

AGENDA
West Virginia State University Board of Governors
Policy Review Special Committee
Erickson Alumni Center, Weisberg Lounge
Thursday, September 6, 2018
8:00 a.m. – 8:30 a.m.

- | | | | |
|----|-------------------------------------------------------------------------------------------------------------|--------|---|
| 1. | Call to Order and Roll Call | | |
| 2. | Election of Committee Chair | Action | |
| 3. | Election of Presiding Officer in Absence of Committee Chair | Action | |
| 4. | Verification of Appropriate Notice of Public Meeting | Action | 2 |
| 5. | Review and Approval of Meeting Agenda | Action | 1 |
| 6. | Review and Approval of Minutes of Previous Meeting | Action | 3 |
| 7. | Review, Discussion and Recommendations | | |
| | a. Review and Discussion of Any Comments Received on Proposed BOG Policy on Designation/Status of Employees | | |
| | b. Recommendation to the Full Board on Proposed BOG Policy on Designation/Status of Employees | Action | 6 |
| 8. | Next Meeting – <i>TBD</i> | | |
| 9. | Adjournment | | |

Agenda prepared by – Crystal Walker, Executive Assistant to the President and Campus Events Coordinator, Committee Clerk, August 29, 2018

West Virginia State University
Board of Govenors Special Comittee on Policy Review

Date/Time: 9/6/2018 -- 8:00 AM

Location:

Erickson Alumni Center, Weisberg Lounge
West Virginia State University

Purpose: To conduct the business of the Board Committee

Notes:

This is a compliant meeting.

Meeting was approved : 8/29/2018 8:11:09 AM

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

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 8:31 a.m.

Present: Mr. Buchanan, Mr. Kelley, Mr. Konstanty, Mr. Lipscomb, 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

Dr. Vaughan 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. Konstanty called for a motion to approve the minutes of the May 11, 2018 meeting. Mr. Lipscomb so moved and Mr. Buchanan seconded the motion. 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 asked Justin Cherry and Melvin Jones to provide an update on the proposed policy on furlough. Mr. Cherry said Mr. Jones and himself spoke with outside counsel, as requested by the Committee and full Board, about the proposed policies on furlough and reduction in workforce. It was counsel's recommendation that the first goal be to move forward with the recommendation to remove the delineation of classified staff and then combine furlough and reduction in workforce into one policy. Mr. Konstanty asked if the same recommendation would apply to the draft policy in accordance with House Bill 2542 that is later on the agenda and Mr. Cherry affirmed it was.

5.2 This update was addressed in the previous agenda item.

5.3 Mr. Konstanty referred to the proposed BOG Policy on Designation/Status of Employees that was included in the meeting materials. He asked for the minutes to reflect that the administration did a fine job drafting the policy that deals directly with House Bill 2542. Mr. Buchanan asked if there would still be exempt and non-exempt employees and Mr. Jones said there would be. Mr. Konstanty asked if there is a summary of what other policies are being impacted by House Bill 2542. Mr. Cherry provided an overview on the administration's recommendations for policies that would need revised or suspended.

BOG Policy #2 Salary Policy – This policy will need to be temporarily suspended until we can change it to reflect the new Classification and Compensation Program that was developed by HEPC. The revised policy will need to address the method of bringing employees up to their new minimum salaries after they were assigned to their new pay grade.

BOG Policy #4 Seniority as Related to Reduction in Work Force – This policy will need to be temporarily suspended until the Board decides how they would like the University to proceed. The attorney, Joseph Leonoro, has suggested that we include the Furlough policy in this section as well.

BOG Policy #11 Balance of Part-Time/Full-time Classified Employees – This policy will need to be temporarily suspended. Ultimately, this policy should be removed because this stipulation is no longer required in HB 2542. In addition, WVSU will no longer have Classified Staff.

BOG Policy #12 Classified Employees – This policy will need to be temporarily suspended. Ultimately, this policy should be removed because it is no longer required in HB 2542. In addition, WVSU will no longer have Classified Staff. Some information discussed in this current policy is also redundant to what is included in the proposed BOG Policy #19.

BOG Policy #18 Employee Leave – This policy will need to be revised to remove the sections that discuss classified employees. May want to combine with Policy # 49 Employees' Catastrophic Leave.

BOG Policy #19 Personnel Administration – This policy will need to be temporarily suspended because it discusses procedures related to the Mercer system. Please see the attached modified version.

BOG Policy #35 Performance Review for Non-Classified Employees – This policy just needs to be revised due to the antiquated tool that is associated with it.

BOG Policy #45 Work-Scheduling Innovations – This policy can be removed because the same information is discussed in the modified version of BOG Policy #19.

BOG Policy #46 Merit Increases for Classified Staff – This policy will need to be temporarily suspended due to their not being a Classified Staff. The University, with the Board's approval, should develop their own policy and procedure surrounding merit increases for Staff.

BOG Policy #47 Staff Development – This policy is specifically geared toward Classified Staff but WV Code §18B-7-6 states that it is required by each institution no matter what the category is.

BOG Policy #49 Employees' Catastrophic Leave – May be able to combine with BOG Policy #18 Employee Leave once it is revised.

Mr. Konstanty said, based on merit increase and salary with regard to BOG Policy #2, a plan would need to be developed to clearly communicate how employees will continue to be paid and that benefits will not be disrupted while the policy is suspended for administrative clean-up work. He also agreed that there should only be one leave policy. He asked what the pleasure of the Committee was. Mr. Kelley asked if the Committee would see drafts of the revised policies and it was confirmed that they would. Mr. Konstanty said the Committee could recommend to the full Board that the proposed BOG Policy on Designation/Status of Employees be posted for a seven-day intent to draft and subsequent 30-day comment period. The Committee would then likely hold a special meeting in August to review and discuss any comments received. Mr. Konstanty felt that the Board should be the repository of the comments as in the past. He recommended that the committee make the recommendation to distribute the proposed policy and that the Committee be reconstituted for the upcoming fiscal year to continue work on the proposed policy and revision of other policies. Following Committee discussion, Dr. Vaughan moved that the Committee recommend to the full Board that the proposed policy be posted for a seven-day intent to draft and 30-day comment period and that the Committee be reconstituted to work on the proposed policy and revision of other policies. Mr. Kelley seconded the motion, and the motion carried.

6. Next Meeting Date

TBA

7. Adjournment

With there being no further business, the meeting was adjourned at 9:00 a.m.

Submitted by,

Crystal Walker
Executive Assistant to the President
Campus Events Coordinator

**West Virginia State University Board of Governors
Policy Review Special Committee
Proposed BOG Policy on Designation/Status of Employees
September 6, 2018**

I. Purpose

For consideration to recommend approval to the full Board.

II. Background

The proposed policy has been distributed for the required thirty-day comment period, which ended on August 9, 2018.

III. Discussion

The proposed policy is being presented for consideration to recommend approval to the full Board.

IV. Recommendation(s)

Possible recommendation: That the Committee makes a recommendation to the full Board to approve the proposed policy.

V. Appendices (as needed)

N/A

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