

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3A

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE OVERSIGHT COMMISSION ON
EDUCATIONAL ACCOUNTABILITY**

AGENCY: University System of WV Board of Trustees TITLE NUMBER: 128

CITE AUTHORITY: West Virginia Code § 18B-1-6, § 18B-1-8, § 18B-9-4

AMENDMENT TO AN EXISTING RULE: YES XX * NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 62

TITLE OF RULE BEING AMENDED: Personnel Administration

IF NO, SERIES NUMBER OF RULE BEING FILED PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATIONAL ACCOUNTABILITY FOR THEIR REVIEW.

Pamela G. Steelhammer
Signature

*Strike-throughs and underlines are not shown because there were too many changes from the original Rule to show in that manner.

*2.60
25.00 with comments*

**TITLE 128
LEGISLATIVE RULE
UNIVERSITY SYSTEM OF WEST VIRGINIA
BOARD OF TRUSTEES
SERIES 62**

OFFICE OF THE
SECRETARY OF STATE

Nov 14 23 PM '93

FILED

TITLE: PERSONNEL ADMINISTRATION

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes policy in a number of areas regarding personnel administration for the University System of West Virginia employees.
- 1.2 Authority - West Virginia Code §18B-1-6, §18B-1-8, §18B-9-4.
- 1.3 Filing Date -
- 1.4 Effective Date -

SECTION 2. DEFINITIONS

- 2.1 This subsection defines the different types of employment that institutions may use and the status under the classification program and for benefits.
 - 2.1.1 Full-Time Regular Employee (FTR). Any employee in a classified 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 covered under the classification program set out by this rule and is eligible for all applicable benefits of a full-time regular classified employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE. Length of service as a full-time regular employee with the State of West Virginia shall be credited toward initial placement on the salary schedule implemented by this rule.

- 2.1.2 **Part-Time Regular Employee (PTR).** An employee in a position created to last less than 1,040 hours during a twelve-month period. An employee in a PTR position is not eligible for benefits, but is covered under the classification program.
- 2.1.3 **Temporary Employee.** An employee hired into a position expected to last fewer than nine months of a twelve month period regardless of hours worked per week. A temporary employee is not eligible for benefits, but is covered by the classification program.
- 2.1.4 **Casual Employee.** A casual employee position is a position created to meet specific operational needs at an institution for no more than 225 hours in a 12-month period. Individuals in a casual employee position are not eligible for benefits and are not covered by the classification program.
- 2.1.5 **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. A student employee is not eligible for benefits and is not covered by the classification program.
- 2.1.6 **Full-Time Faculty - Employment as a faculty member for a full academic year (at least a nine-month contract basis) 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 classified employees or subject to the classification program.
- 2.1.7 **Non-Classified Employee.** An employee who is responsible for institutional policy formation, reports directly to the president of the institution or other positions designated by the president. Non-classified employees are not subject to the classification program but are eligible for benefits. Non-classified shall not exceed four percent of the total number of employees at the institution who are eligible for membership in any state retirement system.
- 2.1.8 **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 under this subsection. 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 rule or statute.

- 2.2 **Position.** A set of duties and responsibilities performed by a specific employee at a particular institution.
- 2.3 **Job.** A collection of duties and responsibilities performed by one or more employees at one or more institutions whose work is substantially of the same nature and which requires the same skill and responsibility level. For jobs occupied by only one employee, the terms "position" and "job" shall be considered the same.
- 2.4 **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 institutional location, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.
- 2.5 **Position description form.** The document which describes the set of essential and non-essential functions of a position at a particular institution.
- 2.6 **Generic Job description.** A summary of the essential functions of a job, including the general nature of the work performed, a characteristic listing of duties and responsibilities, and the specifications necessary to perform the work. Generic job descriptions shall be prepared for systems-wide and institution-specific titles occupied by more than one employee. For a job occupied by only one employee, the position description becomes the job description.
- 2.7 **Pay Grade.** A range of compensation values for a job defined by a series of step values. Positions which occupy the same job title shall be assigned to the same pay grade. Job titles having similar factor levels, shall be classified within the same pay grade.
- 2.8 **Promotion.** Movement from a position requiring a certain level of skill, effort and authority to a vacant or newly created position assigned to a different job title and higher pay grade requiring a greater degree of skill, effort, and authority.
- 2.9 **Interim Responsibilities.** A significant change in duties and responsibilities of an employee on a temporary basis justifying an interim promotion or

upgrade for salary purposes. Such a temporary reassignment shall normally be for no less than four (4) consecutive weeks and no more than twelve (12) consecutive months and shall only occur when the responsibilities being undertaken by the employee are those of another position that is vacant because of the incumbent's illness or resignation or because of temporary sufficient change in the duties and responsibilities of a filled position. If the temporary reassignment of responsibilities meets the test for a temporary upgrade or promotion under this rule, the affected employee shall have his/her base salary adjusted upwards consistent with a promotion or upgrade under this rule. At the end of the temporary reassignment the affected employee shall have his/her salary reduced to its original level.

- 2.10 Upgrade. An advancement of the employee's current position to a higher pay grade as a result of a significant change in the position's existing duties and responsibilities. When a position is upgraded, the employee does not move to a different position in a higher pay grade. Rather, it is the employee's position that is moved to a higher pay grade because of a significant increase in the position's existing responsibilities, as determined by job evaluation. When an upgrade occurs to an employee occupying a title held by more than one individual, the position's current title shall be changed to a different title in the higher pay grade. When an upgrade occurs to an employee occupying a title exclusively assigned to that position, the current title may or may not be revised depending upon how relevant the current title describes the position.
- 2.11 Demotion. Movement from a position requiring a certain level of skill, effort and responsibility to a vacant or newly created position assigned to a different job title and lower pay grade requiring a significantly lesser degree of skill, effort and responsibility.
- 2.12 Downgrade. A reassignment of the employee's current position to a job title assigned to a lower pay grade as a result of a significant reduction in the existing position's duties and responsibilities. When a position is downgraded, the employee does not move to a different position in a lower pay grade. Rather, it is the employee's position that is moved to a lower pay grade because of a significant decrease in the position's existing responsibilities as determined by job evaluation. When a downgrade occurs to an employee occupying a title held by more than one individual, the position's current title will be changed to a different title in the lower pay grade. When a downgrade occurs to an employee occupying a title exclusively assigned to that position, the current title may or may not be revised depending upon how relevant the current title describes the position.

- 2.13 Transfer. Movement from one position or job title to another position or job title requiring the same degree of skill, effort and authority. Both positions are in the same pay grade.
- 2.14 Base salary. The amount of salary paid annually to an employee, excluding any annual increment earned pursuant to W. Va. Code §18B-9-5 of §5-5-2. Total salary is base salary plus any increment earned.
- 2.15 Base salary adjustment. The amount that a base salary increases within the pay grade to reward performance, to rectify inequities, or to accommodate competitive market conditions.
- 2.16 Longevity. The total number of years employed at state institutions of higher education and other agencies of state government in West Virginia for purposes of determining placement on the salary schedule at time of implementation of the classification program authorized by this rule.
- 2.17 Institution. The following are each considered separate institutions - West Virginia University, Potomac State College of West Virginia University, West Virginia University at Parkersburg, Marshall University, West Virginia Graduate College, West Virginia School of Osteopathic Medicine, Bluefield State College, Concord College, Fairmont State College, Glenville State College, Shepherd College, West Liberty State College, West Virginia Institute of Technology, West Virginia State College, Southern West Virginia Community College, West Virginia Northern Community College, the offices of each of the chancellors, the central office of the governing boards, and the West Virginia Network for Educational Telecomputing.
- 2.18 President. In addition to the sixteen (16) college and university presidents, this term shall be used in this rule to also refer to the senior administrator of the central office and the director of the West Virginia network for educational telecomputing and the chancellors for those individuals employed in the offices of the chancellors.
- 2.19 Chancellors. The chancellor of the State College System of West Virginia and the chancellor of the University System of West Virginia.
- 2.20 Salary schedule. The schedule set out in this rule consisting of a series of pay grades, each of which contains an equity step for initial implementation of the program under this rule and fifteen (15) additional steps within each pay grade.

- 2.21 Recall. An employee terminated under the provisions of §18B-7-1 and recalled to work at his/her previous institution under the same provisions. Salary for a recalled employee will be consistent with the entry rates described in Section 12 of this rule.
- 2.22 Rehire. An employee who leaves the service of an institution by resignation and later applies for and accepts a position at the same institution. Salary for a rehired employee will be consistent with the entry rates described in Section 12 of this rule.
- 2.23 FTE. Full time equivalency as stated on the expenditure schedule as 1.00.
- 2.24 Classified Employee. An employee who is covered by the provisions of the classification program outlined in this rule.
- 2.25 Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.
- 2.26 Non-Exempt. An employee who is entitled to overtime benefits as outlined in federal and state law.
- 2.27 Factor. One of the thirteen (13) items use to evaluate jobs. The items are knowledge, experience, complexity and problem solving, freedom of action, breadth of responsibility, scope and effect, intrasystems contacts, external contacts, direct supervision exercised, indirect supervision exercised, working conditions, physical coordination, and physical demands.
- 2.28 Point factor methodology: The instrument used to assign weights to the factors. The total of the weights determines the pay grade to which a job title is assigned.
- 2.29 Job Family. A series of job titles in an occupational area or group.

SECTION 3. COMPENSATION REVIEW COMMITTEE

- 3.1 The compensation review committee shall be responsible for annually reviewing the salary schedule and recommending revisions based on existing economic, budgetary, and financial conditions to the chancellors, who will make a final proposal to the governing boards. The composition of the compensation review committee shall consist of the central office human resources director, the central office finance director, the chair or chair's designee from each state-wide advisory council of classified

employees, four human resource administrators from the University System (which shall be deemed to include West Virginia network for educational telecomputing), three human resource administrators from the State College System, and a president from each of the two systems. The human resource administrators and presidents shall be appointed by the appropriate chancellor and shall serve staggered terms of two years.

- 3.2 Recommendations of the compensation review committee approved by the governing boards are subject to the availability of funds and shall only be implemented when new funds are specifically appropriated by the Legislature for funding of the salary schedule.

SECTION 4. COMPENSATION; PAY CALCULATIONS

- 4.1 Base salary is calculated on a thirty-seven and one-half (37 1/2) hour workweek.
- 4.2 When base salary increases are calculated and rounding is involved, the policy is to round up to the nearest even dollar amount.
- 4.3 Overtime pay for nonexempt employees is calculated at the rate of one and one-half (1 1/2) 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 forty (40) hours have actually been worked within one (1) workweek. Regular hourly pay, also known as "straight time," is paid for work time between thirty-seven and one-half (37 1/2) hours and forty (40) hours in a work week.
- 4.4 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 Series 35, is not counted as working hours for purposes of overtime.
- 4.5 Annual leave, sick leave and longevity do not accumulate in any part of a month for which an employee is off the payroll on a 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.

SECTION 5. COMPENSATORY AND HOLIDAY PREMIUM TIME OFF

- 5.1 Compensatory time off shall be allowed only to the extent authorized by federal and state law.
- 5.2 When a full-time or part-time classified non-exempt employee is required to work on any designated board or institution 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 (1 1/2) times the number of hours actually worked. The time off must be used within a six-month period following the holiday.
- 5.3 When an exempt employee is required to work on any designated board or institution holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.

SECTION 6. WORKWEEK

- 6.1 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. (midnight) on Sunday and ends at 12:00 p.m. (midnight) the following Saturday. The institutional president or the president's designee may establish a workweek different from this provided that record keeping requirements are met as set forth in relevant law. A work schedule of thirty-seven and one-half (37 1/2) hours will be established within a workweek.

SECTION 7. APPOINTMENT

- 7.1 A classified employee appointment letter shall be completed for each classified employee at the time of initial employment.

SECTION 8. ACCESS TO PERSONNEL FILE

- 8.1 An employee may have access to his/her personnel file when the employing institution is normally open for business. The official file for the employee shall be maintained in the institution's human resources office or as otherwise designated by the institution's president. An employee may examine his/her own file and the contents therein except for materials which were gathered with the employee's prior agreement to forfeit his/her right of access, such as references or management information such as copies of tests and interview notes.

8.2 A representative of the custodian of the records shall be present with the employee during the review. The date, time and location of each review shall be recorded in the personnel file. The employer may require that the employee schedule an appointment to see the personnel file.

8.3 A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A reasonable copying fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. Documentation may not be removed from a personnel file by the employee. Materials related to a disciplinary matter that appears to be resolved will be removed from the file after twelve months. Letters, memoranda, etc. related to current or previous disciplinary actions which do not appear to be adequately resolved are not subject to removal by petition and shall only be removed upon order of a court or proper administrative body or by the president of the institution or the president's designee. The removal of materials from a file does not restrict its use in subsequent deliberations, including disciplinary proceedings.

SECTION 9. CHANGES IN NAME, ADDRESS, NUMBER OF DEPENDENTS AND RELATED MATTERS

9.1 It is the exclusive responsibility of each employee to notify all appropriate persons, agencies and parties when record changes occur, including emergency information. This must be done in writing and a copy of such notification will be placed in the employee's personnel file as a permanent record that he/she notified appropriate persons, agencies and parties.

SECTION 10 CLASSIFICATION REVIEW REQUEST

10.1 When significant changes occur in the principal duties and responsibilities of a classified position, it is the responsibility of the supervisor to recommend through established procedures that the position be reviewed. Requests for position reviews also may be initiated by an employee after discussion with the immediate supervisor. Within ninety (90) days from the date of request for review of a job, the department of human resources shall report to the requestor, in writing, whether the request has been denied or approved. The immediate supervisor must prepare a complete and accurate position description form of the duties of the position, but the description may be written by the employee at the supervisor's request. The responsibility for assigning tasks and duties to a position belongs to the

supervisor. It is the supervisor's responsibility to document and submit the position description form for classification review when significant changes occur in the principal duties and responsibilities of a position. It is also the responsibility of a supervisor to ensure completion of required forms. The institutional president or the president's designee may also initiate action to review positions. The institutional president or the president's designee has authority on the campus to make classification determinations for institution-specific titles or the slotting of employees under existing systems-wide titles. The president may delegate authority to the human resource administrator for day to day management of the classification program. Management of the program requires adherence to written rules which ensure a uniform system of personnel classification. All classified positions shall be placed on the salary schedule promulgated by the governing boards.

- 10.2 A position description form shall exist for every classified position. It shall be reviewed by the supervisor and/or the president or the president's designee on a formal basis at least every three years as part of the position audit procedures established by each institution. The date of each review shall be recorded on the description.

SECTION 11. JOB EVALUATION PROCESS

- 11.1 The review of individual positions occupying systems-wide titles shall be carried out by the institution's president or president's designee provided that the action involves the reclassification or the reslotting of the employee into an existing systems-wide title.
- 11.2 The review of institution-specific job titles, as well as the reslotting of employees into an existing institution-specific title, shall be carried out by the president or the president's designee of each respective institution.
- 11.3 If an institution initiates an action to establish a job which exists exclusively at another institution the institution's president or the president's designee shall submit a request for the use of the title to the chancellors or the chancellors' designee. A review shall then be conducted, a determination made, and notification given to the institution's president or the president's designee as to whether the request is approved or denied. If a request is denied, reasons for the denial will be provided to the president or president's designee. Once two or more institutions utilize a job title, that title shall automatically become a systems-wide title.
- 11.4 All actions taken by a president or president's designee under this section

are subject to audits and reviews by the job evaluation committee.

11.5 On-going responsibility for overseeing and administering the job evaluation program and ensuring that it is administered equitably and uniformly across the institutions rests with the chancellors or the chancellors' designee. The evaluation of all systems-wide job titles and the review of classification decisions across the system shall be under the purview of the job evaluation committee. The composition of the job evaluation committee shall consist of nine human resource representatives and two classified staff representatives. Of the nine human resource representatives, one shall be from the central office and shall serve as chair, four shall be from the University System (which shall be deemed to include West Virginia network for educational telecomputing), and four shall be from the State College System. The nine human resource representatives shall be appointed by the appropriate chancellors to staggered terms of no more than two years. The classified staff representatives shall consist of one from each state-wide advisory council of classified employees and shall be appointed by the appropriate chair of the state-wide advisory council of classified employees to staggered terms of no more than two years.

11.6 The job evaluation committee shall be convened by its chair at least quarterly, or more often if deemed necessary, to review classification decisions made or those being proposed by the institutions. To ensure the integrity of the program, random and/or complete reviews of classification decisions made or proposed by the institutions shall be conducted by the committee. Each institution shall be responsible, however, for submitting to the central office on a monthly basis, a computer diskette of any classification decisions actualized, along with appropriate documentation where requested by the committee. The chancellors or the chancellors' designee shall review the classification actions of each institution for appropriateness and consistency of application. Pending this review, the job evaluation committee shall be convened as needed to review those actions regarded as potentially out of conformance with the compensation and classification program. The committee shall subsequently provide a report to the appropriate governing board concerning its findings relative to each institutional review. In those cases where the committee finds an institutional classification decision to be in error, the committee shall recommend to the chancellor or chancellor's designee whether the pay grade assignment should be changed to the appropriate level.

11.6.1 Salary reversals shall be made in accordance with the procedures for upgrades and downgrades specified in this rule. During the course of its reviews, should the job evaluation committee discover the

systematic misapplication of the program by an institution or institutions, it shall notify the chancellors, who will take the appropriate action warranted. Whenever the chancellors or their designee find that employees have been misclassified at the institutional level, they shall order that these classifications and salaries be immediately adjusted to the proper level. Absent fraud on the behalf of the employee, any overpayment to the employee because of an erroneous classification decision by an institution shall not be collected from the employee. However, any erroneous overpayment to such an employee, once corrected, shall not be deemed as evidence in claims by other employees that the classification and compensation program is not equitable or uniform.

SECTION 12. ENTRY RATES

- 12.1 The entry rate of a classified position is the published minimum rate of pay associated with each pay grade. No covered employee shall be appointed below the established minimum of the pay grade to which the position is assigned.

- 12.2 Offers of employment at rates which exceed the entry rate are invalid unless the policy for exceptions is followed. Criteria to consider in determining whether exceptions shall be made shall include the following:
 - 12.2.1 Qualifications of the candidate;
 - 12.2.2 Number of applicants for a position;
 - 12.2.3 Number of interviews;
 - 12.2.4 Number of qualified applicants identified;
 - 12.2.5 Number of offers of employment;
 - 12.2.6 Length of the recruiting campaign;
 - 12.2.7 Cost of the recruiting campaign;
 - 12.2.8 Length of time the position was vacant;
 - 12.2.9 Urgency to fill the position;

- 12.2.10 Market conditions for that job;
 - 12.2.11 The rationale underlying the difference between the entry rate and the base salary the institution wants to offer; and,
 - 12.2.12 Compression problems relative to other employees within the job title who possess similar qualifications.
- 12.3 When employment above the entry rate occurs, the institution shall provide justification based on the appropriate and applicable criteria from the above list.
- 12.4 Offers for employment above the entry rate of the respective pay range shall be determined by each institution based on the above criteria. Requests for hiring exceptions shall be submitted by the requesting supervisor to the human resources department for review and approval by the president or president's designee. The institutional president or president's designee will notify the chancellor or chancellor's designee within fifteen (15) days of making an offer of employment at a salary level above the entry rate along with the written justification.
- 12.5 Review of exceptions shall be made by the Job Evaluation Committee under the procedures set out in Section 11 of this rule. The procedures and guidelines for salary reversals contained in that section shall apply to those instances where the chancellors determine a misapplication.

SECTION 13. PAY ABOVE THE MAXIMUM

- 13.1 When there is a systems-wide mandated salary increase, those employees already at or above the maximum of the salary schedule for their pay grade shall only receive a salary increase consistent with this section. If the systems-wide increase is on a percentage or across-the-board basis, those employees shall receive an increase of one-half the percentage or across-the-board increase received by the employee in their pay grade receiving the smallest increase.

SECTION 14. PROMOTION

- 14.1 Promotions result from an employee moving from his/her current position to a vacant or newly created position assigned to a different job title and higher pay grade and which requires a significantly greater degree of skill, effort and responsibility than that of the employee's current position.

- 14.2 Upon promotion from a position in one pay grade to a different position in a higher pay grade, the employee will receive an increase of five percent (5%) per pay grade rounded to the next highest step in the new pay grade based upon the employee's base salary, or the entry rate of the new pay grade, whichever is greater. However, under adverse recruiting conditions in which an institution experiences great difficulty in filling a position, an increase which brings the employee up to a point no greater than the maximum of the grade may be given. Promotional increases which exceed the standard formula must meet the same criteria which appears in the section on entry rates of this rule and must be approved in accordance with the process outlined in that section. The new base salary may not exceed the maximum of the new pay grade.

SECTION 15. UPGRADE

- 15.1 Upgrades result from the process of job evaluation where a determination is made that a significantly higher level of skill, effort, and responsibility exists in the employee's current position. A new pay grade value shall then be established based on the application of the job evaluation plan and the calculation of a revised total point value for the position. Upon determination of the pay grade, job descriptions shall be reviewed of other titles having the same pay grade and whose duties, responsibilities and requirements closely match the work of the position as it is now described. The position shall then be slotted into the classification whose grade is consistent with the point value calculated and whose duties and requirements most appropriately characterize the position. For unique and specialized positions where no current job title exists at the needed grade, the creation of a new title shall be established so that the position is properly classified and graded within the system. This work must be done by the human resource administrator or the human resource administrator's designee.

- 15.2 When an employee occupies a position at the time that a position upgrade is to be placed into effect, the method of calculating the employee's base salary increase is the same as that specified for a promotion. In the absence of funds to support an upgrade, work at the higher level shall not be performed.

SECTION 16. DEMOTION

- 16.1 Demotions result from an employee moving from his/her current position to a vacant or newly created position assigned to a different job title and

lower pay grade, and which requires a significantly lesser degree of skill, effort and responsibility than that of the employee's current position.

- 16.2 Upon demotion, the employee's base salary is decreased five percent (5%) per pay grade rounded to the nearest step in the new pay grade.

SECTION 17. DOWNGRADE

- 17.1 Downgrades result from the process of job evaluation where a determination is made that a significantly lower level of skill, effort and responsibility exists in the employee's current position. A new pay grade shall then be established based on the application of the job evaluation plan and the calculation of a revised total point value for the position. Upon determination of the pay grade, job descriptions shall be reviewed of the other titles having the same pay grade and whose duties, responsibilities and requirements closely match the work of the position as it is now described. The position shall then be slotted into the classification whose grade is consistent with the point value calculated and whose duties and requirements most appropriately characterize the position. For unique and specialized positions where no current titles exist at the needed grade, the creation of a new title shall be established so that the position can be properly classified and graded within the system. This work must be done by the human resource administrator or the human resource administrator's designee.

- 17.2 The method of calculating the employee's new base salary after a downgrade is the same as that specified for a demotion.

SECTION 18. TRANSFER

- 18.1 No change of base salary as a function of a transfer may occur.

SECTION 19. REVIEWS AND APPEALS

- 19.1 An employee may seek a review of his/her initial classification under the new program implemented pursuant to this rule and may appeal such initial classification through the procedures of W.Va. Code §18-29 after completing such review. Such review or appeal shall be governed by the provisions of this rule and to the extent these provisions are inconsistent with W.Va. Code §18B-9-7 or W.Va. Code §18B-9-4, those code provisions are deemed null and void pursuant to the authorization contained in W.Va Code §18B-9-4 (c). If an employee does not first seek a review

of his/her initial classification through the internal procedures set out herein, they shall be prohibited from grieving that classification under W.Va Code §18-29.

- 19.2 An employee may seek a review of his/her initial classification, job title or pay grade by filing a request for review form after formal notification of their title and pay grade under the new program, but no later than January 14, 1994. Request for review forms shall be available at each institution and shall be in a form prescribed by the governing boards.
- 19.3 The request for review form shall be filed with the president or president's designee for this purpose, and that individual shall forward copies to the employee's immediate supervisor and appropriate dean, department head or director for comment.
- 19.4 The president or president's designee shall make a recommendation to the job evaluation committee regarding the request for review by March 31, 1994, and shall notify the employee of such recommendation.
- 19.5 Upon receipt of the institutional recommendation, the employee may file supplemental information with the job evaluation committee within ten (10) days. The job evaluation committee shall make a final determination regarding the request for review based solely upon the documentation provided above and any other material or information it may seek from the institution or employee. Such final determinations by the job evaluation committee shall be completed on or before June 30, 1994, and communicated simultaneously to all affected employees. If not made or communicated by June 30, 1994, an employee may immediately proceed through the grievance procedure of W.Va. Code §18-29 within thirty (30) work days of July 1, 1994, under the procedures set out in this rule.
- 19.6 Each institution shall make available for examination to all employees the position description forms, job descriptions, and other materials used in making the initial classifications under this program.
- 19.7 If an employee is dissatisfied with the determination of the job evaluation committee the employee may grieve his/her initial classification under this program, including the job or position description and assignment to pay grade or salary schedule, within thirty (30) work days from receipt of the notification set out in Section 19.5 of this rule, by filing a grievance pursuant to the procedures of W.Va. Code §18-29. Any employee not filing a grievance under the provisions of this rule within those thirty (30) work days, or not seeking a review timely pursuant to this rule, shall be

deemed to be equitably and uniformly classified and compensated for the purposes of Article 9, Chapter 18B of the state code and shall also be deemed to have expressly waived his/her right to grieve such initial classification, absent intervening and countervailing circumstances that effect that initial classification.

- 19.8 An immediate supervisor or president of an institution does not have the authority to change the initial classification of an employee under the new program and does not have the authority to grant any such relief requested in a grievance relating to such initial classification. The governing boards are hereby designated as the lowest level at which such relief may be granted and employees seeking to appeal their initial classification under the provisions of W.Va. Code §18B-9 shall file any such grievance at that level. When filing such a grievance with the appropriate governing board, an employee shall expressly state whether or not he/she agrees to an extension of the statutory period for a hearing before the governing board.

SECTION 20. PART-TIME AND TEMPORARY EMPLOYEES

- 20.1 Institutions shall not hire part-time employees solely to avoid the payment of benefits to full-time employees. Consequently, institutions may only employ individuals into casual or temporary positions when the function of the position requires less than nine (9) consecutive months of employment (regardless of hours worked per week) to equal the full-time equivalency of the position.
- 20.2 Employees who are employed in less than twelve-month positions and who meet the minimum qualifications of a position shall be provided with an opportunity to accept part-time or full-time summer employment before new persons shall be hired for those positions.

SECTIONS 21. WORK SCHEDULES

- 21.1 Institutions shall be responsible for developing institution specific procedures concerning the use of flexible work schedules, job sharing, and four day work weeks.
- 21.2 Each employee shall be notified of the work schedule for his/her position. Changes in the work schedule such as might occur with overtime or institutional requirements shall be made in consultation with the employee. Where possible, the institution shall provide the employer with a fifteen (15) day notice of the change.

SECTION 22. APPOINTMENT OR PROMOTION

- 22.1 Pursuant to W.Va. Code §18B-7-1, non-exempt employees who meet the minimum qualifications for a non-exempt position within an institution shall be hired into the posted position prior to hiring someone from outside the institution.
- 22.2 If more than one qualified, non-exempt classified employee applies, the best-qualified non-exempt classified employee shall be awarded the position. In such cases, if the employees are equally qualified, the employee with the greatest amount of continuous seniority at the institution shall be awarded the position.
- 22.3 Each institution shall develop a policy for the posting of positions internally to provide non-exempt employees adequate time to make application for non-exempt positions.
- 22.4 Provisions of this section shall not apply to casual, temporary and student employees.

SECTION 23. MARKET PREMIUM

- 23.1 When unusual market conditions exist for a specific job, a particular job family or group of related jobs, the establishment of special pay ranges may be warranted so that an institution can recruit and retain competent employees.
- 23.2 The establishment of market premiums shall only be considered in such cases where an institution is experiencing significant recruiting and/or retention problems. Appropriate documentation must be submitted to the appropriate chancellor to justify the establishment of a market premium. Such documentation shall consist of, but not necessarily be limited to, excessive turnover, failure of current pay to attract qualified applicants, and current pay that is well below market average for job(s) as evidenced by survey publication data.
- 23.3 Requests for the establishment of a market premium may be initiated by an institution or a department or unit within an institution. Requests should be sent to the human resources office of the institutions and be approved by the president and forwarded to the compensation review committee. If approved for review, the request shall be forwarded to the chancellors or

chancellors' designee, where a determination shall be made to forward the request to the governing boards based on the strength of the evidence provided.

- 23.4 If the request is approved, a bilateral pay line shall be established such that the current pay grade will be increased by a given percentage amount. The market premium pay grade will be assigned the same grade number as the current grade, except that a letter designation shall be added to the grade number for reference purposes. All steps within the current grade shall be adjusted by an equal percentage amount deemed appropriate by the committee for alleviating the market inequity.
- 23.5 The continuation of a market premium beyond twelve months from the date of its establishment is subject to review by the compensation review committee for appropriateness. Where documentation does not warrant the continuance of the bilateral pay line for the job or group of jobs, the market premium shall be removed and the job reassigned to its regular pay grade and range. Incumbents retain the base salary of a market premium when the premium is removed.
- 23.6 Market premiums may be assigned to institution-specific or systems-wide jobs. The process for review and approval shall follow the same sequence. If a market premium is approved for a systems-wide job or jobs, the establishment of the bilateral pay line shall apply to classified employees at all institutions assigned to the systems-wide title(s).
- 23.7 The compensation review committee shall make a recommendation to the chancellors who will forward the recommendation to the governing boards for approval.

SECTION 24. SALARY SCHEDULE AND IMPLEMENTATION STRATEGY

- 24.1 The new compensation and classification program and accompanying pay structure will be implemented on January 1, 1994.
- 24.2 Any classified employee whose current base salary is below the equity step for his/her pay grade on January 1, 1994, will be increased to the equity step that salary which is reflected as the equity step on the salary schedule in this rule.
- 24.3 For those employees whose salaries as of January 1, 1994 are below the step that equates to their appropriate years of state service, the difference

in salary shall be phased in over a three-year period in accordance with the following schedule if sufficient additional state funds are appropriated from the legislature.

- 24.3.1 If sufficient additional state funds are appropriated, beginning on July 1, 1994, no employee shall be paid below step one of his/her respective pay grade. In order to determine that service adjusted target salary for each employee, placement within the pay range shall be based on total years of state service as of June 30, 1994. One step shall be credited within the pay range for each full year of service with the state up to 15 years.
 - 24.3.2 If sufficient additional state funds are appropriated, the first salary installment shall be given on July 1, 1994 and will be equal to one-third of the total adjustment or step one of the employee's assigned pay grade, whichever is greater.
 - 24.3.3 If sufficient additional state funds are appropriated by the legislature, the second salary installment shall be given on July 1, 1995 and will be equal to one-third of the total installment or, if adjusted to step one on July 1, 1994, shall be equal to one-half of the difference between step one of the employee's assigned pay grade and the employee's service adjusted target salary.
 - 24.3.4 If sufficient additional state funds are appropriated by the legislature, the final salary installment shall be given on July 1, 1996 and will be equal to one-third of the total installment or, if adjusted to step one on July 1, 1994, shall be equal to one-half of the difference between step one of the employee's assigned pay grade and the employee's service adjusted target salary.
 - 24.3.5 Nothing in this rule shall be interpreted as prohibiting the governing boards from allocating funds in any fiscal year for across-the-board raises for all classified employees, unrelated to equity or market issues, if the legislature specifically appropriates funds for such purpose.
- 24.4 Any classified employee who is slotted into the appropriate pay grade for his/her job title and whose base salary is at least the equity step for that pay grade, shall be deemed to be equitably and uniformly compensated in relation to other classified employees within the pay grade for the purposes of Article 9, Chapter 18B of the state code.

24.5 After full implementation of the classification program, pay increases may occur in one of the following ways:

24.5.1 Upon recommendation of the Compensation Review Committee and approval by the governing boards, the salary schedule may be adjusted upward by the Legislature to reflect cost of living or market increase. Any new additional state funds appropriated for classified staff salaries would be applied to the salary schedule.

24.5.2 Should additional new funds be appropriated by the Legislature, application of such new funds shall be determined by the governing boards and may result in movement of employees to the next step in the salary schedule.

1993 Step Structure
100%
(Divisible by 12)

Grade No.	Equity Step	Step No. 1	Step No. 2	Step No. 3	Step No. 4	Step No. 5	Step No. 6	Step No. 7	Step No. 8	Step No. 9	Step No. 10	Step No. 11	Step No. 12	Step No. 13	Step No. 14	Step No. 15	Range Spread	Grd-Grid Inccrntf
1	10,082	10,768	11,028	11,268	11,508	11,760	12,012	12,276	12,540	12,804	13,080	13,368	13,656	13,956	14,256	14,568	35.0%	35.0%
2	10,392	11,340	11,592	11,844	12,108	12,372	12,648	12,924	13,212	13,500	13,800	14,112	14,424	14,736	15,072	15,396	35.8%	35.8%
3	10,716	11,928	12,192	12,468	12,756	13,044	13,332	13,632	13,944	14,256	14,580	14,904	15,240	15,588	15,936	16,296	36.7%	36.7%
4	11,040	12,564	12,852	13,140	13,440	13,752	14,076	14,400	14,724	15,060	15,408	15,768	16,128	16,500	16,884	17,268	37.5%	37.5%
5	11,368	13,296	13,548	13,872	14,196	14,520	14,868	15,216	15,576	15,936	16,308	16,692	17,088	17,484	17,892	18,312	38.3%	38.3%
6	11,736	13,968	14,304	14,652	15,000	15,360	15,720	16,104	16,488	16,872	17,280	17,688	18,120	18,552	18,996	19,440	39.2%	39.2%
7	12,396	14,760	15,120	15,492	15,864	16,248	16,644	17,052	17,460	17,892	18,324	18,768	19,224	19,692	20,172	20,664	40.0%	40.0%
8	13,116	15,612	15,996	16,392	16,800	17,220	17,640	18,084	18,528	18,984	19,452	19,932	20,436	20,940	21,456	21,984	40.8%	40.8%
9	13,884	16,524	16,944	17,376	17,808	18,264	18,720	19,188	19,680	20,172	20,676	21,204	21,732	22,284	22,848	23,412	41.7%	41.7%
10	14,712	17,520	17,964	18,432	18,900	19,392	19,884	20,388	20,916	21,456	21,996	22,560	23,148	23,736	24,348	24,972	42.5%	42.5%
11	15,612	18,588	19,080	19,572	20,076	20,604	21,144	21,696	22,260	22,836	23,436	24,036	24,672	25,308	25,968	26,652	43.3%	43.3%
12	16,584	19,752	20,268	20,808	21,360	21,924	22,500	23,100	23,712	24,336	24,984	25,644	26,328	27,024	27,732	28,464	44.2%	44.2%
13	17,640	21,000	21,564	22,140	22,740	23,352	23,976	24,624	25,284	25,968	26,664	27,384	28,116	28,872	29,652	30,444	45.0%	45.0%
14	18,780	22,356	22,968	23,592	24,240	24,900	25,572	26,280	27,000	27,732	28,488	29,268	30,072	30,888	31,728	32,604	45.8%	45.8%
15	20,004	23,820	24,480	25,164	25,860	26,580	27,312	28,068	28,848	29,652	30,468	31,320	32,184	33,072	33,986	34,932	46.7%	46.7%
16	21,348	25,416	26,124	26,868	27,624	28,392	29,196	30,012	30,864	31,728	32,628	33,540	34,488	35,460	36,456	37,488	47.5%	47.5%
17	22,800	27,144	27,912	28,716	29,532	30,372	31,248	32,136	33,048	33,996	34,968	35,964	36,996	38,052	39,132	40,260	48.3%	48.3%
18	24,372	29,016	29,856	30,720	31,608	32,520	33,468	34,440	35,436	36,468	37,524	38,604	39,720	40,872	42,060	43,284	49.2%	49.2%
19	26,088	31,056	31,968	32,904	33,864	34,860	35,892	36,948	38,028	39,144	40,296	41,484	42,696	43,956	45,252	46,572	50.0%	50.0%
20	27,948	33,264	34,260	35,280	36,336	37,416	38,532	39,672	40,860	42,072	43,332	44,616	45,948	47,316	48,732	50,172	50.8%	50.8%
21	29,976	35,676	36,756	37,872	39,012	40,188	41,400	42,648	43,944	45,264	46,632	48,048	49,500	50,988	52,524	54,120	51.7%	51.7%
22	32,184	38,304	39,480	40,692	41,928	43,212	44,544	45,900	47,304	48,756	50,244	51,780	53,364	55,008	56,688	58,416	52.5%	52.5%
23	34,584	41,172	42,456	43,764	45,120	46,524	47,964	49,452	50,988	52,560	54,192	55,872	57,612	59,388	61,236	63,132	53.3%	53.3%
24	37,212	44,304	45,696	47,124	48,612	50,136	51,708	53,328	55,008	56,736	58,512	60,348	62,244	64,200	66,216	68,304	54.2%	54.2%
25	40,080	47,712	49,236	50,796	52,416	54,084	55,800	57,576	59,412	61,296	63,240	65,256	67,332	69,468	71,676	73,956	55.0%	55.0%

SECTION 25. MISCELLANEOUS

25.1 Pursuant to the authorization contained in West Virginia Code §18B-9-4(c), the following provisions of Article 9, Chapter 18B of the state code are deemed inconsistent with this rule and are ruled null and void.

25.1.1 West Virginia Code §18B-9-2(c), (d), (e), (f), (h), (k), (l).

25.1.2 West Virginia Code §18B-9-5(c), (d).

25.1.3 West Virginia Code §18B-9-6.

25.1.4 West Virginia Code §18B-9-3.

25.2 Any other rule, regulation, or policy of this board or its institutions, inconsistent with the provisions of this rule is deemed superseded by the provisions of this rule.

October 25, 1993

UNIVERSITY SYSTEM OF WEST VIRGINIA BOARD OF TRUSTEES

1018 KANAWHA BOULEVARD, EAST
SUITE 700
CHARLESTON, WEST VIRGINIA 25301 - 2827

TELEPHONE (304) 558-2736
FAX (304) 558-3264

John R. Hoblitzell
Chairman

Charles W. Manning
Chancellor

October 29, 1993

Ms. Barbara Harmon-Schamberger
Secretary, Education and the Arts
Room 151, Main Capitol Building
Capitol Complex
Charleston, West Virginia 25305

Dear Secretary Harmon-Schamberger,

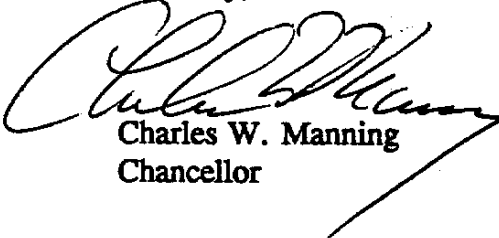
The University System of West Virginia Board of Trustees adopted for promulgation the following rule at the September 14, 1993 Board meeting and filed with the Secretary of State for public comment.

Title 128, Series 62: *Personnel Administration*

It is now ready to be filed with the Legislative Oversight Commission on Educational Accountability.

Could you please review the attached and, if you approve, forward to the Secretary of State for filing with the Legislative Oversight Commission on Educational Accountability. Thank you.

Sincerely,



Charles W. Manning
Chancellor

Attachments

Marshall University
University of West Virginia College of Graduate Studies
West Virginia School of Osteopathic Medicine
West Virginia University
Potomac State College of West Virginia University
West Virginia University at Parkersburg

FISCAL NOTE FOR PROPOSED RULE
TITLE 128 - SERIES 62
PERSONNEL ADMINISTRATION

LEGISLATIVE RULE

UNIVERSITY OF WEST VIRGINIA SYSTEM

1. Effect of Proposed Rule	FISCAL YEAR		
	1995	1996	1997
Estimated Total Cost	\$14,546,767	\$10,466,576	\$10,466,576
Personal Services	\$14,546,767	\$10,466,576	\$10,466,576
Current Expenses	\$0	\$0	\$0
Repairs and Alterations	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Other	\$0	\$0	\$0

2. Explanation of above estimates

The above estimates include the total funding requirement for State Higher Education, see the attached worksheet for the system distribution. The implementation plan in Sec. 24 calls for a phase in program over three fiscal years. The first year is higher because funding is necessary to bring employees below Step 1 to that minimum, as well as, covering one third of the remaining implementation cost. The next two years funding will bring the program to the 1994 fiscal year market target.

3. Objectives of these rules

To establish an equitable system of classification and compensation for the State Higher Education systems classified employees, and to provide associated personnel administration policies.

4. Explanation of overall economic impact of proposed rules.

A. Economic impact on State Government

If the recommended program is funded it will require that additional state resources of \$26,255,141 be appropriated to State Higher Education over the next three years.

B. Economic impact on Political Subdivisions; Specific Industries; Specific groups of citizens

The portion not funded by state appropriations (see attachment) will have to be borne by the institutions, which will probably require an increase in student fees.

The State Higher Education employees will have increased spending power which will have a positive economic impact on their communities.

C. Economic impact on Citizens/Public at Large

If current State revenues are not sufficient to fund this program then additional revenue would have to be raised from the public at large.

Date: November 1, 1993

Pamela G. Steelhammer
 Signature of Agency Head or Authorized Representative

STATE COLLEGE AND UNIVERSITY SYSTEMS OF WEST VIRGINIA

Cost Projections for Implementing Step-Progressive System With Total Years of Service Used for Implementation

	Remaining Implementation			
	FISCAL YEAR			
	1995	1996	1997	TOTAL
UNIVERSITY SYSTEM				
State Funds*	\$7,156,673	\$5,149,314	\$5,149,314	\$17,455,301
Other Funds	\$2,514,507	\$1,809,218	\$1,809,219	\$6,132,944
All Funds	\$9,671,180	\$6,958,532	\$6,958,533	\$23,588,245
STATE COLLEGE SYSTEM				
State Funds*	\$3,357,718	\$2,415,919	\$2,415,918	\$8,189,555
Other Funds	\$1,179,739	\$848,837	\$848,836	\$2,877,412
All Funds	\$4,537,457	\$3,264,756	\$3,264,754	\$11,066,967
CENTRAL OFFICE & WVNET				
State Funds*	\$247,523	\$178,097	\$178,097	\$603,717
Other Funds	\$86,968	\$62,574	\$62,574	\$212,116
All Funds	\$334,491	\$240,671	\$240,671	\$815,833
STATE COLLEGE & UNIVERSITY SYSTEMS				
Incumbents over their maximum step				
State Funds*	\$2,693	\$1,938	\$1,937	\$6,568
Other Funds	\$946	\$680	\$681	\$2,307
All Funds	\$3,639	\$2,618	\$2,618	\$8,875
TOTAL AMOUNTS REQUIRED				
State Funds*	\$10,764,607	\$7,745,268	\$7,745,266	\$26,255,141
Other Funds	\$3,782,160	\$2,721,309	\$2,721,310	\$9,224,779
All Funds	\$14,546,767	\$10,466,577	\$10,466,576	\$35,479,920

* State Funds estimated at 74% of All Funds

DEPARTMENT OF EDUCATION AND THE ARTS
Office of the Secretary

State Capitol, Bldg. 1, R-151
Charleston, West Virginia 25305
Telephone: (304) 558-2440
Fax No.: (304) 558-1311

Gaston Caperton
Governor

Barbara Harmon-Schamberger
Cabinet Secretary

September 15, 1993

The Honorable Ken Hechler
Secretary of State
State of West Virginia
State Capitol Building
Charleston, WV 25305

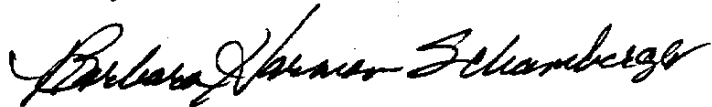
Dear Secretary Hechler:

As required pursuant to WV Code §5F-2-2, I hereby consent to the promulgation of proposed rules by the Board of Trustees of the University System of West Virginia as follows:

- (1) Title 128, Series 62, amending an existing rule relating to personnel administration. This rule is being filed as an emergency legislative rule.

Copies of the proposed rules are enclosed.

Sincerely,



Barbara Harmon-Schamberger
Secretary

BHS:mc

cc: Dr. Charles Manning
Dr. John Thralls

UNIVERSITY SYSTEM OF WEST VIRGINIA BOARD OF TRUSTEES

1018 KANAWHA BOULEVARD, EAST
SUITE 700
CHARLESTON, WEST VIRGINIA 25301 - 2827

TELEPHONE (304) 558-2736
FAX (304) 558-3264

John R. Hoblitzell
Chairman

Charles W. Manning
Chancellor

COMMENTS CONCERNING
SERIES 62: *PERSONNEL ADMINISTRATION*
BY UNIVERSITY SYSTEM PRESIDENTS

Marshall University
University of West Virginia College of Graduate Studies
West Virginia School of Osteopathic Medicine
West Virginia University
Potomac State College of West Virginia University
West Virginia University at Parkersburg



OFFICE OF THE PRESIDENT
400 Hal Greer Boulevard
Huntington, West Virginia 25755-1000
304-696-2300

October 13, 1993

Dr. Charles W. Manning
Chancellor
University of West Virginia
Board of Trustees
1018 Kanawha Boulevard, East
Charleston, WV 25301

Re: General comments concerning the Classification Project

Dear Chancellor Manning:

This correspondence is in reference to your memo dated October 11, 1993, regarding the above subject.

1. Probably my primary concern is our that classified staff deserve to be paid appropriately for performance of duties and responsibilities. I strongly support equity and maintaining our competitiveness through marketability.
2. An important question that must be answered concerns appropriation of funding for placing employees on the salary schedule by years of service. Where are the funds coming from?
3. Maintenance of the system is critical. While centralization of some procedures and auditing are very important, it must be balanced with autonomy so that campuses can function effectively.

Sincerely yours,


J. Wade Gilley
President

sh



West Virginia Graduate College

Office of the President

Board of Advisors

Marilyn G. Armentrout
Sissonville

David G. Hofstetter
Winfield

Robert H. Huston
Cross Lanes

Herbert E. Jones, Jr.
Charleston

Paul A. Leary
Institute

Sally M. Love
Charleston

Edward M. Payne, III
Beckley

Angus E. Peyton
Charleston

John H. Shott
Bluefield

Clara C. Thomas
Charleston

Kemp W. Winfree
South Charleston

MEMORANDUM

TO: Charles W. Manning

FROM: Dennis P. Prisk ^{Dennis}

DATE: October 13, 1993

SUBJECT: Comments on Proposed Policy Series 62

We can operate within the framework provided by proposed Policy Series 62 without inordinate difficulty. However, I would like to comment on several items:

1. Section 2.1.1 and Section 2.1.2. I am not comfortable with calling persons "full-time" who work anything less than a full-time work year, in our case 1,950 hours per year. Anything less than full-time should be part-time. A person working 1,040 hours per year is not full-time in my estimation. It seems that part-time should describe all affected employees working less than 1.0 FTE.
2. Section 11.3. I feel that the entire set of classification specifications should be made available for system-wide usage. I do not understand the notion of ownership of an institution-specific classification title by that institution and do not agree with the process for requesting permission to use an institution-specific classification title. It is either a system-wide manual of classification specifications, or it is not. I readily understand the necessity for obtaining permission to use a classification specification which names the institution in its title or in its content (and likely would not seek to use such a title), but for other classification specifications, it seems those should be available for use anywhere in the system subject to the results of the job evaluation process.

Page Two
Charles W. Manning
October 13, 1993

3. Section 11.6. Please clarify the intent of the phrase, "...to review classification decisions made or those being proposed by the institutions...". I do not want to wait for a committee to convene to review and approve pending reclassifications. It may be necessary in the case of classifying a vacant position to proceed with diligence to recruit for and staff the position. I want the important privilege of making real-time classification decisions. A periodic review of classification decisions - or even additional scrutiny if the classification system is not being applied properly - is no problem, but I do not want to hold off recruiting while a central committee convenes to consider a classification proposal.
4. Section 20. I would encourage the use of a descriptor other than the word "bump" surrounded by quotation marks. Most people understand the notion of a bumping system, but the use of the word in this manner in the dignified context of a policy seems inappropriate.

DPP:jp90



**West Virginia School of
Osteopathic Medicine**

Office of the President

October 12, 1993

Dr. Charles W. Manning
Chancellor
University System of West Virginia
1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301

Dear Dr. Manning:

I have reviewed the proposed changes to Series 62 and have no major concerns with this Series.

I fully recognize the need for and support a uniform system of classification for classified employees and the need to bring their salaries up to competitive market conditions. I am however of the opinion that the merits of a equitable and uniform classification system has been overshadowed by the related compensation issues.

It is my understanding that funding of the salary schedule, after initial implementation at the equity step, must come from funds appropriated by the state legislature and not from the University system institutions. This point must be made clear. I am concerned that an expectation for future salary increases has been generated which may not occur due to the current budget conditions in the State.

Thank you for the opportunity to provide these comments and concerns.

Sincerely,

Olen E. Jones, Jr.
President

Potomac State College

President

Potomac State College of
West Virginia University
Keyser, West Virginia 26726
304-788-6810

MEMORANDUM

TO: Chancellor Manning

FROM: 
Joseph M. Gratto
President

DATE: September 24, 1993

RE: Series 62 Comments

I don't have any strong feelings on any part of Series 62.

I have two concerns, however.

- (1) Paragraph 2.17 defining non-classified employees as either responsible for policy formation, or reporting directly to the presidents, needs a slight modification or clarification. Presidents have "direct reports" in the clerical and accounting job families who are not policy makers, and who should be classified. In fact, the classification project does classify presidents' secretaries and some others.

I believe if this section read as follows it would be better:

Non-Classified Employee. Presidents may designate employees who are responsible for institutional policy formation or who report directly to the president as non-classified employees. Non-classified employees are not subject to the classification program, but are eligible for benefits.

- (2) Section 2.17 includes Potomac State as a separate institution. WVU currently performs our personnel administration functions. Enclosure (1) is a memo I sent

to President Bucklew concerning the dilemma
which Section 2.17 poses for us, but we
have not yet discussed a solution.

kgp

Enclosure

cc: President Bucklew
Dr. La Belle
Dr. Mertins
Mr. Justus
Mrs. Phillips
Mr. Little
Mrs. Wilkins
Mrs. DelSignore

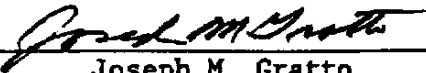
Potomac State College

President

Potomac State College of
West Virginia University
Keyser, West Virginia 26726
304-788-6810

MEMORANDUM

TO: President Bucklew

FROM: 
Joseph M. Gratto
President

DATE: September 17, 1993

RE: Title 131, Procedural Rule, Series 62,
Personnel Administration

Section 2.17 of the subject rule defines Potomac State College as a separate institution (for personnel administration purposes).

This definition, in turn, has an operational effect through paragraph 10.1, which refers to institutional presidents, as well as paragraphs 11.2, 11.3, 11.4, 11.6 (regarding institutional reporting), 19.2, 19.3, 19.4, 19.5, 19.6, and sections 20, 21, 22, and 23 throughout. It also has operational effect in section 24.2.

Currently, WVU handles position classification and many other aspects of Potomac State's personnel administration. We do not have a full-time personnel administrator and would not find it economical to staff for this function.

I would like to see Potomac State deleted from Section 2.17, or have the section amended to indicate that WVU performs all institutional functions for Potomac State.

I realize that for purposes of section 20, at least, and probably for section 23.1, Potomac State might have to be defined as a separate institution to preclude excessively complicated processes from developing.

An alternative to changing paragraph 2.17 might be a memo of understanding whereby the WVU Assistant Vice President for Human Resources, for example, can be the Potomac State College President's designee for most of these matters.

FAXED
9-17-93

I apologize for not having realized the implications of paragraph 2.17 sooner, so this could have been addressed before the document was approved by the Board and promulgated for comment.

kgp

cc: Dr. La Belle
Dr. Mertins
Mr. Justus
Margaret Phillips
PSC Ad Council
Mrs. Wilkins
Mrs. DeSignore



Vice President for Administration and Finance

West Virginia University

MEMORANDUM

TO: Dr. Charles Manning
Chancellor

FROM: Herman Mertins, Jr.
Vice President for
Administration and Finance

DATE: October 13, 1993

SUBJECT: Suggested Revisions to Series 62

The following proposed revisions to Series 62 were shared by WVU staff members with the Project Oversight Committee on September 23, 1993. Our recommended additions are underlined and our recommended deletions are struck through.

The majority of these proposals were verbally accepted by the POC on that date. Our additional recommendations for change are noted with an asterisk and brackets.

SECTION 2. DEFINITIONS

- Section 2.1.1.** Full-Time Regular Employee (FTR). Any employee in a continuing classified 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.
- Section 2.1.4** Casual Employee. An employee in a position created to meet specific operational needs at an institution for no more than ~~(30) consecutive~~ work days 225 hours per twelve month period.
- Section 2.1.7** Non-Classified Employee. An employee who is responsible for institutional policy formation or reports directly to the president of the institution or any other position so designated by the president.
- Section 2.9** Interim Responsibilities. A significant change in duties and responsibilities of an employee on a temporary basis justifying an interim promotion or upgrade for salary purposes. If such a temporary reassignment is effected it shall normally be for no less than four (4) consecutive weeks and no more than twelve (12) consecutive months and shall only occur when the responsibilities being undertaken by the employee are those of another position that is vacant because of the

incumbent's illness or resignation or because of temporary sufficient change in the duties and responsibilities meets the test for a temporary upgrade or promotion under this rule, the affected employee shall have his/her base salary adjusted upwards consistent with a promotion or upgrade under this rule. ~~*[At the end of the temporary reassignment the affected employee shall have his/her salary reduced to its original level.]~~ Upon completion of the interim appointment the employee will return to their former position and original salary adjusted by any annual increases which may have been granted while the employee served in the interim assignment.]

Section 2.14

Base Salary. The amount of salary paid annually to an employee, excluding any annual increment earned pursuant to W.Va. Code §18B-9-5 of §5-5-2. ~~*[Total salary is base salary plus any increment earned.]~~

Add definition for Total Base Salary.

Total Base Salary. The amount of salary paid annually to an employee, including any annual increment earned pursuant to WV Code 18B-9-5 of § 5-5-2.]

Section 2.21

Recall. An employee terminated under the provisions of § 18B-7-1 and recalled to work at his/her previous institution under the same provisions. ~~Salary for a recalled employee will be consistent with the entry rates described in the reduction in force section of this rule.~~ *[Individuals in these circumstances may be rehired at the same salary plus any across the board increases granted during the layoff period if the individual is returning to the same position or an equivalent position in the same pay grade.]

Section 2.22

Rehire. An employee who leaves the service (resignation) of an institution and later applies for and accepts a position at the same institution. ~~Salary for a rehired employee will be consistent with the entry rates described in the rule.~~ *[Individuals who return to the same position may be rehired within a 12-month period at the same rate of pay earned at the time of termination].

Section 2.23 ~~FTE. Full time equivalency as stated on the expenditure schedule as 1.00.~~ *[Full Time Equivalency. The ratio of actual hours assigned a position to the total work hours available for a full-time position (1950 total work hours - derived rom 37.5 hours x 52 weeks).]

$$\text{[e.g. } \frac{1040 \text{ hrs/yr assigned}}{1950 \text{ hrs/yr full-time total}} = \underline{.53 \text{ FTE}}\text{]}$$

Section 2.29 ~~Bumping. Displacing an employee is less seniority in the same or lower pay grade, who holds a position for which the bumping employee is qualified, and which position the institution decides another employee may be "bumped" from consistent with this rule.~~

SECTION 8. ACCESS TO PERSONNEL FILE

Section 8.3 A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A reasonable copying fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. Documentation may not be removed from a personnel file by the employee. An employee may petition through the appropriate administrative office at any time for either the removal or addition of documents to his/her own personnel file. * ~~{Letters, memoranda, etc. related to current or previous disciplinary actions are not subject to removal by petition and shall only be removed upon order of a court or proper administrative body or by the president of the institution.}~~ Disciplinary information regarding an issue which appears to be adequately resolved after twelve months will be removed from the file.]

SECTION 12. ENTRY RATES

Section 12.4 Offers for employment above the entry rate of the respective pay range shall be determined by each institution based on the above criteria. Requests for hiring exceptions shall be submitted by the requesting supervisor to the human resources department for review and approval by the president or president's designee, ~~and shall not be made until approved by the appropriate chancellor or chancellor's designee.~~ ~~Offers of employment above the entry rate shall not be made until all the above approvals have been granted.~~ The Board Central Office will be informed of any such action.

Dr. Charles Manning
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October 13, 1993

SECTION 13. PAY ABOVE THE MAXIMUM

Section 13.1 (This section needs to be revised to distribute pay the same for employees who are at the maximum of the pay grade or at their maximum step.)

SECTION 14. PROMOTION

Section 14.2 Upon promotion from a position in one pay grade to a different position in a higher pay grade, the employee will receive an increase of five percent (5%) per pay grade rounded to the nearest step in the new pay grade based upon the employee's base salary, or the entry rate of the new pay grade, whichever is greater. ~~However, under adverse recruiting conditions in which an institution experiences great difficulty in filling a position, an increase which brings the employee up to a point no greater than the maximum of the grade may be given. A promotional increase which exceeds the standard formula may be granted if the same criteria which appears in the section on entry rates of this rule is met and must be approved in accordance with the process outlined in that section 12.~~ The new base salary may not exceed the maximum of the new pay grade.

SECTION 19. REVIEWS AND APPEALS

(WVU and the POC recommended that this entire section be deleted and that notification letters to employees will contain how the campus will handle appeals. We will try to handle as informally as possible. At WVU we will probably refer the employee to their immediate supervisor and then to their deans or directors before appealing to Human Resources for review.

Before any classification appeal can go to grievance, we are recommending that the employee must have the appeal reviewed first by the appropriate Human Resources professional, then by the Job Evaluation Committee. Institutions will be given three months to review the appeals and the Job Evaluation Committee will be granted an additional three months to review an appeal before anything can go to grievance.)

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SECTION 20. REDUCTIONS IN WORK FORCE

(The POC recommendation is to delete this entire section. WVU is recommending that a task force comprised of both management and staff representatives and chaired by the Board Central Office Legal Council develop a workable layoff procedure and issue this at a later date as an Administrative Bulletin. The task force should include at least two WVU management representatives and two WVU staff representatives in light of the number of layoffs that occur at WVU. In the meantime, each institution develops a policy that complies with 18B-7.)

SECTION 23. APPOINTMENT OR PROMOTION

Section 23.3

Provisions of this section shall not apply to casual, temporary or student employees.

SECTION 25. SALARY SCHEDULE AND IMPLEMENTATION STRATEGY

(A concern we share with staff is that criteria have not been identified for advancing employees on steps within the pay ranges. We feel strongly that this needs to be addressed before finalizing the Policy Bulletin.)

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COMMENTS CONCERNING
SERIES 62: *PERSONNEL ADMINISTRATION*
BY CLASSIFIED STAFF

Marshall University
University of West Virginia College of Graduate Studies
West Virginia School of Osteopathic Medicine
West Virginia University
Potomac State College of West Virginia University
West Virginia University at Parkersburg



Vice President for Administration and Finance

West Virginia University**FACSIMILE TRANSMISSION**From the Office of the Vice President
for Administration and Finance

Telephone: (304) 293-2545

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TO: Charles Manning

FROM: Wayward Helmick, Pres., Staff Council

NUMBER OF PAGES TO FOLLOW: 24

DATE SENT: 10/13/93

BY: _____ PHONE: 293-2545

CONFIRMATION REQUESTED? YES NO

COMMENTS:

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Public Hearing
P. B. 62
October 5, 1993

Steve Cook
President, #B14

I am here as president of Local B14 and I appreciate having the chance to speak. Obviously, this is a very important issue for the employees of WVU and other classified staff throughout the University system. I am a little concerned that I learned this morning there were employees who wished to attend this meeting and were told they had to take vacation time to attend and that violates the intention of the hearings to give people an opportunity to speak. There has been a little bit of chaos and I don't know if this has been any individual fault on which version of 62 to make comments on. It has made it somewhat more difficult. I personally thought there would have been more people here because of the significance of the issue. However, this seems to be a topic that people do not show an interest in until six months after it has been implemented and then they have huge amounts of concern. I would also make the observation that I hope these hearings are not simple tokenism and being done simply to comply with what the code requires. I would hope that the people in charge of the hearings will take careful notes and pay careful attention and will give careful consideration to the comments people make. I am going to use the latest version of PB 62 which was sent to me by Staff Council and hope that I am working from the most current version at this point. I am not going to deal with each and every issue in the policy bulletin. In some cases, I think some changes are non-controversial. For example on first page, section 2, I have some concerns with the part-time regular employee classification and definition. That is in the policy bulletin. The part-time employee issue should be of interest not only to classified employees, but to faculty members and professional staff at every level, because this has been an issue throughout the country and I think that as budgets get tighter, there will be a real squeeze put on administrators and colleges presidents in terms of using cheap labor and I think that is a serious threat when you get part-time employees who get no benefits. If you, sir, are a classified employee and you are making \$10 per hour full time getting benefits and they hire me at \$10 per hour part-time with no benefits, they are saving \$3-\$4 per hour and I think there is a real concern about that. I served on the Governor's Blue Ribbon Commission on Personnel and Collective Bargaining and that was an area we addressed and there was strong objection to the over utilization of part-time employees. I think there are also other considerations if you look at the HEAT bill that was passed and I am looking at the enrolled Senate version of that. On page 72, I think you need to have some

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concerns about the part time employees potentially being in a situation where, because of the enhanced job bidding rights that current employees have over people being hired off the street for vacancies, I think you end up in the potential situation where a part-time employee who has worked in that category for months or maybe for years and some have, they are then going to have the potential for job bidding rights which would supersede a full time employee who may have worked many more hours but has not been here the same amount of time the part-time employee has.

I would move to Page 3 and I am looking now at 2.9, as it is now spelled out. I would just suggest to the authors of PB 62 that they need to look at the memorandum of accord which members of 814 has and is in effect between the University and the members of Laborers' Union 814 because quite frankly there is language in section 15 which deals with temporary assignments that indicates individuals who are temporarily placed in a job classification that pays a higher rate, will in fact be paid at that higher rate the entire time they work in that classification not as this would indicate potentially as they have been there for no less than four consecutive weeks. It seems to me that this is conflict with the memorandum of accord.

Looking now at 2.12 on page 12, they are talking about a downgrade. It seems to me that the administration should give some consideration to red circling in a situation where let's assume you are a long-time employee and you've periodically been on jobs that have paid at a higher rate and a higher pay grade and so forth because it paid more and you liked the job better, too. All of a sudden you get yourself in a position where you are at a particular level and for reasons that are totally beyond your control and that job is reevaluated and downgraded, what this says is your pay will, in fact, be reduced. I think that that is fundamentally unfair to do that and there ought to be some provisions for red circling in those kinds of situations.

Looking at Section 3 and 3.1, the compensation review committee. I think consideration should be given to adding other groups representing classified employees to the Compensation Review Committee.

Looking at Section 5, Compensatory and Holiday Premium Time Off, I would suggest to you in 5.2 this does not reflect a change in the administration of the Board of Trustees position on the issue, but when you are looking at holiday pay, I think they need to look at least one grievance that is being looked at by the court system Walden Case that has to do with holiday pay and premium pay. The policy in effect now and is going to be continued is not sufficient incentive to have people work on a holiday. If you are a classified employee and you get New

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Year's Day off, you receive pay for 7 1/2 hours pay for that holiday. If they have you work on that holiday, they are saying, in effect, that you are only getting time and one half for actually working. It seems to me that is not adequate. The Waldon case which Local 814 has so far prevailed on, would seem to indicate that is not an appropriate interpretation. So there may be some legal ramifications to that.

I would look now at Section 8, B.3, particularly at the last paragraph of that section having to do with disciplinary action, letters placed in personnel files where it indicates that that can not be removed and so forth. I would suggest again that the authors of Policy Bulletin 62 should probably look at the Classified Employees Handbook which is currently in effect because that specifies on Page 26, 10.3 that written warnings must specify how long they are to remain in the file "in no case can the period specified be longer than 12 months from the date the letter was written". This would appear to contradict that and I think it's unfair to have something like that haunt an employee forever and ever and that would appear to do what this would do.

Section 13, Section 13.1, I would suggest that it seems to me to not necessarily make sense to put language in here talking about the increases that may be given to employees who are red circled or who are at or above the maximum, because the legislation that was passed, says those employees can be increased by "not less than one half of the percentage or the across the board increased received by employees in their pay grades". the "not less than" has been deleted from this. It would seem to me to be wise to have that flexibility.

On Section 19, 19.1, it would certainly appear to me that this section which indicates that the statutory grievance procedure could in fact be made null and void by the adoption of this policy bulletin probably contravenes the intention of the Legislature and I suspect would be subject to serious challenge.

In that same vein, if you look at 19.7, that statutory grievance procedure which is in place, for example, says that, and I'm looking now at 18.29.3 subsections U and V, "upon a timely request any employee shall be allowed to intervene and become a party to a grievance at any level when that employee claims the disposition of the action may substantially and adversely affect his or her rights or property and his or her right is not adequately represented by the existing parties", it then goes on to say that "the doctrine of Latchey shall not apply in terms of preventing people from collecting wages that may be due them for up to

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people would lose substantial rights under the Statutory Grievance Procedure.

Maybe the most important section of this Policy Bulletin in terms of the potential effect it has prospectively on employees is probably Section 20, Reductions in Work Force. I will just tell you as a member of the Legislature that the Governor is quite committed to her goal of reducing employment by 10% during the remaining years of his administration. I would just suggest to you that you need to look very very carefully at the provisions relating to reductions in force. If you look at 20.2, for example, this policy bulletin states institution wide reductions in work force based on the reasons of "financial exigency" and then it goes on to say that there are procedures that may be established for such institution wide reductions in force, I would just suggest to you that those policies and procedures can not be in conflict with the provisions of 18B-7-1, which is addressed in 20.3, the next paragraph. I find no exceptions to permit the University to do anything differently than dictated by the State Code as it relates to layoffs. I would also suggest that the appropriate individuals look very carefully at the Robert Lockhart grievance decision, which was a decision that was made by the Grievance Board and has not been challenged in the Courts and appears to flesh out the reduction in force rules and regulations that are permissible.

On Section 22.2, I would suggest that people look at the Memorandum of Accord, Article 4, Section 14 because there is some language in there relating to overtime requirements, what is permissible and what is not permissible. It seems to me that that is pertinent.

Emergency situations from the old policy bulletin have been left out of this draft. The blizzard of 1993 would have pertained to this.

PAUL MARTINELLI

It is frustrating to discuss P. B. 62. These hearings are going on throughout the state. Many of Steve Cook's points are well noted. Remember this is a working document. For example, the time frame for keeping a letter in your file - everyone objected to that and I doubt that that will remain. I will not go through the entire bulletin. The Mercer is an equitable system. We are not completely pleased with it, but we can compromise and make it work. I support a lot of the items in 62. I think it is possible we are asking for an awful lot of money. Some of us support the step system and some support the years of service system. I support a system that will be the best for staff and will provide raises for everyone. I need to know what staff want. I have talked to a lot of staff and I have found that a lot of people do not understand the system. Maybe it is time for us to accept a different system. As long as we have across the board raises, we will never have equity. My decisions will be made on what I think is fair for everyone.

Hayward Helmick

Policy Bulletin 62 does not support the HEAT recommendations and does not follow a true years of service longevity system. My concerns are:

- 2.1.3 Temporary employees - no ending date
- 2.1.4 Casual Employees - Needs better definition
- 2.1.5 Student Employee - Needs to add 12 hours undergraduate or 9 hours graduate
- 2.1.7 Non-Classified: Where is the 4% requirement?
- 2.1.8 Part-time employees - Removing benefits of years credit and increment
- 2.7 Pay Grade: Change Step to Years.
- 2.9 Interim: Change to meet differential guidelines.
- 2.20 Salary Schedule: Change to Years
- 2.21 Recall: Remove entire section. Follow WV Code 18B-7-1
- 2.29 Bumping: Remove entire section
- 2.31 Add definition of seniority and how employee moves in step system.
- 10. Classification Review Request: Remove 90 days to conform with current 60 days. Remove job description may be done by employee. That is a supervisor's position.
- 10.2 Currently institutions are required to review annually.
- 11.2 Add within 2 weeks from receipt of written request.
- 11.6 Remove: "random and/or"
- 14.2 5% per pay grade must be based on total salary as current policy, not on base salary.
- 17.1 Downgrade - Retain current policy.
- 19. Remove or redraft. Does not meet employee needs
- 20. Remove and follow WV Code 18B-7-1
- 2.54 Add after whose base salary, this is a major concern.

Thank you for this opportunity to express these concerns. I hope they have some substances, are not just voices in the wind.

Bill Weiss

Public school employees, non classified, faculty and school service personnel have a classification based on their rank and years of years. Their policies are based on years of service. The only reason classified staff don't have a system based on years of service because our president and other people are concerned with the cost. If they were interested in doing the right thing, they would fully fund the schedule this year. These are 1992 salary dollars that will be paid in 1996. They want us to have this in 3 years. The only way to move across the step system is promotion or merit increases. Merit is the way they want to move you in this system.

My recommendation is that if we don't fight and get years of service in this this year, we will not be able to get it in 1997. They are doing what they were supposed to do in 1986. The right thing is to get the \$27 million now. Classified staff are entitled to that now. They want you to accept it over 3 years and have your years of service frozen at 1993 levels.

PUBLIC HEARINGS
OCTOBER 6, 1993

Grove Pennington

I am from maintenance engineering. My topic is letters in your file. I could have thrown a dart to choose a topic. I don't know what this huge multi-million dollar classification project has to do with leaving a disciplinary letter in an employee's file, other to install a great penalty on classified staff. Leaving a letter in a file is not only unjust but cruel. I want to be put on record that if a letter is placed in a file, a removal date should be agreed upon and it should be removed on or before that date. A letter should not haunt an employee for the rest of his employment time at WVU.

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Joseph Martin

I am a custodian at the Physical Plant. I am against the Mercer study in general. It is slanted toward management and not the working man. This state has never been for the working man. Here are my guidelines to make this a win-win situation;

Raise salary caps for any grade below 20. The state does not appreciate its older employees.

Across the board raises - A lot of people are going to get frozen out. Everybody needs something.

PB 62 is management's way of obtaining additional control over employees. We need unions. Years of service is the only fair way to base a schedule.

Shift Differential - I have worked midnights for 11 months. I almost lost my wife and friends. I am going to a doctor and taking barbiturates.

Access to personnel files - I have a letter in my file from a former supervisor who called me the worst worker in the state of West Virginia. This is not right. I took it out and it's not right that they can do this.

Join unions.

Marilyn Howton.

In the past several months, I have heard and read a lot about the revisions to the classification and pay schedules for the university. I found a lot of the information was both confusing and disturbing. To be able to comment on PB 62, I went yesterday, October 5, to the HS library to read the actual policy 62. When I reached section 25, entitled "salary schedule implementation strategy" I read "section 25 was not available at the time the agenda book was developed and will be forwarded to the board under separate cover". This copy of PB 62 was date stamped into the library on September 7; an updated copy of the entire policy is not available in the library, as of yesterday. I am certain that there are complete copies of the policy available at the University; there may be members of the audience with them right now. My point is that the library is where the public copy of the policy is supposed to be, the one available to any staff member, even those with no insider source. And the copy that is there, received as recently as September 7 is incomplete, lacking the most critical and controversial part of the policy. How can you have a 30day public comment period on this policy when the public copies of the policy are incomplete? It makes me believe that this policy is being pushed on through in haste, and that lip service is being given to the ideal of keeping staff informed of the proposed changes. The policies set by PB 62 will vitally affect the career of every staff member at this university. Once it is in place, it will be an uphill battle to have any part of it modified. I believe that you will have not given us sufficient time to adequately discuss the features of it, or to participate in the formation of this policy. A public comment period lasting only 30 days is inappropriate when the policy in question has been inadequately available for public scrutiny.

Fred Clark

I want to talk a little about downtime, comp time and disciplinary letters. Our bills are the same as the Mercer people. How can they drop us a pay grade or two? I wonder if they are going to tell our lenders that I dropped a grade. Comp time is the best benefit we employees have here at the University. You can get time off with pay. There is nothing better. Disciplinary letters - the current policy is adequate. Why be punished your entire career for a minor offense. If the offense was that severe, then something more than a letter should have been done anyway. If this report hurts just one state employee, it hurts us all. The Mercer Study should be renamed the Mercy Study - that's what we'll be crying for before this is over with?

Richard Beto

I am going to deviate from the established format and ask for some feedback from you. I am Richard Beto, manager of Printing Services and I am in my second term as your Board of Advisors representative. I need a little feedback from you as I sit in these meetings and represent you. The areas of concern I am hearing from you are:

The market system (how we stand financially to other markets) (22)

Letters in the file indefinitely (15)

Not enough information on the system (15)

Step System - definition (15)

(Richard then took a vote from the attendees - the results are in () next to the item)

Gary Everly

I work in maintenance engineering and I have been here better than 20 years. I first thought the Mercer system would be a good. But that has changed. It was off to a false start. I don't appreciate being evaluated on the basis of a few words written on a piece of paper. Let them come to me, talk to me, go around with me as I work and then use that as a basis for my pay grade. Longevity - I oppose a step system - years of service is better. A person coming in off the street should not be penalized because I am making \$20,000 and he will make \$15,000. The only thing that should separate employees is longevity. It is certainly not my fault that my position might be down graded. Technology is the cause of down grades. Letters in your file forever? Doesn't make sense. Even a convicted felon doesn't have to tell an employer he's a felon. And taking 2 sick days makes you marked for life? It's not fair. The state has always had policies which encourage animosity. It's not right. It should stop.

Robert R. Smith

I am a research facility manager. One thing the Mercer does not address is supervision coming from a faculty member, who doesn't particularly know your job responsibility. I have been here over 29 years. I think Mercer discriminates against age and older employees. I would like Mercer to look at supervisory responsibility. I know of a case where an employee has been here over 5 years and his supervisor has been here 3 months and the evaluation by this 3-month employee determined where the 5 year employee would fall on this system. I would ask our representatives, specifically Paul, to look into this. Faculty come and go. Staff stay here and do their duties whether they have supervision or not. I think there is a very bad flaw in the system.

Ben Barkey
(WVEA)

I am here from WVEA and I am working with the local ACE group. We have a real problem with this. They have gone way beyond their mandate to provide an equitable system. They have rewritten a lot of the sections that have nothing to do with the classification system. One large area that could be removed is that the system does not value the older, experienced employees. \$29 million is not a lot to ask for. We could probably ask for more. The Legislature has indicated its willingness to fund this. Collective action is truly the only way to overcome these deficits. If I were a politician and saw just a few employees here today, I would do what I wanted and take my chances. Employees working together will make a difference.

Michael Durst

I am a carpenter at the Physical Plant. I have 12 different issues here.

1. Employees must be properly classified. I am, but a lot of people are not. Locksmiths and custodians are not classified correctly. They are getting the short end of the stick here.

2. Pay Raises - Everyone should get a pay raise. The only raises seem to be above pay grade 10 and less than 15 years of services. For \$30 million, everyone should get something.

3. Salary Schedule - Should be all funded now. They are trying to bring us to market and we are trying to get to 1991 standards in 1994.

4. Salary Schedule - Based on step is confusing. Everyone understands years of service. No one understands step. My wife teaches school and her salary is based on years of service like so many other employees.

5. Salary Schedule - Should be funded annually, as part of the legislative process. We are as much a part of the education system as the public school system and the school personnel.

6. Lowest paid person on step would be around \$10,000. A recent news report listed poverty level for a family of four to be \$14,000.00 We are hiring people at poverty level.

7. File letters - Leaving letters in your file indefinitely - the current system is good and doesn't need to be changed.

8. I understand equity and I believe in equity, but I wish they would leave the rest of the policy alone. Like disciplinary letters - those have nothing to do with equity. Nor does comp time, etc. Work on equity.

Terry McManis

I am a carpenter at the Physical Plant. There are a lot of things in this new schedule and policy bulletin that I don't agree with. The major concern is the step system. What does that mean? Does anyone know? We need to base this on years of service. Everyone understands this. Another issue the differential guidelines being set up, for example, the interim position. The new system requires an employee to work four weeks in a higher position before he or she is compensated for that work. I say no. One day is all you should have to work to be properly compensated. Thank you.

Sam West

I am a locksmith at the Physical Plant. I agree with the two gentlemen before me. What the Legislature intended to do and what is really happening are two different things all together. If we don't bypass all these extra people and get right to the Legislature, we will all be back here years from now trying to figure out what went wrong. These people have no intention of making this an equal system or a fair system. You cannot leave letters in a person's file forever and say they will not affect promotions and upgrades years from now. This is their method of keeping us where we are without moving ahead. Thank You!

David Walden

I am an electrician at the Physical Plant and I have been around a few years at this University. Some of the problems I am having with this deals with understanding the step system. The way I read it is that the only way you can advance on the step system is through merit. Merit has never worked at this University in the blue collar class and it never will. Holiday Premium Time Off - that is fascinating, because I have personally had a court case for about 4 years concerning this. They don't want to rule on it, but they are now going to tell you how they are going to give you time off. Shouldn't we wait until the court case is over? Reviews, appeals and upgrading - I see no input from the employees - this is handled by administration. Your personnel file - you are now allowed to see it. If you see something in there you want a copy of, they are going to charge you for it. Did they charge anyone to put that in your file? Maybe if they had given you a copy up front, then you wouldn't have to ask for it. The present grievance procedure allows for letters to be removed after a maximum of 1 year. Now, it can stay forever. During my time here, we have looked at several pay schedules - concerning this step system - I cannot tell where I am going to be. The step system is a good way for WVU to get employees and not have to pay for them.

Paul Sisler

I am a painter at the Physical Plant. I will be short and sweet. This is not a good attitude for us. This whole study came out to be anti-employee policies. The way I read it is that they have this written such that they can hire or fire anyone they want. Unless you are a brown noser, you could be in trouble. Relatives will also do well. We need to get some regulations set up that are fair for employees also. People shouldn't have the right to change policies so easily. This is as anti equal employment as I have ever seen. They want to hire people at \$10,000? These people would be better off to go back on welfare for that. You get a little bit of hospitalization and then you still have to pay for that. One good point is that they are trying to come up with a good salary schedule to give us a little something and what do they do with it? They plan to spread this around over three years. What good does that do? We are still going to be over 5 or 6 years behind. Where is the improvement? Fund it now and let us have the money now. Let the people, like me, who have nothing, have some money now. You people who make \$25,000 to \$40,000 - you can wait a little while for your money. Those of us taking home \$7,000 - \$8,000 - we need it now. Thank you very much.

Ralph Smith

I am from Maintenance Engineering at Health Sciences. I have been employed 18 years. I am on Staff Council and a member of Local 814 - I am on the Executive Committee. This Mercer has been an uphill battle. We have had to scratch and claw for everything. Now they want to go with the Step System. They want to penalize the new worker. They take incentive away from long term employees. People are going to be locked in on a certain step and they won't move. It's not fair - it's just not fair. There is nothing fair about it. They thought we would have to be Philadelphia lawyers to understand this, but we understand it now and it's just not fair. I know when I'm being had. I have seen a different copy of PB 62 every week. The letters in a file - that's not right. Remove the letters. The bumping policy is crazy - what we have to do is crazy. We must take a stand together. That is the only way we can be heard. Thank you for listening.

Marie Jackson

I am an accountant at Comer. I am speaking for myself and my fellow employees. We want a years of service system, not a step system. No one us seem to understand the step. We want to keep our longevity. I want this funded this year. If we wait until 1996, we are still going to be at least 3 or 4 years behind. Who wants that? Another major complaint concerns the secretaries. We have administrative, secretary bs, etc. Under the Mercer, everyone is classified as secretary. They all do different jobs. Why should they be lumped together? Letters in the file - nothing should be left there forever. Concerning the comp time overtime issue, everyone seems to be very happy with the way things are now. I have never heard any complaints. Why change it? It should be your option to take comp time or over time.

David Watkins

I am a budget planner with the Office of Budget Planning. I have a few comments to make. There are lots of comments to make, but I will limit them. One major concern is Section 25 (Salary Schedule and Implementation Strategy) - The general feeling among classified staff is that the salary schedule should be driven by years of service. The use of years of service as a means of placing employees on the salary schedule should occur not just during the implementation phase but throughout the life of the schedule. Section 25.4 of the current proposal calls for a three year implementation period that initially places employees on the schedule based upon years of service as of July 1, 1994, but qualifies itself with the phrase "if sufficient additional state funds are appropriated from the Legislature". If funding is unavailable or only partially available the attempt to initially place employees on the schedule based on years of service will not be successful. There is not provision for movement along the schedule after July 1, 1996. As the proposal is currently written, part of a salary increase program if funding is not made available for increases until after July 1, 1996. Even with full funding of the proposal this schedule becomes an open ended pay structure after July 1, 1996. Classified staff desire a salary schedule with a more definite plan of employee salary progression.

Section 14 (Promotion) - When an employee is promoted to another position with a higher pay grade, that employee should receive a salary increase of 6.5% per pay grade or the entry rate of the new pay grade, whichever is greater. The current proposal calls for an increase of 5% per pay grade. An increase of 6.5% is more appropriate given then that proposed step structure schedule indicates that the average percentage increase from one pay grade to the next higher pay grade is 6.5%. Also, in order to guarantee an increase of at least 6.5%, there should be not rounding down of salaries to the nearest step if the nearest step happens to be lower than the 6.5% increase mark.

Section 15 (Upgrade) - The same change as made to Section 14 should be made to this section for the same reasons.

Section 17. (Downgrade) - An employee salary should not be reduced as a result of a downgrade. The financial loss to the affected employee should be limited to the potential for smaller pay increases in the future due to a lowered pay grade.

Debra Eakins

As a 10 year employee of WVU, I am concerned with the Mercer Classification Project planning to base the project on a step system. No one has defined a step, nor has anyone told us how people will move along those steps. Nor has anyone told us what will happen after 1996. With all of these questions, I cannot support the step system. Time is running short for a plan to be implemented. I feel that I am being asked to buy a pig in a poke. I do not buy into employees moving along the step system at the discretion of the Legislature. Thank you so much but I have not seen salary increases at a reasonable or regular basis going through the Legislative route. Only through several promotions have I been able to see my paycheck increase while the cost of living has steadily increased. On the other hand, I am not totally comfortable with the years of service plan either. I believe that going on years of service alone could throw some departments into a hierarchical system. We talk about total quality management in the state, but if we are not assessing the situation properly and not being competitive with salaries and working conditions and services provided, we are missing the mark. The powers that be must find a way to bring us to the market rate as quickly as possible. The whole intent of the Mercer study was to provide equity in classification and compensation and I believe that the Project Oversight Committee, the Board of Trustees, and the Legislative Oversight Committee on Education Accountability have a duty to the citizens of West Virginia and the University and College employees to provide equitable pay which is long overdue.



OFFICE OF THE PRESIDENT
F. Layton Cottrill, Jr., General Counsel
400 Hal Greer Boulevard
Huntington, West Virginia 25755-1000
304/696-6444

September 22, 1993

Dr. Charles W. Manning
Chancellor
University of West Virginia
Board of Trustees
1018 Kanawha Boulevard East
Charleston, WV 25301

Re: Public Hearing - Marshall University

Dear Chancellor Manning:

Enclosed please find the summary report of the Public Hearing on Series 62 held at Marshall University on September 20, 1993.

Should you have questions or additional information is required, please contact me.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'F. Layton Cottrill, Jr.', written over a horizontal line.

F. Layton Cottrill, Jr.

skj

Enclosure

c Ms. Margaret Robinson
Dr. J. Wade Gilley

9/23
c: C.T. Mitchell

PUBLIC HEARING SUMMARY SERIES 62

SEPTEMBER 20, 1993

MARSHALL UNIVERSITY

In compliance with Senate Bill 377, the first public hearing on Series/Rule 62 was held on September 20, 1993. The hearing was initially scheduled for September 23, 1993. However, in order to give university employees ample time to submit their written concerns, and to submit the summary report by September 24, the hearing was rescheduled and held on Marshall University's campus on Monday, September 20, 1993. Proper notification was given to all MU staff and faculty by sending individual notices through campus mail, audix messages, notices posted in the student center and the Human Resources bulletin board.

Prior to the actual public hearing, informational meetings were held on September 14 and September 17, 1993, to review Series 62 and discuss major changes.

The public hearing was tape recorded in its entirety. The following is a summary of the proceedings of the public hearing provided by the Marshall University Department of Human Resources.

The public hearing was attended by approximately 80 people and 12 of those people chose to speak or have their statements read.

Mr. Lee Clark, Anatomy Technician/Lab Assistant, from the Department of Anatomy, read a statement written by Mr. Estil Hum, Laboratory/Medical Technologist II, from the Department of Physiology. One of Mr. Hum's major concerns was regarding the proposed salary schedule (Section 25) and the possibility of losing 2 years of seniority. He feels that this salary schedule does not provide equity. He is also concerned with Sections 12.4 and 24 regarding Market Premium. He feels that this is not equitable. He says that bumping would not be fair (Section 20.9). Mr. Hum feels that Section 8.3, regarding letters and memoranda should not be changed and should remain the same as Section 6.3 of the old Policy Bulletin 62. A copy of Mr. Hum's written statement is attached.

Mr. Lee Clark, Anatomy Technician/Lab Assistant, from the Department of Anatomy stated the following concerns: He addressed Section 2.11 regarding initial placement on the salary schedule, based on years of service. He is concerned that this is not adequate. He was concerned with Section 8 regarding an employee's personnel file. There should be right of access to the personnel file and he feels he should not have to forfeit his right to information. He is concerned with the removal of adverse information. The old policy provided for automatic removal after 1 year. Mr. Clark feels there should

be a formula in place for the automatic removal of adverse information. In Section 25, he is concerned that employees will lose 2 years of their seniority because of their placement on the salary schedule. He is concerned that there is no provision to move ahead through the steps of the schedule. He also stated some concerns with Section 24.6 regarding Market Premium. There should be no Market Premium, period. The system should be equitable, salaries should be equitable. They should not be brought in by some kind of magic formula to adjust things outside of that.

Ms. Jill Chapman, Credit Conversion Specialist, from the Office of Admissions, had concerns about Section 25, regarding the Salary Schedule. She opposes the step structure salary schedule. Every Higher Ed bill since 1985 mandates uniform classification. Series 62 presents a salary schedule with steps divisible by 12. We cannot understand it, let alone support it. Years of service is our most tangible asset. Everything in our career is longevity driven, our annual increment, retirement and length of service. She believes that a salary schedule based on longevity is the only fair way.

Mr. Lee Clark read a statement written by Ms. Dianne K. Anestis, Laboratory Technologist, from the Department of Pharmacology. Ms. Anestis feels that PDQ's were not read nor evaluated. She is concerned that employees will lose 2 years of seniority. She feels that the classification review and job evaluation process is a sham. Bumping is totally unacceptable, especially if it is based on seniority alone and not on job knowledge and skill. Feels policy is not thoroughly thought out and should be postponed. Feels policy should recognize employees as institution's most valuable resource.

Mr. David Cremeans, Senior Offset Press Operator, from the Graphics Department. The Legislature was very clear about the salary schedule. Project Oversight Committee and Chancellors trivialized and made Mickey Mouse innuendos about the way we would be living our lives. Feels the salary schedule must contain longevity and years of service. We will not support anything that does not guarantee years of service. We will take it back to the legislature.

Mr. Jonathan Brown, Manager Learning Resource Center, School of Nursing said the salary structure is unacceptable and is in conflict with the HEAT report which stated years of experience was to be included. Section 25.5 is an attempt to redefine equity and it will be tested in the WV Supreme Court. In reference to 19.7, no employee should sign away their right to file a classification grievance. In Section 19.8, multiple hearings are not acceptable. It is not the problem of classified staff but the problem of the Central Office. Is an employee punished if they do not agree to an extension and will their hearing be held any differently from an employee that agrees to an extension?

Mr. Russell Dorton, Roads and Grounds Worker, Physical Plant feels that length of service is very important. The Administrative world at Marshall needs to take a better look at long term employees. There is no incentive to look ahead if you are already over the maximum. The salary structure is unfair to long term employees.

Ms. Sherri Noble, Assistant to the Vice President for Academic Affairs and President of Classified Staff Council, feels that the Code did not call for a revision of PB 62. The revision appears to place into law what should merely be Board policy. It is an attempt to halt any future grievances based on salary issues--Equal pay for equal work. Removes years of service as being very meaningful at all unless you get to bump someone. Series 62 does not need revised except on those areas dealing with salary. In the few examples she has taken, 5% per pay grade movement up or down, and rounded, you could lose \$200-\$300.

Ms. Sharon Altizer, Administrative Aide II, Communication Studies, feels that a lot of offices deal with large quantities of work. Concerned that volume is not a factor used to evaluate jobs. Volume should be a factor used to evaluate jobs. Positions dealing with all students should be given credit over those positions dealing with students from only one college. Longevity should be considered. There needs to be some way to move up the pay scale.

Shirley Dyer, Acting Director, Printing Services, and Vice President of Classified Staff Council stated the following concerns: The HEAT report states that there should be equitable classification and compensation system, and that the salary increases be based on years of service. This system does not provide for longevity. In Section 25.3.1 there is a 15 year max on longevity--what happens to people over 15 years? Regarding Section 25.5 MU employees do not feel this is equity. Concerned about Recall and Rehire (section 2.22)--where will these people be placed on the salary schedule, will their time be bridged? Concerned that we have not seen the Point Factor Methodology (2.28). We would like to have this before anything is implemented. Section 3 regarding the Compensation Review Committee, concerned that there are no Staff Council Reps on this committee and this is not in compliance with the law. We want merit remove from the classification system (Section 2.15). Concerned that employees need more than 30 working days to file a grievance regarding their classification (section 19.7). Feels Series 62 revisions are not required of the HEAT report. Policy Bulletin 62 should stay as it is.

Russell Dorton spoke again and stated that no one is making the money they should be making. The University expands but salaries do not. Personally not happy with his pay. Not enough money for what is expected from employees.

Lee Clark spoke again and stated the following concerns: Regarding Section 10.2, Position Descriptions. Position Descriptions should be comprehensive, adequate and available to employees. Section 10.1, regarding supervisors assigning tasks to the position, it should be added to this section that this be in writing.

Mr. Ron Hicks, Carpenter, Physical Plant was concerned with Section 24, regarding Market Premiums. Employees should not be punished for where they live in the state. Employees should be paid the same pay for the same job. It's all the same place--no difference in what we do or how we do it.

Ms. Sandra Winters, Financial Aid Counselor, Financial Aid feels like pay is the only incentive. She works longer and harder than administrators and she is tired of it and she wants to be rewarded by pay. University is going to get what they pay for if employees don't get raises. University will get no more extras from employees.

Ms. Carla Schneider, Laboratory Technologist, Pharmacology, submitted her comments to be included in this summary but they were not read during the hearing. Please see attached.

Since there were no more speakers, the session concluded at approximately 3:00 p.m. In order to accommodate anyone who might be coming to work on the evening shift, the Human Resources Staff remained until approximately 4:10 p.m. No other employees wished to speak.

The written comments/concerns of the following employees are also attached to this report:

1. Ms. Diane Anestis, Laboratory Technologist, Pharmacology
2. Ms. Martha F. Hagan, Library Technical Assistant III, Library
3. Mr. Estil Hurn, Laboratory/Medical Technologist II, Physiology
4. Dr. Edouard Piou, Ombudsperson & AA Officer, Affirmative Action Office
5. Ms. Carla Schneider, Laboratory Technologist, Pharmacology
6. Ms. Lu Ann South, , Secretary III, Biological Sciences
7. Ms. Jan Weece, Secretary III, Tech. Ed. Program/Eric

23 Crest Drive
Nitro, WV 25143
304-755-0440
September 20, 1993

Dear Sirs:

I would like to address some of your proposed actions under the draft of Title 131, Procedural Rule, University System of WV, Board of Trustees Series 62. (Series 62)

In short, Series 62 bases decisions concerning classification review, job, and pay-grade evaluation on the expensive, but thoroughly inadequate and often erroneous, conclusions of the Mercer Study. It has been surmised statewide that the PDQ's were neither read nor evaluated against the current market as promised. In addition, the unrealistic step salary schedule and its proposed implementation mechanism that cheats employees of two years of service is another Mercer Study boondoggle.

To be more specific, classification review and the job evaluation process can only be considered a sham since many of the recently proposed job titles and corresponding pay grade do not reflect an employee's execution of the thirteen factors listed in Section 2.27. Let me point out, that this list, too, was developed by Mercer with major shortcomings concerning the recognition of employee performance. Acceptance of the draft of Series 62 by January, 1994 is too premature considering the number and magnitude of the problems that need to first be addressed.

Furthermore, institution of a "bumping" mechanism based on seniority alone is totally unacceptable to any professional. It merely supports the "Peter Principle" at its finest, and will drastically reduce employee productivity and loyalty if their value is placed on seniority alone and not on job knowledge and skill. In addition, no supervisory input to this proposed process is destined to cause strife at supervisory and faculty level as well. They will be faced with the removal of a long-term, well-trained employee, and their replacement by a merely minimally qualified person. It is not feasible to believe that disrupting a working system could be beneficial.

Again, this policy has not been thought through very well, and I encourage you to postpone its acceptance until a more realistic review is performed that recognizes employees as an institution's most valuable resource.

Sincerely,


Dianne Anestis

September 21, 1993

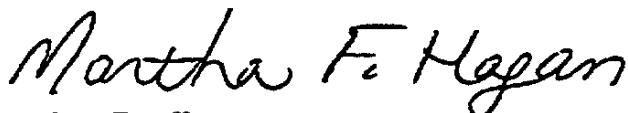
Marshall University
Human Resources
Huntington, WV 25575

Dear Sir:

I am writing in regard to Policy Bulletin 62. I strongly oppose the fifteen year cap to the salary schedule. We have worked hard to raise the cap and now they are wanting to cap it at fifteen years.

Please add this to your report. Thank you for your attention to this matter.

Sincerely,



Martha F. Hagan
Marshall University
Library Technical Assistant III

LAB TECH II
 E9776 MUMM

I have been with the University for over 16 yrs and until last year was held at the same classification. Now with the new classification I will be back on the bottom again. I do not make enough money for the years I've been here. I'm a good employee. My responsibilities and duties are always increasing. For years I have trained new employees brought in at a higher classification and yet I am not rewarded for this.

In section 25 the way the new salary schedule it is set up to where we will lose two years of experience before the schedule is fully implemented in 1996. This will not only set me back 2 yrs but this is added to my 16 yrs.

Also it was to ensure that the employees receive an increase by moving up by steps every year. Not to move into a step and stay at that step indefinitely.

In section 8.3 the part on letters, and memoranda should stay the same as in 6-3 of the old Bulletin. Employees should be able to petition for removal of documents without petitioning the court or the president of the institution.

In Section 25 this was to insure that the employees would have equitably salary incidence with Article 9 Chapter 18 B of the state code. However in Section 12.4 and section 24 Market Premiums, This has provided the loop hole that is needed so that new employees can be hired in at a higher Base pay than the employees already in this position. And you call this justification to the person involved.

In Section 20.9 this subject of bump will not be fair to Staff employees or their Faculty boss. We are trained well equipt persons and you are suggesting to replace us with "employees who meets the minimum qualifications."



OFFICE OF AFFIRMATIVE ACTION
400 Hal Greer Boulevard
Huntington, West Virginia 25755-1010
304/696-2592

TO: Queen Foreman, Director
Human Resource Department

FROM: Edouard L. Piou, Ed. D.
Ombudsperson & EEO/AA Officer *HP*

REFERENCE: Your Request for Comments/Concerns.

DATE: August 24, 1993

The proposed draft of Title 131, (Procedural Rule, University System of West Virginia, Board of Trustees) Series 62, is not in compliance with West Virginia Code 18B-7-1(d) and with standard employment merit systems. In order to bring said Title in compliance, I recommend that its section 7.2 be revised to read:

"Non-exempt classified employees, including those who have not accumulated a minimum total of one thousand forty hours during the calendar year or who work for less than nine (9) months, who have been performing at a more than satisfactory level and who meet the minimum qualifications for a job opening at the institution where they are currently working shall be hired into the posted position prior to hiring someone from outside the institution, unless said institution is under a mandate to comply with affirmative action laws or PL 101-336 (ADA). [underline text is taken from July 13, 1993 Memorandum from Chancellor Charles Manning to University Presidents].

cc: Dr. Betty J. Cleckley
Mr. Layton Cottrill, Jr.; Esq.

To Whom It May Concern,

Other topics of concern are going to be covered by other members from the Med School, but one major concern I have is if the people on "hard" money are able to "bump" someone in a "soft" or money position. Since people on soft money are not able to bump, it is only fair to make sure those on hard money are not able to take their jobs.

Although the idea of someone on hard money taking a soft money position doesn't seem likely, if that is the only available job, it is conceivable that it could occur.

Please take this into consideration and stipulate that either hard money persons can't bump soft money people or that soft money can also bump.

Thank You

Carla Schneider
Laboratory Technologist

NOTICE!!!

PUBLIC HEARING

PROPOSED CHANGES
TO
SERIES (POLICY BULLETIN) 62

DATE: SEPTEMBER 23, 1993

TIME: 2:00 - 5:00 P.M.

PLACE: DON MORRIS RM. (STUDENT CENTER)

PURPOSE: To comply with Series/Rule 62 a public hearing is being held as a vehicle for CLASSIFIED STAFF EMPLOYEES to express their concerns with the proposed changes to Policy Bulletin 62.

Those who wish to speak will sign in and speak in that order for 3 to 5 minutes. No response to comments will be given during the public hearing.

Submitted by Lu Ann South, Secretary III/Biological Sciences-
Marshall University, 17 September 1993.

Although I have great concerns about all sections of proposed
Policy Bulletin 62, my greatest concerns lie with the following
sections:

- (1) Section 2 of the proposed Policy Bulletin 62 defines the different types of employment. Those which concern classified staff are: Full-time Regular, Part-time Regular, Temporary Employee, Casual Employee.
- (2) Section 20 of the proposed Policy Bulletin 62 discusses reduction in work force. Layoffs, temporary furloughs, and abolition of positions of full-time regular classified employees are discussed excluding the elimination of any casual/temporary/part-time positions.
- (3) Section 20.4 states: "If, due to institutional restructuring or lack of work, a decision is made to eliminate the number of workers in a certain job title, the institution shall lay off the employee with the least amount of seniority holding that job title".

A safe-guard against positions of all full-time regular employees being eliminated should be the first issue addressed within this section.

Our institution has seen such positions eliminated and has successfully re-placed the classified staff employee whose position was eliminated into a vacant position. So far, so good. But we continue to fill vacancies through advertisement which tells me a time will come when there will be no vacancies to use for such re-placement. This policy should address such a situation and to my reading it does not.

Before "bumping" of employees becomes a reality, the following must be the understanding and acceptance of our administration:

- (a) should the need arise to eliminate a full-time employee position, that employee will be given the right to transfer to any open position for which they are qualified. Should no such vacancy exist, qualifying positions held by casual employee, temporary employee and part-time employee positions shall be eliminated and a new full-time position be created. "Bumping" of positions shall not occur until all casual/temporary/part-time employee positions have been abolished.


Lu Ann South

9/17/93
DATE

2413 Old Spring Valley Road
Huntington, WV 25704
September 22, 1993

The University of WV Board of Trustees
1018 Kanawha Blvd. E Ste. 700
Charleston, WV 25301

To whom it may concern:

Monday, September 20, 1993, at approximately 4:35 p.m., I arrived at the Student Center to have the following submitted for public record. To my dismay, the Public Hearing that was scheduled from 2-5 p.m. was closed. This hearing had originally been scheduled for Thursday, September 23, but was changed to the 20th with very little notice and concern of classified staff. I was unable to leave my job site until 4:30 Monday, although it was announced earlier that afternoon release time was granted. Evidently the committee did not want feed-back regarding Series 62 or the public hearing would have been scheduled for the convenience of classified staff. When public hearings are conducted they do not close before the designated time so individuals can attempt to attend a meeting that was scheduled to last until 5:00 p.m. Closing this meeting early was wrong! Just like Series 62!

The draft of Series 62 was put together by administrators that could not care about classified staff. Classified staff was not given a voice or a chance to vote on who would carry their voice. Classified staff was represented by Deans who were appointed, not elected. How could they possibly know the concerns of classified staff? They don't. They have no idea what our jobs are like, how long it takes to perform certain duties, how much volume of work one person can handle effectively and efficiently, or how tired classified staff are of being abused by administrators.

Administrators set the rules to protect themselves. Who protects classified staff? Sure we have the grievance process, but the president controls the hearing examiner at level two and when the grievant wins at level four the university automatically appeals to circuit court just as a delay process. So what is left for staff? Nothing.

Morale at Marshall University has declined over the years. The only way to instigate new morale and build up the staff is to let them have a voice. No one pays attention to whom actually does the jobs. No one listens when an employee states, "I can't complete my job assignments in a day without working over." "This department is understaffed." "Why do I have to correct the problems of another employee that has not been trained to do their job when they are in a higher pay grade than I?" "Where is equality?" "Why can administrators take off without having to document sick or vacation

time?" These are just a few statements that have been ignored over the years by administrators.

Series 62 only gives the administrators more power and control over those who are doing their jobs. Series 62 takes away rights of classified staff. Series 62 gives the president of each institution the right to remove or add to classified staff's confidential personnel file, but who has control over his? We only want what is fair, but Series 62 isn't fair or equitable. Tear it up and start over. Give classified staff a voice in what they have to live by.

The following is just beginning of what is wrong with Series 62:

- 2.9 Definitions - Interim Responsibilities - if individual holds the interim position for more than 12 months will this position be considered a reclassification or a new position so all qualified employees have a chance to apply for this position?
- 2.13 Definitions - "Transfer. Movement from one position or job title to another position or job title requiring the same degree of skill, effort and authority. Both positions are in the same pay grade." Will this be allowed since two grievances have been filed against the university for doing this in the past? (The grievant won at level four but the university appealed to the circuit court) In one instance the university actually created a new position (the position was higher pay grade than the employee held in previous job) and did not post the position for fair hiring. The other position was previously posted and closed but was given to an individual who had not applied during the posting time.
- 2.15 Definitions - "Base salary adjustment. The amount that a base salary increases within the pay grade to reward performance, to rectify inequities..." let's get real. This is nothing but a merit raise and only "suck-ups" will receive a raise. This is not a fair and equitable solution for all employees. Instead of saying, "reward performance" why not to "reward for seniority" and make this a yearly raise or every three years. At least something that would work across the board instead of certain individuals getting the "reward for performance" raises. Not everyone has the same view point of their supervisor and therefore would not be considered for a raise for "reward."
- 2.22 Definitions - Rehire - if passed an employee that is rehired must start out at base salary. Before

they could be reappointed at same salary they earned at their initial termination if accepting same or similar job. In section 2.1.1 Length of service as a full-time regular employee with the State of West virginia shall be credited toward initial placement on the salary schedule implemented by this rule. This is double standard. One rules out the other.

- 8.1 Access to Personnel File - "The official file for the employee shall be maintained in the institution's human resources office or as otherwise designated by the institution's president." This has even been past practice but we have supervisors that claim they hold the official file. These supervisors need to learn the rules and regulations of this institution.
- 8.3 Access to Personnel File - if passed letters, memoranda, etc. related to current or previous disciplinary actions are not subject to removal by petition and shall only be removed upon order of a court or proper administrative body or by the president of the institution. Who is the proper administrative body? Why should they or the president have control in what is removed from our confidential personnel files without our permission? Who controls their personnel files? In the past documents of reprimand could be removed after one year, now that right has been taken away from state employees.
- 10.1 Classification Review Request - Why is the personnel office give 90 days to delay in writing to the requestor whether their request for reclassification has been denied or approved.? The personnel office opened two new positions and realigned their staff to better accommodate employees. So why isn't the original 60 days sufficient time? Staff should not be put on hold for administrators mismanagement in a department.
- 11.5 Job Evaluation Process - Why is the job evaluation committee all administrators?: "Classified staff representatives shall consist of one from each system and shall be appointed by the appropriate chair of the statewide advisory council of classified employees..." Who is the statewide advisory council and why do they have the right to choose who represents classified staff? This should be the right of classified staff at every institution not the administrators!

11.6.1

Job Evaluation Process - "Absent fraud on the behalf of the employee, any overpayment of the employee because of an erroneous classification decision by an institution shall not be collected from the employee. However, any erroneous overpayment to such an employee, once corrected, shall not be deemed as evidence in claims by other employees that the classification and compensation program is not equitable or uniform." If employees find an erroneous classification and can prove an equitable or uniform classification program is not in effect, they should be entitled to file a grievance and entitled to backpay and restitution. This is another example of trying to slip-shod state employees by taking away current rights.

12.4

Entry Rates - "Request for hiring exceptions shall be submitted by the requesting supervisor to the human resources department for review and approval by the president or president's designee, and shall not be made until approved by the appropriate chancellor or chancellor's designee. Offers of employment, above the entry rate shall not be made until all the above approvals have been granted." Section 2.7 Pay Grade - Section 2.14 Base Salary - Section 2.15 Base Salary Adjustment - does not clarify the above can be done in such a manner.

19.8

Reviews and Appeals - "When filing such a grievance with the appropriate governing board, an employee shall expressly state whether or not he/she agrees to an extension of the statutory period for a hearing before the governing board." How much extension time are we talking about? This should be outlined so employees know ahead of time. The grievance procedures already takes more time than it should. Even when grievants win they loose. No matter what level the grievant wins on the university appeals to the higher level. They don't want to have to deal with the correct issues. Grievants hardly ever win at level two because if they do the president overrides the grievance examiner and denies the grievance. Who is going to help control this? Who is going to say enough is enough?

20.3

Reductions in Work Force - "Layoff, furloughs, or terminations based upon elimination of funding for particular positions, abolition of positions due to organization restructuring, or lack of work are not considered reductions-in-force based upon financial exigency and may be effectuated at the

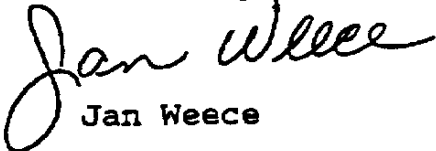
institutional level, consistent with the provisions of this section and W.Va. Code §18-7-1. Section 20.5 "When an institution contemplates the elimination of a position or reduction of number of workers holding a certain job title which will result in the displacement of a particular employee, the institution shall notify that potentially displaced employee at least (30) thirty days before the contemplated action. At the time of notification, the institution shall notify the employee as to which position, if any, the employee may "bump" into." Does this mean those on soft (grant) money can bump? We have been told only those on hard money can bump to any area as long as it is the same pay grade or lower. How unfair!

23.1

Appointment or Promotion - "Pursuant to W.Va. Code §18B-7-1, non-exempt employees who meet the minimum qualifications for a non-exempt position within an institution shall be hired into the posted position prior to hiring someone from outside the institution." What guarantee do we have this will happen? It hasn't been the past practice of Marshall University. Shouldn't a law be passed or a code to have positions posted for university employees only first before they are posted for outside consideration? Too many times qualified employees are passed up just because problems have existed in the departments and supervisors don't want someone already in the university because they may know of the existing problems or know of the person who has caused the problem. All too often individuals are ignored within the department even though they may have performed the job position on a temporary basis. Why should the university/department have to train an unqualified person for a job that another employee knows?

Give us an "employment contract" we can be proud of. Don't wait until 1994 to fully fund the salary schedule that was to have been implemented in 1985. We can't continue to live on our current wages. We are the ones doing the jobs and we should be heard before the final writing and acceptance of Series 62, at present it is only something that is administration biased.

Sincerely,


Jan Weece

9/24/93

TO: Queen Foreman
FROM: Beverly McCoy
SUBJECT: Response to Series 62



Thank you for providing employees who could not attend the hearing an opportunity to present comments.

While I appreciate that enormous difficulties are inherent in such a reclassification project, I fear that section 25.5 tries to "define away" one of the staff's most fundamental concerns: equal pay for equal work with equal experience.

First, if the "equity step" actually is the base salary for a job, please label it as a base salary.

Second, stripped down to its essentials, section 25.5 does not establish equitable and uniform salaries; it simply defines anything over the minimum base salary as equitable and uniform. This schedule perhaps does provide equity with the private sector, but it certainly appears that it does not assure equity within our higher education system.

I don't know how the courts would rule on this, but I think the court of newspaper editorial writers inevitably would paraphrase some of George Orwell's better-known writings:

"All salaries are equitable, but some salaries are more equitable than others."

"War is Peace. Variety is Uniform. Inequitable is Equitable."

Please ask the group to go back to the drawing board on this!

25 09 1993

1993

September 24, 1993

To Whom It May Concern:

It is unfortunate that this has been a particularly busy time in our office so that I have been unable to attend the sessions concerning Series 62. However, in the little time I have been able to spend reviewing the circulated documents, I have serious doubts about the equity of the proposed changes. The addition of the inequitable proposed salary schedule concerns me greatly. We have worked too long and too hard to give up our years of service. I am very concerned that Series 62 is even being discussed at this time. Series 62 is a procedure which would only need pertinent sections revised.

Sincerely,



Peggy Egnatoff
Marshall University

September 20, 1993

TO ALL CONCERNED:

This letter is written in response to Series Policy Bulletin #62. This Policy Bulletin will significantly impact on many West Virginians either directly or indirectly if ever implemented to its fullest extent. My concerns and comments are as follows:

Supervisors of employees affected by this Policy Bulletin were never given copies of this policy. Yet the personnel that they supervise could change dramatically if "Bumping" were instituted.

No mention was made under the section on "Bumping" as to the consideration of the quality of work by an individual only their longevity. Staff that have performed only at a minimal level but have more experience could bump another individual who has worked less time but has an excellent record of performance. As a supervisor, this gives me tremendous reasons for concern. If you think back to modern history, socialistic states have failed, yet that is what you want to establish within the university staff system. Under the new policy bulletin, no consideration will be made in regards to quality of work only longevity for job security. I hope West Virginia never institutes this policy because we will be faced with many employees that have their "time" in and do not care one iota about the proficiency and efficiency of their work.

More effort has been made to institute this policy than has been done to balance the structure of classified staff within the University system.

I am a West Virginian, an active voter in local and state elections and a tax payer and feel my opinion should be heard. This is a step backward and not forward for the State of West Virginia. You are telling new and old employees alike that it is the duration of your employment that is important, not how well you perform.

A concerned citizen of West Virginia,

Monica Valentovic
Monica Valentovic
1473 Spring Valley Circle
Huntington, WV 25704

SEP 21 1993
UNIVERSITY OF WEST VIRGINIA

WEST VIRGINIA GRADUATE COLLEGE

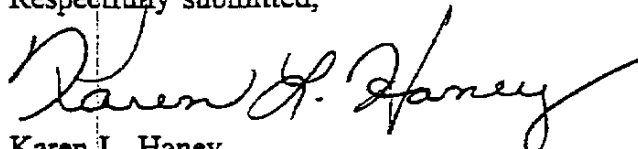
REPORT ON PUBLIC HEARING CONCERNING POLICY 62

The Human Resource Development Office distributed two notices to all faculty and staff in the Graduate College informing them of the public hearing on Policy 62 to be held on September 23rd at 8:30 a.m. Attached to the second notice was a Summary of Policy 62.

On September 23, 1993, at 8:30 a.m. the public hearing was held. Karen Haney, administrative assistant in Research and Planning, attended as the recorder. Jim Stephens, Director of Human Resource Development was also present. One employee of the West Virginia Graduate College, Lois McCarthy from the Library, attended the hearing to make comments regarding Policy 62. Following is a summary of her remarks.

"I was asked to represent the library department of the Graduate College regarding Policy 62. As an individual that has been here for 15 years, it seems somewhat unfair. We are being penalized for being loyal to our school. ... Section 13.1: If an across the board increase is given and we're at the maximum, no one takes into consideration that there might be a cost of living increase and we're not eligible to have that. The newer employees think this is fine because they haven't reached that state yet. I think this is unfair to be penalized because we have been faithful. Another part that really concerns us is Section 2.11, Demotions, and also Section 2.12, Downgrades. Demotion to me is another way of saying downgrade. In your definition it says 'a reassignment of the employee's current position to a job title assigned to a lower paygrade as a result of a significant reduction in the existing position's duties and responsibilities.' It also states that a 5% decrease will be given for each paygrade. I don't think too many people can afford a decrease in salary. If you go down three paygrades, you go down 15%. I doubt if anyone has ever received a 15% increase.As a group this document is presented from the viewpoint of administrator or supervisor. It is not for the benefit of classified employees. It is not objective in the presentation of material and can certainly be regarded as one way for administrators to interject preferential treatment to employees based on personal feelings. You have bumping included in this. It makes someone really uneasy to realize that an administrator or a supervisor will have that much power over you. I hope you will review these points, and I thank you for your time."

Respectfully submitted,



Karen L. Haney
Administrative Assistant



West Virginia School of
Osteopathic Medicine

Office of the President

September 24, 1993

Dr. Charles W. Manning
Chancellor
University System of West Virginia
1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301

Dear Dr. Manning:

A meeting for all classified employees to explain changes and answer questions on Series 62 was held on Friday, September 17, 1993.

Our public hearing on Series 62 was held this morning. Two employees spoke at the hearing and both addressed concerns with section 8.3. They both felt the current policy defined in the Classified Employee Handbook should be retained. This states under section 10.3 that "A written warning must specify how long it will remain in the file. In no case can the period specified be longer than twelve months."

No other issues were raised.

Sincerely,

Olen E. Jones, Jr.
President

OEJ:ccb

cc: Margaret Robinson
Charles Weston

COMMENTS AND SUGGESTIONS LOG
 STATE COLLEGE AND UNIVERSITY SYSTEMS
 POLICY SERIES 62 - PERSONNEL ADMINISTRATION
 OCTOBER 1993

Public hearings for classified staff to comment on the proposed revision of Policy Series 62, Personnel Administration, were held at the campuses of the State College and University Systems during the period September 15-24, 1993. This is a summary of comments made at the hearings. General comments not related to specific sections of proposed Policy Series 62 appear at the end of the listing of section-specific comments. Additionally, several written items submitted through the hearing procedure are attached. Those consist of minority reports from the Marshall University Classified Staff Council and from the Staff Council of West Virginia University. Additionally, several persons made comments during the hearings and also submitted written input. The written letters, closely paralleling their verbal comments, are on file in the Central Office of the State College and University Systems.

SECTION ORGANIZATION COMMENT/SUGGESTION

SECTION 1 GENERAL

SEC 1.1 WV State College "Should include University System of West Virginia."

SECTION 2 DEFINITIONS

SEC 2 WV North. Comm. Coll. "Under Section 2, Definitions, there should be some mention of graduate students who are employed in positions that are now covered as classified positions, such as residence hall directors. This is quite different from the description of "student employee." There is a distinct difference between residence hall director and what is commonly known as RA's (resident assistants). The residence director and assistant residence director are generally full-time positions."

SEC 2 West Liberty St. Coll. "In general, it was felt that the entire policy needs to be better clarified. As it stands, there is too much room for interpretation or misinterpretation. Also it

was felt that we should have been afforded an explanation of this policy and a chance for a question/answer session."

SEC 2 West Liberty St. Coll.

"Several speakers felt that someone with a knowledge of this policy should have been here to answer the many questions that this policy has raised. A very important section, Section 25, was incomplete. This may have answered a lot of questions or quite possibly created more questions. We can't comment on something we have no knowledge of."

SEC 2 West Liberty St. Coll.

"Definitions - It is not explained just exactly "How" the length of service is credited toward initial placement on the salary schedule."

SEC 2.1.1 WV North. Comm. Coll.

"In Section 2.1.1, where it states, "Such benefits shall be prorated in relation to a 1.00 FTE," it needs to be more specific. Benefits include hospitalization, pension, sick leave and annual leave to avoid possible confusion, this statement needs to refer to sick and annual leave only since hospitalization and pension are not prorated."

SEC 2.1.1 WV University
Herman Mertins, Jr.
President

"Full-time Employee (FTR), Any employee in a continuing classified 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."

SEC 2.1.1 WV Graduate College
Dennis Prisk, President

"I am not comfortable with calling persons "full-time" who work anything less than a full-time work year, in our case 1,950 hours per year. Anything less than full-time should be part-time. A person working 1,040 hours per year is not full-time in my estimation. It seems that part-time should describe all affected employees working

SECTION ORGANIZATION

SEC 2.1.2 WVU Local #814

COMMENT/SUGGESTION

less than 1.0 FTE."

"...I have some concerns with the part-time regular employee classification and definition that is in the policy bulletin. The part-time employee issue should be of interest not only to classified employees, but to faculty members and professional staff at every level, because this has been an issue throughout the county and I think that as budgets get tighter, there will be a real squeeze put on administrators and colleges presidents in terms of using cheap labor and I think that is a serious threat when you get part-time employees who get no benefits. If you, sir, are a classified employee and you are making \$10 per hour full time getting benefits and they hire me at \$10 per hour part-time with no benefits, they are saving \$3-\$4 per hour and I think there is a real concern about that. I served on the Governor's Blue Ribbon Commission on Personnel and Collective Bargaining and that was an area we addressed and there was strong objection to the over utilization of part-time employees. I think there are also other considerations if you look at the HEAT bill that was passed and I am looking at the enrolled Senate version of that. On page 72, I think you need to have some concerns about the part time employees potentially bring in a situation where, because of the enhanced job bidding rights that current employees have over people being hired off the street for vacancies, I think you end up in the potential situation when a part-time employee who has worked in that category for months or maybe for years and some have, they are then going to have the potential for job bidding rights which would supersede a full time employee who may have worked many more hours but has not been here the same amount of time the part-time employee has.

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 2.1.3	WV University	"Temporary employees - no ending date."
SEC 2.1.4	Project Oversight Comm.	"Delete phrase, "...thirty (30) consecutive work days." and substitute " <u>225 hours in a 12-month period.</u> "
SEC 2.1.4	WV University Herman Mertins, Jr. President	"Casual Employee. An employee in a position created to meet specific operational needs at an institution for no more than <u>225 hours per twelve month period.</u> "
SEC 2.1.4	WV University	"Casual Employees - Needs better definition."
SEC 2.1.4	Marshall University Staff Council	"We recommend that the BOT accept the recommendation of the POC and change the wording in 2.1.4 to read 'works no more than 225 hours in a twelve month period'."
SEC 2.1.5	WV University	"Student Employees - Needs to add 12 hours undergraduate or 9 hour graduate."
SEC 2.1.6	Project Oversight Comm.	"What about benefits?"
SEC 2.1.7	Human Resource Admin.	"Add phrase, and subject to four (4) percent of retirement eligible employees."
SEC 2.1.7	Project Oversight Comm.	"Re-work first sentence to read, "An employee who is responsible for institutional policy formation, reports directly to the president of the institution, <u>or any other position so designated by the president.</u> [4% limit]."
SEC 2.1.7	WV University Herman Mertins, Jr. President	"Non-Classified Employee. An employee who is responsible for institutional policy formation or reports directly to the president of the institution <u>or any other position so designated by the president.</u> "
SEC 2.1.7	WV University	"Non-Classified: Where is the 4% requirement?"

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 2.1.7	Joe Peters Board of Directors	"Definition of Administrators. Not Clear, not precise."
SEC 2.1.8	Project Oversight Comm.	"Make sure it doesn't reflect retroactive benefits. Clarify language on benefits."
SEC 2.1.8	WV Inst. of Tech.	"Change in Status. Who is specifically authorized to credit previous length of service as a temporary, casual, or student employee toward seniority calculations? For what specific purpose could this credit be given?"
SEC 2.1.8	Project Oversight Comm.	"Make sure it does not reflect retroactive benefits. Clarify language on benefits."
SEC 2.1.8	WV University	"Part-time employees - Removing benefits of years credit and increment."
SEC 2.1.8	Marshall University Staff Council	"We recommend that no previous service be counted for temporary, casual, and student employees if they should be hired as full-time. The current full-time employees are losing their years of service with the exception of the Reduction in Force section."
SEC 2.3	Project Oversight Comm.	"Edit line to read, "...requires <u>substantially</u> the same skill and responsibility level.""
SEC 2.4	Project Oversight Comm.	"Delete word <u>"uniquely"</u> from first line."
SEC 2.6	Concord College	"As long as a disclaimer such as the one written on the bottom of all generic job descriptions carries any weight, equity cannot possibly be maintained. As long as a supervisor requires an employee to perform job-related

SECTION ORGANIZATION

COMMENT/SUGGESTION

tasks other than those specifically presented in the person's position/job description, the employee will be required to perform the duties without being compensated. Example: A secretary at Pay-grade X is asked by a supervisor to attend daily meetings of a new community service program and to keep and prepare minutes of those meetings and distribute them to a specific distribution list. He also insists that while she is attending these meetings she will be asked to perform the duties of a treasurer for this program. Because the keeping, preparing and distribution of these minutes is of the same job-related tasks, the employee will be required to do perform these added responsibilities without additional compensation. The treasurer duties, though considered job-related, are going to require a significant amount of work on the employee's part and are not in the normal realm of her duties. With this disclaimer, she'll have no other recourse but to perform those duties as her supervisor requested. Employees need to have the additional work by mutual agreement language which came out of the code with the passage of Senate Bill 377, put back into effect. There are situations where a carpenter could be asked to weld on Tuesdays and Thursdays. They are the same pay-grade (for this example) so there is no basis for a temporary upgrade or promotion. What is the "test" referred to in Series 62 under the section that covers this situation? This person cannot in the new system receive compensation for having to perform duties out of his job description but within the same pay-grade. Can an employee refuse to perform duties outside of his/her job description? NOT with this disclaimer at the bottom of the page. Please correct this injustice."

SFC 2.6 Project Oversight Comm. "Consider differences between policy and definition."

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 2.7	Shepherd College	"Comment in support of] Adding more position titles and pay grades within job families so that employees can be promoted periodically. The currently-proposed structure was believed to be too likely to stimulate position-turnover, since promotions would be rare."
SEC 2.7	Human Resource Admin.	"Recommend deleting last sentence."
SEC 2.7	WV University	"Pay Grade: Change Step to Years."
SEC 2.9	Project Oversight Comm.	"Edit line, "Such a temporary assignment <u>normally</u> shall be...."
SEC 2.9	Project Oversight Comm.	"Define the word <u>"test"</u> ."
SEC 2.9	Project Oversight Comm.	"Add at end of last line, <u>"with annual increases which were given."</u> "
SEC 2.9	WV University Herman Mertins, Jr. President	"Interim Responsibilities. A significant change in duties and responsibilities of an employee on a temporary basis justifying an interim promotion or upgrade for salary purposes. <u>If such a temporary reassignment is effected it shall normally be for no less than four (4) consecutive weeks and no more than twelve (12) consecutive months and shall only occur when the responsibilities being undertaken by the employee are those of another position that is vacant because of the incumbent's illness or resignation or because of temporary sufficient change in the duties and responsibilities meets the test for a temporary upgrade or promotion under this rule, the affected employee shall have his/her base salary adjusted upwards consistent with a promotion or upgrade under this rule. *At the end of the temporary reassignment the affected employee shall</u>

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ORGANIZATION

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have his/her salary reduced to its original level. Upon completion of the interim appointment the employee will return to their former position and original salary adjusted by any annual increases which may have been granted while the employee served in the interim assignment.]"

SEC 2.9

WV University

"I would move to page 3 and I am looking now at 2.9, as it is now spelled out. I would just suggest to the authors of PB62 that they need to look at the memorandum of accord which members of 814 has and is in effect between the University and the members of Laborers' Union 814 because quite frankly there is language in section 15 which deals with temporary assignments that indicates individuals who are temporarily placed in a job classification that pays a higher rate, will in fact be paid at that higher rate the entire time they work in that classification not as this would indicate potentially as they have been there for less than four consecutive weeks. It seems to me that this is a conflict with the memorandum of accord."

"Interim: change to meet differential guidelines."

SEC 2.9

WV University

"...the interim position. The new system requires an employee to work four weeks in a higher position before he or she is compensated for that work. I say no. One day is all you should have to work to be properly compensated."

SEC 2.9

WV University

"POC is now recommending that the work 'normally' be inserted after shall in the second sentence. We recommend the working stay the same. The work normally will allow continued inequities. One institution may pay some for doing a job less than four weeks while another

SEC 2.9

Marshall University
Staff Council

SECTION ORGANIZATION

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chooses not to pay. "

SEC 2.10 Project Oversight Comm.

"Substitute "increase" for "change" in first line."

SEC 2.11 Graduate College

"Another part that really concerns us is Section 2.11, Demotions, and also Section 2.12, Down-grades. Demotion to me is another way of saying downgrade. In your definition it says 'a reassignment of the employee's current position to a job title assigned to a lower pay-grade as a result of a significant reduction in the existing position's duties and responsibilities.' It also states that a 5% decrease will be given for each pay-grade. I don't think too many people can afford a decrease in salary. If you go down three pay-grades, you go down 15%. I doubt if anyone has ever received a 15% increase."

SEC 2.11 Marshall University

"He is concerned that this [initial placement on the salary schedule, based on years of service] is not adequate."

SEC 2.12 Graduate College

[Repeat statement from Graduate College on Section 2.11]

SEC 2.12 WV University

"...It seems to me that the administration should give some consideration to red circling in a situation where let's assume you are a long-time employee and you've periodically been on jobs that have paid at a higher rate and a higher pay grade and so forth because it paid more and you liked the job better, too. All of a sudden you get yourself in a position where you are at a particular level and for reasons that are totally beyond your control and that job is reevaluated and downgraded, what this says is your pay will, in fact, be reduced. I think that is fundamentally unfair to do that and there ought to be some provisions for red circling in those kinds of

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 2.12	Joe Peters, Board of Directors	situations." "Why two definitions for one concept? Part time employee vs temporary employee. Joe prefers using only the PT title."
SEC 2.14	WV University Herman Mertins, Jr. President	"Base Salary. The amount of salary paid annually to an employee, excluding any annual increment earned pursuant to W.Va. Code §18B-9-5 of §5-5-2. * [Total salary is base salary plus any increment earned.] " "Add definition for <u>Total Base Salary</u> ."
SEC 2.15	Marshall University	"We want merit remove[d] from the classification system."
SEC 2.15	Project Oversight Comm.	"After SEC 2.15, add definition for <u>"total salary"</u> ."
SEC 2.16	WVNET	"This section currently states that longevity is determined by years employed at state institutions of higher education and other agencies of state government. I request that the total number of years also include years employed by county government including county Boards of Education."
SEC 2.16	Bluefield State College	"Longevity has been defined in such a way that the state personnel office has interpreted it to mean that years granted to employees for work performed in higher education outside of the state and which have been used for placement on the current step schedule will not count for placement on the step schedule. This is abolishing

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 2.16	Bluefield State College	years already awarded in accordance with an established state and institutional policy, which is different from applying a rule from the date of enactment forward. It can and should be construed as breaking a contract and taking a benefit legally given."
SEC 2.16	Bluefield State College	"Reiterated the comments of the first speaker that the redefining of longevity results in the loss of a benefit given to employees under the law. He exhibited copies of appointment letters including his years of service at an accredited institution in Virginia."
SEC 2.16	Bluefield State College	"The four current employees affected by the narrowed definition of longevity should be grand-fathered under Series 62. Senate Bill 231, and later, Senate Bill 420 permitted this benefit, and responsibility for notification of the bills' requirements had been delegated to the College through the Institutional Representatives for Personnel Administration in 1986."
SEC 2.16	Human Resource Admin.	"Substitute "Length of Service" for subject, "Longevity." Add "actual" to The total <u>actual</u> number of years...."
SEC 2.17	WV North. Comm. Coll.	"I question the legality of WVU, the WVU Medical Center, WVU at Parkersburg, and Potomac State College being considered separate institutions. In Lockhart v WVU the administrative law judge ruled in an April 30, 1992 decision that WV Code 18B-1-2(k) defines WVU to include WVU at Parkersburg, Potomac State College of WVU and the WVU School of Medicine."
SEC 2.17	Potomac State Joseph M. Gratto President	"Paragraph 2.17 defining non-classified employees as either responsible for policy formation, or reporting directly to the presidents, needs a slight modification

SECTION ORGANIZATION

COMMENT/SUGGESTION

or clarification. Presidents have "direct reports" in the clerical and accounting job families who are not policy makers, and who should be classified. In fact, the classification project does classify presidents' secretaries and some others."

Non-Classified Employee. Presidents may designate employees who are responsible for institutional policy formation or who report directly to the president as non-classified employees. Non-classified employees are not subject to the classification program, but are eligible for benefits.

(2) Section 2.17 includes Potomac State as a separate institution. WVU currently performs our personnel administration functions. Enclosure (1) is a memo I sent to President Bucklew concerning the dilemma which Section 2.17 poses for us, but we have not yet discussed a solution."

"Section 2.17 of the subject rule defines Potomac State College as a separate institution (for personnel administration purposes).

This definition, in turn, has an operational effect through paragraph 10.1, which refers to institutional presidents, as well as paragraphs 11.2, 11.3, 11.4, 11.6 (regarding institutional reporting), 19.2, 19.3, 19.4, 19.5, 19.6, and sections 20, 21, 22, and 23 throughout. It also has operational effect in sectional 24.2.

Currently, WVU handles position classification and many other aspects of Potomac State's personnel administration. We do not have a full-time personnel administrator and would not find it economical to staff

SEC 2.17 Potomac State College
Joseph Gratto, Pres.

SECTION ORGANIZATION

COMMENT/SUGGESTION

for this function.

I would like to see Potomac State deleted from Section 2.17, or have the section amended to indicate that WVU performs all institutional functions for Potomac State.

I realize that for purposes of section 20, at least, and probable for section 23.1, Potomac State might have to be defined as a separate institution to preclude excessively complicated processes from developing.

An alternative to changing paragraph 2.17 might be a memo of understanding whereby the WVU Assistant Vice President for Human Resources, for example, can be the Potomac State College President's designee for most of these matters.

I apologize for not having realized the implications of paragraph 2.17 sooner, so this could have been addressed before the document was approved by the Board and promulgated for comment."

SEC 2.20 WV University

"Salary Schedule: Change to Years."

SEC 2.21 WV Inst. of Tech.

"Recall. Entry rates are not described in cases of reduction in force. If an employee is laid off and recalled to the same position, does the employee return at the previous rate or at the entry rate of that pay grade? This is unclear."

SEC 2.21 Project Oversight Comm.

"Re-work last sentence to read, "Salary for a recalled employee will be consistent with the entry rates described in section 12 of this rule."

SEC 2.21 WV University

"Recall. An employee terminated under the provisions of

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
	Herman Mertins, Jr. President	\$18B-7 and recalled to work at his/her previous institution under the same provisions. Salary for a recalled employee will be consistent with the entry rate described in the re-entry section of this rule. *Individuals in these circumstances may be rehired at the same salary plus any across the board increases granted during the layoff period if the individual is returning to the same position or an equivalent position in the same pay grade.]"
SEC 2.21	WV University	"Recall: Remove entire section. Follow WV Code 18B-7-1."
SEC 2.21	Marshall University Staff Council	"In the event an institution lays someone off, it is not the fault of the employee. The employee who is recalled should be placed on the salary schedule based on years of service, not entry rate."
SEC 2.22	Marshall University	"Concerned about Recall and Rehire (section 2.22) - where will these people be placed on the salary schedule, will their time be bridged?"
SEC 2.22	WV State College	"Extend the same classification and pay to employees returning to the same position within a year."
SEC 2.22	Human Resource Admin.	"Edit end of last line to read, "...entry rates described in <u>this rule.</u> "
SEC 2.22	Project Oversight Comm.	"Substitute " <u>resigns</u> " for "resignation" in first line."
SEC 2.22	Project Oversight Comm.	"Add sentence allowing <u>option to come back at same salary if same job within 12 months.</u> "
SEC 2.22	WV University Herman Mertins, Jr.	"Rehire. An employee who leaves the service (resignation) of an institution and later applies for and accepts a

SECTION ORGANIZATION

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President

position at the same institution. Salary for a rehired employee will be consistent with the entry rates described in the rule. *Individuals who return to the same position may be rehired within a 12-month period at the same rate of pay earned at the time of termination.]"

SEC 2.22 Marshall University
Staff Council

"A rehire is somewhat different, employees who leave on their own know what they are giving up. Our staff did not reach consensus on this issue.

SEC 2.23 WV University
Herman Mertlins, Jr.
President

~~FTE. Full-time equivalency as stated on the expenditure schedule as 1.00. *Full Time Equivalency. the ratio of actual hours assigned a position to the total work hours available for a full-time position (1950 total work hours - derived from 37.5 hours x 52 weeks).]~~

le.g. 1040 hrs/yr assigned
1950 hrs/yr full-time total = .53 FTE]"

SEC 2.28 Marshall University

"Concerned that we have not seen the Point Factor Methodology (2.28). We would like do have this before anything is implemented."

SEC 2.28 Marshall University
Staff Council

"We have repeatedly requested to see the point factor methodology used to determine pay grades, but to date have not been provided with this information."

SEC 2.29 WVU Parkersburg

"I suggest the word bumping be replaced as a definition to Displacing another employee. Reason: Bumping is a very general term used by most union organizations. Also, it takes on many definitions by employees. All Trustee employees will not be inclined to read the definition or terms as applied in Series 62 Personnel Administration, thus will confuse the widely used bumping

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 2.29	WV State College	term as it generally applies."
SEC 2.29	WV University	"Suggest adding a sentence, See Section 20 and re: the phrase, "...the institution decides...", " Could there not be some system-wide guidelines for the institutions?"
SEC 2.29	WV University	"Bumping: Remove entire section."
SEC 2.29	WV University Herman Mertins, Jr. President	"Bumping. Displacing an employee is less seniority in the same or lower pay grade, who holds a position for which the bumping employee is qualified, and which position the institution decides another employee may be bumped" from consistent with this rule."
SEC 2.31	Human Resource Admin.	"Add definition for <u>Seniority</u> ."
SEC 2.31	WV University	"Add definition of seniority and how employee moves in step system."
<u>SECTION 3</u>		
SEC 3	WVNET	<u>COMPENSATION REVIEW COMMITTEE</u> "In order to insure that the annual review of the salary schedule is accomplished, a mechanism for review and revision must be established. The mechanism should be based on comparison with the same data used in the initial development of the salary schedule or similar widely available data. The method and guidelines should be clearly identified in a policy to be developed by the Compensation Review Committee by January 1, 1995."
SEC 3	Marshall University	"Section 3 regarding the Compensation Review Committee, concerned that there are no Staff Council Reps on this committee and this is not in compliance with the law."
SEC 3	West Liberty st. Coll.	"Compensation Review Committee - 'New funds specifically

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appropriated by the legislature' for funding of a salary schedule. Why is this section restricted to legislative funding? What about other funding sources? Would they not apply."

SEC 3 Marshall University
 Staff Council

"Code call for advice and assistance of Staff Councils and other groups representing classified staff. Staff Council representatives are specifically excluded from representation on the compensation review committee. We recommend that at least one Staff Council representative from each system be elected by Staff Council Presidents in the appropriate system be made members of this committee. Rationale: Voting privilege is decidedly lopsided. Our advisory council representatives have not listened to or voted for what WVU's and Marshall's Staff Councils' have expressed. Those two institutions have at least 1,726 more staff than all other institutions combined, yet we each have only one representative on the advisory council."

SEC 3.1 WV University

"...I think consideration should be given to adding other groups representing classified employees to the Compensation Review Committee."

SECTION 4

COMPENSATION; PAY CALCULATIONS

SEC 4 West Liberty St. Coll.

"Compensation: Pay Calculations - Base salary calculations! The exempt employee is not addressed. 37 1/2 hrs. has no effect on the exempt position and should not be used as a criteria for measurement on base salary calculations for exempt status."

SEC 4.3 WV State College

"States overtime hours between 37.5 and 40 hours be paid at straight time; however, Section 4.1 states that salary is calculated on a 37.5 hours work week. Since salary is

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 4.4	Central Office	based on 37.5 then overtime should begin at any time worked over 37.5."
SEC 4.4	WV State College	"One employee made a comment on Section 4 (Compensation; Pay Calculations), #4, questioning the need and legality of excluding sick and annual leave when calculating actual hours worked."
SEC 4.4	WV State College	"Rewrite this rule to read, "Calculations for emergency call-out should be counted as double time. Holiday overtime should be calculated as double time."
SEC 4.5	Human Resource Admin.	"Edit sentence, "...do not accumulate <u>nor</u> does an employee receive holiday pay in any part...."
<u>SECTION 5</u>		
SEC 5	WV State College	"Needs clarification of language."
SEC 5	West Liberty St. Coll.	"Compensatory and Holiday Premium Time Off - One person felt that on a designated board holiday a person is entitled to have that day off again plus 1 1/2 the time of actual hours worked on that holiday. As it stands now, we get our choice of either time off for time worked or money for time worked, and we don't ever get that day off again."
SEC 5.1	WVNET	"What does state law provide?"
SEC 5.1	WV Inst. of Tech.	"Could compensatory time off be explained in more detail? An explanation of "to the extent authorized by federal and state law" would provide better understanding."
SEC 5.2	WV Inst. of Tech.	"If an employee worked on a holiday and the employee selected the option of receiving regular pay and

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SEC 5.2 WV University

substitute time off, will the time off be at 1 1/2 times?"

"...I would suggest to you in 5.2 this does not reflect a change in the administration of the Board of Trustees position on the issue, but when you are looking at holiday pay, I think they need to look at least one grievance that is being looked at by the court system Walden Case that has to do with holiday pay and premium pay. The policy in effect now and is going to be continued is not sufficient incentive to have people work on a holiday. If you are a classified employee and you get New Year's Day off, you receive pay for 7 1/2 hours pay for that holiday. If they have you work on that holiday, they are saying, in effect, that you are only getting time and one half for actually working. It seems to me that is not adequate. The Waldon case which Local 814 has so far prevailed on, would seem to indicate that is not an appropriate interpretation. So there may be some legal ramifications to that."

SEC 5.2 WV University

"Holiday premium Time Off - that is fascinating, because I have personally had a court case for about 4 years concerning this. they don't want to rule on it, but they are now going to tell you how they are going to give you time off. shouldn't we wait until the court case is over? Reviews, appeals and upgrading - I see no input for the employees - this is handled by administration."

SEC 5.3 Marshall University
Staff Council

"A good point - not previously addressed."

SECTION 6

WORKWEEK

SEC 6.1 WV North. Comm. Coll.

"...there is a matter of semantics. How can 12:00 a.m.

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and 12:00 p.m. both be midnight? It should read 12:00 midnight."

SEC 6.1 WV North. Comm. Coll.

"In Section 6.1, referring to the workweek as beginning 12:00 a.m. midnight on Sunday and ending 12:00 p.m. midnight the following Saturday is not a 7-day, 24-hour a day workweek. Also, only one of the above can be midnight."

SEC 6.1 Human Resource Admin.

"Edit last line, "A full-time work schedule of...."

SECTION 7

APPOINTMENT

SEC 7 Human Resource Admin.

"Change section title to "APPOINTMENT/CHANGE IN EMPLOYMENT." Add new language to section."

SEC 7.1 WVNET

"If appointment letters are to be given at each institution as is the current practice, the letters should be uniform in appearance and not differ from school to school."

SEC 7.1 WV Inst. of Tech.

"Will notices of appointments, previously given yearly, be discontinued and only one given at the time of initial employment?"

SECTION 8

ACCESS TO PERSONNEL FILE

SEC 8 WVNET

"I can see no positive reason for enacting this section of the policy. It opens up a Pandora's box. I have been told it would protect us from such things as a person who is charged with sexual harassment from becoming a repeat offender. I suggest if the section needs to be updated or rewritten that repeat offenders of proven sexual harassment (or whatever other CRIME this is supposed to squelch) be subject to immediate dismissal from a job."

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 8	Marshall University	"This change would enhance the opportunity for "personality conflicts" to become an issue and perhaps escalate in the form of an individual losing their job. While a person may request a hearing to have a letter removed from their file I submit it will require more people hours to resolve a conflict in this manner than as it now stands."
SEC 8	Marshall University	"There should be right of access to the personnel file and he feels he should not have to forfeit his right to information. He is concerned with the removal of adverse information. The old policy provided for automatic removal after 1 year. <u> </u> feels there should be a formula in place for the automatic removal of adverse information."
SEC 8	WV North. Comm. Coll.	"The computerized personnel files should be included in Section 8 to insure privacy of this information."
SEC 8	Project Oversight Comm.	"Recommend deleting Section 8."
SEC 8.1	Marshall University Staff Council	"No employee should be asked to forfeit the right to see materials placed in their file after hire."
SEC 8.3	WVNET	"States that documentation relating to disciplinary action can only be removed by court order. Documentation of disciplinary action (other than criminal offense) should be removed after a period of two years. Alternatively, disciplinary records older than two years should not be used as a basis for dismissal or other disciplinary action."
SEC 8.3	WVNET	"Letters referring to current or previous disciplinary actions should be removed according to the existing policy. Without the opportunity for correction and

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reform, there is a real threat that unethical and biased administrators could eliminate unwanted employees."

SEC 8.3 WVNET

"I feel that any such letters, memoranda, etc. should be removed from the personnel file one(1) year after the date of the letter if no other letters, memoranda, etc. are placed in the file within that year. If these items can remain in the file forever then the impression is given that this will be held over one's head and can be used against the employee even five (5) to ten (10) years after the infraction. If the employee corrects the problem after some reasonable time, 1, one (1) year, the letter, memoranda, etc. should be removed from the file."

SEC 8.3 Marshall University

" feels that Section 8.3, regarding letters and memoranda should not be changed and should remain the same as Section 6.3 of the old Policy Bulletin 62."

SEC 8.3 WVSOM

"They both [two employees] felt the current policy defined in the Classified Employee Handbook should be retained. This states under [old] section 10.3 that "A written warning must specify how long it will remain in the file. In no case can the period specified be longer than twelve months."

SEC 8.3 WV University
Herman Mertins, Jr.
President

"A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A reasonable copying fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. Documentation may not be removed from a personnel file by the employee. An employee may petition through the appropriate administrative office at any time for either the removal or addition of documents to his/her own personnel file. *~~fetters, memoranda, etc. related~~

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~~to current or previous disciplinary actions are not subject to removal by petition and shall only be removed upon order of a court or proper administrative body or by the president of the institution. Disciplinary information regarding an issue which appears to be adequately resolved after twelve months will be removed from the file.]~~"

SEC 8.3 West Liberty St. Coll.

"Access to Personnel File - It is felt by some that any document concerning disciplinary actions should be removed after a period of time without going through the appeal process."

SEC 8.3 WV University

"I would now look at Section 8, 8.3, particularly at the last paragraph of that section having to do with disciplinary action, letters placed in personnel files where it indicates that it can not be removed and so forth. I would suggest again that the authors of Policy Bulletin 62 should probably look at the Classified Employees Handbook which is currently in effect because that specifies on Page 26, 10.3 that written warning must specify how long they are to remain in the file "in no case can the period specified be longer than 12 months from the date the letter was written." this would appear to contradict that and I think it is unfair to have something like that haunt an employee forever and ever and that would appear to do what this would do."

SEC 8.3 WV University

"Your personnel file - you are now allowed to see it. If you see something in there you want a copy of, they are going to charge you for it. Did they charge anyone to put that in your file? Maybe if they had given you a copy up front, then you wouldn't have to ask for it. The present grievance procedure allows for letters to be removed after a maximum of 1 year. Now, it can stay

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 8.3	WV University	forever. During my time here, we have looked at several pay schedules - concerning this step system - I cannot tell where I am going to be. The step system is a good was for WVU to get employees and not have to pay them."
SEC 8.3	WV University	"My topic is letters in your file. I could have thrown a dart to choose a topic. I don't know what this huge multi-million dollar classification project has to do with leaving a disciplinary letter in an employee's file, other to install a great penalty on classified staff. Leaving a letter in a file is not only unjust but cruel. I want to be put on record that if a letter is placed in a file, a removal date should be agreed upon and it should be removed on or before that date. A letter should not haunt a n employee for the rest of his employment time at WVU."
SEC 8.3	WV University	"Letters in your file forever? Doesn't make sense. Even a convicted felon doesn't have to tell an employer he's a felon. And taking 2 sick days makes you marked for life? It's not fair. The state has always had policies which encourage animosity. It's not right. I should stop."
SEC 8.3	WV University	"File letters - Leaving letters n your file indefinitely - the current system is good and doesn't need to be changed."
SEC 8.3	WV University	"I agree with the two gentlemen before me. What the legislature intended to do and what is really happening are two different things all together. If we don't bypass all these extra people and get right to the Legislature, we will all be back here years from now trying to figure out what went wrong. These people have no intention of making this an equal system or a fair

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system. You cannot leave letters in a person's file forever and say they will not affect promotions and upgrades years from now. This is their method of keeping us where we are without moving ahead."

SEC 8.3 WV University

"The letters in a file - that is not right. Remove the letters. The bumping policy is crazy - what we have to do is crazy. We must take a stand together. That is the only way we can be heard."

SEC 8.3 WV University

"Letters in the file - nothing should be left there forever. Concerning the comp. time over-time issue, I have never heard any complaints. Why change it? It should be your option to take comp time or over time."

SEC 8.3 Marshall University
Staff Council

"We recommend defining 'the appropriate administrative office.' We also recommend that a provision be made to remove letters, memoranda, etc. related to current or previous disciplinary actions after a year if they have been adequately resolved. As is, staff would be forced to go through a formal grievance to have such materials removed if the 'proper administrative body or the president' would not remove the materials."

SECTION 9

CHANGES IN NAME, ADDRESS, NUMBER OF DEPENDENTS AND RELATED MATTERS

SECTION 10

CLASSIFICATION REVIEW REQUEST

SEC 10 WV University

"Classification Review Request: Remove 90 days to conform with current 60 days. Remove job description may be done by employee. That is a supervisor's position."

SEC 10.1 Marshall University

" feels that a lot of offices deal with large quantities of work. Concerned that volume is not a

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 10.1	Marshall University	factor used to evaluate jobs. Volume should be a factor used to evaluate jobs. Positions dealing with all students should be given credit over those positions dealing with students from only one college."
SEC 10.1	WV Inst. of Tech.	"Section 10.1, regarding supervisors assigning tasks to the position, it should be added to this section that this be in writing."
SEC 10.1	Human Resource Admin.	"Can the institution re-slot employees within the established statewide classification system at the institution level?"
SEC 10.1	Marshall University Staff Council	"Edit line, "Within ninety (90) <u>working</u> days from the date..."
SEC 10.2	Marshall University	"We appreciate the revised wording that within 90 days from the date of request for classification review, a decision must be made. Previously, the Human Resources office only had to tell you the status."
SEC 10.2	WV State College	"Position Descriptions should be comprehensive, adequate and available to employees."
SEC 10.2	WV University	"Not all positions have received job descriptions under the new system; therefore, cannot appeal of accept assigned title and pay grade."
SEC 10.2	WV University	"Currently institutions are required to review annually."
<u>SECTION 11</u>		
<u>JOB EVALUATION PROCESS</u>		
SEC 11.2	WV University	"Add within 2 weeks form receipt of written request."
SEC 11.3	WV State College	"Second sentence beginning, "A review shall then be

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 11.3	WV Graduate College Dennis Prisk, President	"I feel that the entire set of classification specifications should be made available for system-wide usage. I do not understand the notion of ownership of an institution-specific classification title by that instituting and do not agree with the process for requesting permission to use an institution-specific classification title. It is either a system-wide manual of classification specifications, or it is not. I readily understand the necessity for obtaining permission to use a classification specification which names the institution in its title or in its content (and likely would not seek to use such a title), but for other classification specifications, it seems those should be available for use anywhere in the system subject to the results of the job evaluation process."
SEC 11.4	WV State College	"Do the Chancellors or Boards have a role in this?"
SEC 11.5	Potomac State College	"My second issue is that the Job Evaluation Committee the Council recommends the language in Rule Series 62, Section 11.5, be changed to read, "The classified staff representatives shall consist of one Advisory Council of Classified Employees member from each system and shall be appointed by the appropriate chairs of the state-wide Advisory Council of Classified Employees to staggered terms of no more than two years."
SEC 11.5	Project Oversight Comm.	"In last sentence, change "from each system" to " <u>from each statewide advisory council.</u> "
SEC 11.5	Marshall University	"Again, Staff Councils are not specifically mentioned as

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Staff Council

having representation. Our recommendation is the same for the Job Evaluation Committee as the Compensation Committee."

SEC 11.6 Concord College

"I feel employees would prefer to have JEC make final decision instead of having an institutional president or designee to award an upgrade and then have the JEC as much as three months later, take it away."

SEC 11.6. Bluefield State College

"Will new employees or internal transfer be advised by institutions prior to employment that the classification and the attendant salary may be "pending review"? Employees who have given up another job and experience a salary reversal may wish to grieve or sue despite the "protective language" of this section."

SEC 11.6 WV Graduate College
Dennis Prisk, President

"Please clarify the intent of the phrase, "...to review classification decisions made or those being proposed by the institutions...". I do not want to wait for a committee to convene to review and approve pending reclassification. It may be necessary in the case of classifying a vacant position to proceed with diligence to recruit for and staff the position. I want the important privilege of making real-time classification decisions. A periodic review of classification decisions - or even additional scrutiny if the classification system is not being applied properly is no problem, but I do not want to hold off recruiting while a central committee convenes to consider a classification proposal."

SEC 11.6 WV University

"Remove: 'Random and/or'."

SECTION 12

ENTRY RATES

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 12	WV Inst. of Tech.	"There seems to be opportunities for salary negotiations only at upper entry levels. This seems grossly unfair to the lower levels and tends to continue the stigma of second-class citizens."
SEC 12	Bluefield State College	"Hiring pools are weakened and good candidates lost by the requirement to advertise and make initial offers of employment at entry level. It also is difficult to attract the best candidates when no service credit is given for prior work experience."
SEC 12.2	Human Resource Admin.	"Edit last line, "...shall include <u>all</u> the following:"
SEC 12.4	Marshall University	"He feels that this is not equitable."
SEC 12.4	WV University Herman Mertins, Jr. President	"Offers for employment above the entry rate of the respective pay range shall be determined by each institution based on the above criteria. Requests for hiring exceptions shall be submitted by the requesting supervisor to the human resources department for review and approval by the president or president's designee, and shall not be made until approved by the appropriate chancellor or chancellor's designee. Offers of employment above the entry rate shall not be made until all the above approvals have been granted. <u>the Board Central Office will be informed of any such action.</u> "
SEC 12.4	Marshall University Staff Council	"The POC recommended striking everything after designee. If decision is made at institution level, how will the JEC be able to ensure that all such positions are treated equally. Appears to be more like a market situation and should be addressed under the market premium section."

SECTION 13

PAY ABOVE THE MAXIMUM

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SEC 13 Concord College

"There could be possible be an employee who is above their step but not yet reached the maximum for their pay grade. Series 62 (and SB 377) allow for those employees above their maximum to receive raises while those who are above their step but not above their maximum are not considered for raises."

SEC 13 West Liberty St. Coll.

"Pay above the maximum - this section denies any compensation for hard work beyond the expected in the position and the longevity of an individual's service. this section actually punished the employee retroactively for length of service, legislated salary increases and/or years of dedication through lean times. Many long time, loyal employees feel this section is very unfair and needs to be given additional attention."

SEC 13 Marshall University
Staff Council

"Provides Increase for employees being paid at step 15 or above for their pay grade. There are many employees who are on a lower step, but not quite to step 15. There is no provision for an increase for these employees. Code states that those 'determined to be at the maximum shall receive...' Recommend all employees at or above their appropriate step be determined to be at maximum."

SEC 13.1 WVNET

"Across the board raises are generally intended more as a cost of living adjustment than as an attempt to maintain or achieve equity in the compensation system. It can be argued that giving those employees paid above the maximum a raise equivalent to everyone else in the system could tend to further magnify the inequities in the pay scale. However, the method proposed could, in many cases, result in no significant pay raise for these individuals, which defeats the purpose of an across the board raise. Without a method in place to adjust the pay scale for cost of living or market conditions, these

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individuals could potentially get further and further behind each year, while their co-workers continued to get ahead. If language in Section 3 is corrected to firm up adjustments to the salary schedule, then it would be acceptable to include language in this section which said those above the maximum receive only one-half of the across the board increase. Reference to one-half the smaller increase in the pay grade should be removed.

SEC 13.1 WVNET

"When there is a systems-wide mandated salary increase, those employees already at or above the maximum of the salary schedule for their pay grade shall only receive a salary consistent with this section. If the systems-wide increase is on a percentage or across the board basis, those employees shall receive an increase of one-half the percentage or across the board increase received by the employee in their pay grade receiving the smallest increase. I feel this section should be omitted. If the legislature and/or governor gives an across the board raise then it should be an across the board raise, not one half of a percentage and not an across the board increase received by the employee in their pay receiving the smallest increase. This will be deceiving to the legislature and/or the governor. They will be thinking they have given an across the board raise and this will not be the case with this section."

SEC 13.1 WVNET

"Delete this section. It is the deficiency of the existing system that there is a disparity in compensation. Employees should not be impaired on their career track due to past imperfections in the compensation structure."

SEC 13.1 Graduate College

"If an across the board increase is given and we're at the maximum, no one takes into consideration that there might be a cost of living increase and we're not eligible

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to have that. The newer employees think this is fine because they haven't reached that state yet. I think this is unfair to be penalized because we have been faithful."

SEC 13.1 WV Inst. of Tech.

"If a systems-wide increase is given, does this mean that employees above the maximum will receive no increase? If the funds are given by the state for a number of employees (all employees), for what will the extra funds be used? Will this end all across-the-board increases?"

SEC 13.1 WV Inst. of Tech.

"If an employee has "manned out," would the employee receive no across-the-board increases?"

SEC 13.1 Central Office

"Two employees made similar comments on Section 13 (Pay Above the Maximum), #1. They viewed this section to be penalizing people who have been working here the longest as opposed to rewarding them or providing incentives for employees to stay. To quote one of the employees' written comments, "I question the need and legality of the entire section. It is extremely controversial to penalize the people who have capped out their pay grades in such a fashion. Especially since a large fraction of such people will be those with the longest period of service. This could easily be construed as age discrimination in certain circumstances."

SEC 13.1 WV State College

"This section appears to penalize those employees who have years of dedicated service above the 15 year cut-off in the salary schedule. This section should be rewritten to provide more equitable raises for staff members with over 15 years of service."

SEC 13.1 WV State College

"Eliminate this section and provide across the board pay raises."

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SEC 13.1 Bluefield State College

"This section only deals with how raises will be awarded to employees who are above the top step of the pay scale. No where are employees who are at a salary above that of their step but not above the maximum step mentioned. This may be deliberate if the intention is that employee shall receive NO raise whatever until such time as the step scale reaches the employee's current salary; however, it may also be an oversight and should be noted."

SEC 13.1 Bluefield State College

"This section should be expanded to include employees whose salaries are above their appropriate step but below the maximum of the grade."

SEC 13.1 WV University
Herman Mertins, Jr.
President

"(This section needs to be revised to distribute pay the same for employees who are at the maximum of the pay grade or at their maximum step.)"

SEC 13.1 WV University

"...I would suggest that it seems to me to not necessarily make sense to put language in here talking about the increases that may be given to employees who are red circled or who are at or above the maximum, because the legislation that was passed, says those employees can be increased by "not less than one half of the percentage or the across the board increased received by employees in their pay grades". The 'Not less than' has been deleted for this . It would seem to me to be wise to have that flexibility."

SECTION 14

PROMOTION

SEC 14 WV Inst. of Tech.

"This section allows for salary negotiations (as referred to in Section 12) at the upper pay grades, perpetuation of seeming discrimination to the lower pay grades where this is not allowed?"

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SEC 14 WV University

COMMENT/SUGGESTION

"Promotion - When an employee is promoted to another position with a higher pay grade, that employee should receive a salary increase of 6.5% per pay grade or the entry rate of the new pay grade, whichever is greater. The current proposal calls for an increase of 5% per day grade. An increase of 6.5% is more appropriate given then that proposed step structure schedule indicates that the average percentage increase from on pay grade to the next higher pay grade is 6.5%. Also, in order to guarantee an increase of at least 6.5%, there should be not rounding down of salaries to the nearest step happens to be lower than the 6.5% increase mark."

SEC 14.2 Project Oversight Comm.

"From first sentence, delete phrase, "rounded to the nearest step in the new pay grade"."

SEC 14.2 Project Oversight Comm.

"Edit sentence beginning with the word, However, to read, "However, under adverse recruiting conditions in which an institution experiences great difficulty in filling a position, increases may be made in line with entry rates above the minimum rate of the pay grade as explained in section 12 of this policy."

SEC 14.2 WV University
Herman Mertins, Jr.
President

"Upon promotion from a position in one pay grade to a different position in a higher pay grade, the employee will receive an increase of (5%) per pay grade ~~rounded to the nearest step in the new pay grade bases upon the employee's base salary, or the entry rate of the new pay grade, whichever is greater.~~ However, under adverse recruiting conditions in which an institution experiences great difficulty in filling a position, an increase which brings the employee up to a point no greater than the maximum of the grade may be given. A promotional increase which exceeds the standard formula may be granted if the same criteria which appears in the section

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on entry rates of this rule is met and must be approved in accordance with the process outlined in section 12. The new base salary may not exceed the maximum of the new pay grade."

SEC 14.2 WV University

"5% per pay grade must be based o total salary as current policy, not on base salary."

SEC 14.2 Marshall University
Staff Council

Example: PG 12/Step 7 - current salary is \$23,100; receive 1 paygrade promotion; \$23,100 + 5%=\$24,255.00, rounded to nearest step in paygrade 13, new salary is \$23,976. A loss of \$279.00 or an increase = to 3.8%."

SECTION 15

UPGRADE

SEC 15 WV University

"Upgrade - the same change as made to Section 14 should be made to this section for the same reasons."

SEC 15.1 Marshall University
Staff Council

"Same as Promotion."

SECTION 16

DEMOTIONS

SEC 16 WVU Parkersburg

"Concern was expressed with Section 16 & 17 "Demotion" & "Downgrade". Staff were distressed with decrease in base salary (Section 16.2). They felt that it would be unfair to reduce someone's salary if the demotion or downgrade was involuntary."

SEC 16.1 Marshall University
Staff Council

"Same situation as promotion/upgrade. Using paygrade 12 and step 7: demotion to paygrade 11, employee loses \$249 or a salary equal to a 6.1% decrease."

SECTION 17

DOWNGRADE

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 17	WV University	"Downgrade - An employee salary should not be reduced as a result of a downgrade. The financial loss to the affected employee should be limited to the potential for smaller pay increases in the future due to a lowered pay grade.
SEC 17.1	WVNET	"I find this scary in that all the years and all the studies we have been through (and I have a distinct feeling that Mercer will not be our last) our positions and our grades have changed but at least we have been basically able to hold on to the money we have managed to acquire through mostly years of service and ability to hang on. Now if positions can be downgraded and salary along with it I worry employees may be pressured into leaving their jobs by having them downgraded and monies actually taken away. While I don't believe we should get raises just for making it through another year I believe we are due cost of living increases for which we go many years without. Bottom line "what's ours should remain ours". If organizations begin to go belly up I can see reorganization becoming a viable dollar way out. "WVNET" If upgrades need to be reviewed by the JEC, downgrades should be reviewed by the JEC as well. "
SEC 17.1	WV University	"Downgrade - Retain current policy. "
SEC 17.2	Marshall University Staff Council	"Same as demotion. We recommend using a years of service salary schedule and it would be very simple to determine where one would be placed upon promotion or demotion. "
<u>SECTION 18</u>		<u>TRANSFER</u>
SEC 18	West Liberty St. Coll.	Transfer - This section needs to be expanded upon. Questions need to be addressed such as, when you leave an institution after 10 years of service and return, will

SECTION ORGANIZATION

COMMENT/SUGGESTION

Your pay show new hire at entry level or new hire with a salary showing 10 years of state experience?

SECTION 19

REVIEW AND APPEALS

SEC 19 Concord College

"Reviews and Appeals Section: Employees feel this is section conflicts with SB377 (18-1-7) language which states that an institutional president shall not have authority over classification or lawful appeals by classified employees. Series 62 gives the President an authority to make classification determinations. Employees prefer to have an Attorney General's ruling on this issue."

SEC 19 WV Inst. of Tech.

"Does this section mean that employee can appeal their initial classifications after the formal notification in October?"

SEC 19 WV University
Herman Mertins, Jr.
President

"(WVU and the POC recommended that this entire section be deleted and that notification letter to employees will contain how the campus will handle appeals. We will try to handle as informally as possible. At WVU we will probably refer the employee to their immediate supervisor and then to their deans or directors before appealing to Human Resources for review."

Before any classification appeal can go to grievance, we are recommending that the employee must have the appeal reviewed first by the appropriate Human Resources professional, then by the Job Evaluation Committee. Institutions will be given three months to review the appeals and the Job Evaluation Committee will be granted an additional three months to review an appeal before anything can go to grievance.)"

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 19	WV University	"Remove and redraft. does not meet employees needs."
SEC 19.1	WV State College	"...that code provision is deemed null and void." Only the Legislature can change the State Code."
SEC 19.1	West Liberty St. Coll.	"Reviews and Appeals - The last sentence of this section reads as if the rule made this section of the West Virginia code null and void. Is this a misprint or has a legal error been ignored. This needs clarified."
SEC 19.1	WV University	".. It would certainly appear to me that this section which indicates that the statutory grievance procedure could in fact be made null and void by the adoption of this policy bulletin probably contravenes to intention of the Legislature and I suspect would be subject to serious challenge."
SEC 19.2	WV North. Comm. Coll.	"In reference to 19.2, 15 work days is not sufficient."
SEC 19.2	Marshall University	"This section cannot be placed into a law that doesn't take affect until January 1, 1994, because it will have already taken place. We appreciate the opportunity, but it cannot be a part of this document."
SEC 19.4	Human Resource Admin.	"Edit line, "...within five (5) <u>working</u> days...."
SEC 19.5	Human Resource Admin.	"Edit line, "...within ten (10) <u>working</u> days...."
SEC 19.7	Marshall University	"In reference to 19.7, no employee should sign away their right to file a classification grievance."
SEC 19.7	WV Inst. of Tech.	"After January 1, 1994, an employee who does not agree with his classification has 30 days to file a grievance

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 19.7	Marshall University	under 18-29. If a grievance is not filed, then the employee is deemed to have waived his or her right to grieve under the initial classification. This seems unfair."
SEC 19.7	Marshall University	"Concerned that employees need more than 30 working days to file a grievance regarding their classification."
SEC 19.7	Concord College	"Employees will not and should not give up their right to grieve according to Chapter 18, Article 29 of the West Virginia Code for ANY reason. Even though this section refers only to the initial classification grievance rights being lost, it is still a loss. This entire section is not agreeable to employees. As a matter of fact, the appeals process needs some work. Employees are giving up rights."
SEC 19.7	WV University	"...the statutory grievance procedure which is in place, for example, says that, and I'm looking at 18.29.3 subsections U and V, 'upon a timely request any employee shall be allowed to intervene and become a party to a grievance at any level when that employee claims the disposition of the action may substantially and adversely affect his or her rights or property and his or her right is not adequately represented by the existing parties', it then goes on to say that 'the doctrine of Latchey shall not apply in terms of preventing people from collecting wages that may be due them for up to a year'. 19.7, as it is drafted here, appears to say that People would lose substantial rights under the Statutory Grievance Procedure."
SEC 19.7	Marshall University Staff Council	"Thirty working days is not acceptable to our classified staff. As it is, we can hardly and sometimes never

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 19.8	Marshall University	"In Section 19.8, multiple hearings are not acceptable. It is not the problem of classified staff but the problem of the Central Office. Is an employee punished if they do not agree to an extension and will their hearing be held any differently from an employee that agrees to an extension?"
SEC 19.8	WV Inst. of Tech.	"Grievances that are filed shall be filed at the Board level. Is that correct?"
<u>SECTION 20</u>		<u>REDUCTION IN WORK FORCE</u>
SEC 20	WV North. Comm. Coll.	"The rule should state whether part-time regular employees are included in the head-count in cases where a reduction in work-force is ordered."
SEC 20	WV North. Comm. Coll.	"The rule should state the method of determining the loss of benefits during the period of time one is off the payroll."
SEC 20	WV North. Comm. Coll.	"The rule should state whether a part-time person can bump a full-time position. The rule should state whether or not a person who is covered by ADA and whose job has been restructured to accommodate his/her handicap can be bumped from his/her restructured position when no other job exists that can likewise accommodate his/her handicap."
SEC 20	WV North. Comm. Coll.	"It is unfair to allow the first person affected in a bumping action 30 days prior notice while allowing the

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SEC 20 Marshall University

COMMENT/SUGGESTION

"Supervisors of employees affected by this Policy Bulletin were never given copies of this policy. Yet the personnel that they supervise could change dramatically if "Bumping" were instituted. No mention was made under the section on "Bumping" as to the consideration of the quality of work by an individual only their longevity. Staff that have performed only at a minimal level but have more experience could bump another individual who has worked less time but has an excellent record of performance. As a supervisor, this gives me tremendous reasons for concern. If you think back to modern history, socialistic states have failed, yet that is what you want to establish within the university staff system. Under the new policy bulletin, no consideration will be made in regards to quality of work only longevity for job security. I hope West Virginia never institutes this policy because we will be faced with many employees that have their "time" in and do not care one iota about the proficiency and efficiency of their work. More effort has been made to institute this policy than has been done to balance the structure of classified staff within the University system."

SEC 20 WV University
Herman Mertins, Jr.
President

"(The POC recommendation is to delete this entire section. WVU is recommending that a task force comprised by the Board Central Office Legal Council develop a workable layoff procedure and issue this at a later date as an Administrative Bulletin. The task force should include at least two WVU management representatives and two WVU staff representatives in light of the number of layoffs that occur at WVU. In the meantime, each institution develops a policy that complies with 18B-7.)"

SEC 20 West Liberty St. Coll.

"Reduction in Work-force - There were many concerns voiced over this entire section. The whole concept of

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 20	WV Graduate College Dennis Prisk, President	"bumping" is a concern to everyone. this section definitely needs more clarification. Some of the questions raised were: If an employee does not meet the minimum qualifications for his position, will he given time to qualify himself? It is felt that an employee should be given a time frame in order to meet the required qualifications. Employees feel they should be able to bump up."
SEC 20	WV University	"I would encourage the use of a description other than the word "bump" surrounded by quotation marks. Most people understand the notion of a bumping system, but the use of the work in this manner in the dignified context of a policy seems inappropriate."
SEC 20	Marshall University Staff Council	"Remove and follow WV Code 18B-7-1."
SEC 20.2	WV State College	"Reduction in work force is currently covered by law. We recommend that this section be removed from this draft and that the governing boards take the necessary time to establish a procedural rule that would govern all institutions."
SEC 20.2	Human Resource Admin.	"Should the word, "effecting" be "affecting?"
SEC 20.2	WV University	"Substitute "effecting" for "affecting". "
		"Maybe the most important section of this Policy Bulletin in terms of the potential effect it has prospectively on employees is probably Section 20, Reductions in Work Force. I will just tell you as a member of the legislature that the Governor is quite committed to his goal of reducing employment by 10% during the remaining years of his administration. I would just suggest to you that you need to look very carefully at the provisions

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relating to reduction in force. If you look at 20.2, for example, this policy bulletin states institution wide reductions in work force based on the reasons of "financial exigency" and then it goes on to say that there are procedures that may be established for such institutions wide reductions in force, I would just suggest to you that those policies and procedures can not be in conflict with the provisions of 18B-7-1, which is addressed in 20.3, the next paragraph. I find no exceptions to permit the University to do anything differently than dictated by the State Code as it relates to layoffs. I would also suggest that the appropriate individuals look very carefully at the Robert Lockhart grievance decision that was made by the Grievance Board and has not been challenged in the Courts and appears to flesh out the reduction in force rules and regulations that are permissible."

SEC 20.3 WV State College

"Should read, "...may be effectuated at the state level..."

SEC 20.5 WVU Parkersburg

"When an institution contemplates the elimination of a position it would be more appropriate to notify the employee ninety (90)days before the action rather than thirty (30)days."

SEC 20.5 WV North. Comm. Coll.

"My major concern is with Section 20, Reductions in Work Force. 20.5. The proposed policy states: "At the time of notification, the institution shall notify the employee as to which position, if any, the employee may "bump" into." First of all, it is grammatically incorrect. "Into" should be deleted. The employee being laid off should be able to "bump" any position for which he/she is qualified and is entitled to a list of all those positions, not the one that the institution

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selects. Again Lockhart v WVU states that an institution must demonstrate that a less senior employee of the institution is not holding a position in the same job class as that held by the laid-off employee or in an equivalent or lower job class."

"Also in this section, I have grave concern about the provision that the laid-off employee must "bump" the employee with the least seniority in that pay grade. This, in effect, grants greater job security for employees with less seniority than the laid-off employee who are not the least senior. For instance, Employee A has 15 years of seniority. Employee B has 9 years. Employee C has accumulated 5 years of seniority. And Employee D has only 1 year of accrued seniority. Under this proposal, if Employee A is laid off, he/she must "bump" Employee D. That job in some of the multi-campus institutions might be on a different campus and place a hardship on the employee making the "bump." Why should Employees B and C have protection from being "bumped"? In industry, the senior employee can "bump" any employee with less seniority. He is not limited to "bumping" the least senior employee. This causes a domino effect because the employee that he/she "bumps" now has a right to "bump."

"The laid-off employee should be given a choice if there is more than one position for which he/she is qualified."

"A better quality individual who is doing a better job should not be the one sent down the road and a poorer performer be the one kept. Policy needs to be created to determine the better quality individual from the poorer performer. Without this policy, it eliminates all incentive to do a good job."

SEC 20.5 Concord College

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 20.5	WV State College	"Should give staff members the opportunity to decide what positions to bump. Statement, "...shall notify the employee as to which position..." should read "...shall notify the employees as to which positions..."."
SEC 20.5	Human Resource Admin.	"Edit line, "...at least thirty (30) <u>working</u> days before...""
SEC 20.6	WV Inst. of Tech.	"How will the institution determine an accurate list of qualifications a displaced employee may have?"
SEC 20.6	Concord College	[See comment, this institution, at SEC 20.5.]
SEC 20.7	WVNET	"An employee can be displaced into a lower pay grade at no fault of the employee and the salary will be reduced. I feel that the employee should be able to retain his/her old salary because the employee is not at fault for a reduction in work force and the reduction in pay could produce a hardship on the employee. The only other option is to choose a layoff and not draw any salary. With this option the employee stands to loose all of his/her seniority and benefits, still at no fault of the employee."
SEC 20.7	WV North. Comm. Coll.	"My greatest concern, since it affects me, is the provision of 20.7 that states: "However, if an employee "bumps" into a lower pay grade, the salary in the new position will be computed as if it were a demotion or downgrade under this rule." On small campuses such as ours, there are only a few employees in the higher pay grades and each have specific job requirements. This means that a laid-off employee may be forced to "bump" down 7 or 8 pay grade levels and take a considerable cut in pay. <u>This could be a dangerous weapon in the hands of a college president to discipline or get rid of an</u>

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employee whom he/she doesn't like. (As in my case, my salary was set by the previous president. The incumbent decided the salary was too high and has eliminated my position to force me into a lower paying job.) If, however, there is a position on the same pay grade for which the laid-off employee is qualified, then he/she should have to "bump" that position rather than a lower classification. In that case, if he chooses a lower classification, then he should rightly take the lower pay."

This could be used by college/university administrations to circumvent WV Code 18B-9-5(f) which states: "The current monthly salary of any classified employee may not be reduced by the provisions of this article nor by any other action inconsistent with the provisions of this article." The employee is not voluntarily moving into a lower paying job. He/she is being forced to do so if there are no other positions available at his/her current pay grade. The laid-off employee, in the case, is being penalized because of a situation beyond his/her control."

SEC 20.7 WV Inst. of Tech.
"Bumping to a lower pay grade results in accepting a lower salary. This seems grossly unfair to force the employee to accept what might be a much lower pay grade in order to remain employed."

SEC 20.8 Human Resource Admin.
"Edit line, "...within fifteen (15) working days of...."

SEC 20.9 WVNET
"This section means than an employee who is so unfortunate to be bumped out of his job entirely may be given as little as five (5) days notice. This is not consistent with other employment practices in the system which mandates two (2) weeks notice. Five (5) days is in no way an adequate amount of time for an individual to

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 20.9	Marshall University	even begin to find another job in the current economic conditions. This is no way to treat someone. Suggest the following sentence be added to this section: "Under no circumstances will an employee terminated under these rules be given less than two weeks notice before the termination date."
SEC 20.9	WV North. Comm. Coll.	"He says that bumping would not be fair."
SEC 20.9	Human Resource Admin.	"Section 20.9 has incorrect agreement: "An <u>employee</u> ...if they..." Also in the line of grammar and punctuation, "...into which they can bump ten (10) days before they are "bumped" should read "...into which he/she can "bump" ten (10) days before he/she is "bumped." Again, this employee should be provided with a list of all positions for which he/she is qualified." "In a one-employee position, the individual being "bumped" should remain on the job for a specific period (30-60 days) to assist in a smooth transition into the position for the employee moving into the job. This is standard practice in industry."
SEC 20.9	Human Resource Admin.	"Edit lines, "...ten (10) <u>working</u> days..." and "...within five (5) <u>working</u> days..."
SEC 20.10	WV State College	"Seniority should be determined by permanent employment in the State of West Virginia employment."
SEC 20.11	WVNET	"Seniority is defined as employment in state institutions of higher education. I am requesting that seniority be defined as longevity with the addition noted in Section 2.16."
SEC 20.11	WV North. Comm. Coll.	"Section 20.11 is not specific enough."

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SEC 20.11 WV North. Comm. Coll.

"In Section 20.11, it would be more feasible to have the classified employees of an institution determine as a group a uniform method for breaking a tie between two or more employees with the same seniority. This should be done as soon as the Reduction in Work Force policy is adopted, not wait until the situation arises."

SEC 20.12 WV North. Comm. Coll.

Again in Section 20.12 there is a error in agreement, "employee" and "they."

SEC 20.13 WVNET

An employee removed from the payroll under this rule shall be placed on a recall list maintained by his/her institution. I feel that in addition to laid-off employees having an opportunity to be recalled, employees who have been "bumped down" should also have the opportunity to get back to their original pay grade and/or to a job title befitting their pay grade."

SEC 20.14 WVNET

Institutions shall allow any former employees on a current recall list, if qualified to fill the vacant position if that position is in the same pay grade or lower than the position the employee previously occupied. In accordance with my comment in Section 20.13, any current "bumped" employee should also be allowed to fill the vacant position. I also feel that the statement "in the same pay grade or lower than the position the employee previously occupied" should be omitted. If the employee is fully qualified, that employee should have first opportunity for the position even if it is at a higher pay grade before anybody external to the institution is considered for that position."

SEC 20.17 WV North. Comm. Coll.

"Section 20.17 places an unusual burden on the laid-off employee. This gives the institution the choice of determining whether the reason for not accepting a job is

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compelling. There should be some definition of a compelling reason in the policy. The job being offered may be several pay grades lower than the laid-off employee's previous position."

SEC 20.18 Concord College

"The policy for bumping should be consistent throughout the systems and not individualized by institution. Some institutions would abuse employees if they are left to create their own policy."

SECTION 21

PART-TIME AND TEMPORARY EMPLOYEES

SEC 21.1 WV Inst. of Tech.

"If a reduction in work force occurs, will all temporary or part-time employees who are filling slots previously occupied by full-time classified employees be released first?"

SEC 21.1 WV State College

"This rule should be kept at all cost."

SEC 21.1 Human Resource Admin.

"Delete space in "full-time"."

SEC 21.2 Potomac State College

"My third concern is that in Section 21.2 and 23.1, they use the terminology that employees can be hired who meet the minimum qualifications of a position, and quite frankly, the Advisory Council members feel that this will lead to inferior workmanship and is not a good idea, that people should be judged on the qualifications that they have and we should not be forced to hire internally simply because someone has the minimum qualifications."

SEC 21.3 WV State College

"The definition of temporary employee needs to be clarified. Will employee time be counted towards seniority for the Annual Increment and Salary Schedule purposes?"

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SECTION 22

WORK SCHEDULES

SEC 22.1 Policy Oversight Comm.

"In first sentence, substitute "policy" for "procedures"."

SEC 22.2 WV North. Comm. Coll.

"Under Section 22, Work Schedules 22.2, should employer be employee in line four?"

SEC 22.2 Human Resource Admin.

"Change "employer" to "employee" in last sentence."

SEC 22.2 WV University

"...I would suggest that people look at the Memorandum of Accord, Article 4, Section 14 because there is some language in there relating to overtime requirements, what is permissible and what is not permissible. It seems to me that that is pertinent."

SECTION 23

APPOINTMENT OR PROMOTION

SEC 23 Concord College

"Veterans already in a position on campus, and are applying for a position which would be a promotion, should be given veterans preference over someone else. This section should not conflict with the language in Senate Bill 377. This section should include the language from Senate Bill 377."

SEC 23 WV North. Comm. Coll.

"Section 23 should not be limited to non-exempt positions. This should also apply when a non-exempt employee is qualified for an exempt position."

SEC 23.1 Potomac State College

[Repeat Potomac State College comment at Section 21.2.]

SEC 23.1 WV State College

"This statement should stay the same."

SEC 23.3 Project Oversight Comm.

"Add to sentence, "...shall not apply to temporary."

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SEC 23.3 WV University
Herman Mertins, Jr.
President

COMMENT/SUGGESTION

casual and student employees."

"Provisions of this section shall not apply to casual, temporary or student employees."

SECTION 24

SEC 24 Marshall University

MARKET PREMIUM

"He feels that this is not equitable."

SEC 24 Marshall University

"I was concerned with Section 24, regarding Market Premiums. Employees should not be punished for where they live in the state. Employees should be paid the same pay for the same job. It's all the same place -- no difference in what we do or how we do it."

SEC 24.6 Marshall University

"There should be no Market Premium, period. The system should be equitable, salaries should be equitable. They should not be brought in by some kind of magic formula to adjust things outside of that."

SECTION 25

SEC 25 WVNET

SALARY SCHEDULE AND IMPLEMENTATION STRATEGY

"Parts of this entire section are loosely worded and subject to interpretation. All subsections should be worded in such a way so employees may clearly and accurately determine where their individual placement is."

SEC 25 Marshall University

"One of 's major concerns was regarding the proposed salary schedule (Section 25) and the possibility of losing 2 years of seniority. He feels that this salary schedule does not provide equity."

SEC 25 Marshall University

"...he is concerned that employees will lose 2 years of

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 25	Marshall University	their seniority because of their placement on the salary schedule. He is concerned that there is no provision to move ahead through the steps of the schedule."
SEC 25	Marshall University	"She opposes the step structure salary schedule. Every Higher Ed bill since 1985 mandates uniform classification. Series 62 presents a salary schedule with steps divisible by 12. We cannot understand it, let alone support it. Years of service is our most tangible asset. Everything in our career is longevity driven, our annual increment, retirement and length of service. She believes that a salary schedule based on longevity is the only fair way."
SEC 25	Marshall University	"The legislature was very clear about the salary schedule. Project Oversight Committee and Chancellors trivialized and made Mickey Mouse innuendos about the way we would be living our lives. Feels the salary schedule must contain longevity and years of service. We will not support anything that does not guarantee years of service. We will take it back to the legislature."
SEC 25	Marshall University	" <u> </u> said the salary structure is unacceptable and is in conflict with the HEAT report which stated years of experience was to be included."
SEC 25	Marshall University	" <u> </u> feels that length of service is very important. The Administrative world at Marshall needs to take a better look at long term employees. There is no incentive to look ahead if you are already over the maximum. The salary structure is unfair to long term employees."
SEC 25	Marshall University	"Longevity should be considered. There needs to be some way to move up the pay scale."

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 25	Marshall University	"The HEAT report states that there should be equitable classification and compensation system, and that the salary increases be based on years of service. This system does not provide for longevity."
SEC 25	Marshall University	"_____ stated no one is making the money they should be making. The University expands but salaries do not. Personally not happy with his pay. Not enough money for what is expected from employees."
SEC 25	Concord College	"This salary schedule is going to be just like the old pay scale. It's there on paper but they will just holler they don't have the funding for it. So what does it mean?"
SEC 25	WV State College	"Pay grade should be based on years of service. There should be direct relationship between the step number and years of service. Calculations should be based on years of service as of July 1, 1997."
SEC 25	WV University Herman Mertins, Jr. President	"(A concern we share with staff is that criteria have not been identified for advancing employees on steps within their pay ranges. We feel strongly that this needs to be addressed before finalizing the Policy Bulletin.)"
SEC 25	WV University	"...There are lots of comments to make, but I will limit them. One major concern is Section 25 (Salary Schedule and Implementation Strategy) - the general feeling among classified staff is that the salary schedule should be driven by years of service as a means of placing employees on the salary schedule should occur not just during the implementation phase but throughout the life of the schedule."
SEC 25	WV University	"I am speaking for myself and my fellow employees. We

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want a years of service system, not a step system. No one us seem to understand the step. We want to keep our longevity. I want this funded this year. If we wait until 1996, we are still going to be at least 3 or 4 years behind. Who wants that? Another major complaint concerns the secretaries. We have administrative, secretary bs, etc. Under the Mercer, everyone is classified as secretary. they all do different jobs. why should they be lumped together?"

SEC 25 WV University

"I have been here better than 20 years. I first thought the Mercer system would be a good. But that has changed. I was off to a false start. I don't appreciate being evaluated on the basis of a few words written on a piece of paper. Let them come to me, talk to me, go around either me as I work and then use that as a basis for my pay grade. Longevity - I oppose a step system - years of service is better. A person coming in off the street should not be penalized because I am making \$20,000 and he will make \$15,000. the only thing that should separate employees is longevity. Is is certainly not my fault that my position might be downgraded. Technology is the cause of down grades. "

SEC 25 WV University

"Salary Schedules - Should be all funded now. They are trying to bring us to market and we are trying to get to 1991 standards in 1994. Based on step is confusing. Everyone understands years of service. No one understands step. My wife teaches school and her salary is based on years of service like so many other employees. Salary Schedules should be funded annually, as part of the legislative process. We are as much a part of the education system as the public school system and the school personnel. Lowest paid person on step would be around \$10,000. A recent news report listed the

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 25	WV University	poverty level for a family of four to be \$14,000.00. We are hiring people at poverty level."
SEC 25	WV University	"Some of the problems I am having with this deals with understanding the step system. The way I read it is that the only way you can ever advance on the step system is through merit. Merit have never worked at this University in the blue collar class and it never will."
SEC 25	WV University	"There are a lot of things in its new schedule and policy bulletin that I don't agree with. The major concern is the step system. What does that mean? Does anyone know? We need to base this on years of service. Everyone understands this."
SEC 25	WV University	"As a 10 year employee of WVU, I am concerned with the Mercer Classification Project planning to base the project on a step system. No one has defined a step, nor has anyone told us how people will move along those steps. Nor has anyone told us what will happen after 1996. With all of these questions, I cannot support the step system. Time is running short for a plan to be implemented. I feel that I am being asked to buy a pig in a poke I do not buy into employees moving along the step system at the discretion of the Legislature. Thank you so much but I have not seen salary increases at a reasonable or regular basis going through the legislative route. Only through several promotions have I been able to see my paycheck increase with the cost of living has steadily increased. On the other hand, I am not totally comfortable with the years of service plan either. I believe that going on years of service alone could throw some departments into a hierarchical system. We talk about total quality management in the stew, but if we are not assessing the situation properly and not being

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 25.3	Shepherd College	confusion that the years of service go beyond the implementation in the equity step."
SEC 25.3	Marshall University	"[Comment was in support of] Salary schedule steps structured as years of service minimums with additional provisions for increases for employees with more than 15 years of service."
SEC 25.3	Human Resource Admin.	"In Section 25.3[.1] there is a 15 year max on longevity - what happens to people over 15 years?"
SEC 25	Human Resource Admin.	"Add at beginning of first line, <u>"If sufficient additional state [funds] are appropriated,...."</u> "
SEC 25.4	WVNET	"A reordering of paragraphs is suggested. Paragraph 25.3 should become 25.3.1; 25.4 should become 25.3; 25.4.1 should become 25.3.2; 25.4.2 should become 25.3.3; 25.4.3 should become 25.3.4; and 25.5 should become 25.4."
SEC 25.4	WV University	"The language in these sections is ambiguous. It is not clear whether it is intended that someone who is within their designated pay grade, but below the step level for their years of service shall be considered equitably compensated or not. Section 25.4 outlines the process of phasing in the adjustments for those not at the step for their years of service, while Section 25.5 states that if an employee is at least at the minimum equity step he/she will be considered equitably and uniformly compensated. The net result is that the increases outlined in Section 25.4 are no way a statement of intent on the part of the state. This must be clarified."
SEC 25.4	WV University	"Add after who's base salary, this is a major concern."
SEC 25.4	WV University	"Section 25.4 of the current proposal calls for a three

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
SEC 25.5	WVNET	Year implementation period that initially places employees on the schedule based upon years of service as of July 1, 1994, but qualifies itself with the [phrase 'if sufficient additional state funds are appropriated from the legislature'. If funding is unavailable or only partially available the attempt to initially place employees on the schedule based on years of service will not be successful. There is not provision for movement along the schedule after July 1, 1996. As the proposal is currently written, part of a salary increase program if funding is not made available for increases until after July 1, 1996. Even with full funding of the proposal this schedule becomes an open ended pay structure after July 1, 1996. Classified staff desire a salary schedule with a more definite plan of employee salary progression."
SEC 25.5	Marshall University	[Repeat WVNET statement at SEC 25.4]
SEC 25.5	Marshall University	"Section 25.5 is an attempt to redefine equity and it will be tested in the WV Supreme Court."
SEC 25.5	Marshall University	"Regarding Section 25.5 MU employees do not feel this is equity."
SEC 25.5	Marshall University	"While I appreciate that enormous difficulties are inherent in such a reclassification project, I fear that section 25.5 tries to "define away" one of the staff's most fundamental concerns: equal pay for equal work with equal experience. First, if the "equity step" actually is the base salary for a job, please label it as a base salary. Second, stripped down to its essentials, section 25.5 does not establish equitable and uniform salaries; it simply defines anything over the minimum base salary as equitable and uniform. This schedule perhaps does

SECTION ORGANIZATION

COMMENT/SUGGESTION

SEC 25.5 Marshall University

provide equity with the private sector, but it certainly appears that it does not assure equity within our higher education system. I don't know how the courts would rule on this, but I think the court of newspaper editorial writers inevitably would paraphrase some of George Orwell's better-known writings: "All salaries are equitable, but some salaries are more equitable than others. War is peace. Variety is Uniform. Inequitable is Equitable." Please ask the group to go back to the drawing board on this!"

"...I fear that section 25.5 tries to "define away" one of the staff's most fundamental concerns: equal pay for equal work with equal experience.

First, if the "equity step" actually is the base salary for a job, please label it as a base salary.

Second, stripped down to its essentials, section 25.5 does not establish equitable and uniform salaries; it simply defines anything over the minimum base salary as equitable and uniform. This schedule perhaps does provide equity with the private sector, but it certainly appears that it does not assure equity within our higher education system.

I don't know how the courts would rule on this, but I think the court of newspaper editorial writers inevitably would paraphrase some of George Orwell's better-known writings:

'All salaries are equitable, but some salaries are more equitable than others'.

'War is Peace. Variety is Uniform. Inequitable is

SECTION ORGANIZATION

COMMENT/SUGGESTION

SEC 25.5 Marshall University
 Staff Council

Equitable.'"

"Is a deliberate attempt to remove the possibility of any salary grievance. The example we have used in presentations is that an employee with 10 years of service and placed in paygrade 10 doing the same duties as an employee of another institution, in the same position with the same experience can be paid at a difference of \$10,000 (one at the equity step and one at step 15). Also, a person hired for the first time with no years of service will be paid at the equity step. IS THAT AN EQUITABLE SYSTEM? the strategy automatically causes us to lose 2 years of service as of January 1, 1994. Initial placement is based on our years of service as of June 30, 1994. Our goal in 1996 is to be at the 1994 level on a salary schedule with a market value of 1992. We recommend placement as of our years of service in 1996 on a years of service salary schedule. We have always been aware of the funding situation. We would prefer to see an equitable system in place and then work on the funding. to quote Chancellor Manning from the SCHOLAR October 1993 regarding his proposal on cooperation between higher and K-12 'I offer this proposal to the Board of Education and the two higher education boards for consideration. I recognize that there are important financial implications for higher education institutions within this proposal that would need to be addressed. But, we should address the issue of principle first, then design the funding system that fits those principles.' WE AGREE - establish equity then design the funding system."

SECTION 26

MISCELLANEOUS

SEC 26.1 WV State College

"...the state code are deemed inconsistent with this

<u>SECTION</u>	<u>ORGANIZATION</u>	<u>COMMENT/SUGGESTION</u>
<u>GENERAL COMMENTS NOT RELATED TO SPECIFIC SECTIONS</u>		
		rule and are ruled null and void." Only the legislature can change the State Code."
	Graduate College	"As an individual that has been here for 15 years, it seems somewhat unfair. We are being penalized for being loyal to our school."
	Graduate College	"As a group this document is presented from the viewpoint of administrator or supervisor. It is not for the benefit of classified employees. It is not objective in the presentation of material and can certainly be regarded as one way for administrators to interject preferential treatment to employees based on personal feelings. You have bumping included in this. It makes someone really uneasy to realize that an administrator or a supervisor will have that much power over you."
	Potomac State College	"Number 1, for the record, I want it written down that the total cost of this project, which is \$29 million, and will be implemented over a three-year period is less than the total cost per year for the public school teachers' raises that they received several years ago in a three-year implementation."
	Marshall University	" feels that PDQ's [Position Information Questionnaires] were not read nor evaluated. She is concerned that employees will lose 2 years of seniority. She feels that the classification review and job evaluation process is a sham. Bumping is totally unacceptable, especially if it is based on seniority alone and not on job knowledge and skill. Feels policy is not thoroughly thought out and should be postponed. Feels policy should recognize employees as institution's

SECTION

ORGANIZATION

COMMENT/SUGGESTION

most valuable resource."

Marshall University

" feels that the Code did not call for a revision of PB 62. The revision appears to place into law what should merely be Board policy. It is an attempt to halt any future grievances based on salary issues - Equal pay for equal work. Removes years of service as being very meaningful at all unless you get to bump someone. Series 62 does not need revised except on those areas dealing with salary. In the few examples she has taken, 5% per pay grade up or down, and rounded, and you could lose \$200-\$300. "

Marshall University

"Feels Series 62 revisions are not required of the HEAT report. Policy Bulletin 62 should stay as it is."

Concord College

"There should have been a meeting to discuss the changes in Series 62 before having these hearings."

Concord College

"We should have been given our classification structure before having this hearing on Series 62."Concord College"it should be determined how the classification structure is going to be funded before it is implemented. I think it is unwise to implement something nobody know how it is going to be funded. I think it is a good concept if the implementation follows the funding instead of proceeding the funding."

Concord College

"I feel there has been an oversight in the policy which should address nepotism, specifically the hiring of family members within the same department. This matter is of great concern to me for several reasons, especially with cutbacks a possibility in the foreseeable future. When a family emergency, death, or illness occurs, not one, but several employees from a specific area can be

SECTION

ORGANIZATION

COMMENT/SUGGESTION

absent, thus creating a hardship for those who must cover for their missed days and those who have business matters to conduct with that department. Vacation times also create a problem when family members request time off together. When a family dispute or disagreement occurs, it affects not only the individuals but their co-workers and all other who must come in contact with them. Employment of relatives within the same department is an issue that needs to be addressed in Series 62 to prevent this from continuing in the future."

WV State College

"This entire policy is directed at Classified Staff and does not include non-classified staff. Policies regarding non-classified staff, including pay raises, should be included in Policy 62. All colleges and universities should abide by the policy by using funding appropriated by the Legislature and not use institutional funding to provide higher raises. When the Legislature approves funding for the salary schedule, it should be specified that the Resource Allocation Model (RAM) not be used to determine disbursement of funds."

WV State College

"The heading should state, "University & College System of West Virginia"."

Marshall University

"I have serious doubts about the equity of the proposed changes. The addition of the inequitable proposed salary schedule concerns me greatly. We have worked too long and too hard to give up our years of service. I am very concerned that Series 62 is even being discussed at this time. Series 62 is a procedure which would only need pertinent sections revised."

School Of Osteopathic
Medicine, Olen E. Jones,

"I fully recognize the need for and support a uniformed system of classification for classified employees and the

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ORGANIZATION

COMMENT/SUGGESTION

President

need to bring their salaries up to competitive market conditions. I am however of the opinion that the merits of a equitable and uniformed classification system has been overshadowed by the related compensation issues.

It is my understanding that funding of the salary schedule, after initial implementation at the equity step, must come from funds appropriated by the state legislature and not from the University system institutions. This point must be made clearer. I am concerned that an expectation for future salary increases has been generated which may not occur due to the current budget conditions in the state."

Glenville State College

"Series 62 was good and positive for the institution and for the staff. He said that not everything was 100 percent perfect, but mostly it addressed the issues with appropriate action. He spoke from a perspective of 20 years experience as a member of higher education classified staff and that is the best proposal of its kind to come along in his experience. He noted that the same descriptive job title will be given to a group of jobs which require substantially the same knowledge, skills and abilities performed under similar working conditions, regardless of institutional location or size.

Marshall University
J. Wade Gilley, Pres.

"(1) Probably my primary concern is that our classified staff deserve to be paid appropriately for performance of duties and responsibilities. I strongly support equity and maintaining our competitiveness through marketability.

(2) An important question that must be answered concerns appropriation of funding for placing employees on the salary schedule by years of service. Where are the funds

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ORGANIZATION

WV University
Local #814

COMMENT/SUGGESTION

coming from?

(3) Maintenance of the system is critical. While centralization of some procedures and auditing are very important, it must be balanced with autonomy so that campuses can function effectively.

"I am here as president of Local 814 and I appreciate having the chance to speak. Obviously, this is a very important issue for the employees of WVU and other classified staff throughout University system. I am a little concerned that I learned this morning there were employees who wished to attend this meeting and were told they had to take vacation time to attend and that violates the intention of the hearings to give people an opportunity to speak. There has been a little bit of chaos and I don't know if this has been any individual fault on which version of 62 to make comments on. It has made it somewhat more difficult. I personally thought there would have been more people here because of the significance of the issue. However, this seems to be a topic that people do not show an interest until six months after it has been implemented and then they have huge amounts of concern. I would also make the observation that I hope these hearings are not simple tokenism and being done simply to comply with what the code requires. I would hope that the people in charge of the hearings will take careful notes and pay careful attention and will give careful consideration to the comments people make. I am going to use the latest version of PB 62 which was sent to me by Staff Council and hope that I am working from the most current version at this point. I am not going to deal with each and every issue in the policy bulletin. In some cases, I think some changes are not-controversial.

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ORGANIZATION

COMMENT/SUGGESTION

WV University

"Emergency situations from the old policy bulletins have been left out of this draft. The blizzard of 1993 would have pertained to this."

WV University

"This is frustrating to discuss PB 62. These hearings are going on throughout the state. Many of Steve Cook's points are well noted. Remember this is a working document. For example, the time frame for keeping a letter in your file - everyone objected to that and I doubt that that will remain. I will not go through the entire bulletin. The Mercer is an equitable system. We are not completely pleased with it, but we can compromise and make it work. I support a lot of the items in 62. I think it is possible we are asking for an awful lot of money. Some of us support the step system and some support the years of service system. I support a system that will be the best for staff and will provide raises for everyone. I need to know what staff want. I have talked to a lot of staff and I have found that a lot of people do not understand the system. Maybe it is time for us to accept a different system. As long as we have across the board raises, we will never have equity. My decisions will be made on what I think is fair for everyone."

WV University

"Policy Bulletin 62 does not support the HEAT recommendations and does not follow a true years of service longevity system."

WV University

"Employees must be properly classified. I am, but a lot of people are not. Locksmiths and custodians are not classified correctly. They are getting the short end of the stick here. Pay Raises - Everyone should get a pay raise. The only raises seem to be above pay grade 10 or less than 15 years of services. For \$30 million,

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COMMENT/SUGGESTION

everyone should get something. I understand equity and I believe in equity, but I wish they would leave the rest of the policy alone. Like disciplinary letters - those have nothing to do with equity. Nor does comp time , etc. Work on equity.

WV University

Public school employees, non classified, faculty and school service personnel have a classification based on their rand and years of years. Their policies are based on years of service. The only reason classified staff don't have a system based on years of service because our president and other people are concerned with the cost. If they were interested on doing the right thing, they would fully fund the schedule this year. These are 1992 salary dollars that will be paid in 1996. They want us to have this in 3 years. The only way to move across the step system is promotion or merit increases. Merit is the easy they want to move you in this system. "

"My recommendation is that if we don't fight and get years of service in this year, we will not be able to get it in 1997. They are doing what they were suppose to do in 1986. the right thing is to get the \$27 million now. Classified staff are entitled to that now. They want you to accept it over 3 years and have your years of service frozen at 1993 levels. "

WV University

"I am against the Mercer study in general. It is slanted toward management and not the working man. This state has never been for the working man. Here are mu guidelines to make this a win-win situation: Raise salary caps for any grade below 20. the state does not appreciate its older employees. Across the board raises - A lot of people are going to get frozen out. Everybody needs something. PB62 is management's way of obtaining

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COMMENT/SUGGESTION

WV University

additional control over employees. We need unions. Years of service is the only fair way to base a schedule. Shift differential - I have worked midnights for 11 months. I almost lost my wife and friends. I am going to a doctor and taking barbiturates. Access to personnel files - I have a letter in my file from a former supervisor who called me the worst worker in the state of West Virginia. This is not right. I took it out and it's not right that they can do this.

"In the past several months, I have heard and read a lot about the revisions to the classification and pay schedules for the university. I found a lot of the information was both confusing and disturbing. To be able to comment on PB 62, I went yesterday, October 5, to the HS Library to read the actual policy 62. When I reached section 25, entitled "salary schedule implementation strategy" I read "section 25 was not available at the time the agenda book was developed and will be forwarded to the board under separate cover." This copy of PB 62 was date stamped into the library on September 7; an updated copy of the entire policy is not available in the library, as of yesterday. I am certain that there are complete copies of the policy available at the University; there may be members of the audience with them right now. My point is that the library is where the public copy of the policy is supposed to be, the one available to staff member, even those with no insider source. An the copy that is there, received as recently as September 7 is incomplete, lacking the most critical and controversial part of the policy. How can you have a 30 day public comment period on this policy when the public copies of the policy are incomplete? It makes me believe that this policy is being bushed on through in haste, and that lip service is being given to the ideal

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of keeping staff informed of the proposed changes. The policies set by PB 62 will vitally affect the career of every staff member at this university. Once it is in place, it will be an uphill battle to have any part of it modified. I believe that you will have not given us sufficient time to adequately discuss the features of it, or to participate in the formation of this policy. A public comment period lasting only 30 days is inappropriate when the policy in question has been inadequately available for public scrutiny."

WV University

"I want to talk a little about downtime, comp time and disciplinary letters. Our bills are the same as the Mercer people. How can they drop us a pay grade or two? I wonder if they are going to tell our lenders that I dropped a grade. Comp time is the best benefit we employees have here at the University. You can get time off with pay. There is nothing better. Disciplinary letters - the current policy is adequate. Why be punished your entire career for a minor offense. If the offense was that severe, then something more than a letter should have been done anyway. If this report hurts just one state employee, it hurts us all. The Mercer Study should be renamed the Mercy Study - that's what we'll be crying for before this is over with."

WV University

"I am going to deviate from the established format and ask for some feedback from you. I am Richard Beto, manager of Printing Services and I am in my second term as your Board of Advisors representative. I need a little feedback from you as I sit in these meetings and represent you. The area of concern I am hearing from you are: the market system (how we stand financially to other markets) (22), Letters in the file indefinitely

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WV University

(15), Step System - definition (15). (Richard then took a vote from the attenders - the results are in () next to the item)."

"One thing the Mercer does not address is supervision coming from a faculty member, who doesn't particularly know your job responsibility. I have been here over 29 years. I think Mercer Discriminates against age and older employees. I would like Mercer to look at supervisory responsibility. I know of a case where an employee has been here over 5 years and his supervisor has been here 3 months and the evaluation by this 3-month employee determined where the 5 year employee would fall on this system. I would ask our representatives, specifically Paul, to look into this. Faculty come and go. Staff stay here and do their duties whether they have supervision or not. I think there is a very bad flaw in the system."

WV University

"I will be short and sweet. This is not a good attitude for us. This whole study came out to be anti-employee policies. The way I read it is that they have this written such that they can hire or fire anyone they want. Unless you a brown noser, you could be in trouble. Relatives will also do well. We need to get some regulations set up that are fair for employees also. People shouldn't have the right to change policies so easily. This is as anti equal employment as I have ever seen. They want to hire people at \$10,000. these people would be better off to go back on welfare for that. You get a little bit of hospitalization and then you till have to pay for that. One good point is that they are trying to come up with a good salary schedule to give us a little something and what do they do with it? They plan to spread this around over three years. What good

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COMMENT/SUGGESTION

WVEA

does that do? We are still going to be over 5 or 6 years behind. Where is the improvement? Fund it now and let us have the money now. Let the people who make \$25,000 to \$40,000 - you can wait a little while for your money. Those of us taking home \$7,000 - \$8,000 - we need it now. Thank you very much."

"I am here from WVEA and I am working with the local ACE group. We have a real problem with this. They have gone way beyond their mandate to provide an equitable system. They have rewritten a lot of the sections that have nothing to do with the classification system. One large area that could be removed is that the system does not value the older, experienced employees. \$29 million is not a lot to ask for. We could probably ask for more. The legislature has indicated its willingness to fund this. Collective action is truly the only way to overcome these deficits. If I were a politician and saw just a few employees here today, I would do what I wanted and take my chances. Employees working together will make a difference."

Marshall University
Staff Council

"The Governing Boards were mandated to 'establish by rule and implement an equitable system of job classification, with the advice and assistance of staff councils and other groups representing classified employees, each classification to consist of related job titles and corresponding job descriptions for each job title....' The legislation did not mandate that the Boards change Series 62 (the procedural rule that governs classified staff). Should the proposed classification system and/or salary schedule be approved by the LOCEA, the boards would merely need to revise the promotion/demotion/upgrade/downgrade/transfer sections.

SECTION

ORGANIZATION

COMMENT/SUGGESTION

Joe Peters
Board of Directors

If the proposed Series 62 is approved, it is then law and should you the Trustees or Central Office staff believe a change is needed, only the legislature could make the change. Does that make sense, since there is a possibility this might be approved by the LOCEA, the comment made are on behalf of the Marshall University Staff Council for our classified staff."

"Ought to be limited on point at which person can be hired. No higher than Level #4. Also, limit (no more than 2 times) number of times in year President could promote someone in grade.

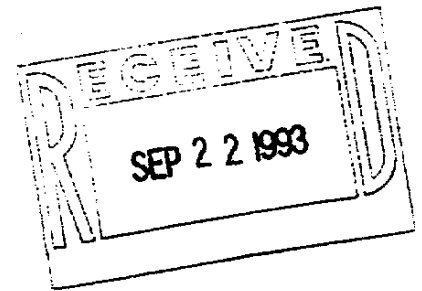
Attachments



Staff Council

West Virginia University

September 17, 1993



Margaret V. Robinson
State College and University System
Central Office
Suite 700
1018 Kanawha Boulevard, East
Charleston, WV 25301

Dear Ms. Robinson

Senate Bill 377, West Virginia State Code 18B-9-4, states "...the governing boards shall establish by rule and implement an equitable system of job classifications, with the advice and assistance of staff councils and other groups representing classified employees...".

On behalf of the classified employees at our institution, the Staff Council of West Virginia University hereby submits the following minority report. We request that this document be included as part of the final report and recommendation submitted to the Chancellor and Members of the Board of Trustees, the Secretary of the Arts and Education, and the Legislative Oversight Committee on Education Accountability.

Representatives of Staff Councils and other employee organizations were permitted to speak at the Project Oversight Committee meetings. However, their comments were not noted in any minutes and they were not permitted to be members of the Project Oversight Committee with voting privileges.

It should be noted that voting representation was expressly denied to Classified Staff Councils even though Senator Robert Plymale from the Senate Education Committee and Delegate Steve Williams, Chair of the House Education Subcommittee on Education, wrote to Chancellor Manning explaining that the legislation was designed to explicitly include Staff Councils.

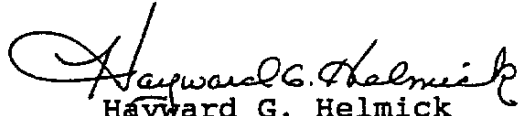
The development of a salary schedule which incorporates "steps" in grade rather than years of service is in direct conflict with the Higher Education Advocacy Team recommendation. A goal of these recommendations is to "implement the new classification Structure for classified staff to assure internal equity within West Virginia public higher education and increase state funding to meet external market salary averages for similar positions, with the understanding that the Legislature would

provide in statute a two-year or three-year implementation schedule to reach market salary averages". The HEAT recommendations also stated that "the new classification program should include years of service as a component in determining salary increases. The Legislature will need to update the statute annually to implement adjustment in market conditions. The statutory salary schedule that will reflect the new classification system should have a sunset provision of June 30, 1997 to permit analysis as to whether ongoing implementation of the classification system would best be handled by the Legislature or the governing boards."

The classified employees at West Virginia University have consistently voiced their opinions in support of a years of service based salary schedule with years of service being the basis for yearly salary increases, as well as personnel action.

This minority report also reflects our deep concern that the Project Oversight Committee is going beyond its charge as delineated in West Virginia State Code 18B-9-4 to "...implement an equitable system of job classification..." by attempting to revise Series 62, the basic policy covering terms of employment for higher education employees. There has been no charge to completely overhaul Series 62. Only those sections of Series 62 that directly pertain to the implementation of an equitable job classification system should be addressed.

Respectfully,


Hayward G. Helmick
Staff Council President

cc: Chancellor, Board of Trustees
Secretary of the Arts and Education
Chair, Board of Trustees
LOCEA Members
BOT/BOD Classified Employee Advisory Council Chairs
Staff Council Presidents



STAFF COUNCIL
400 Hal Greer Boulevard
Huntington, West Virginia 25755-1004

September 21, 1993

Ms. Margaret V. Robinson
State College & University Systems
of West Virginia
Central Office - Suite 700
1018 Kanawha Boulevard, East
Charleston, WV 25301

Dear Ms. Robinson:

On behalf of the classified employees at our institution, we, the Marshall University Classified Staff Council, hereby submit the attached Minority Report. We request that this document be included as part of the final report and recommendation of the Project Oversight Committee which is submitted to the respective Chancellors, Board Members, Secretary of the Arts and Education, and the Legislative Oversight Committee on Education Accountability Chairs.

Respectfully,

Sherri L. Noble
Staff Council President

SLN/kdk

Attachment

cc: Dr. Charles W. Manning, Chancellor
Dr. Paul Marion, Chancellor
Ms. Barbara Harmon-Schamberger
LOCEA Members
Mr. A. Michael Perry, BOT Chair
The Honorable Cecil Underwood, BOD Chair
BOT/BOD Classified Employee Advisory Council Chairs

MINORITY REPORT

TO THE BOT/BOD PROJECT OVERSIGHT COMMITTEE

Senate Bill 377, 18B-9-4, states, "...the governing boards shall establish by rule and implement an equitable system of job classifications, with the advice and assistance of staff councils and other groups representing classified employees..."

Representatives of Staff Councils and other employee organizations' representatives were permitted to speak at the Project Oversight Committee meetings. However, their comments were not noted in any minutes and they were not permitted to be members of the Project Oversight Committee with voting privileges.

It should be noted that voting representation was expressly denied to Classified Staff Councils even though Senator Robert Plymale from the Senate Education Committee and Delegate Steve Williams, Chair of the House Education Subcommittee on Education, wrote to Chancellor Manning explaining that the legislation was explicitly designed to include Staff Councils.

The development of a salary schedule which incorporates "steps" in grade rather than years of experience is in direct conflict with the the Higher Education Advocacy Team recommendation, which states that "the new classification program should include years of service as a component in determining salary increases." One of the goals of the HEAT report is to "implement the new classification structure for classified staff to assure internal equity within West Virginia public higher education and increase state funding to meet external market salary averages for similar positions, with the understanding that the Legislature would provide in statute a two-year or three-year implementation schedule to reach market salary averages." It was also recommended that the statutory salary schedule that will reflect the new classification system have a sunset provision of June 30, 1997, to permit analysis as to whether ongoing implementation of the classification system would best be handled by the Legislature or the governing boards.

It should be noted that several members of the Higher Education Advocacy Team, who previously endorsed the years of experience concept, are members of the Legislative Oversight Committee on Education Accountability, which will adopt or reject the proposal from the Project Oversight Committee.

The classified employees at Marshall University have consistently voiced their opinions in support of a years of service based salary schedule with years of service being the basis for yearly salary increases, as well as any personnel action.

This minority report also reflects our intense concern that the Project Oversight Committee is going beyond its charge as delineated in 18B-9-4 to, "...implement an equitable system of job classifications...", by attempting to revise Series 62, the basic employment contract for higher education employees. Series 62 is merely a Board of Trustees policy, which would need to be revised to comply with any legislative rule approved by the Legislative Oversight Committee on Education Accountability. The only sections of Series 62 which would need revision would be those pertaining to the classification system.

APPROVED FOR SUBMISSION TO THE PROJECT OVERSIGHT COMMITTEE BY THE MARSHALL UNIVERSITY CLASSIFIED STAFF COUNCIL ON SEPTEMBER 21, 1993.

DRAFT MINUTES

UNIVERSITY SYSTEM OF WEST VIRGINIA BOARD OF TRUSTEES

COMMITTEE ON FINANCE, INSTITUTIONAL AFFAIRS, AND GOVERNANCE

OCTOBER 15, 1993

The Committee on Finance, Institutional Affairs, and Governance met on this day to hear the concerns of classified staff regarding Legislative Rule Series 62 and the classification project. The meeting took place in the Banquet Room, Sullivan Hall, of the West Virginia Graduate College in Institute. Committee members present at the meeting were: Mr. Richard M. Adams, Mrs. Kay Goodwin, Mrs. Lucia B. James, Dr. Charles W. Manning, Mr. Paul R. Martinelli, Mr. Joseph W. Powell, Dr. C. Allan Roberts, and Mr. David G. Todd. Others present: Trustee John R. Hoblitzell, Trustee Craig A. Kesner, Chancellor Charles W. Manning, University System presidents, Human Resource administrators from the various University System institutions, Dr. Charles Schanie, members of the University System classified staff, and Central Office staff. Chairman Todd called the meeting to order and gave a brief overview of the agenda. He explained that each speaker will be given 10 minutes to present their views after which Committee members will have the opportunity to ask questions.

I. OVERVIEW OF PROPOSAL

Margaret Robinson, Assistant Director of Personnel for Higher Education

Charles Schanie, Mercer, Inc., External Project Director for the Classification Project

Margaret Robinson, Assistant Director of Personnel for Higher Education, provided information on the background and different phases of the project. Ms. Robinson remarked that the Project Oversight Committee has spent considerable time meeting with classified staff, administrators, presidents and others gathering information and reviewing policies before making the decisions on policy directions reflected in Series 62.

Dr. Charles Schanie provided a brief overview of the cost to fully implement the classification program over a 3-year period. Cost for both systems without benefits is \$31 million.

II. TESTIMONY

The following speakers requested to be heard:

■ **WILLIAM WEISS**, Co-Chair of the West Virginia University Association for Concerned Employees, commented on the Project Oversight Committee's proposed emergency rule for the classified employees' classification system. He indicated that the proposed rule and the process

by which it was developed are unacceptable to the membership of the WVU-ACE and to many other classified employees that work at WVU and at other institutions. He further indicated that the proposed rule reflects the work of a committee dominated by human resource administrators and presidents interested in developing a rule that would help avoid court ordered equity mandates, minimize financial costs, undermine classified employee rights, and to minimize accountability requirements currently in statute.

Mr. Weiss then proposed among other things that an emergency rule be written removing language which weakens employees' rights and undermines accountability requirements; that the process include leaders of staff councils and other groups representing classified employees such as WVU-ACE on the Project Oversight, Compensation Review and Job Evaluation committees, in significant numbers to undo the dominance by human resource administrators and presidents; that all information be shared with classified employees; that the HEAT report guidelines be followed; that the proposed salary schedule be adjusted to ensure that the least paid 9-month classified staff employee make enough to raise a family in a middle class manner; that classified employees be paid according to years of service, not according to steps; and that disciplinary letters not remain on file longer than one year.

Mr. Weiss distributed his written comments to the Committee members.

QUESTION AND ANSWER

MARTINELLI: What is your overall main concern?

WEISS: Equity, raising salaries, not losing rights.

HOBLITZELL: Should equity be defined as gender bias in position or disparity between institutions? Equity is the principal objective of the legislature. What is the cost of equity implementation?

WEISS: The cost has been a concern since the beginning of the project. Proposed salaries reflect 1991-92 market values.

HOBLITZELL: How much is the cost of the two approaches to equity as opposed to market value? Do you want both definitions of equity to be used?

WEISS: Yes, both definitions should be used. You don't lose rights. Sufficient wages should be paid to employees to enable them to raise a middle-class family.

HOBLITZELL: How much of the \$31 million to get to the market equity value would be placed on student tuition?

WEISS: I'm not sure. Mechanics are in place to provide raises for faculty but not for classified staff.

KESNER: The Advisory Council of Students is very supportive of classified staff. The burden to students is already very heavy to bear. Students are not receptive to increased tuition. I suggest to put pressure on the legislature to fully fund the process.

ROBERTS: Faculty supports the classified staff but financial burden should not be placed on the students. The legislature should fully fund the raises.

TODD: It would be helpful if the changes in Series 62 suggested by Mr. Weiss are submitted to the Finance Committee with rationale behind them. The Committee will then consider if the changes have merit. The Committee sympathizes with his concerns.

WEISS: The Council plans to lobby the legislature at the next session for more funding.

■ **HAYWARD HELMICK**, the President of the West Virginia University Staff Council, addressed the Committee members stating that it is imperative that the following recommendations of the Council be considered:

1. Address equity first;
2. Base the movement of this salary schedule on years of service; and,
3. Guarantee this will all be protected by the Sunset provision until 1997.

He also asked that the Blue Ribbon Personnel Commission's Report to the Governor and the Governor's Executive Order No. 2-93 be recognized in the current proposal.

Mr. Helmick further stated that the current proposal is simply not acceptable to the classified staff at West Virginia University. He then proposed on behalf of his Council that a salary schedule based on years of service be instituted as basis for future salary increases; that the Mercer proposal and project be in place under the protection of the Sunset provisions of 1997; that everyone be targeted at years of service with a 1/3 movement or proportional; that a fiscal note be furnished on the WVU Staff Council salary schedule proposal of June 22, 1993; and that the staff council proposal of June 22, 1993 be adopted for implementation July 1, 1994.

Mr. Helmick urged the Finance Committee to consider all proposals put forth and to choose the one which will have the most positive impact on the classified staff. He added that his proposal is workable and deserves strong consideration and that more time is needed for input from all parties. He also thanked President Neil Bucklew for his strong support of the classified staff during the development of this project.

Mr. Helmick provided his written remarks to the Committee.

QUESTION AND ANSWER

TODD: What happened with the fiscal note?

ROBINSON: The request has been sent to Mercer. It has not been processed because the Job Evaluation Committee has been working on job evaluations and since the \$29 million became \$31 million; the fiscal note has been delayed until we complete job evaluations.

HOBLITZELL: How much will it cost to run the fiscal note on the salary schedule proposed by the WVU Staff Council?

SCHANIE: Around a couple of thousand.

HOBLITZELL: How long will it take to have it processed?

SCHANIE: Between two to three days.

TODD: I'm trying to understand, would you like to see the money distributed to all employees proportionately and would not address the inequity?

HELMICK: Would like to correct the inequities.

HOBLITZELL: What is the estimate to eliminate the gender inequity and the inequity within institutions? How much more we need to address this?

HELMICK: Correct inequities in three-year steps.

SCHANIE: The first intention is to cure the major problems first.

TODD: Mr. Helmick, are you proposing not to fix the acute problems first?

HELMICK: Yes.

MARTINELLI: How would the Sunset provisions affect this?

HELMICK: There is the protection of the code. Don't understand why so many personnel divisions. We are creating too many bureaucracies. Adopt what is necessary. More time is needed, about six more months after the next legislative process, probably July 1st to see if the money is available.

HOBLITZELL: If the money is not allocated, would you prefer to continue on the current classification system?

HELMICK: Yes, would prefer to have the current system.

■ **SHARON NOBLE**, President the Marshall University Classified Staff Council, greeted the Committee members. Ms. Noble expressed disapproval over the change of Series 62, the procedural rule that governs classified staff. She stated that if the proposed Series 62 is approved, it is then law and if a change is needed in the future, only the legislature could make the change. She then proposed changes to several sections in the rule.

Other items of concern to her Committee included the need to remove disciplinary action correspondence from the employees' files after one year; the need for implementation of the review and appeals process, the removal of the section dealing with reduction in work force; and the need for representation on the Compensation Review Committee and the Job Evaluation Committee. Ms. Noble requested that at least one staff Council representative from each system be elected by the Staff Council president to serve on the committees.

Ms. Noble then emphasized that classified staff have repeatedly expressed the need to consider the years of service when placing employees on the salary schedule and that repeatedly they have been told that the system cannot afford such a schedule. She stated that classified employees at Marshall University define equity as equal pay for equal work and that this strategy would guarantee that all employees be paid at least at the equity step. Ms. Noble acknowledged the funding situation but added that the classified staff would prefer to see an equitable system in place and then work on the funding.

Ms. Noble provided her written comments to the Committee.

QUESTION AND ANSWER

MANNING: After the implementation, would a person who is promoted to another pay grade move to that pay grade the total of years of service in state government or would start with step one?

NOBLE: Would move total years of service to that pay grade.

TODD: What is the rationale behind this?

NOBLE: People don't want to lose their years of service.

HOBLITZELL: What was the vote on that issue? was it unanimous?

NOBLE: Unanimous.

POWELL: I'm bothered by the salary scale. The scale is very slanted. We are not addressing the real problem.

SCHANIE: The schedule is state of the art. Allows more room for movement and greater scope of responsibility.

TODD: Considering public and private institutions, for any particular job is it not standard to have same percentage for all employees?

SCHANIE: It is not regarded as good practice to have the same percentage spread all the way through the structure.

ROBINSON: It would be helpful to note that people in the lower pay grades tend to move in a schedule in a vertical way. In higher positions and middle management, the vertical movement stops and the horizontal movement helps those employees be rewarded.

TODD: When does this theory kick in?

ROBINSON: In about the 19th to 20th level; i.e., assistant directors levels and associate management levels.

MARTINELLI: Staff does not understand the process. We need to get people to understand this process better.

NOBLE: yes.

ROBERTS: Is equity addressed first?

SCHANIE: It addresses the most severe inequities according to average market values.

HOBLITZELL: There are very few incumbent job holders in levels 1 and 2. How many people do we have in levels 1, 2, and 3.

ROBINSON: I will get the figures from Mercer.

HOBLITZELL: How many employees fall below the \$14,335 figure in the system? I'd like to have that figure.

WEISS: Maybe 30 or 40 percent.

■ **QUEEN FOREMAN**, Director of the Department of Human Resources at Marshall University, expressed her views on the classification project. She stated that the concerns of the classified staff have been given serious consideration throughout the entire process and that inclusion of additional classified staff members to the Project Oversight Committee has allowed for a very positive interaction. Several compromises have been reached that include credit for length of service, upgrade of titles, improved job descriptions, and a market driven compensation system.

Ms. Foreman indicated that items of significant concern that should be given more weight include a system-wide adoption of a methodology that allows for positions to accurately and fairly be classified on and across campuses; and the credibility of West Virginia and higher education to be able to compete locally, nationally and internationally for job candidates. She further indicated that while compensation is an important concern, the classification project is about placing values to jobs within the WV higher education system in such a way that it is fair, internally equitable, externally competitive, personally motivating, effectively administered, marketably adjusted, and free of gender bias. The proposed classification system, which is being developed and refined by representatives from higher education, intends to fulfill the above objectives.

Ms. Foreman also remarked that we are living in a dynamic era where changes are occurring constantly and that the manner in which we deal with jobs must change. She submitted written remarks to the Committee.

QUESTION AND ANSWER

HOBLOITZELL: What happens after the first year of implementation? If not enough money is allocated?

FOREMAN: The whole issue is to move to the next step if the money is allocated.

MANNING: Will the employee stay in the same step until enough money is allocated?

FOREMAN: On January 1, 1994, we will implement the equity step. Then employees will be placed on the salary schedule according to the years of service. This will take three years to implement.

HOBLOITZELL: How much will it cost to work the gender equity?

ROBINSON: \$1.2 or 1.3 million for the total system.

MARTINELLI: How do you feel about additional involvement of classified staff? 3 or 4 additional staff? so that we can have more acceptance and understanding.

FOREMAN: It is difficult to get to the masses. More involvement is needed, more communication. People are just not aware.

TODD: After the three years, funding future movement depends on availability of money?

ROBINSON: Yes, the Compensation Review Committee would make recommendations to the Chancellors and governing boards for possible legislative funding to move everyone a step or to upgrade the entire scale.

HOBLOITZELL: Would an open range approach be more beneficial than a salary step?

SCHANIE: Professional jobs should be open range.

ROBERTS: How about moving steps based on merit?

SCHANIE: Most human resource administrators would agree that step structures do not work well with merit.

ROBERTS: Has the Project Oversight Committee discussed what happens if the legislature does not allocate the money?

FOREMAN: The schedule will move along with you. Hopefully the salary schedule will move accordingly.

HOBLOITZELL: How about range for upper grades and step base for lower?

SCHANIE: Not a reason why not.

■ **RICHARD HERMAN**, designated spokesperson of the Advisory Council of Classified Employees from the University System, addressed the Committee to express the concerns of his Council. Some of the main issues on his presentation included the need for Section 8.3 to be amended to allow the removal of trivial and/or outdated documentation from personnel files after a specific time period; that classified staff at or above the maximum of the step for their pay grade receive a minimum raise during each step of the project implementation; the need for clarity regarding employees' rights to file a grievance on their initial formal classification; and the need to review initial classification errors that subsequently have mis-classified and slotted employees into improper job titles. Mr. Herman asked if Series 62 can be modified or amended after implementation without having to refer to the legislature and, what would be such process under emergency circumstances.

Mr. Herman then gave an overview of the strong points of Series 62. It provides for the full implementation of the classification project with equity at market and it establishes an equitable classification and pay system mandated by the legislature. Mr. Herman is pleased with the increased representation of classified staff on the Project Oversight Committee, the Job Evaluation Committee and the Compensation Review Committee. He emphasized the fact that Chancellor Manning has consistently requested the input of classified staff in the process and has repeatedly stated that the classification project will not be implemented without their advice and endorsement.

Mr. Herman finally stated that it is essential that any proposal submitted to the legislature be equitable in classification and salary and that it also contain provisions for adequate funding. He further stated that the cost of implementation of this classification project is much less in appropriated funds than any other alternative proposal.

Mr. Herman submitted written comments to the Committee.

QUESTION AND ANSWER

TODD: If the legislature does not approve 100 percent of funding, should we try to fix the most atrocious inequities first?

HERMAN: Yes.

HOBLOITZELL: Is the 3-year advancement built into the \$31 million?

HERMAN: Implementation after review of Compensation Review Committee will cost 7 to 9 million more.

HOBLOITZELL: If an inflationary figure is applied let's say 4 percent, then another 7 or 9 million is needed?

HERMAN: Yes, everything goes up.

MARTINELLI: How should we compromise?

HERMAN: It is late for compromise. My Council supports the schedule presented today because it gives years of service recognition.

ROBERTS: What happens if the market value goes down?

SCHANIE: It keeps going up. We have seen increases of 3 to 5 percent over the last ten years. Acceleration of value.

GOODWIN: Are the institutions asking for range or for years of service?

SCHANIE: The institutions ask for an open range system with a defined minimum midpoint and maximum for each pay grade. Most organizations would request the number of years of service under job titles if they are asking for a step system as opposed to total years of service.

GOODWIN: Is there a formula? How many years of service for each step?

SCHANIE: One year of service for each step.

ROBERTS: Is this classification approach accepted at private institutions? by legislatures in other states? which other states have used it?

SCHANIE: Institutions in other states have greater latitude to set policies on compensation, as long as they are fair, and they have free range to spend the state institution funds and tuition monies as they see fit.

MARTINELLI: What is the acceptance rate of this type of project?

SCHANIE: The acceptance level of this process is 90 percent. There will be approximately 15 to 25 percent appeals. There is not cost for appealing.

MARTINELLI: Approval because of total funding?

SCHANIE: West Virginia's situation is much more complex because of the inter-institution equity issue. A main issue that would also undermine the acceptance level is the communication process; many employees still don't understand the process as of yet. I suggest that the best way to communicate this classification process to the campuses is by presenting the information to small-size groups of 25 to 30 employees.

CLOSING REMARKS

Chairman Todd thanked the audience for their patience and asked if anyone had any questions or issues to address. He announced that from this point forward the process will involve a Committee meeting on October 21st at 12 noon in the Central Office, at which the members will begin to reach concensus and half-way decisions. The Committee looks forward to receiving any additional comments or suggestion which will be carefully studied. The objective of the Committee is to have the proposal finalized and ready for submission to the LOCEA by November 1st.

There being no further business, the meeting was adjourned.

**Major Areas of Change
State College and University Systems
Policy 62 - Personnel Administration
October 1993**

SECTION 8

Comments: 22

ACCESS TO PERSONNEL FILE

Concerns: That disciplinary action letters, etc. would not be removed from the personnel file.
Change: The Project Oversight Committee recommended with the concurrence of classified employees that if the disciplinary matter appears to be resolved after twelve months, the information would be removed from the personnel file. This action does not preclude its use in future deliberations including disciplinary actions.

SECTION 12

Comments: 6

ENTRY RATES

Concern: That entry rates above the minimum had to be approved by the chancellor or chancellor's designee prior to the offer of employment. All other actions under the new classification program are post-audit. Change: Change this section to post-audit with notification of the chancellor or chancellor's designee within 15 days of the offer of employment.

SECTION 13

Comments: 7

PAY ABOVE THE MAXIMUM

Concern: That the language in the current legislation does not correspond with the progressive step system being recommended for implementation. The legislation does not include those people who are above the appropriate step for their assigned pay grade. Change: None was made.

SECTION 14

Comments: 7

PROMOTION

Concern: That rounding to the nearest step could result in less than a 5% per pay grade increase.
Change: To round to the next "highest" step.

SECTION 19

Comments: 19

REVIEWS AND APPEALS

Concern: That there was not a sufficient internal appeals process prior to filing under \$18-29.
Change: The Project Oversight Committee recommended a 6-month internal appeals process (3 months for campus review and 3 months for Job Evaluation Committee review).

SECTION 20 (old)

Comments: 45

REDUCTION IN WORK FORCE

Concern: That more time is needed to study this issue and that it is not necessary for the implementation of the classification system.
Change: Section was removed.

SECTION 24

Comments: 38

SALARY SCHEDULE AND IMPLEMENTATION STRATEGY

Concern: Most comments related to the desire to have a purely longevity driven salary schedule. The Project Oversight Committee and the governing boards recommended that a compromise between the original recommendation of an open range system and the longevity driven system is a step progressive system which provides initial placement based on total years of state service. Change: None was made.