

NEW RIVER COMMUNITY AND TECHNICAL 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 New River Community and Technical College employees.
- 1.2 Authority - West Virginia Code 18B-1-6
- 1.3 Filing Date - March 28, 1994
Revised Filing Date-June 1, 2017
- 1.4 Effective Date - March 28, 1994
Revised Date – July 3, 2017
- 1.5 Repealed Policy No. 17, Policy 35
- 1.6 New River Community and Technical College will ensure compliance with WV State Code 18B-7 entitled Personnel Generally, 18B-8 entitled Higher Education Full-time Faculty Salaries, 18B-9A entitled Classification and Compensation System, 18B-9B entitled Organization Personnel Rules. Based on WV State Code, the College will establish guidelines and procedures governing the management of personnel services, salary structures, and personnel rules.

SECTION 2. DEFINITIONS

- 2.1 This subsection defines the different types of employment the institution may use and the status under the classification system and for benefits.
 - i. Classified employee-a regular full-time or regular part-time employee of an organization who:
 - 1. Does not meet the duties test for exempt status under the provisions of the Fair Labor Standards Act; and

2. Is not otherwise nonclassified employee designated pursuant to this procedure
- ii. Nonclassified employee-a regular full-time or regular part-time employee of an organization who meets one or more of the following criteria:
 1. Holds a direct policy-making position at the department or organization level;
 2. Reports directly to the president;
 3. Is in a position considered by the president or designee to be critical to the institution;
 4. Is in an information technology-related position;
 5. 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
 6. Was in a nonclassified position as of January 1, 2017
- iii. Critical to the institution-Any employee that meets the duties test for exempt status under the provisions of the Fair Labor Standards Act regardless of hire date.
- iv. Full-time regular employee-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 the said period. The full-time equivalent (FTE) of such a position must be reported at no less than 0.53 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.
- v. Part-time regular employee-Any employee in a position created to last less than 1,040 hours during a twelve-month period. An employee in a part-time position is not eligible for benefits and is covered by the classification system.
- vi. Temporary Part-time employee-Any employee working less than 1,040 hours, is not eligible for benefits and is not covered by the classification program. These positions are also called "extra help."
- vii. Student Employee-Any employee enrolled at the institution as a student and whose primary purpose for being at the institution is to obtain an education. As student employee is not eligible for benefits and is not covered by the classification system.

2.2 Job- the total collection of tasks, duties and responsibilities assigned to one or more individuals whose work is of the same nature and level.

- 2.3 Job description-a summary of the most important features of a job, including the general nature and level of the work performed.
- 2.4 Exempt- Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.
- 2.5 Non-Exempt- An employee who is entitled to overtime benefits as outlined in federal and state law.
- 2.6 Salary schedule-A schedule consisting of a series of pay grades, which may be subsequently enacted by the WVCTCS or adopted by the governing board.

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 at the rate of one and one-half (1 1/2) times the regular hourly rate, which is the total base salary, plus any incremental pay, divided by 1,950 hours. 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 workweek.
- 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 pay period 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 last day on the payroll.

SECTION 4. COMPENSATORY AND HOLIDAY PREMIUM TIME OFF

- 4.1 Nonexempt 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 workweek is to be calculated at a rate of one and one-half times the regular hourly rate.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 Should an individual's employment be terminated, any unused compensatory time shall be reimbursed as follows:
 - i. the average regular rate received by such employee during the first three years of the employee's employment; or,
 - ii. the final regular rate received by such employee, whichever is higher.
- 4.7. Compensatory time off shall be allowed only to the extent authorized by federal and state law.
 - i. When a full-time or part-time nonexempt regular employee is required to work on any designated board or institution holiday, that employee at option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1 1/2) times the number of hours

- actually worked. The time off must be used within a six-month period following the holiday.
- ii. 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 12:00 a.m. on Saturday and ends at 12 midnight the following Friday. A work schedule of thirty-seven and one-half (37.5) hours will be established within a workweek.

SECTION 6. APPOINTMENT

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

SECTION 7. ACCESS TO PERSONNEL FILE

- 7.1 An employee may have access to her/his personnel file when the employing institution is normally open for business. An employee may examine her/his own file and the contents therein with the following exception:
 - i. Materials which were gathered with the employee's prior agreement to forfeit her/his 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.. The College does require that an employee schedule an appointment to see the personnel file by contacting the Director of Human Resources.

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.
- 8.2. Name changes will require official documentation as set forth by the College. Examples of documentation include social security card, divorce papers, passport, etc.

SECTION 9. SALARY STRUCTURE AND SALARY SCHEDULE

- 9.1. The College will adopt the classified salary schedule established by the WVCTCS which will include a minimum salary per pay grade. There is no guarantee of payment at the minimum salary and an implementation plan will be set forth by the New River CTC Board of Governors and/or WVCTCS Council.
- 9.2. The College will develop and maintain a nonclassified salary structure based on market data and utilization of the WV Higher Education staff salary schedule.

SECTION 10. PROBATIONARY PERIOD

- 10.1. Full-time regular classified employees shall serve a six-month probationary period beginning at the original date of employment.
- 10.2 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.