

**BLUEFIELD STATE COLLEGE  
BOARD OF GOVERNORS  
POLICY NO. 25**

**TITLE: PERSONNEL ADMINISTRATION**

**SECTION 1. GENERAL**

- 1.1 Scope: This rule establishes policy in a number of areas regarding personnel administration for Bluefield State College employees.
- 1.2 Authority: West Virginia Code 18B-4; 18B-9B.
- 1.3 Filing Date: March 28, 1994; November 17, 2017.
- 1.4 Effective Date: March 28, 1994, March 21, 2002, March 18, 2004; July 25, 2017; October 24, 2017.
- 1.5 Replaces Title 133, Legislative Rule, Series 62
- 1.6 BSC Policy Monitor: Human Resources

**SECTION 2. DEFINITIONS**

- 2.1 This subsection defines the different types of employment the institution may use and the status for benefits.
  - 2.1.1 Full-Time Regular Employee (FTR). Any employee in a position created to last a minimum of nine months of a twelve month period and in which such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Such an employee is eligible for all applicable benefits of a full-time regular employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE.
  - 2.1.2 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.
  - 2.1.3 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.
  - 2.1.4 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.

- 2.1.5 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.
- 2.1.6 Full-Time Faculty. Employment as a faculty member for a full academic year (at least a nine-month contract basis) for at least six (6) semester credit hours teaching per semester or the equivalent in teaching, research, public service, and/or administrative responsibilities.
- 2.1.7 Non-Classified Employee. “Nonclassified employee” means, an employee who meets one or more of the following criteria: (A) Holds a direct policy-making position at the department or organization level; (B) Reports directly to the president or chief executive officer of the organization; (C) Is in a position considered by the president or designee to be critical to the institution pursuant to policies or decisions adopted by the governing board; (D) Is in an information technology-related position; (E) Is hired after July 1, 2017, and meets the duties test for exempt status under the provisions of the Fair Labor Standards Act at the time of hire or anytime thereafter; or (F) Was in a nonclassified position as of January 1, 2017. A nonclassified employee serves at the will and pleasure of the president.
- 2.1.8 Change In Status. The president or his/her designee will review and make a final determination as to the status or change in status of any employee under this subsection. When the president or his/her designee determines that a part-time regular employee becomes a full-time regular employee, he/she shall credit that employee's previous service toward any calculation of length of service for purposes of this rule and benefit eligibility based upon a prorated comparison against a 1.00 FTE. Previous length of service as temporary, casual, and student employees shall not be credited toward seniority calculations under other sections of this rule or statute.
- 2.2 Position. A set of duties and responsibilities performed by a specific employee at the institution.
- 2.3 Job. The total collection of tasks, duties and responsibilities assigned individuals holding positions whose work is of the same of similar nature and level.
- 2.4 Job Title. The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of institutional location, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.

- 2.5 Position description form/Job description form. A tool used to collect a broad range of job information used in the creation and/or classification of a position.
- 2.6 Job description (used interchangeably with institution job description, position job description, incumbent job description). A summary of the essential functions of a job, including the general nature of the work performed, a characteristic listing of duties and responsibilities, and the knowledge, skills and abilities necessary to perform the work.
- 2.7 Pay Grade. The level to which a job is assigned within a salary structure.
- 2.8 Base salary. The amount of salary paid annually to an employee, excluding any annual increment earned. Total salary is base salary plus any increment earned.
- 2.9 Institution. Bluefield State College.
- 2.10 President. The president of Bluefield State College.
- 2.11 Board of Governors. The Bluefield State College Board of Governors.
- 2.12 Chancellor. The Chancellor of the Higher Education Policy Commission.
- 2.13 Salary Structure/Pay Structure/Salary Schedule. A graphical structure consisting of a series of pay grades and range of pay available for each grade, which may be subsequently enacted by the Legislature or adopted by the governing boards.
- 2.14 Rehire. An employee who leaves the service of an institution by resignation and later applies for and accepts a position at the same institution.
- 2.15 FTE. Full time equivalency is the percentage of time for which a position is established, with a full-time position working 1950 hours per year being 1.00 FTE.
- 2.16 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.
- 2.17 Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.

2.18 Non-Exempt. An employee who is entitled to overtime benefits as outlined in federal and state law.

2.19 Job Family. A series of job titles in an occupational area or group.

### **SECTION 3. COMPENSATION; PAY CALCULATIONS**

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

3.2 When base salary increases are calculated and rounding is involved, the policy is to round up to the nearest even dollar amount.

3.3 Overtime pay for nonexempt employees is calculated in accordance with the provisions of the Fair Labor Standards Act and the central payroll system requirements of the state of West Virginia. Overtime does not commence until forty (40) hours have actually 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 in a work week.

3.4 Only actual hours worked are included in calculating overtime. Pay which is received for holidays, annual leave, sick leave, or work release time, is not counted as working hours for purposes of overtime.

3.5 Annual leave, sick leave and longevity do not accumulate in any part of a month for which an employee is off the payroll on a leave without pay or during a terminal leave period. A terminal leave period is that time between the employee's last day of work and his/her last day on the payroll.

### **SECTION 4. COMPENSATORY AND HOLIDAY PREMIUM TIME OFF**

4.1 Compensatory time off shall be allowed only to the extent authorized by federal and state law.

4.2 When a full-time or part-time non-exempt employee is required to work on any designated board or institution holiday, that employee at his/her option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1/2) times the number of hours actually worked. The time off must be used within a six-month period following the holiday.

4.3 When an exempt employee is required to work on any designated board or institution holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.

## **SECTION 5. WORKWEEK**

- 5.1 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 12:01 a.m. on Saturday and ends at 12 midnight the following Friday. The institutional president or the president's designee 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 (37.5) hours will be established within a workweek.

## **SECTION 6. APPOINTMENT**

- 6.1 A nonclassified or classified employee appointment letter shall be completed for the respective employee at the time of initial employment.

## **SECTION 7. ACCESS TO PERSONNEL FILE**

- 7.1 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:
- 7.1.1 Materials which were gathered with the employee's prior agreement to forfeit his/her right of access, such as some references.
- 7.2 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.
- 7.3 A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A small copy fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. Documents 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.

## **SECTION 8. CHANGES IN NAME, ADDRESS, NUMBER OF DEPENDENTS AND RELATED MATTERS**

- 8.1 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.

**SECTION 9. CLASSIFIED EMPLOYEE COMPENSATION MANAGEMENT PROGRAM**

- 9.1 Bluefield State College adopts the WV Higher Education Policy Commission Compensation Management Program as approved by the Commission. All classified employee actions taken by the President or President's designee(s) regarding the Compensation Management Program are subject to review and audit by the Commission.