

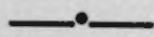
Veto-317

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OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985



ENROLLED

Finance Com. Sub. for Education Com. Sub. for
SENATE BILL NO. 317

(By Mr. Burchette)



PASSED April 13 1985

In Effect from Passage



ENROLLED
FINANCE
COMMITTEE SUBSTITUTE
FOR
EDUCATION
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 317

(MR. BURDETTE, MR. HOLMES, MR. WHITLOW, MR. COLOMBO, MS. LUCHT,
MR. YANERO, MR. NELSON, MR. R. WILLIAMS, MRS. SPEARS, MR. CRAIGO,
MR. JARRELL, MR. WHITE, MR. STACY, MR. SHARPE, MR. COOK AND MR.
TONKOVICH, MR. PRESIDENT, *original sponsors*)

(Originating in the Committee on Finance.)

[Passed April 13, 1985; in effect from passage.]

AN ACT to amend and reenact section one, article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend chapter eighteen by adding thereto a new article, designated article twenty-six-b, all relating to removing classified employees from provisions of salary increases for state employees; directing the board of regents to establish a complete, uniform system *for* ~~of~~ personnel classification for classified employees at *state* institutions of higher education; defining terms; establishing a higher education classified employee monthly

salary schedule; providing for a personnel classification system and assignment thereto and notification thereof; increasing by five percent the current salary of classified employees; providing for salaries in accordance with the salary schedule established herein to the extent of the appropriations therefor; providing for conferences and an appeal procedure regarding changes in employment classification; requiring certain reports; providing procedure for hiring classified employees after the effective date; and providing for additional employment by mutual agreement subject to approval by the board.

Be it enacted by the Legislature of West Virginia:

That section one, article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that chapter eighteen of said code be amended by adding thereto a new article, designated article twenty-six-b, to read as follows:

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

§5-5-1. Definitions.

1 For the purposes of this article: (1) "Eligible employee"
2 means any regular full-time employee of the state or any
3 spending unit thereof who is eligible for membership in any
4 state retirement system of the state of West Virginia or other
5 retirement plan authorized by the state: *Provided*, That the
6 mandatory salary increase required by this article shall not
7 apply to any faculty or classified employee at state
8 institutions of higher education or any employee of the state
9 whose compensation is fixed by statute or by statutory
10 schedule, nor shall this article be construed to mandate an
11 increase in the salary of any elected or appointed officer of
12 the state; (2) "years of service" means full years of service as
13 an employee of the state of West Virginia; (3) "spending
14 unit" means any state office, department, agency, board,
15 commission, institution, bureau or other designated body
16 authorized to hire employees.

CHAPTER 18. EDUCATION.

ARTICLE 26B. CLASSIFIED EMPLOYEE SALARY SCHEDULE AND CLASSIFICATION SYSTEM.

§18-26B-1. Definitions.

1 As used in this article:

2 (a) "Board" means the West Virginia board of regents;

3 (b) "Classification" means a group of related job titles
4 including, but not limited to, those which are differentiated
5 by Roman numerals;

6 (c) "Classified employee" means any full-time
7 employee of the board who holds a position that is assigned
8 a particular job title and pay grade in accordance with the
9 personnel classification system established by the board;

10 (d) "Executive personnel" means an individual who is
11 responsible for major policy formation at the institutional
12 level and reports directly to the president; final approval of
13 such individuals shall rest with the board;

14 (e) "Institution" or "Institutions" means the public
15 institutions of higher education within this state;

16 (f) "Job description" means the specific listing of duties
17 and responsibilities as determined by the board and
18 associated with a particular job title;

19 (g) "Job title" means the name of the position or job as
20 defined by the board;

21 (h) "Merit increases and salary adjustments" means all
22 or any portion of the amount of compensation that may be
23 paid above the minimum and up to the maximum salary
24 established in each bracket on the salary schedule on a
25 merit basis or to rectify salary inequities in accordance with
26 policy established by the board;

27 (i) "Pay grade" means the letter grade assigned by the
28 board to a particular job title and refers to the horizontal
29 column heading of the salary schedule established in
30 section three of this article;

31 (j) "Personnel classification system" means the process
32 of job evaluation adopted by the board by which job title,
33 job description, pay grade and placement on the salary
34 schedule are determined;

35 (k) "Salary" means the amount of compensation paid
36 through the state treasury per month to a classified
37 employee;

38 (l) "Schedule" or "Salary schedule" means the grid of
39 monthly salary figures established in section three of this
40 article; and

41 (m) "Years of experience" means the actual number of
42 years a person has been a full-time employee of the state of
43 West Virginia and refers to the vertical column heading of
44 the salary schedule established in section three of this
45 article. Employment for nine months or more shall equal
46 one year of experience, but no classified employee may
47 accrue more than one year of experience during any given
48 fiscal year. Employment for less than full-time or less than
49 nine months during any fiscal year shall be prorated. In
50 accordance with rules and regulations established by the
51 board, a classified employee may be granted additional
52 years of experience not to exceed the actual number of years
53 of prior, relevant work or experience at accredited
54 institutions of higher education other than state
55 institutions of higher education.

§18-26B-2. Legislative purpose.

1 The purpose of the Legislature in the enactment of this
2 article is to charge the board with the responsibility to
3 establish, control, supervise and manage a complete,
4 uniform system of personnel classification in accordance
5 with the provisions of this article for all employees other
6 than faculty and executive personnel at state institutions of
7 higher education.

§18-26B-3. Higher education classified employee monthly salary schedule.

1 There is hereby established a state monthly salary
2 schedule for classified employees consisting of a minimum
3 and a maximum monthly salary for each pay grade in
4 accordance with years of experience: *Provided*, That
5 payment of the minimum salary shall be subject to the
6 availability of funds, and nothing in this article shall be
7 construed to guarantee payment to any classified employee
8 of the salary indicated on the schedule at the actual years of
9 experience.

HIGHER EDUCATION									
CLASSIFIED EMPLOYEE MONTHLY SALARY SCHEDULE									
Years Of Experi- ence	PAY GRADE								
A	B	C	D	E	F	G	H	I	
0	817	874	935	1,000	1,070	1,144	1,227	1,320	1,425
	873	934	999	1,069	1,143	1,226	1,319	1,424	1,542
	837	894	955	1,020	1,090	1,164	1,267	1,360	1,465
1	893	954	1,019	1,089	1,163	1,246	1,359	1,464	1,582
	857	914	975	1,040	1,110	1,184	1,307	1,400	1,505
2	913	974	1,039	1,109	1,183	1,266	1,399	1,504	1,622
	877	934	995	1,060	1,130	1,204	1,347	1,440	1,545
3	933	994	1,059	1,129	1,203	1,286	1,439	1,544	1,662
	897	954	1,015	1,080	1,150	1,224	1,387	1,480	1,585
4	953	1,014	1,079	1,149	1,223	1,306	1,479	1,584	1,702
	917	974	1,035	1,100	1,170	1,244	1,427	1,520	1,625
5	973	1,034	1,099	1,169	1,243	1,326	1,519	1,624	1,742
	937	994	1,055	1,120	1,190	1,264	1,467	1,560	1,665
6	993	1,054	1,119	1,189	1,263	1,346	1,559	1,664	1,782
	957	1,014	1,075	1,140	1,210	1,284	1,507	1,600	1,705
7	1,013	1,074	1,139	1,209	1,283	1,366	1,599	1,704	1,822
	977	1,034	1,095	1,160	1,230	1,304	1,547	1,640	1,745
8	1,033	1,094	1,159	1,229	1,303	1,386	1,639	1,744	1,862
	997	1,054	1,115	1,180	1,250	1,324	1,587	1,680	1,785
9	1,053	1,114	1,179	1,249	1,323	1,406	1,679	1,784	1,902
	1,022	1,079	1,140	1,205	1,275	1,349	1,637	1,730	1,835
10	1,078	1,139	1,204	1,274	1,348	1,431	1,729	1,834	1,952
	1,047	1,104	1,165	1,230	1,300	1,374	1,687	1,780	1,885
11	1,103	1,164	1,229	1,299	1,373	1,456	1,779	1,884	2,002
	1,072	1,129	1,190	1,255	1,325	1,399	1,737	1,830	1,935
12	1,128	1,189	1,254	1,324	1,398	1,481	1,829	1,934	2,052
	1,097	1,154	1,215	1,280	1,350	1,424	1,787	1,880	1,985
13	1,153	1,214	1,279	1,349	1,423	1,506	1,879	1,984	2,102
	1,122	1,179	1,240	1,305	1,375	1,449	1,837	1,930	2,035
14	1,178	1,239	1,304	1,374	1,448	1,531	1,929	2,034	2,152
	1,147	1,204	1,265	1,330	1,400	1,474	1,887	1,980	2,085
15	1,203	1,264	1,329	1,399	1,473	1,556	1,979	2,084	2,202
	1,172	1,229	1,290	1,355	1,425	1,499	1,937	2,030	2,135
16	1,228	1,289	1,354	1,424	1,498	1,581	2,029	2,134	2,252
	1,197	1,254	1,315	1,380	1,450	1,524	1,987	2,080	2,185
17	1,253	1,314	1,379	1,449	1,523	1,606	2,079	2,184	2,302
	1,222	1,279	1,340	1,405	1,475	1,549	2,037	2,130	2,235
18	1,278	1,339	1,404	1,474	1,548	1,631	2,129	2,234	2,352
	1,247	1,304	1,365	1,430	1,500	1,574	2,087	2,180	2,285
19	1,303	1,364	1,429	1,499	1,573	1,556	2,179	2,284	2,402
	1,272	1,329	1,390	1,455	1,525	1,599	2,137	2,230	2,335
20	1,328	1,389	1,454	1,524	1,598	1,681	2,229	2,334	2,452

Years Of Experi- ence	PAY GRADE								
	J	K	L	M	N	O	P	Q	R
0	1,543	1,676	1,826	1,996	2,188	2,406	2,653	2,935	3,256
	1,675	1,825	1,995	2,187	2,405	2,652	2,934	3,255	3,614
	1,583	1,716	1,866	2,056	2,248	2,466	2,713	2,995	3,316
1	1,715	1,865	2,055	2,247	2,465	2,712	2,994	3,315	3,681
	1,623	1,756	1,906	2,116	2,308	2,526	2,773	3,055	3,376
2	1,755	1,905	2,115	2,307	2,525	2,772	3,054	3,375	3,748
	1,663	1,796	1,946	2,176	2,368	2,586	2,833	3,115	3,436
3	1,795	1,945	2,175	2,367	2,585	2,832	3,114	3,435	3,815
	1,703	1,836	1,986	2,236	2,428	2,646	2,893	3,175	3,496
4	1,835	1,985	2,235	2,427	2,645	2,892	3,174	3,495	3,882
	1,743	1,876	2,026	2,296	2,488	2,706	2,953	3,235	3,556
5	1,875	2,025	2,295	2,487	2,705	2,952	3,234	3,555	3,949
	1,783	1,916	2,066	2,356	2,548	2,766	3,013	3,295	3,616
6	1,915	2,065	2,355	2,547	2,765	3,012	3,294	3,615	4,016
	1,823	1,956	2,106	2,416	2,608	2,826	3,073	3,355	3,676
7	1,955	2,105	2,415	2,607	2,825	3,072	3,354	3,675	4,083
	1,863	1,996	2,146	2,476	2,668	2,886	3,133	3,415	3,736
8	1,995	2,145	2,475	2,667	2,885	3,132	3,414	3,735	4,150
	1,903	2,036	2,186	2,536	2,728	2,946	3,193	3,475	3,796
9	2,035	2,185	2,535	2,727	2,945	3,192	3,474	3,795	4,217
	1,953	2,086	2,236	2,611	2,803	3,021	3,268	3,550	3,871
10	2,085	2,235	2,610	2,802	3,020	3,267	3,549	3,870	4,300
	2,003	2,136	2,286	2,686	2,875	3,096	3,343	3,625	3,946
11	2,135	2,285	2,685	2,874	3,095	3,342	3,624	3,945	4,383
	2,053	2,186	2,336	2,761	2,953	3,171	3,418	3,700	4,021
12	2,185	2,335	2,760	2,952	3,170	3,417	3,699	4,020	4,466
	2,103	2,236	2,386	2,836	3,028	3,246	3,493	3,775	4,096
13	2,235	2,385	2,835	3,027	3,245	3,492	3,774	4,095	4,549
	2,153	2,286	2,436	2,911	3,103	3,321	3,568	3,850	4,171
14	2,285	2,435	2,910	3,102	3,320	3,567	3,849	4,170	4,632
	2,203	2,336	2,486	2,986	3,178	3,396	3,643	3,925	4,246
15	2,235	2,485	2,985	3,177	3,395	3,642	3,924	4,245	4,715
	2,253	2,386	2,536	3,061	3,253	3,471	3,718	4,000	4,321
16	2,385	2,535	3,060	3,252	3,470	3,717	3,999	4,320	4,798
	2,303	2,436	2,586	3,136	3,328	3,546	3,793	4,075	4,396
17	2,435	2,585	3,135	3,327	3,545	3,792	4,024	4,395	4,881
	2,353	2,486	2,636	3,211	3,403	3,621	3,868	4,150	4,471
18	2,485	2,635	3,210	3,402	3,620	3,867	4,149	4,470	4,964
	2,403	2,536	2,686	3,286	3,478	3,696	3,943	4,225	4,546
19	2,535	2,685	3,285	3,477	3,695	3,942	4,224	4,545	5,047
	2,453	2,586	2,736	3,361	3,553	3,771	4,018	4,300	4,621
20	2,585	2,735	3,360	3,552	3,770	4,017	4,299	4,620	5,130

§18-26B-4. Establishment of personnel classification system; assignment to classification and to salary schedule; actual salary; annual institutional review of classified employee assignments and annual report to the board.

1 (a) Before the first day of July, one thousand nine
2 hundred eighty-five, the board shall establish a system of
3 job classifications, each classification to consist of related
4 job titles, and corresponding job descriptions for each
5 position within a classification, together with the
6 designation of an appropriate pay grade for each job title.

7 By such date and with consideration to recommendations
8 of the institutions, the board shall furnish each classified
9 employee written confirmation of the assignment to the
10 appropriate classification, job title and pay grade and of the
11 proper placement on the salary schedule pursuant to
12 section three of this article notwithstanding the actual
13 salary paid. Such assignment may be appealed in
14 accordance with section five of this article.

15 (b) Each classified employee who is employed by the
16 board on the effective date of this article shall receive for
17 the same employment at the same pay grade during the
18 fiscal year commencing on the first day of July, one
19 thousand nine hundred eighty-five and thereafter, a
20 monthly salary which is at least five percent greater than
21 the final monthly salary paid such classified employee for
22 the fiscal year commencing on the first day of July, one
23 thousand nine hundred eighty-four.

24 (c) Each classified employee whose monthly salary
25 under subsection (b) of this section is less than the minimum
26 monthly salary for zero years of experience for the
27 appropriate pay grade as set forth in section three of this
28 article shall receive for the fiscal year commencing on July
29 first, one thousand nine hundred eighty-five, an amount
30 that is equal to one half of the difference between such
31 salary and the minimum amount prescribed for the
32 appropriate pay grade at zero years of experience:
33 *Provided, That* for the fiscal year commencing July first,
34 one thousand nine hundred eighty-six, each classified
35 employee whose monthly salary is less than the minimum
36 monthly salary for zero years of experience for the
37 appropriate pay grade as set forth in section three of this

38 article shall receive additional compensation such that the
39 monthly salary is at least the minimum amount prescribed
40 for the appropriate pay grade at zero years of experience:
41 *Provided*, That such amounts may be reduced
42 proportionately based upon the amount of funds available
43 for such purpose.

44 (d) Funds remaining after increasing the monthly salary
45 of each classified employee to at least the minimum amount
46 prescribed for the appropriate pay grade at zero years of
47 experience shall be used to place classified employees on
48 the salary schedule at their appropriate years of experience:
49 *Provided*, That such amount may be reduced
50 proportionately based upon the amount of funds available
51 for such purposes.

52 (e) The current monthly salary of any classified
53 employee may not be reduced by the provisions of this
54 article nor by any other action inconsistent with the
55 provisions of this article, and nothing in this article shall be
56 construed to prohibit promotion of any classified employee
57 to a job title carrying a higher pay grade if such promotion is
58 in accordance with the provisions of this article and the
59 personnel classification system established by the board.

60 (f) Any classified employee may receive merit increases
61 and/or salary adjustments in accordance with policies
62 established by the board if funds are available for such
63 increases.

64 (g) Any full-time classified employee whose actual
65 salary after the effective date of this article exceeds the
66 maximum amount prescribed for such classified employee's
67 assigned placement on the schedule provided for in section
68 three of this article shall not receive pay increases until such
69 classified employee's actual salary no longer exceeds the
70 maximum for the appropriate placement on the salary
71 schedule: *Provided*, That nothing herein shall prohibit any
72 increase paid pursuant to subsection (b) of this section.

73 (g) Each institution shall perform an annual review of
74 each job description in relationship to the assigned duties
75 and responsibilities, current job title and pay grade of each
76 classified employee employed at that institution. Based
77 upon the data collected through such annual review, each
78 institution shall determine which, if any, of its classified
79 employees should be recommended for a change in job title

80 in order to conform to the personnel classification system of
 81 the board: *Provided*, That any classified employee filling a
 82 position or carrying out the duties and responsibilities of a
 83 position normally assigned a higher pay grade in
 84 accordance with the personnel classification system
 85 established by the board shall be recommended for a change
 86 in job title or shall be returned immediately to the duties
 87 and responsibilities outlined in ~~his~~ ^{the} appropriate job
 88 description.

89 Each institution shall submit to the board by the first day
 90 of October, one thousand nine hundred eighty-five, and
 91 each year thereafter, a report which shall include the steps
 92 being taken to ensure proper employee classification in
 93 accordance with the appropriate job titles and pay grades
 94 as established by the board, any recommended changes in
 95 job title, the justification for such recommendations, the
 96 effect of such changes on existing personnel, and the fiscal
 97 impact thereof.

98 Each institution also may submit, as a part of its annual
 99 report to the board, recommendations for alterations in job
 100 descriptions or classifications, changes in corresponding
 101 pay grades, or creation of new job titles or classifications.
 102 Such changes, if approved by the board, shall be made a
 103 part of the personnel classification system of the board and
 104 shall be applied uniformly at all institutions: *Provided*,
 105 That when necessary, the board may order changes in
 106 classifications or changes in job titles upon its own
 107 authority and shall notify the institutions of such changes
 108 within thirty days.

109 The board, upon receipt and review of the annual report
 110 submitted by each institution, shall notify the reporting
 111 institution by the first day of December, one thousand nine
 112 hundred eighty-five and each year thereafter, of any action
 113 taken in response to recommendations made by the
 114 institution. Immediately upon receipt of notification of any
 115 changes in the personnel classification system by the board,
 116 the institution shall post copies of such notice in prominent
 117 campus locations. Changes in classification or changes in
 118 job title, as approved by the board, shall be effective no later
 119 than the first day of July of each year. As to any change

120 which affects existing personnel, each classified employee
121 so affected shall be notified in writing regarding such
122 change and the effect thereof.

§18-26B-5. Conferences and appeal rights regarding personnel classification.

1 (a) The president of the institution or his designees
2 charged with responsibility to develop any personnel
3 recommendations for inclusion in the institution's annual
4 report to the board shall meet and confer during
5 development of the recommendations with each classified
6 employee who (1) may be affected by proposed
7 recommendations to the board; or (2) has requested a
8 change in job title.

9 (b) A classified employee may appeal the initial
10 assignment, any change in the assigned classification or job
11 title, or any change in the system of classification, whether
12 such change is the result of action taken by the board upon
13 its own authority or upon the recommendations of the
14 institutions: *Provided*, That a classified employee shall file
15 ^{the} ~~his~~ appeal, in writing, with the board no more than thirty
16 days from the date of notice of the initial assignment or a
17 change in the employee's current classification or within
18 thirty days after the posting of notice of changes in the
19 personnel classification system.

20 (c) The board shall notify the institution of the filing of
21 an appeal by a classified employee. Within ten days, the
22 board shall determine the date, time, and location at the
23 employing institution for a hearing to be held, and shall give
24 notice thereof, by certified mail, return receipt requested, to
25 the classified employee and the president of the institution
26 or his designee. The hearing shall be held before the board, a
27 designated subcommittee of the board, or a designated
28 hearing officer within thirty days of receipt of such
29 employee's petition of appeal: *Provided*, That the hearing
30 may be continued for reasonable cause from time to time
31 until completed.

32 (d) At an appeals hearing, the classified employee shall
33 be accorded substantive and procedural due process,
34 including the right to produce evidence and witnesses and
35 to cross-examine witnesses, and the right to legal counsel or
36 other representation at his own expense. Testimony shall be

37 recorded on audio tape, which, together with copies of the
38 exhibits, shall be furnished to the classified employee, at no
39 charge, upon his request. If the tape is transcribed at the
40 request of the classified employee, the cost will be equally
41 shared by the classified employee and the institution.

42 (e) The board shall submit a written decision within
43 thirty days of the hearing or at such time as is mutually
44 agreed upon by the parties.

45 (f) The employee may appeal any decision of the board
46 in accordance with any provisions of this chapter relating to
47 employee grievance procedures.

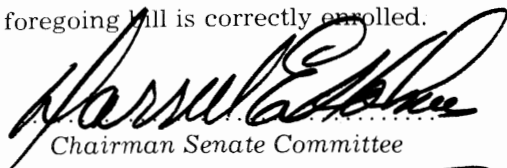
§18-26B-6. Hirings after effective date.

1 Any individual hired as a full-time classified employee
2 after the effective date of this section shall be assigned by
3 the board, with consideration to any recommendations of
4 the institution, to a placement on the salary schedule which
5 is appropriate to such individual's classification, job title,
6 pay grade and years of experience: *Provided*, That nothing
7 in this section shall be construed to guarantee to a newly
8 hired classified employee payment of the salary indicated
9 on the schedule at the actual years of experience.

**§18-26B-7. Additional employment by mutual agreement;
provision for board approval.**

1 In accordance with policy established by the board and
2 by mutual agreement, the president of an institution or a
3 designated representative and a classified employee at such
4 institution may agree on duties to be performed by such
5 employee in addition to those duties listed in the job
6 description. The terms and conditions of any such
7 agreement shall be in writing, signed by both parties, and
8 shall describe the additional duties to be performed, the
9 length of time such agreement shall be in force and the
10 additional compensation to be paid. Such agreement shall
11 be submitted to the board and shall be in effect unless and
12 until the institution receives notice of non-approval within
13 ten working days following the submission thereof.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing Bill is correctly enrolled.


Chairman Senate Committee



Chairman House Committee

Originated in the Senate.

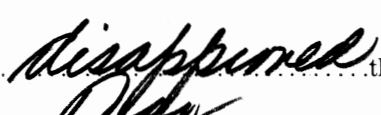
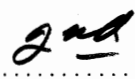

In effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within  this the 
day of  1985.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/85

Time 6:13 p.m.