

**AGENDA**  
**West Virginia State University Board of Governors**  
**Policy Review Special Committee**  
**Erickson Alumni Center, Grand Hall**  
**June 14, 2018**  
**8:30 a.m. – 9:00 a.m.**

1. Call to Order and Roll Call –Chair Paul Konstanty, presiding
2. Verification of Appropriate Notice of Public Meeting Action 2
3. Review and Approval of Meeting Agenda Action 1
4. Review and Approval of Minutes of Previous Meeting Action 3
5. Review, Discussion, and Recommendations
  - 5.1 Update on Proposed Policy on Furlough
  - 5.2 Update on Draft Policy in Accordance with HB 2542
  - 5.3 Proposed BOG Policy on Designation/Status of Employees Action 5
6. Next Meeting Date – *VDC*
7. Adjournment

**West Virginia State University Board of Governors**  
***Policy Review Special Committee***

**Date/Time:** 6/14/2018 -- 8:30 AM

**Location:**

Erickson Alumni Center, Grand Hall  
Institute, WV

**Purpose:** To conduct the meeting of the committee in preparation for the Board meeting.

**Notes:**

This is a compliant meeting.

**Meeting was approved : 5/29/2018 9:55:17 AM**

**West Virginia State University Board of Governors  
Policy Review Special Committee  
Erickson Alumni Center, Grand Hall  
Minutes  
May 11, 2018**

**1. Call to Order and Roll Call**

Mr. Konstanty called the meeting of the West Virginia State University Board of Governors Policy Review Special Committee to order at 8:32 a.m.

**Present:** Mr. Buchanan, Mr. Konstanty, Mr. Lipscomb, Mr. Swingle, and Dr. Vaughan. Several members of the faculty, staff, and administration were also present.

**2. Verification of Appropriate Notice of Public Meeting**

Mr. Konstanty verified the Appropriate Notice of Public Meeting

**3. Review and Approval of Agenda**

Mr. Swingle motioned for approval of the agenda as presented. Mr. Lipscomb seconded the motion, and the motion carried.

**4. Review and Approval of Minutes of Previous Meeting**

Mr. Swingle motioned for approval of the minutes of the April 6, 2018 meeting. Mr. Buchanan seconded the motion, and the motion carried.

**5. Review, Discussion and Recommendations**

5.1 Mr. Konstanty stated that during the last meeting, the Committee moved to table the proposed furlough policy for a number of reasons. He said that with the Committee receiving no further direction since that time, he was unsure how the Committee wanted to proceed with the policy and opened the floor for discussion. Mr. Melvin Jones said there were no changes made to the draft policy after review by outside counsel. Mr. Konstanty said it was his understanding that the intent of the policy is to allow the University to furlough employees for a brief period. One of consistent comments has been about whether 30 days would have an economic impact that would be beneficial. Mr. Jones stated that, after facing a potential government shutdown, the idea was to have a policy in place to address such a financial emergency to help the University meet payroll. Mr. Konstanty said the way the policy was presented did not make that intention clear. Mr. Swingle reminded that in previous reviews, there were many complications that were discussed that would have to be addressed. Mr. Konstanty stated that if the intent of the policy is to give financial constraints caused by failure of the state to pass a budget then that should be stated in the policy. It was noted that it should also be clear in the policy that it would affect all employees. Through further discussion, it was the will of the Committee to ask Mr. Jones and his respective staff to revise the policy, ideally for review before the June meeting. Mr. Jones responded that he would work with his team and attempt to have a revised draft for the Committee to review prior to its June meeting. Mr. Konstanty asked Mr. Jones to work with the President's Office to get in contact with the attorney who reviewed the policy, if he felt that would be needed.

5.2 Mr. Konstanty asked Mr. Jones to provide an overview on the briefing on House Bill 2542 that was included in the Board materials. Mr. Jones said the bill allows intuitions flexibility to keep the delineation of classified staff or not. He said the University is recommending not keeping the delineation. He said that currently non-classified staff earn a higher accrual of annual leave than classified staff. The removal of the delineation would result in an increase of accrual for all staff. The increment would not have a large financial impact, as employees cannot carry over more than 40 days of annual leave. He said the University is also requesting that the classified staff representative on the Board become a staff representative and all staff would participate in the next election. In addition, there would be BOG policies that speak specifically to classified staff that would be moot. Mr. Konstanty stated that any impacted policies would have to be repealed or revised to remove reference to classified staff. Mr. Buchanan noted that a meeting was held with classified staff to discuss these recommendations. Mr. Konstanty commented that there was a proposed policy listed as an action item on the full Board agenda, but it had not been shared with the Committee. Chair Williams said he drafted the workforce policy, using the Concord policy as an example. He explained that language in the policy is meant to protect senior employees if there were layoffs. He further stated that time was a factor, which was why he did not put the proposed policy before the Committee, and that if the full Board approved the draft policy it could then be distributed for the required comment periods. Mr. Konstanty requested that, in the event of absence of action on the proposed workforce policy by the full Board today, the administration honor the request of the Committee that a policy be drafted that includes recommendations relating to all staff and faculty and bring the policy before the Committee for the June meeting. In addition, he noted that BOG Policy #1 on policies clearly outlines that timeframe for creating or amending policies, and he did not understand the suggestion that there was not enough time to bring the proposed workforce policy to the Committee. Chair Williams responded that his term as chair ends on June 30, and he wanted the policy to move forward prior to that time. Mr. Konstanty said the Committee could continue working to move the draft policy forward in accordance to the process for policies.

**6. Next Meeting Date**

June 14, 2018

**7. Adjournment**

With there being no further business, the meeting adjourned at 9:06 a.m.

Submitted by,

Crystal Walker  
Executive Assistant to the President  
Campus Events Coordinator

# WEST VIRGINIA STATE UNIVERSITY BOARD OF GOVERNORS

## West Virginia State University

### BOG Policy # / /

#### 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 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:

- 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 §18-29

##### 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 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.

DRAFT