

WV Higher Education Policy Commission
Higher Education Statutory Human Resources (HR) Mandates
Bruce Walker, General Counsel
(October 2010 – (Does NOT Include SB 330 Mandates))

1. 18-23-4a. Deduct 6% from salary for retirement plan. Match at least that 6%.
2. 18B-1-1d. Obtain approval of Legislative Joint Committee on Pensions and Retirement before adopting any voluntary retirement and separation incentives.
3. 18B-2A-4(b)(2)(B). Include goals for personnel needs in institutional master plans.
4. 18B-2A-4(b)(2)(C). Document involvement of constituency groups in development of institutional master plan.
5. 18B-2A-4(i). Use faculty and staff in institutional planning and decision making when those groups affected.
6. 18B-2A-4(j). Administer a system for the management of personnel at institutional level.
7. 18B-2A-4(k). Administer the grievance procedure at institutional level.
8. 18B-2A-4(v). Administer a consistent method of conducting personnel transactions.
9. 18B-6-2. Reimburse expenses of members of Advisory Council of Faculty.
10. 18B-6-2. Commission and Council to annually meet with Advisory Council of Faculty.
11. 18B-6-3. Institutional president and governing board to periodically meet with faculty senate.
12. 18B-6-5. Commission and Council to annually meet with Advisory Council of Classified Employees.
13. 18B-6-5. Reimburse expenses of members of Advisory Council of Classified Employees.
14. 18B-6-5. Institutional president and governing board to periodically meet with institutional classified employee council.
15. 18B-7-1. Utilize seniority in layoffs.
16. 18B-7-1. Maintain recall list for classified staff laid off and notify all employees maintaining active listing on list, by certified mail, of all position openings.
17. 18B-7-1. Transfer or promote qualified nonexempt employees into nonexempt opening before hiring external candidate.
18. 18B-7-2. Adopt uniform plan for granting of faculty sabbatical leaves.
19. 18B-7-4. Give notice of non-retention to probationary faculty by March 1.
20. 18B-7-4. If requested, give reasons for non-retention by certified mail, within 10 days.
21. 18B-7-5. Each governing board to adopt policies which encourage continuing education and staff development.
22. 18B-7-6. Each governing board to establish policy regarding the role of adjunct faculty.
23. 18B-7-6. Each governing board to establish policy regarding the role of part-time classified employees. Policy to discourage hiring of part-time employees solely to avoid payment of benefits. Policy to provide classified employees with 9 or 10 month contracts opportunity to accept summer employment before others are hired.

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24. 18B-7-7. Each governing board to have policy making faculty and administrators 10% more productive than those in similar institutions in other states.
25. 18B-7-8. All administrators with faculty rank to teach at least one course each 18 months or perform research.
26. 18B-7-9. Each governing board to establish policies discouraging temporary, non-emergency changes in work schedules; maintains reasonable continuity in schedules; encourages feasible and innovative ways to utilize classified employees—such as flex time, job-sharing, and 4 day weeks.
27. 18B-7-11. Comp time to only be granted pursuant to written agreement by both parties prior to the work performed. Public safety, emergency or seasonal workers may accrue up to 480 hours. All others accrue up to 240. Comp time must be used within 1 year of accrual.
28. 18B-8-3 and 3a. Each institution to have faculty salary policy.
29. 18B-8-3. Faculty to receive 10% raise upon promotion.
30. 18B-8-6. Faculty employment greater than 9 months must be by written agreement.
31. 18B-9-2. 10% of employees eligible for state retirement system may be non-classified if responsible for policy formation or report directly to the president or are considered critical to institution. Additional 10% may be non-classified if deemed critical. Approval of placement on non-classified list to be made by governing board.
32. 18B-9-2a. Doctoral institutions may have additional 5% of classified employees.
33. 18B-9-3. Classified employees must be paid at least the minimum for their years of service and paygrade on the old salary schedule for July 1, 2000.
34. 18B-9-4. Any classified salary increases shall be in accordance with the uniform classification system and salary policy adopted by governing board. Salary policy to detail salary goals and process to achieve progress toward full funding of salary schedule.
35. 18B-9-4. Classified employee may not receive salary in excess of their paygrade and years of experience unless every employee at institution receives at least minimum on salary schedule.
36. 18B-9-5. Merit increases for classified employees only to be granted pursuant to rule adopted by governing board and approved by Chancellor.
37. 18B-9-7. President or designee developing personnel recommendations for inclusion in annual report to governing board to meet and confer with classified employee who may be affected or has requested change in job title.
38. 18B-9-8. Every full-time classified employee to be assigned to proper placement on salary schedule.
39. 18B-9-9. Classified employee must agree in writing to additional duties beyond those listed in job description. Agreement to be submitted to governing board and deemed approval if nonapproval not received with 10 days.
40. 18B-9-10. Institutions to adopt or abide by catastrophic leave rules.
41. 18B-9-12. Full-time classified employees to serve 6 month probationary period and receive evaluation at end of period.

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Series 4

1. Notice of proposed rulemaking by governing board to be given to employee groups and posted on website. Comment period of at least 30 days must be given.

Series 5

1. Presidential evaluation team to solicit employee comments during presidential evaluations.

Series 8

1. 2.1.1. Full-time classified employees are those in positions expected to last a minimum of 9 month in a 12 month period and work at least 1,040 hours.
2. 2.1.1. Length of service as full-time employee with State credited toward placement on salary schedule.
3. 2.1.3. Temporary employees are those hired into position expected to last fewer than 9 months and are not eligible for benefits but covered by classification system.
4. 2.1.4. Casual employees allowed for no more 225 hours ion a 12 month period. No benefits and no classification.
5. 2.1.6. For faculty to be full-time they must teach at least 6 hours a semester or the equivalent in other activities.
6. 2.1.7. Nonclassified serve at will and pleasure of President.
7. 2.1.8. President or designee to review and make final determination in change of status.
8. 2.9. Interim promotion or upgrade shall normally be from 4 consecutive weeks to 12 consecutive months.
9. 2.23. 1950 hours represents 1.0 FTE
10. 3.1. Compensation Review Committee appointed by Chancellor to annually review salary schedule and make recommendations for changes.
11. 4.1. Base salary calculated on 37.5 week.
12. 4.2. Base salary increases rounded to nearest dollar amount.
13. 4.3. Overtime for non-exempt is 1 ½ of regular hourly rate and does not commence until after 40 hours. Time between 37.5 and 40 is straight time.
14. 4.4. Only actual hours worked included in calculating overtime.
15. 4.5. Leave does not accrue during terminal leave period.
16. 5.2. Nonexempt employees working on holidays get regular pay plus substitute time off or 1 ½ additional pay for hours worked. Time off must be used within 6 months.
17. 5.3. Exempt employees working on holidays get time off on an hour for hour basis.
18. 7.1. Classified appointment letter to be completed at time of employment.
19. 8. Employees may have access to personnel file. May request copies and a fee can be charged. Employee may petition for removal or addition of documents to personnel file.

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20. 10.1. Supervisor to recommend classification review request when significant changes occur in duties of position. Employee may also request review. HR to deny or approve reclassification within 30 days of request. Supervisor to prepare position description form or have employee do so.
21. 10.2. Position description form to exist for every classified position. It shall be reviewed at least every three years by supervisor and/or President's designee.
22. 11.1. Review and slotting into system-wide titles carried out by president's designee.
23. 11.2. Institution specific titles handled by president's designee.
24. 11.3. If institution wants to use job title used exclusively at another institution it must receive approval of chancellor's designee.
25. 11.5. Oversight of classification program vested in Job Evaluation Committee appointed by chancellors.
26. 11.6. JEC to convene at least quarterly and review institutional compliance.
27. 11.6.1. If the JEC discovers systematic misapplication of the classification program it shall notify the chancellors whom shall take appropriate action.
28. 11.6.1. If the chancellors find an employee misclassified they shall order the misclassification to be adjusted.
29. 12.1. Entry rate for those hired after July 1, 2005 shall not be below the entry rate established in 18B-9-3.
30. 13.2. Upon promotion a classified employee is to receive a salary increase of 5% per paygrade rounded to the next highest step, or the entry rate, whichever is greater.
31. 13.2. Under adverse recruiting an employee may be given an increase equal to the maximum for the paygrade.
32. 14.1. A new paygrade shall be established by HR for a position when determination made significantly greater level of skill, effort and responsibility exists. An upgrade increases salary by same method as promotions.
33. 15.2. Upon demotion employees salary is decreased by 5% per paygrade rounded to nearest step.
34. 16.1. Downgrades may occur if HR determines significantly lower level of skill, effort and responsibility exists.

Series 9

1. 10.3. Faculty tenure track status normally not to exceed 7 years.
2. 10.6. Notice of non-retention for ensuing year to be mailed by certified mail by March 1.
3. 11.1. All faculty to receive yearly written evaluations.
4. 11.2. Faculty evaluation procedures to be adopted at each institution and filed with chancellor.
5. 12.1. Faculty to only be dismissed for the causes set out in this section.
6. 12.3. Prior to giving faculty member written dismissal notice the institution shall notify faculty of intent, reasons and effective date of dismissal and

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faculty member shall have opportunity to meet with institutional designee and refute.

7. 13.1.1. Institutional policy for terminations because of a program reduction to be developed in collaboration with faculty, approved by governing board, and reported to Commission or Council before implementation.
8. 14.1. Policies for termination of faculty because of financial exigency to be developed in collaboration with faculty, approved by governing board, and reported to Commission or Council before implementation.
9. 17.2. Faculty letters of appointment to state:
 - a. Appointment offered on accordance with what applicable policy
 - b. Type of appointment
 - c. Rank
 - d. Whether full-time or part-time
 - e. Whether it is terminal
 - f. If it is a joint appointment
 - g. Beginning and ending dates
 - h. If tenure track, the critical year
 - i. Total salary
 - j. Employment subject to fulfilling duties
 - k. Specific assignments decided by the institution
 - l. Special conditions included only if signed by both parties
 - m. Notice of when faculty member must sign and return appointment.

Series 38

1. 2.1. Employees working 1,950 hours or more in a 12 month period accrue full leave, between 1,040 and 1,950 hours receive pro rate leave, those under 1,040 receive no leave.
2. 2.2. Only faculty members on 12 month appointments accrue leave.
3. 2.5. Length of service for accrual purposes includes experience with state institutions of higher education and other state agencies. 9 month appointments shall be credited for 1 year of service.
4. 2.7. Up to 15 days of annual leave may be transferred by a new employee from another institution or agency.
5. 2.8. An employee may transfer all accumulated sick leave from another institution or agency if they provide written verification with 1 year.
6. 2.11. Each institution to keep on file a leave record for each employee.
7. 3.1. Full time nonclassified and 12 month faculty accrue 2.00 days per month annual leave. Leave does not apply for other faculty.
8. 3.2. Classified employees accrue annual leave the following;
 - a. 0-5 years service 1.25 days a month
 - b. 5-10 years 1.5 days
 - c. 10-15 years 1.75 days
 - d. 15 or more years 2.0 days
9. 3.3. Employees working 1040 to 1950 hours accrue on pro rata basis

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10. 3.4. Employees may accrue up to a years worth of accrued leave and with approval of president or designee accrue twice that amount
11. 3.5. Employees must be paid for accrued leave at termination.
12. 4.3. In case of death, employee annual leave will be paid to estate.
13. 5.1. Full-time employees accumulate 1.5 days of sick leave a month.
14. 5.2. Sick leave accumulated without limit.
15. 5.3. Sick leave may be used when employee is ill or injured or death occurs in immediate family.
16. 5.4. Sick leave may be used to care for an ill immediate family member. Immediate family defined.
17. 5.5. Sick leave for more than 5 consecutive days not to be granted without satisfactory proof of illness or injury
18. 5.10. Employees who resign in good standing and are reemployed within 1 year will have all sick leave reinstated. After 1 year only 30 days reinstated.
19. 6.1. Employee requesting medical leave of absence without pay must supply president or designee with satisfactory evidence and president or designee may only grant leave for the period of disability specified by physician.
20. 6.3. Medical leave of absence without pay cannot be granted for more than 12 months. Extension may be applied for.
21. 7.1. Full time employees may request up to 12 weeks of parental leave after annual leave is exhausted.
22. 7.6. During parental leave employee may retain insurance if they pay full premium amount.
23. 8. Catastrophic leave procedures to be established
24. 9.1. Employee may be granted personal leave of absence without pay for up to 12 moths by president or designee
25. 10. An employee receives military leave consistent with state code
26. 11.1. Special emergency leave without pay may be granted for up to 5 days in any 12 month period
27. 12. Employees subpoenaed or on jury duty shall not be charged leave
28. 13.3. During declared emergencies, employees required to work shall be compensated pursuant to Series 8. Those not working will not be charged leave.

Series 39

1. 3.1. Institutions not to hire part-time employees solely to avoid payment of benefits or in lieu of full-time employees. Shall provide all 9 and 10 month classified employee opportunity for summer employment before others hired. Temporary employees only to be hired for less than 9 months.
2. 4.1. Each institution to have a policy addressing flexible work schedules, job sharing, four day work weeks; discouraging temporary, non-emergency changes in work schedules, and providing a mechanism for changes in work schedules. Policy to provide, where possible, employees given 15 days notice of schedule changes

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3. 5.1. Nonexempt employees meeting minimums for nonexempt job opening to be given position before external candidate.
4. 5.2. If more than one candidate for nonexempt opening is qualified then most qualified is selected. If equally qualified must senior receives position.
5. 6.1. Classified employees to serve 6 month probationary period.
6. 6.2. Probationary employees to receive 3 month and 6 month evaluation
7. 7. Compensatory time off provisions as set out in code
8. 8.1. Institutions shall have policies for internal and external posting of classified positions
9. 8.2. Posting shall not apply to casual or temporary positions

Series 40

1. Each institution to develop equal opportunity/affirmative action plans

