

*In effect till
3/28/94*

**TITLE 131
PROCEDURAL RULES
WEST VIRGINIA BOARD OF DIRECTORS**

**SERIES 62
PERSONNEL ADMINISTRATION
FOR BOARD OF REGENTS' EMPLOYEES**

§131-62-1. General.

1.1. Scope. --- Policy regarding personnel administration for Board of Directors employees.

1.2. Authority. -- W. Va. Code §18-26-8

1.3. Filing Date. -- July 16, 1987

1.4. Effective Date. -- September 14, 1987

§131-62-2. Compensation; Pay Calculations.

2.1. When salary increases are calculated and rounding is involved, the policy is to round up.

2.2. Overtime pay for non-exempt employees is calculated at the rate of one and one-half (1 1/2) times the regular hourly pay. Overtime does not commence until forty (40) hours have 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.

2.3. Only actual hours worked are included in calculating overtime. Pay which is received for holidays, annual leave, sick leave, jury duty, compensatory time, military duty or special emergency leave is not counted as working hours for purposes of overtime.

2.4. Base pay is calculated on a thirty-seven and one-half (37 1/2) hour workweek.

2.5. Annual and sick leave do not accumulate during months when an employee is on a leave of absence or off the payroll. Neither

does it accumulate after the effective date of resignation.

§131-62-3. Compensatory Time Off.

3.1. There are two (2) types of compensatory time off.

3.1.1. Employees required to work on any designated Board of institution holiday. When a classified employee is required to work on any designated Board or institution holiday, that employee shall receive regular pay for that holiday plus substitute time off at the rate of one and one-half (1 1/2) times the number of hours actually worked on the holiday. The time off should be used within sixty (60) calendar days following the holiday. Type One must be used by the employee transferring to another position before the transfer.

3.1.2. Employees required to work in excess of their regular daily work schedule. When a nonexempt employee is required to work more than the employee's regular daily work schedule, that employee may be given compensatory time off as follows:

3.1.2.1. If compensatory time off can be granted and used before the end of that employee's regularly scheduled workweek, the employee may be given compensatory time off equal to the actual hours worked beyond the employee's regularly scheduled workday. Such compensatory time off is calculated at the straight time rate for up to forty (40) hours per week.

3.1.2.2. If compensatory time off cannot be used before the end of the employee's regularly scheduled workweek and the employee works more than forty (40) hours

during the workweek in which the compensatory time is earned, compensatory time off may be given at the rate of one and one-half (1 1/2) times the number of hours actually worked.

3.2. Compensatory time must be used within a reasonable period of time not to exceed sixty (60) calendar days from the date it is earned. The employee may accrue not more than thirty-seven and one-half (37 1/2) compensatory hours based on time actually worked and shall be paid overtime compensation in cash for any additional overtime hours worked. Use of such compensatory time must be scheduled with the employee's supervisor so as not to disrupt the operation of the institution or work unit.

3.3. Only nonexempt positions qualify for compensatory time off. While the decision as to whether overtime must be worked is the supervisor's, the decision as to whether an employee will receive overtime pay or compensatory time off for time worked in excess of forty (40) hours must be by mutual agreement between the supervisor and the employee prior to performance of the work.

§131-62-4. Workweek.

4.1. 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. Institutional presidents or their designees 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.

§131-62-5. Appointment.

5.1. A classified employee appointment form shall be completed for each classified employee at the time of appointment and each time an appointment is renewed. The standard form distributed by the BOR shall be used.

§131-62-6. Access to Personnel File.

6.1. An employee may have access to his/her personnel file when the employing institution is normally open for business. An employee may examine his/her own file and the contents therein with the following exception:

6.1.1. Materials which were gathered with the employee's prior agreement to forfeit his/her right of access such as some references.

6.2. A representative of the custodian of 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.

6.3. A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A small 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 at any time for either the removal or addition of documents to his/her own personnel file. The employer may require that employees schedule an appointment to see the personnel file.

§131-62-7. Changes in Name, Address, Number of Dependents and Related Matters.

7.1. 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.

§131-62-8. Managing Work Time in Areas Affected by Interruption of Utility Service or Similar Situations.

8.1. Utility service interruptions - When extended power and utility service interruptions occur, administrators should make arrangements for employees' usual work routine

to be accomplished at alternate work locations, or make affected employees available to other administrators for work in other areas. Also, if an administrator deems it advisable and the employee agrees, time off during the utility service interruption may be granted and charged against an employee's accumulated vacation. Combinations of the above alternatives may be necessary, but in all cases interruptions of work schedules must be dealt with in accordance with applicable laws. Principal among these laws is West Virginia Code section thirteen, article three, chapter twelve which is interpreted to mean that if pay is associated with absence from work, the absence must be charged to accumulated annual leave.

8.2. Emergency situations - In the event that an emergency exists, the president, in conjunction with local or state public safety officials, has the authority to comply with the emergency situation and close the institution. Such a declaration will be transmitted to the Chancellor of the Board of Directors. The president, working with public safety officials, will determine when the emergency condition no longer exists. Should an employee be required to work by the president or his designee during a declared emergency, the time worked shall be considered as extra work and will entitle the employee to be compensated at the rate of time and one-half for the hours worked. The decision as to whether an employee will receive overtime pay or compensatory time off for emergency work must be by mutual agreement between the supervisor and the employee. Work time lost by any employee during a declared emergency will be considered regular work time for pay purposes and will not require that the time be charged to annual leave nor will there be a requirement that the time be made up.

8.3. Absences from work due to weather conditions other than during a declared emergency must be charged against accumulated vacation, compensatory time off (when it is accumulated) or the employee must be removed from the payroll for the time in question. Where institutions employ the "Floating Holiday" concept, the holiday record

may be charged. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.

§131-62-9. Classification Review Request.

9.1. When significant changes occur in the principal duties and responsibilities of a position, it is the responsibility of the supervisor to recommend through established procedures that the position be reviewed. Within sixty (60) days from the date of request for review of a job, the personnel office shall report to the requestor, in writing, what action has occurred. A personnel office may initiate action to review jobs. Position reviews also may be initiated by an employee after discussion with the immediate supervisor. The immediate supervisor must prepare an accurate description of the duties of the position and attest to its accuracy, 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 responsibility of a supervisor to insure completion of required forms.

9.2. A position description shall exist for every classified position. It shall be reviewed by the supervisor at least one (1) time per year. The date of each review shall be recorded on the description.

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§131-62-10. Job Classification and Rate Determination.

10.1. The institutional president has final authority on the campus to make job classification determinations. The president may delegate authority to the personnel administrator for day to day management of the classification system. Management of the system requires adherence to written rules which insure a uniform system of personnel

classification. All classified positions shall be placed on the pay grade structure promulgated by the Board of Directors. Each position shall have a title and that title shall come from the Manual for Classification Administration. Exceptions to this policy may be authorized by Board staff to allow time to gradually come into compliance. However, compliance must be achieved not later than the date for completion of work by the Legislative Pay Equity Task Force.

§131-62-11. Entry Rates.

11.1. The entry rate of a position is the published minimum rate of pay associated with each pay grade. The expression of that rate is on a monthly basis.

11.2. Offers of employment shall be at the entry rate for the grade of a position. Exceptions may be authorized only by Board of Directors staff. Offers of employment at rates which exceed the entry rate are invalid unless the policy for exceptions is followed. Criteria for exceptions include:

11.2.1. Qualifications of the candidate.

11.2.2. Number of applicants for a position.

11.2.3. Number of interviews.

11.2.4. Number of qualified applicants identified.

11.2.5. Number of offers of employment.

11.2.6. Length of the recruiting campaign.

11.2.7. Cost of the recruiting campaign.

11.2.8. Length of time the position was vacant.

11.2.9. Urgency to fill the position.

11.2.10. Market conditions for that job.

11.2.11. The rationale underlying the difference between the entry rate and the salary you wish to offer.

11.2.12. Past practices.

11.3. Each test shall have justification.

§131-62-12. Promotion.

12.1. Movement from a classification requiring a certain level of skill, effort and responsibility to another classification requiring a significantly greater degree of skill, effort and responsibility.

12.2. Determine the entry rate for the grade of the position which an employee now holds regardless of that employee's present salary. Determine the entry rate for the grade of the position to which the employee is moving. If the latter entry rate is higher than the former entry rate, a promotion exits.

12.3. Upon promotion from a classification in one (1) pay grade to a classification assigned to the next higher pay grade the employee will receive an increase of five percent (5%) of current salary or the entry rate of the new classification, whichever is higher. If the promotion involves a change of more than one (1) pay grade, the five percent (5%) calculation shall be five percent (5%) per pay grade or the entry rate, whichever is greater. In multiple grade increases, the calculation shall be based on current salary. It is not additive.

§131-62-13. Upgrade.

13.1. An increase of the classification level of an existing position.

13.2. Through the process of job evaluation determine the level of skill, effort and responsibility required in a position along with the working conditions to which the position is subject. Determine first the extent to which change has occurred. Note that the only changes which may occur are the changes which are required by the employer. After establishing that a higher level of skill, effort

and responsibility exists, determine which classification specification most closely matches the work as it is now described. The pay grade associated with the classification specification that compares most closely with the job description for the job under review becomes the grade of that position. This work must be done by a job analyst.

13.3. When an employee occupies a position at the time that a position upgrade is to be placed into effect, the method of calculating the incumbent's 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 may not be performed.

§131-62-14. Demotion.

14.1. Movement from a position requiring a certain level of skill, effort and responsibility to another position requiring a significantly lesser degree of skill, effort and responsibility.

14.2. Determine the entry rate for the grade of the position which an employee now holds regardless of that employee's present salary. Determine the entry rate for the grade of the classification to which the employee is moving. If the latter entry rate is lower than the former entry rate a demotion exists.

14.3. The employee moves from entry rate to entry rate or percentage above an entry rate to that same percentage above the entry rate of the demoted-to position.

§131-62-15. Downgrade.

15.1. A decrease of the classification level of an existing position.

15.2. Through the process of job evaluation determine the level of skill, effort and responsibility required in a position along with the working conditions to which the position is subject. Determine first the extent to which change has occurred. Note that the only changes which may occur are the changes which are required by the employer. After establishing that a lower level of skill, effort and

responsibility exists determine which classification specification most closely matches the work as it is now described. The pay grade associated with the classification specification that compares most closely with the job description for the job under review becomes the grade of that position. This work must be done by a job analyst.

15.3. When an employee occupies a position at the time that a position downgrade is to be placed into effect, the current salary for that employee will be "Frozen" and managed in accordance with the principles set forth by the United States Department of Labor.

§131-62-16. Transfer.

16.1. Movement from a position requiring a certain level of skill, effort and responsibility to another position requiring the same degree of skill, effort and responsibility. Both positions are in the same pay grade.

16.2. No change of salary as a function of a transfer may occur. In cases where shift differentials exist, salary changes may occur in transfer situations only when they result from those shift differentials.

§131-62-17. Rehire.

17.1. A person who was involuntarily separated due to layoff in a specific position at a Board of Regent's institution and is the successful candidate for employment at the same institution within twelve (12) months commencing from the last day that person was physically present for work.

17.2. Persons in these circumstances may be appointed at the same salary they earned at the time of termination provided that salary is not less than the current entry rate for the position and that position has not been upgraded or downgraded in the interim.

§131-62-18. Definition - Exempt and Nonexempt.

18.1. Exempt - A position which is not covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. (See Employee Handbook)

18.2. Nonexempt - A position which is covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. (See Employee Handbook)