

**BLUEFIELD STATE COLLEGE
BOARD OF GOVERNORS
POLICY NO. 17**

TITLE: CLASSIFIED EMPLOYEES

SECTION 1. GENERAL

- 1.1 Scope: This rule establishes procedures related to West Virginia Code 18B.
- 1.2 Repeal of Former Rule -Repeals and replaces Series 31, effective September 5, 1996.
- 1.3 Replaces Title 133, Procedural Rule, Series 31
- 1.4 Effective Date: March 21, 2002; amended July 25, 2017.
- 1.5 Filing Date: August 30, 2017
- 1.6 BSC Policy Monitor: Human Resources

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.
- 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.
- 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.
- 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.
- 2.5 Classified Employee. “Classified employee” or “employee” means a regular full-time or regular part-time employee of an organization who: (i) does not meet the duties test for exempt status under the provisions of the Fair Labor Standards Act; and (ii) is not otherwise a nonclassified employee designated pursuant to

subdivision (11) of WV Code Section §18B-9A-2: Provided, That any employee of an organization who was a classified employee as of January 1, 2017, retains that status unless otherwise deemed a nonclassified employee pursuant to the provisions of subparts (A) through (D) of subdivision (11) of WV Code Section §18B-9A-2. A classified employee is covered by the provisions of the classification program.

- 2.6 Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.

SECTION 3. PART-TIME AND TEMPORARY EMPLOYEES

- 3.1 Bluefield State College shall not hire part-time employees solely to avoid the payment of benefits or in lieu of full-time employees and shall provide all qualified classified employees with nine-month or ten-month contracts with 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, institutions may only employ individuals into temporary positions 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 Classified 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.

SECTION 4. WORK SCHEDULES

- 4.1 Bluefield State College shall establish a policy, with the advice and assistance of staff council and other groups representing classified employees, which shall: address any institution-specific procedures concerning the use of flexible work schedules, job sharing, and four-day work weeks; discourage temporary, non-emergency changes in an employee's work schedule; and provide a mechanism for changes in, and notification of, changes in work schedules. This policy shall also provide that, where possible, the institution shall provide the employee with a fifteen (15) day notice of such changes.

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 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:
 - 6.7 The average regular rate received by such employee during the first three years of the employee's employment; or,
 - 6.7.1 The final regular rate received by such employee, whichever is higher.
- 6.8 An employee may not work overtime unless approved in advance per institutional policy.

SECTION 7. POSTING

- 7.1 Bluefield State College shall develop a policy for posting of classified positions 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.