

**EASTERN WEST VIRGINIA COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS
POLICY NO. BP 5.6**

TITLE: HUMAN RESOURCES ADMINISTRATION

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes policy in a number of areas regarding human resources administration for the employees of the Eastern West Virginia Community and Technical College (or “The College”). It also provides guidelines for the governing board relative to decisions pertaining to public higher education employees.

The primary responsibility for implementation rests with the College, which shall provide leadership and assistance to the human resources professionals, president, and board of governors of the organization to implement this policy successfully and to support the human resources function of the organization.

- 1.2 Authority.-- West Virginia Code §§ 18B-7-1, et seq., 18B-8-1, et seq., 18B-9A-1, et seq., and 18B-9B-1, et seq., and the West Virginia Council for Community & Technical College Education’s Legislative Rule entitled *Human Resources Administration*, 135 C.S.R. 55.
- 1.3 Effective Date.– March 18, 2020; REVISED July 23, 2020

SECTION 2. PURPOSE

- 2.1 The intent of this policy is to establish a human resources program applicable to public higher education capable of, but not limited to, meeting or assisting The College’s Board of Governors (BOG) in the following objectives:
- 2.1.1 Implementing contemporary programs and practices to reward and incentivize performance and enhance employee engagement;
 - 2.1.2 Providing benefits to the citizens of the State of West Virginia by supporting the public policy agenda as articulated by College policymakers;
 - 2.1.3 Addressing fiscal responsibility by making the best use of scarce resources and promoting fairness, accountability, credibility, and transparency (FACT) in personnel decision-making;
 - 2.1.4 Providing for job requirements and performance standards for classified staff positions, with annual job performance evaluations for classified staff and provisions for job performance counseling when appropriate;
 - 2.1.5 Building upon human resources best practices to prevent, reduce, or, wherever possible, eliminate arbitrary and capricious decisions affecting employees of the College;

- 2.1.6 Creating stable, self-regulating human resources policies capable of evolving to meet changing needs;
- 2.1.7 Providing for institutional flexibility with meaningful accountability;
- 2.1.8 Adhering to federal and state laws, rules, and regulations related to personnel and human resources;
- 2.1.10 Establishing a human resources strategy which provides monetary and non-monetary returns to employees in exchange for their time, talents, and efforts to meet articulated goals, objectives, and priorities of the College.
- 2.1.11 Maximizing the recruitment, motivation, and retention of highly qualified employees, promoting satisfaction and engagement of employees with their jobs, promoting job performance, and achieving desired results;
- 2.1.13 Implementing contemporary programs and practices to reward and incentivize performance and enhance employee engagement; and
- 2.1.14 Developing and implementing a classification and compensation system that is fair, transparent, understandable, easy to administer, self-regulating, and adaptable to meet future goals and priorities.

SECTION 3. DEFINITIONS

- 3.1 The definitions relevant to this policy are outlined in the attached Appendix A.

SECTION 4. TYPES OF EMPLOYMENT AND BENEFIT ELIGIBILITY

- 4.1 Casual Employee. A casual employee position is a position created to meet business needs for no more than 450 hours in a twelve-month period. Individuals in a casual employee position are not eligible for benefits.
- 4.2. Full-Time Regular Employee. Any employee in a 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 .53 FTE. Such an employee is eligible for all applicable benefits of a full-time regular employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE.
- 4.3. Part-Time Regular Employee. An employee in a position created to last less than 1,040 hours during a twelve-month period. Part-time regular positions typically continue from one fiscal year to another. An employee in a part-time regular position is not eligible for benefits.
- 4.4. Temporary Employee. An employee hired into a position expected to last fewer than nine months of a twelve-month period. Temporary employees may be part-time temporary or full-time temporary. A temporary employee is not eligible for benefits.

- 4.5. Although part-time, casual, temporary, and student employees are not eligible for higher education benefit programs, the College will monitor average hours worked per week to identify situations where eligibility for health insurance is triggered and compliance with the federal Affordable Care Act (ACA) is required. No number of ACA eligible periods of part-time, temporary, casual or student employment shall create any presumption of a right to appointment as a full-time or part time regular employee.
- 4.6. Any employee may elect to enroll and contribute wages to a 403(b) tax deferred retirement savings account. Enrollment is voluntary and 403(b) deferrals are not matched by the employer. Election to defer wages to a retirement savings account shall not create any presumption of a right to appointment as a fulltime or part-time regular employee.

SECTION 5 EMPLOYEE CATEGORIES

- 5.1 Higher education employees are segmented into one of the following categories or classes. Employees in each category may be full-time or part-time or regular or temporary.
 - 5.1.1 Classified Employee. Any regular full-time or regular part-time employee of the College who does not meet the duties test for exempt status under the provisions of the Fair Labor Standards Act and is not otherwise a non-classified employee. Employees who were categorized as Exempt Classified prior to the effective date of this policy will be considered grandfathered-in to Exempt Classified status.
 - 5.1.2 Faculty Employee. Faculty employees are appointed at the discretion of the President or his or her designee to support the academic mission of the College via teaching, research, public service, and/or academic administration. 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.
 - 5.1.3 Non-classified Employee. Non-classified employees, unless otherwise established by action of the governing board, serves at the will and pleasure of the governing board, which authority may be delegated the President by act of the governing board. To be designated as non-classified, the employee must meet one or more of the following criteria:
 - 5.1.3.1 Employee holds a direct policy-making position at the department or College level;
 - 5.1.3.2 Employee reports directly to the President;
 - 5.1.3.3 Employee is in a position considered by the President or his or her designee to be critical to the College pursuant to policies or decisions adopted by a governing board;
 - 5.1.3.4 Employee in an information technology-related position which may be defined by policies or decisions adopted by a governing board;

5.1.3.5 Employee was hired after July 1, 2017 in a position that meets the duties test for exempt status under the provisions of the Fair Labor Standards Act when hired or anytime thereafter; or

5.1.3.6 An employee in a non-classified position as of January 1, 2017 who may not meet criteria listed in subsections 5.1.3.1. through 5.1.3.5. of this rule.

5.1.4 Student Employee. An employee enrolled at the College as a student and whose primary purpose for being at the College is to obtain an education. The employee category of “student employee” is for students who work at the College in jobs or positions that are solely available to students enrolled at the College, 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.

SECTION 6. PART-TIME AND TEMPORARY EMPLOYEES

6.1 The College will not hire part-time employees solely to avoid the payment of benefits or in lieu of full-time employees and shall provide all classified employees with less than twelve-month appointments with the opportunity to accept part-time or full-time summer employment before new persons are hired for the part-time or full-time employment, provided the classified employee meets the established position qualifications.

6.2 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. Determination of status or change in status means assignment to, or change in the type of employment or the category to which an employee is assigned.

6.3 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 rule 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 any governing rule or statute.

SECTION 7. WORK WEEK

7.1 The standard workweek is thirty-seven and one-half hours. 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 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday.

SECTION 8 WORK SCHEDULES

8.1. The College maintains and periodically reviews its work schedule policy, with the advice and assistance of the Institutional Effectiveness Team and other groups representing classified employees, which: addresses any College procedures concerning the use of flexible work schedules, job sharing, and four-day work weeks; discourages temporary, non-emergency changes in an employee’s work schedule; and provides a mechanism for

changes in, and notification of, changes in work schedules. This policy also provides that, where possible, the College shall provide the employee with reasonable notice of such changes. Please see AR-5.13 Employment Innovation and Flex Work Schedule

SECTION 9 PAY CALCULATIONS

- 9.1 Base salary is calculated on a thirty-seven and one-half (37½) hour workweek.
- 9.2 When base salary increases are calculated and rounding is involved, the policy is to round up to the nearest even dollar amount.
- 9.3 Overtime pay for non-exempt employees is calculated at the rate of one and one-half (1½) 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 the employee has actually worked forty (40) hours within one (1) workweek. Regular hourly pay, also known as "straight time," is paid for work time between thirty-seven and one-half (37½) hours and forty (40) hours in a work week.
- 9.4 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 the Council's Procedural Rule entitled *Employee Leave*, Title 135, Series 38, is not counted as working hours for purposes of overtime.
- 9.5 Annual leave, sick leave, and longevity do not accumulate in any part of a month for which an employee is off the payroll on 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. Longevity continues to accrue for employees absent from work and off the payroll when the absence is due to a work related illness or injury covered by workers compensation, or is due to military service in accordance with applicable federal law.

SECTION 10 HOLIDAY PREMIUM TIME OFF

- 10.1 When a full-time or part-time classified non-exempt employee is required to work on any designated College 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 (1½) times the number of hours actually worked. The time off must be used within a six-month period following the holiday.
- 10.2 When an exempt employee is required to work on any designated College holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.

SECTION 11 COMPENSATORY and OVERTIME PROVISIONS

- 11.1 Compensatory time off shall be allowed only to the extent authorized by federal and state law. Before an employee can work any overtime, the employee must receive authorization for such work from his or her supervisor. In the rare instances where overtime is approved for exempt employees, the employee's supervisor must also obtain authorization from the department head and the President.

- 11.1.a. Managers and supervisors shall make every effort to give advance notice to all affected employees when overtime work is necessary.
- 11.1.b. Any employee who refuses or is unwilling to work overtime when specifically directed to do so by his or her supervisor may be subject to disciplinary action.
- 11.2 At the discretion of the department head, the College may offer non-exempt employees compensatory time off in lieu of overtime pay. All hours worked beyond 37½ hours and up to and including 40 hours are calculated at the employee's regular hourly rate. Pay for time worked beyond 40 hours in a work week are to be calculated at a rate of one and one-half (1½) times the regular hourly rate. The method of compensation for overtime pay shall be determined by the department head and the employee before the employee works the additional hours necessitating such pay.
- 11.3. If the department head agrees to compensatory time off in lieu of overtime pay, the department head and the employee shall enter into a written agreement governing the same before the performance of the work, which records the amount of hours worked and the circumstances necessitating the work. The written agreement may be modified at the request of either the employee or employer at any time but under no circumstances shall a change in the agreement deny the employee compensatory time already acquired.
- 11.5. Employees may accumulate up to two hundred forty (240) hours of compensatory time and shall be paid for all hours worked above the maximum accrual.
- 11.6. Employees in public safety, seasonal work, and/or emergency response categories may accumulate up to four hundred eighty (480) hours and shall be paid for all hours worked above the maximum accrual.
- 11.7. Compensatory time must be used within one year of accrual. Approval of an employee's request to use accrued compensatory time shall be contingent upon whether it will unduly disrupt the operation of the institutional unit.
- 11.8. Should an individual's employment be terminated, any unused compensatory time shall be reimbursed as follows:
 - 11.8.1 The average regular rate received by such employee during the first three years of the employee's employment; or,
 - 11.8.2 The final regular rate received by such employee, whichever is higher.
- 11.9 An employee may not work overtime unless approved in advance per institutional policy.

SECTION 12 Posting of Vacant or New Positions.

- 12.1 The College maintains and periodically reviews its policy for posting of vacant or new positions. Please see AR-5.17 Classification, Recruitment, and Selection of Employees.

SECTION 13 Probationary Period.

- 13.1 Full-time regular non-faculty employees shall serve a six-month probationary period beginning at the original date of employment. The probationary period in no way guarantees continued employment; the institution reserves the right to terminate employment during the probationary period at discretion of the President.
- 13.2 Once a six-month probationary period has been completed, the employee shall receive a written evaluation of her/his performance and shall be informed as to whether her/his employment will continue beyond the probationary period. As with all positions, continued employment is based on adequate funding, satisfactory performance, and adherence to College policies and the applicable law and rules of the Council for Community & Technical College Education.

SECTION 14 ACCESS TO PERSONNEL FILES

- 14.1 The College maintains and periodically reviews its policy for access to personnel files. Please see AR-5.7 Access to Personnel Files.

SECTION 15 CHANGES IN NAME, ADDRESS, NUMBER of DEPENDENTS, and RELATED MATTERS

- 15.1 It is the exclusive responsibility of each employee to notify all appropriate parties, including, but not limited to, the College's Human Resources office when record changes occur, including emergency information.

SECTION 16 EMPLOYEE PERFORMANCE EVALUATIONS AND MERIT INCREASES

- 16.1 The College shall conduct regular performance evaluations of non-classified, classified, and faculty employees. Each employee shall receive an evaluation of his or her job related performance on an annual basis. The College shall maintain evidence of employee participation in the evaluation process.
- 16.2 The College has developed a consistent, objective performance evaluation system and evaluation instrument(s), which shall be used by each department at the College.
- 16.3 The College shall train supervisors in the best practices of conducting employee performance evaluations.
- 16.4 Supervisors who fail to conduct evaluations of those employees who report to them may be subject to disciplinary action.
- 16.5 The College may grant merit increases or implement pay for performance programs which are in accordance with state law and the West Virginia Higher Education Compensation Management Program Salary Administration Guidelines.

SECTION 17 CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

- 17.1 The Human Resources Department shall, as requested by departments, assist with:

- 17.1.1 Analyzing and determining training needs of department employees and formulating and developing plans, procedures, and programs to meet specific training needs and problems.
- 17.1.2 Developing, constructing, maintaining, and revising training manuals and training aids or supervising development of these materials by outside suppliers.
- 17.1.3 Planning, conducting, and coordinating management inventories, appraisals, placement, counseling, and training.
- 17.1.4 Coordinating participation by all employees in training programs developed internally or provided by outside contractors.
- 17.1.5 Administering and analyzing an annual training and development needs survey. The survey may coincide with the completion of the annual performance review process.
- 17.3. Funds allocated or made available for employee continuing education and development may be used to compensate and pay expenses for employees pursuing additional academic study or training to better equip them for their duties.

SECTION 18 CLASSIFICATION REVIEW REQUEST OF EXISTING POSITION

- 18.1 An incumbent employee or the employee’s supervisor may request a classification review when significant changes occur in the principal duties and responsibilities of a position.
- 18.2 Classification review requests are not to be submitted based on a desire for a salary increase, to reward for job performance, seniority, equity, future tasks, additional duties of the same nature and level of the job held or because an employee’s pay is at or near the pay range maximum.
- 18.3 To initiate the classification review request, the employee and supervisor must complete the Position Description Form (PDF) and a formal Request for Classification Review Form. Both must be submitted to the Human Resources Office. The Request for Classification Review Form must include the date and detailed reasons for such request.
- 18.4 The responsibility for assigning tasks and duties to a position belongs to the supervisor.
- 18.5 Requests for position reviews also may be initiated by an employee with Human Resources after discussion with the immediate supervisor. The position review will determine whether or not an employee’s current pay grade is appropriate for her/his job duties.
- 18.6 The College’s Human Resources Officer or his/her designee may initiate classification reviews after discussion with the appropriate immediate supervisor, in order to ensure that all positions at the College are classified correctly in accordance with applicable rules and policies.

- 18.7 Within forty-five (45) working days from the date of the formal request for review of a job, the College's Human Resources Officer or his/her designee shall report to the requestor in writing the result of the classification review.
- 18.8 If the College fails to complete a review within the specified time, it shall provide the employee back pay from the date the request for review was received until a final determination is made, if the review, when completed, produces a reclassification of the position into a job in a higher pay grade.

SECTION 19 CLASSIFICATION APPEALS PROCESS

- 19.1. In the event that a classified employee disagrees with a classification decision made at the College level, he/she may appeal that decision in writing to the Council's Vice Chancellor for Human Resources for review by the Job Classification Committee (JCC). Filing a classification appeal, however, shall not abridge the rights of a classified employee to file a formal grievance using the statutory grievance process as set forth in West Virginia Code § 6C-2-1 *et seq.*; provided, that upon the simultaneous filing of a statutory grievance and a classification appeal to the Vice Chancellor for Human Resources by a classified employee, a request may be made, in writing, by the classified employee to hold the grievance in abeyance until the review by the JCC is completed and a classification decision is rendered by the JCC.
- 19.2. The Classification Appeal Process and timelines are outlined in the West Virginia Higher Education Compensation Management Program "Job Classification Guidelines" approved by the Council.
- 19.3. Time limits.
 - 19.3.1 The classified employee shall submit a completed "Classification Appeals Form" to the College's Human Resources office within ten (10) working days from the date of receipt of the notice of the College's classification decision.
 - 19.3.2 The College's Human Resources staff shall render a decision on the appeal within five (5) working days, determining whether the original decision shall be upheld.
 - 19.3.2 The classified employee shall have five (5) working days from the date of receipt of the notice upholding the original decision of the organization to appeal the action to the Vice Chancellor for Human Resources for submission to the JCC.
- 19.4. Upon receipt of the classified employee's appeal of the College's decision, the Vice Chancellor for Human Resources shall forward the appeal to the JCC.
 - 19.4.1 The JCC shall review the Classification Appeals Form, the original PDF, and all supporting documentation submitted by a classified employee to the Human Resources Office.
 - 19.4.2 The JCC may review comparable positions within the organizations.

19.4.3 The JCC shall notify the classified employee and the organization's Human Resources Office of its decision in writing, within twenty (20) working days from the date of receipt of the appeal to the Vice Chancellor for Human Resources. The notification shall specify the effective date should there be any change in status.



BOARD OF GOVERNORS, CHAIR

10-26-2020
DATE

Appendix A

EASTERN WEST VIRGINIA COMMUNITY & TECHNICAL COLLEGE BOARD OF GOVERNORS POLICY NO. BP 5.XX

Definitions

General Definitions.

Definitions in this section are applicable to higher education generally and terms and conditions of employment.

Benefits. Programs that an employer uses to supplement the cash compensation of employees, including but not limited to, health and welfare plans, retirement plans, pay for time not worked (i.e. sick leave, annual leave, holiday pay, etc.) and other employee perquisites.

Chancellor. Chancellor refers to the chief executive officer of the West Virginia Council for Community and Technical College Education.

Compensatory Time and Compensatory Time Off. Hours during which the employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation and for which the employee is compensated at the employee's regular rate of pay.

Exempt Employees. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.

Full-Time Equivalency (FTE). The percentage of time for which a position is established, with a full-time position working 1,950 hours per year being 1.00 FTE.

Health and Welfare Benefit Plan. An arrangement which provides any of the following benefits: medical, dental, visual, psychiatric or long-term health care, life insurance, accidental death or dismemberment benefits, disability benefits, or comparable benefits.

Incumbent. An incumbent is an individual person in a position employed at an institution.

Longevity. The total number of years employed at state institutions of higher education and other agencies of state government in West Virginia.

Non-Exempt Employee. An employee who is covered by the Fair Labor Standards Act (FLSA) and is entitled to overtime as outlined in federal and state law.

President. A chief executive officer of an institution of higher education in West Virginia who reports to the institution's governing board. This term shall be used in this rule to refer to the President of Eastern West Virginia Community and Technical College

Seniority. The total number of months or years employed with Eastern Community & Technical College.

Job Documentation Classification and Compensation.

Definitions in this section are applicable to job documentation, classification and compensation management.

Base salary. The amount or a rate of compensation for a specified position of employment or activity excluding annual experience increment and any other payments or allowances for work or activity unrelated to that specified position of employment.

Benchmark Job. A job that is commonly found and defined, used to make pay comparisons to comparable jobs outside the organization.

Career Ladder. A structured sequence of related, upwardly progressing positions.

Classification System. An organized structure in which jobs, job descriptions, job titles, and job analyses are utilized to determine a hierarchy of jobs, career ladders, and pay grade assignments.

Compensation. Earnings provided by an employer to an employee for services rendered.

Compensation Strategy. The principles that guide the design, implementation and administration of a compensation program at an organization for the purpose of supporting the organization's mission, vision, goals and objectives.

Increment. Annual payment to employees based on years of West Virginia state government work experience and earned pursuant to West Virginia Code § 5-5-2.

Job. The total collection of tasks, duties, and responsibilities assigned to one or more individuals whose work is of the same nature and level.

Job Class / Pay Grade. The level to which a job is assigned within a salary structure.

Job Evaluation. A formal process used to evaluate jobs, establish proper pay grades, and slot jobs in pay grades.

Job Classification Committee. A Committee of employee and human resources representatives established by West Virginia Code tasked with evaluating classification appeals and other changes to classified jobs.

Job Description. (Used interchangeably with the phrases institution job description, position job description, incumbent job description): A summary of the essential functions of a job at a particular institution, including the general nature and level of the work performed, a characteristic listing of duties and responsibilities, and the knowledge, skills and abilities necessary to perform the work. Best practices in human resources management support maintaining a current job description for all jobs in the organization, regardless of the employee category assigned to the position incumbent.

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 location in the organization, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.

Mid-Point. Midpoint is the middle of a pay range; the midpoint typically aligns to the market value for the job. See “Range Midpoint”

Merit Increases. A discretionary salary increase given to an employee to reward demonstrated achievements in the performance of the duties and responsibilities of a position, as evaluated by criteria established by the organization.

Pay Grade. See Job Class/Pay Grade.

Position. A set of duties and responsibilities requiring employment of a single employee at a particular organization.

Position Description Form/Job Description Form (PDF/JDF). A tool used to collect a broad range of job information used in the creation and classification of a new or changed position. A position description form is not required for every employee or job. Formerly referred to as a position information questionnaire.

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

Salary Structure/Pay Structure/Salary Schedule. A graphical structure consisting of a series of pay grades and range of pay available for each grade.