

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED

SEP 7 2 35 PM '94

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: State College System Board of Directors TITLE NUMBER: 131

RULE TYPE: Procedural; CITE AUTHORITY WV Code 18-1-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____


IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 31

TITLE OF RULE BEING PROPOSED: Classified Employees

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON October 8, 1994 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Dr. James Rowley
Interim Chancellor
State College System of WV
1018 Kanawha Blvd., East
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Marie Carter
Assistant to the Chancellor

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2.00

DEPARTMENT OF EDUCATION AND THE ARTS

Office of the Secretary

State Capitol Bldg. 1, R-151
Charleston, West Virginia 25305
Telephone: (304) 558-2440
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Gaston Caperton
Governor

Barbara Harmon-Schamberger
Cabinet Secretary

August 31, 1994

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


Dear Secretary Hechler,

I hereby grant consent as required pursuant to WV Code §5F-2-2 for the promulgation of the following rule by the State College System of West Virginia:

Title 131 Series 31, Classified Employees

A copy of the rule has been attached.

Sincerely,



Barbara Harmon-Schamberger
Secretary

BHS:as

cc: Marie Cart̄r
John Thralls

**TITLE 131
PROCEDURAL RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 31**

TITLE: CLASSIFIED EMPLOYEES

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes procedures related to West Virginia Code 18B.
- 1.2 Authority - West Virginia Code §18-1-6.
- 1.3 Filing Date -
- 1.4 Effective Date -

SECTION 2. PART-TIME AND TEMPORARY EMPLOYEES

- 2.1 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.
- 2.2 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 3. WORK SCHEDULES

- 3.1 Institutions shall be responsible for developing institution specific procedures concerning the use of flexible work schedules, job sharing, and four-day work weeks.

- 3.2 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 employee with a fifteen (15) day notice of the change.

SECTION 4. APPOINTMENT OR PROMOTION

- 4.1 Pursuant to West Virginia 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.
- 4.2 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.
- 4.3 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.
- 4.4 Provisions of this section shall not apply to casual, temporary and student employees.