

CLASSIFIED EMPLOYEES COUNCIL

MINUTES

August 21, 2017

Cumberland Room – Student Center

Acting Chair – Cecelia Mason called the meeting to order.

Present: Karen James, Sarah Speck, Jayne Angle, Cecelia Mason, Mona Kissel, Rachael Meads, Tammy Gill, Marian Willauer, Jenny Lind. Alternates: Ginny Haddock, Sharon Carpenter

Absent: EG Moreland, Tracey Jones, Diane Shewbridge, Amy Speck, Paula Scott

Guests: Marie DeWalt, Director of Human Resources, Alan Purdue, General Counsel

REPORTS

ACCE (Advisory Council of Classified Employees):

Cecelia Mason

Attended a two-day training on July 31-August 1. Terri Wells is the new chair ACCE of WV.

Trish Humphries from the Higher Education Policy Commission (HEPC) gave a presentation in which she talked about changes going on at the HEPC after the West Virginia Legislature passed a bill altering the classified employee system. West Liberty is one of two schools that are eliminating the classification system and making all their employees at will. Humphries floated the idea that the classified employee's organization become the employees' organization. One difference between being classified and non-classified is that state code requires classified employees have representation on various governing organizations, like the Board of Governors, whereas representations is not required for non-classified employees. That issue might need to be addressed.

Thought: Classified Employee councils should become, "Employee Councils"

Marie DeWalt: If over time we go to a model without Classified employees. We need to build in protection for them if a blend happens with these classifications.

Classified were brought up to non-classified to a competitive pay scale. Classified are given warnings and more controlled by evaluations. Non-classified and Classified would be blended into one group. Called "Staff"

There isn't a code to indicate the number of classified employees to be hired on campus. There isn't a non-classified organized committee who meets.

Confirmations of who is in the correct categories is important and will be finalized.

Next ACCE meeting to be held on September 18th.

Board of Governors:

Ramona Kissel

Mona and Tina Miller attended the attended the HEPC Board of governors Summit and the HEPC monthly meeting on August 11, 2017.

Handout of 2016 Audit time line was presented by the Chancellor. The Federal Department of Education was asked for permission, for the HEPC not to file their data with the state in future years, as sanctions have been assessed to higher ed institutions for the next 5 years. HEPC was on time, and

Shepherd was the only institution in the system who was on time in their submission to the HEPC. The audit was given to the entire state of WV.

Terry Wells, ACCE Chair for the State

Terry was asked to forward information to the HEPC monthly instead of annually. It was suggested to have the other groups meeting information presented to HEPC; President's group, Advisory Council of Faculty, etc.

The next Board of Governors meeting is September 27, 2017.

Staff Development:

Marian Willauer

FY17 the budget was \$12,000.00 FY18 budget is \$4,000.00, cut due to budget restraints.

Marian would like to meet with her committee regarding the disbursements of funds. Travel requests and book costs will be considered for partial reimbursement. Suggestion to reimburse books and travel at \$170.00 total per person instead of the previous coverage of \$500.00. Rachael Meads made a motion to decrease the coverage of Books covered at 100% up to the \$170.00 maximum per employee, travel will be approved by the Leadership team prior to the staff development request being approved. Tammy Gill second the motion. The motion carried Travel and all other expenses will be covered First come, first served by this new vote.

Scholarship:

Theresa Smith – No report

Legislative:

No report

Special Events:

Jayne Angle

Special Events met to discuss the upcoming Holiday luncheon in December. We would like to pre-register employees which would then give a % of funds to the scholarship fund. Those who RSVP early will be eligible for a drawing to an item of a significant value, TBD.

Our goal is to increase attendance.

Safety/B & G:

EG Moreland – No Report

Unfinished Business – Approval of July Minutes to be finalized at the September Meeting.

New Business: Alan Perdue and Marie DeWalt presented a draft of Policy 9 and Policy 36

Please see attached copies of the Policies. The President will distribute the draft to the campus for a 30-day feedback period. Then another 30-day comment period before the final document will be submitted to the Board of Governors as an action to confirm as policy for Shepherd University. It has been strongly encouraged to voice your thoughts and concern about the policy updates to Marie or Alan.

The Policy Commission is undergoing their own rule updates for the classification and compensation system, and the compensation decision-making has been decentralized. The timeline for the Policy Commission policies is uncertain, but could take all of this year. **The wording has been updated to ensure a consistency reflecting Shepherd University's policy.**

Policy 9: Title Classified Employees

Review the draft for all changes suggested.

-Update that states you can hire from outside of the university for a position and a current Shepherd employee doesn't have priority over any other applicants.

-Paper applications are not accepted while applying for a position with Shepherd University.

Policy 36: Classified Staff Reduction in Force-RIF

Review the draft for all changes suggested.

- Add classified representative to the members of RIF
- Furlough policy plan – only turn to Furlough’s for a current fiscal year budget issue. It is based on a fiscal year budget concern. This policy will be addressed if necessary at a later date.
- Variables to evaluate a faculty RIF reduction might be, how many student credit hours are generated by the course, enrollment in the class. That is the cost of the program with number of faculty and the current budget to sustain the program/course. A 5-year cycle is used to evaluate this data.
- Ways to possibly save money is to repackage programs that need better enrollment with the curriculum in that discipline.
- A “teach out” of a program would be offered if a current program/class isn’t offered anymore so the student could finish the program and graduate. It could incur more cost phasing out the program until all students can finish the program. Less enrollment will happen once students realize there isn’t a degree offered in this discipline anymore.

- **Please see attached Policy 9 and Policy 36**

Rachael Meads suggested to discuss the “Tuition Remission Committee” information for classified staff. In researching this committee, it has been discovered that Dow Benedict has been leading a group of 27 people who volunteered to assist in gathering information regarding dependent tuition assistance. The next phase is to administer a campus survey to determine the number of individuals who would take advantage of such an opportunity.

Next CEC Meeting: September 16, 2017

Meeting adjourned: 11:30 am

Respectfully Submitted,

Jayne Angle CEC Secretary

**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, §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-7, §18B-7-10, §18B-7-11, §18B-7-13.
- 1.3 Effective Date – XXX XX, 2017, Amending the March 21, 2006 Version of the Policy.

SECTION 2. DEFINITIONS

- 2.1 Classified 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 employee benefits, but may be covered under the classification program. A PTR employee is not an at- will employee.
- 2.2 Classified Full-Time Regular Employee (FTR). An employee in a position created to last more than 1,039 hours during a twelve-month period. An employee in an FTR position is eligible for employee benefits, and is covered under the classification program. An FTR employee is not an at will employee.
- 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 employee benefits, but may be covered by the classification program. A temporary employee is an at-will employee.
- 2.3 Casual Employee. A casual employee position is a position created to meet specific operational needs at an institution for no more than 500 hours in a 12-month period. Individuals in a casual employee position are not eligible for employee benefits and are not covered by the classification program. A casual employee is an at-will employee.
- 2.4 Student Employee. An employee enrolled at the institution as a student, whose primary purpose for being at the institution is to obtain an education, and who seeks a student employee position. Except in unusual circumstances, a student employee is not eligible for employee benefits. Student employees are not covered by the classification program. Student employee status includes, in its nature, the election to be exempt from Social Security withholding from payroll. A student employee is an at will employee.
- 2.5 Classified Employee. An employee who is covered by the provisions of the classification program outlined in this rule.
- 2.6 Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.
- 2.7 Grant-funded positions. Notwithstanding the foregoing definitions, the continuing employment expectations as to any grant-funded position at the University shall be subject to the continuing award of the grant funds. A grant-funded position is subject to termination due to unavailable funds.

SECTION 3. PART-TIME AND TEMPORARY EMPLOYEES

- 3.1 The use of part-time positions is not intended to be used solely to avoid the payment of benefits or in lieu of full-time employees. Temporary positions will 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 No aspect of this policy is intended to provide an expectation or a right of any part-time or temporary employee to 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, and to be accountable solely to the Board as to the policy statement.

SECTION 4. PROBATIONARY PERIOD

- 4.1 Full-time and part time regular classified employees shall serve a six-month probationary period beginning at the original date of employment.
- 4.2 At the end of three months and the end of the six-month probationary period, a performance evaluation will be conducted for the employees. As with all positions, continued employment is based on adequate funding, satisfactory performance and adherence to system and institution rules and regulations.
- 4.3 When an employee moves from one position to another, another six-month probationary period shall begin. When an employee moves from one position to another and fails to complete the probationary period successfully, the employee may be transferred back into the prior position held, if vacant, or to the most-similar vacant position available, as determined by the University. The HR office will coordinate such transfers with the appropriate Vice President(s).

SECTION 5. COMPENSATORY/OVERTIME PROVISIONS

- 5.1 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.
- 5.2 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.
- 5.3 Except as otherwise expressly provided for in this Policy, employees may accumulate up to two hundred forty (150) hours of compensatory time and shall be paid for all hours worked above the maximum accrual.
- 5.4
- 5.4 Compensatory time must be used within one year of accrual or may thereafter be cashed out at the discretion of the University. The use of compensatory time off shall be requested appropriately in advance, consistent with annual leave practices, 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.
55. 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.
- 5.6 An employee may not work overtime unless approved in advance per institutional policy. Working overtime without permission is a disciplinary offence.

SECTION 6. POSTINGS OF POSITIONS

- 6.1 It is the policy of Shepherd University to post full time and part time regular positions on the Human Resources website in order to provide all interested persons adequate opportunity to make application for positions. Generally, positions will be posted for a minimum of 10 days before an offer is made to any candidate.
- 6.2 Posting requirements shall not apply to casual or temporary positions, or if an administrative decision is made of exigent circumstances in the filling of a position.
- 6.3 The President shall be authorized to approve specific rules of Human Resources administration for the acceptance of applications for positions, which rules shall be available on the Human Resources Office web site. The University may decline to consider any applications which are not submitted in compliance with such rules.

TITLE: CLASSIFIED STAFF REDUCTION IN FORCE

SECTION 1. GENERAL

- 1.1 Scope - The University seeks to provide a positive and stable work environment. However, conditions may arise that necessitate the elimination of positions held by Classified Employees, otherwise known as a Reduction in Force (RIF). This Rule outlines the guiding principles for and is applicable to Reductions in Force for all Classified Employees of Shepherd University who are employed in Full-Time or Part Time Regular positions.
- 1.2 Authority - WV Code: §18B-1-6, §18B-2A-4, §18B-7-2, §18B-7-3, §18B-9A-2
- 1.3 Effective Date -

SECTION 2. Full Time Staff: Process and Review Committee.

- 2.1 Reasons to implement an RIF may include, but are not limited to, budget reductions, loss of funding, reorganization, material changes to the duties or responsibilities of a position, program change/elimination, or an emergency that curtails operations.
- 2.2 The President shall establish the RIF Review Committee, which shall review any RIF proposal arising from a specific administrative component of the University. In circumstances of institutional financial exigencies, the RIF Review Committee may develop RIF recommendations which affect one or more administrative components of the University. The members of the RIF Review Committee will include the Provost, Vice President for Finance, Vice President for Student Affairs and such additional employees as the President may choose to appoint. The General Counsel and Director of Human Resources will be non-voting staff-support to the RIF Review Committee.
- 2.3 When an Executive Officer of the University becomes aware that there may be a need for an RIF, the Executive Officer is responsible to contact and work with the RIF Review Committee, to develop an RIF Plan.
- 2.4 An RIF Plan should address, at a minimum:
 - 2.4.1 Identification of the reasons for consideration of the RIF;
 - 2.4.2 Reasonable alternative solutions (e.g., where applicable, reductions of operating expenses other than payroll, moratorium on further hiring, or voluntary separation) to a RIF that were considered;
 - 2.4.3 Identify any re-organizations of departments or other changes that will occur;
 - 2.4.4 Identify the positions recommended for elimination and the reasons for the elimination;
 - 2.4.5 Describe the impact of the RIF Plan to other employee types, including whether other positions will also be eliminated; and
 - 2.4.6 Any other matters required by the Review Committee.
- 2.5 An RIF is not intended to be a performance management tool.

- 2.6 In situations where an RIF would eliminate some, but not all of the positions within the same job family, the RIF Review Committee shall evaluate the skills and qualifications of the individual employees potentially subject to the RIF. The effected Executive Officer(s) shall assist in the review process. HR will provide documented performance history and provide seniority validations. In these situations, the Committee shall give consideration to the following:
- 2.6.1 **Performance:** Each Classified Employee's documented quality of work performance over the previous thirty-six months as demonstrated in performance evaluations of record including, but not limited to, performance evaluations and disciplinary history documented in any form;
 - 2.6.2 **Skills and qualifications:** Specific duties and responsibilities of each position, the Classified Employee's knowledge and skills; and
 - 2.6.3 **Seniority:** The length of service as defined by the HR Office's standard practices.
 - 2.6.4 If all factors appear to be equal, the Unit should retain the employee or employees with more seniority.
- 2.7 If the Classified Employee did not receive a written performance evaluation for any year within the relevant time period set forth in sub-Section 2.6.1 above, then for any such year that employee shall be deemed to have received a "meets requirements" or an equivalent rating.
- 2.8 Commitment to Equal Opportunity and Affirmative Action: All decisions under this Rule shall be made without regard to race, color, national origin, religion, sex, age, sexual orientation, disability, or any other class protected under the University's non-discrimination policy.
- 2.9 The RIF Review Committee will, whenever feasible, consult with appropriate representatives of the classified employees before finalizing an RIF Plan.
- 2.10 The RIF Review Committee shall report any approved RIF Plan to the President immediately.

SECTION 3. Rights of Full Time Classified Employees.

- 3.1 The University shall provide a Classified Employee at least 60 days written notice ("Notice Period") that his or her position is going to be eliminated, unless the financial circumstances of the University dictate a shorter notice period, as determined by the President.
- 3.1.1 In some situations, it is in the best interests of the Classified Employee or the department that during the Notice Period the employee receive an alternative assignment, at equivalent pay. The notice should indicate whether the employee will receive an alternative assignment during the Notice Period.
 - 3.1.2 The Notice of Reduction in Force will provide a brief explanation of factors which precipitated the RIF planning and the assigned date of last employment.
- 3.2 During the Notice Period, the department shall provide any Classified Employees subject to a job elimination reasonable time off without charge to accrued leave to attend on-campus job interviews, subject to the operational needs of the unit. Liberal access to use

of annual leave, especially facilitate seeking alternative off-campus employment, should be given, with advance notice. The employee is not under a moral or ethical obligation to give a traditional advance notice of resignation, if the employee wishes to begin new employment elsewhere; however, the employee should give as much notice as is viable, to facilitate orderly planning as to benefits and payroll.

- 3.3 In accordance with W. Va. Code §6C-2-1, et seq., eligible employees may utilize the West Virginia Public Employees Grievance Procedure to seek resolution for their grievable issues involving a RIF.
- 3.4 Right of Recall.
 - 3.4.1 Before the close of business on the last day of employment as designated in the Notice of RIF, affected employees who leave the University in Good Standing may notify the HR Office in writing of a desire to be recalled to employment. Such a notification must include a valid mailing address/email address for the employee.
 - 3.4.2 A department shall not refill a specific position that has been eliminated by an RIF for a minimum of twelve calendar months, unless approved in writing by the RIF Review Committee. If the position is approved to be refilled within twelve calendar months, the Classified Employee who was previously employed in that specific position title shall first be notified by the HR Office of the opportunity to return to the position, if the employee left in Good Standing. In the case of multiple employees of the same job title, recall shall be by the same criteria as designated in sub-Section 2.6.3.
 - 3.4.3 Any Classified Employee impacted by a RIF is eligible for rehire via postings and interviews if he/she exited employment in Good Standing, and no administrator shall treat a RIF'ed employee/former employee as presumptively disqualified from a position.
 - 3.4.4 A Classified Employee affected by an RIF who accepts a comparable benefits-eligible position within the University is deemed to have waived eligibility for recall to the position from which the RIF occurred.
 - 3.4.5 For purposes of this policy, Good Standing is defined as an employee who's most recent evaluation does not establish or maintain an improvement plan.

SECTION 4. PART TIME STAFF

- 4.1 A supervisor has management authority as to part time staff to change the number of hours assigned in a specific two-week work-period, as a matter of operational discretion, but should make reasonable efforts to maintain continuity for the workforce. Such variations do not constitute an RIF.
- 4.2 If a supervisor intends to reduce the number of hours of the employee by 50% or more, for more than one work period, or to release the part time employee from employment for reasons other than employee performance, the supervisor must obtain the written authorization of the supervising Executive Officer, who shall consult with the Director of Human Resources.
- 4.3 If the department has more than one part time employee in the position title, the Executive Officer will apply the provisions of Section 2.6, in consultation with the Director of Human Resources, to the selection of part time employees who will be subject to RIF.
- 4.4 Part Time Staff shall not have any of the other rights and privileges established in this policy for Full Time Staff.

SECTION 5. Exclusions.

5.1 This Rule and the rights, duties, and responsibilities contained herein are only applicable to the proposed elimination of positions that are held by a Regular Classified Employee. Any position eliminations under the following circumstances are excluded from this Rule:

- 5.1.1 Temporary positions;
- 5.1.2 Grant funded or contract positions hired on or after October 1, 2017;
- 5.1.3 A Reduction in FTE that reduces the position by twenty percent or less but does not eliminate benefits eligibility;
- 5.1.4 Any instance in which the University has contracted with an outside vendor for services and a Classified Employee is offered employment by that vendor with comparable wages; or
- 5.1.5 Internal transfers.

SECTION 6. Delegation.

The Board of Governors delegates to the President the authority to approve internal human resource policies and procedures in order to implement the provisions of this Board Policy. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Policy.