WEST VIRGINIA CODE: §18B-9B-1

§18B-9B-1. Flexibility to adopt personnel rules; emergency rule authorized.

(a) West Virginia University; Marshall University; West Virginia School of Osteopathic Medicine; or any other organization that provides notice to the commission or council, as appropriate; may, after consultation with staff council of the applicable organization, file a rule or rules to implement articles seven and eight of this chapter, and upon the adoption any rules promulgated by the commission or council under articles seven and eight of this chapter are inapplicable to the organization.

(b) West Virginia University; Marshall University; West Virginia School of Osteopathic Medicine; or any other organization that provides notice to the commission or council, as appropriate, may establish a classification and compensation rule, after consultation with and providing 30 days written notice to the staff council of the applicable organization, that incorporates best human resources practices and addresses the areas of organization accountability, employee classification and compensation, performance evaluation, reductions in force, and development of organization policies, and upon the adoption the provisions of article nine-a of this chapter and any rule promulgated by the commission or the council thereto, is inapplicable to the extent it conflicts with the rule promulgated by the organization: Provided, That any rule adopted by an organization shall use the definitions of classified and nonclassified employees established in section two of article nine-a of this chapter.

(c) Any rule adopted by an organization pursuant to subsection (b) of this section shall address the following:

(1) Employee classification and compensation. — The rule proposed pursuant to this policy shall establish a classification and compensation system to accomplish the following objectives, including best practices consistent with those objectives:

(A) Providing opportunities for employee advancement based on performance and other objective, measurable factors including education, years of experience, technical expertise, and experience above position requirements;

(B) Identifying the factors to be used to classify jobs and their relative values or comparable best practice and determining the requirements that are necessary to assign a job to a particular salary level; and

(C) Establishing an objective standard to be used in determining when a job description or a position description is up-to-date.

(2) Performance evaluations. — The rule shall provide for developing and implementing a consistent, objective performance evaluation model and shall mandate that training in

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conducting performance evaluations be provided for all organization personnel who hold supervisory positions.

(3) Management shall meet at least quarterly with representatives of staff council to discuss the implementation and effectiveness of any rule adopted by an organization pursuant to articles seven, eight, nine-a and nine-b of this chapter and may make recommendations to the president or board of Governors of an organization to address any concerns or issues identified by staff council;

(4) The rule may provide for differential pay for certain employees who work different shifts, weekends or holidays and for differential treatment for employees; and

(5) The rule shall provide for an external review of human resource practices at the organization at least once every five years, relating to compliance with the applicable provisions of article seven, eight, nine-a and nine-b of this chapter, including provisions that the staff council have an opportunity to speak with the external Auditors before the start of the audit and after its completion.

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