

# WEST VIRGINIA CODE: §18b-9A-2

## §18B-9A-2. Definitions.

As used in this article and articles seven, eight and nine of this chapter, the following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

- (1) "Classification system" means the process by which jobs, job titles, career ladders and assignment to pay grades are determined.
- (2) "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 this section: 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 this section.
- (3) "Job" means the total collection of tasks, duties and responsibilities assigned to one or more individuals whose work is of the same nature and level.
- (4) "Job description" or "position description" means a summary of the most important features of a job, including the general nature and level of the work performed.
- (5) "Job evaluation" means a systematic way of determining the value/worth of a job in relation to other jobs in an organization by analyzing weighted compensable factors resulting in the assignment of a job title and pay grade to a position described by a position information questionnaire.
- (6) "Job family" means a group of jobs having the same nature of work, but requiring different levels of skill, effort, responsibility or working conditions.
- (7) "Job specification" means the generic description of a group of jobs assigned a common job title in the classification system. The job specification contains a brief summary of the purpose of the job; the most common duties and responsibilities performed by positions holding the title; knowledge, skills and abilities necessary to perform the work; and minimum qualifications required for positions assigned the title.
- (8) "Job title" means the descriptive name for the total collection of tasks, duties and responsibilities assigned to one or more individuals whose positions have the same nature of work performed at the same level.
- (9) "Job worth hierarchy" means the perceived internal value of jobs in relation to each other within an organization.

(10) "Midpoint differential" means the difference in wage rates paid in the midpoints of two adjacent pay grades. A midpoint differential is calculated by taking the difference between the two adjacent midpoints as a percentage of the lower of the midpoints.

(11) "Nonclassified employee" means, an employee of an organization 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.

Unless otherwise established by action of the institution where employed, a nonclassified employee serves at the will and pleasure of the organization, which authority may be delegated by act of the board.

(12) "Organization" means the commission, the council, an agency or entity under the respective jurisdiction of the commission or the council or a state institution of higher education as defined in section two, article one of this chapter.

(13) "Pay grade" means the level to which a job is assigned within a job worth hierarchy as a result of job evaluation.

(14) "Point factor methodology" means a quantitative job evaluation process in which elements of a job are given a factor value and each factor is weighted according to its importance.

(15) "Position information questionnaire" or "PIQ" means a tool used to gather specific job information for a specific position held by an individual, and used for the purposes of evaluating the position for determination of job title and pay grade. The PIQ is used to gather information used to assess the compensable factors of knowledge, experience, complexity and problem solving, freedom of action, scope and effect, breadth of responsibility, intra-systems contacts, external contacts, direct supervision of personnel, indirect supervision of personnel and health, safety and physical considerations.

(16) "Pay range spread" means the difference in the minimum and maximum rate of pay for a pay grade expressed as a percentage.