

**SHEPHERD UNIVERSITY
BOARD OF GOVERNORS
POLICY 9**

TITLE: CLASSIFIED EMPLOYEES

SECTION 1. GENERAL

- 1.1 Scope - This policy establishes procedures related to personnel.
- 1.2 Authority - West Virginia Code §18B-1-6.
- 1.3 Effective Date – March 21, 2006, Amending the January 10, 2002 Version of the Policy.

SECTION 2. DEFINITIONS

- 2.1 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 as set out in HEPC Series 8.
- 2.2 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 as set out in HEPC Series 8.
- 2.3 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 as set out in HEPC Series 8.
- 2.4 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 as set out in HEPC Series 8.
- 2.5 Classified Employee. An employee who is covered by the provisions of the classification program outlined in this rule as set out in HEPC Series 8.
- 2.6 Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes as set out in HEPC Series 8.

SECTION 3. PART-TIME AND TEMPORARY EMPLOYEES

- 3.1 Part-time employees will not be hired solely to avoid the payment of benefits or in lieu of full-time employees. All qualified classified employees with nine-month or ten-month appointments will be given the opportunity to accept part-time or full-time summer employment before new persons are hired for the part-time or full-time employment. Consequently, temporary positions will only be used when

the function of the position is expected to require less than nine (9) consecutive months of employment (regardless of hours worked per week) to equal the full-time equivalency of the position.

- 3.2 The provisions of the foregoing section of this Policy are not intended to establish a policy mandate under which any part-time or temporary employee may claim a right of full-time employment. The President and his or her designees are intended under this policy to exercise their judgment, in their sole discretion, to fulfill the Board's intentions under this policy.

SECTION 4. APPOINTMENT OR PROMOTION

- 4.1 Pursuant to W.Va. Code §18B-7-1(d), non-exempt classified employees who apply for and meet the minimum qualifications for a posted non-exempt position and are currently employed at the 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. A random selection method such as drawing of lots, rolling dice, or selection of playing cards shall be utilized if two or more employees have equal qualifications and seniority. Such method shall be mutually agreed upon by the affected employees and approved by the President or her/his designee. If the employees cannot agree on a random selection method, the President shall use the drawing of lots to determine rankings.
- 4.3 Provisions of this section shall not apply to casual, temporary and student employees, nor shall they apply to exempt positions.
- 4.4 Pursuant to W. Va. Code §18B-7-1(d), the provisions of this section shall not take precedence over the mandates in the institution's affirmative action plan. In no event shall the institution's affirmative action plan require the use of quotas to meet its affirmative action goals or require the hiring of an unqualified person for any non-exempt position.

SECTION 5. PROBATIONARY PERIOD

- 5.1 Full-time regular classified employees shall serve a six-month probationary period beginning at the original date of employment.
- 5.2 At the end of three months and the end of the six-month probationary period, the employee shall receive a written evaluation of her/his performance and shall be informed as to whether her/his employment will continue beyond the probationary period. As with all positions, continued employment is based on adequate funding, satisfactory performance and adherence to system and institution rules and regulations.

SECTION 6. COMPENSATORY/OVERTIME PROVISIONS

- 6.1 Non-exempt employees may receive compensatory time off in lieu of overtime pay. All hours worked beyond 37½ and up to and including 40 hours are calculated at the employee's regular hourly rate. Time worked beyond 40 hours in a work-week are to be calculated at a rate of one and one-half times the regular hourly rate.
- 6.2 A written agreement between the employee and the institution shall exist when the employee chooses compensatory time off in lieu of overtime pay. The written agreement may be modified at the request of either the employee or employer at any time but under no circumstances shall a change in the agreement deny the employee compensatory time heretofore acquired.
- 6.3 Except as otherwise expressly provided for in this Policy, employees may accumulate up to two hundred forty (240) hours of compensatory time and shall be paid for all hours worked above the maximum accrual.
- 6.4 Employees in public safety, seasonal work, and/or emergency response categories may accumulate up to four hundred eighty (480) hours and shall be paid for all hours worked above the maximum accrual.
- 6.5 Compensatory time must be used within one year of accrual. The use of compensatory time off shall be requested two weeks in advance of the use of the time off. Approval of the request shall be contingent upon whether it will unduly disrupt the operation of the institutional unit.
- 6.6 Should an individual's employment be terminated, any unused compensatory time shall be reimbursed as follows:
 - 6.6.1 The average regular rate received by such employee during the first three years of the employee's employment; or,
 - 6.6.2 The final regular rate received by such employee, whichever is higher.
- 6.7 An employee may not work overtime unless approved in advance per institutional policy.

SECTION 7. POSTING

- 7.1 It is the policy of Shepherd University to post classified positions, either internally or both internally and externally, in order to provide employees adequate time to make application for positions.
- 7.2 Posting shall not apply to casual or temporary positions.