notified by letter.

10. HOW DOES THIS NEW POLICY AFFECT FACULTY?

A. BOG Policy 64 - Designation/Status of Employees, does not have any impact on faculty.

11. NON-CLASSIFIED STAFF RECEIVE TWO (2) DAYS OF ANNUAL LEAVE EACH MONTH, DOES THAT MEAN THAT I WILL RECEIVE THE SAME?

A. Yes. All 1.00 FTE non-classified employees are eligible to receive two (2) days, or fifteen (15) hours, of annual leave each month. In KRONOS, leave for non-classified staff is accrued on the first of the month for leave that was earned during the preceding month. Receiving leave at the beginning of every month is going to be a change for employees that are used to receiving their leave at the beginning of each pay period. In addition, the annual leave maximum carryover amount that an employee is allowed to carry over each year will also change. An employee with less than two years of service will be allowed to carry over 180 hours of annual leave. An employee with two (2) years of service or more will be allowed to carry over 360 hours of annual leave each year.

12. WILL THIS HAVE ANY IMPACT ON OUR SICK LEAVE?

A. No. All 1.00 FTE employees receive 5.2 hours of sick leave per pay period. Sick leave

will continue to accrue at the beginning of each pay period.

13. WHAT IF I'M NOT A 1.00 FTE EMPLOYEE, HOW MANY HOURS WILL I EARN OF LEAVE?

A. Leave accrual is based on FTE. For example, $0.53 \text{ FTE} \times 15 \text{ hours} = 7.95 \text{ hours}$ accrued (annual leave) per month. For sick leave, $0.53 \text{ FTE} \times 5.2 \text{ hours} = 2.76 \text{ hours}$ accrued per pay period.

14. WHEN WILL I NOTICE THE CHANGE IN MY LEAVE ACCRUALS?

A. HR continues to work diligently on this transition. Our goal is that employees will notice the change at the beginning of January 2019.

15. WHO SHOULD I CONTACT IF I HAVE QUESTIONS?

A. Please contact, Justin Cherry, Assistant Vice President of Business and Human Resources at 304-766-3156.