WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

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ENROLLED

SENATE BILL NO. 231

(By Senator Burdette, et al.)

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PASSED March 5, 1986

In Effect July 1, 1986
ENROLLED

Senate Bill No. 231

(By Senators Burdette, Holmes, Whitlow, Colombo, Lucht, Yanero, R. Williams, Spears, Craigo, Jarrell, Stacy, Sharpe, Cook, B. Williams, Parker, Boley and Tonkovich, Mr. President)

[Passed March 8, 1986; to take effect July 1, 1986.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-six-b, relating to state institutions of higher education; requiring the board of regents to establish a complete, uniform personnel classification system for classified employees by a specified date; defining terms; providing a minimum monthly salary schedule for such classified employees; providing for the payment of such salary to be reduced proportionately based upon amount of funds available; providing for assignment of each classified employee to the appropriate class, job title and pay grade; providing for a six hundred dollar annual salary increase; providing for prorated salary increase for certain employees; providing an additional salary increase of thirty-six dollars for each year of experience, with adjustments thereto, for certain employees; authorizing merit increases and/or salary adjustments in accordance with certain provisions; providing for annual review of the personnel classification system; requiring annual reports; granting classified employees certain rights regarding classification;
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providing for hirings after the effective date of this article; and authorizing additional employment by mutual agreement.

Be it enacted by the Legislature of West Virginia:

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

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

§18-26B-1. Legislative purpose.

The purpose of the Legislature in the enactment of this article is to require the board to establish, control, supervise and manage a complete, uniform system of personnel classification in accordance with the provisions of this article for all employees other than faculty and nonclassified employees at state institutions of higher education.

§18-26B-2. Definitions.

As used in this article:

(a) “Board” means the West Virginia board of regents;

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

(c) “Classified employee” means any regular full-time or regular part-time employee of the board who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by the board;

(d) “Nonclassified employee” means an individual who is responsible for policy formation at the institutional level or reports directly to the president: Provided, That the percentage of personnel placed in the category of “nonclassified” at any given institution may not exceed four percent of the total number of employees of that institution who are eligible for membership in any state retirement system of the state of West Virginia or other retirement plan authorized by the state. Final approval of such placement shall rest with the board;
(e) "Institution" or "institutions" means the public institutions of higher education within this state;
(f) "Job description" means the specific listing of duties and responsibilities as determined by the board and associated with a particular job title;
(g) "Job title" means the name of the position or job as defined by board policy;
(h) "Merit increases and salary adjustments" means the amount of additional salary increase allowed on a merit basis or to rectify salary inequities or accommodate competitive market conditions in accordance with policy established by the board;
(i) "Pay grade" means the letter grade assigned by the board to a particular job title and refers to the horizontal column heading of the salary schedule established in section three of this article;
(j) "Personnel classification system" means the process of job evaluation adopted by the board by which job title, job description, pay grade and placement on the salary schedule are determined;
(k) "Salary" means the amount of compensation paid through the state treasury per month to a classified employee;
(l) "Schedule" or "salary schedule" means the grid of monthly salary figures established in section three of this article; and
(m) "Years of experience" means the number of years a person has been an employee of the state of West Virginia and refers to the vertical column heading of the salary schedule established in section three of this article. For the purpose of placement on the salary schedule pursuant to said section three, employment for nine months or more shall equal one year of experience, but no classified employee may accrue more than one year of experience during any given fiscal year. Employment for less than full-time or less than nine months during any fiscal year shall be prorated. For the purpose of determining the amount of annual salary increase pursuant to subsection (b) of section five of this article, employment for less than twelve months during any fiscal year shall be prorated. In accordance with rules and regulations established by the board, a classified employee may be granted additional
63 years of experience not to exceed the actual number of years
64 of prior, relevant work or experience at accredited
65 institutions of higher education other than state
66 institutions of 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 monthly salary for each pay grade in accordance with years
4 of experience: Provided, That payment of the minimum
5 salary shall be subject to the availability of funds, and
6 nothing in this article shall be construed to guarantee
7 payment to any classified employee of the salary indicated
8 on the schedule at the actual years of experience. The
9 minimum salary herein indicated shall be prorated for
10 regular part-time classified employees.

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§18-26B-4. Establishment of personnel classification system; assignment to classification and to salary schedule.

1 Before the first day of July, one thousand nine hundred eighty-six, the board shall establish by board policy a system of job classifications, each classification to consist of related job titles and corresponding job descriptions for each position within a classification, together with the designation of an appropriate pay grade for each job title.
By such date and with consideration to recommendations of the institutions, the board shall furnish each classified employee written confirmation of the assignment to the appropriate classification, job title and pay grade and of the proper placement on the salary schedule pursuant to section three of this article notwithstanding the actual salary paid. Such assignment may be appealed in accordance with article twenty-nine of this chapter: Provided, That nothing herein shall nullify or void prior to the first day of January, one thousand nine hundred eighty-seven, any personnel classification system in effect on the effective date of this article.

§18-26B-5. Classified employee salary.

(a) Each classified employee who is employed by the board on the effective date of this article shall receive for the same employment at the same pay grade during the fiscal year commencing on the first day of July, one thousand nine hundred eighty-six, and thereafter, a monthly salary which is at least equal to the final monthly salary paid such classified employee for the fiscal year commencing on the first day of July, one thousand nine hundred eighty-five, and an annual salary increase of six hundred dollars in addition thereto, to be paid in equal installments within the regular pay periods. Such increase shall be prorated for regular part-time employees or those employed for less than a twelve-month period.

(b) Commencing with the fiscal year beginning on the first day of July, one thousand nine hundred eighty-six, and each fiscal year thereafter, each classified employee with three or more years of experience shall receive an annual salary increase equal to thirty-six dollars times the employee's years of experience, less any incremental salary increase granted in a prior fiscal year and actually incorporated into and becoming an integral part of base salary prior to fiscal year one thousand nine hundred eighty-seven: Provided, That such annual salary increase shall not exceed the amount granted for the maximum of twenty years of experience. These incremental increases shall be in lieu of any salary increase received pursuant to section two, article five, chapter five of this code; shall be in addition to any across-the-board, cost-of-living or
percentage salary increases which may be granted in any fiscal year by the Legislature; and shall be paid in equal installments within the regular pay periods.

(c) Each classified employee whose monthly salary under subsections (a) and (b) of this section is less than the minimum monthly salary for zero years of experience for the appropriate pay grade as set forth in section three of this article shall receive for the fiscal year commencing on July first, one thousand nine hundred eighty-six, additional compensation such that the monthly salary is at least the minimum amount prescribed for the appropriate pay grade at zero years of experience: Provided, That such amounts may be reduced proportionately based upon the amount of funds available for such purpose.

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

(e) Any classified employee may receive merit increases and/or salary adjustments in accordance with policies established by the board: Provided, That funds for such increases and/or adjustments shall be distributed in accordance with board policy and shall be available to all state institutions of higher education on an equitable basis.

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

§18-26B-6. Annual review of classifications and classification system; notice and reports required.

Each institution shall review annually each job description in relationship to the assigned duties and responsibilities, current job title and pay grade of each
classified employee of that institution. Based upon the data
collected through such review, each institution shall
determine which, if any, of its classified employees should
be recommended for a change in job title in order to
conform to the personnel classification system of the board:
Provided, That any classified employee filling a position or
carrying out the duties and responsibilities of a position
normally assigned a higher pay grade in accordance with
the personnel classification system established by the board
shall be recommended for a change in job title or shall be
returned immediately to the duties and responsibilities
outlined in such employee’s appropriate job description.
Each institution shall submit to the board by the first day
of September, one thousand nine hundred eighty-six, and
each year thereafter, a report which shall include the steps
being taken to ensure proper employee classification in
accordance with the appropriate job titles and pay grades
as established by the board, any recommended changes in
job title, the justification for such recommendations, the
effect of such changes on existing personnel, and the fiscal
impact thereof.
Each institution also may submit, as part of its annual
report to the board, recommendations for alterations in job
descriptions or classifications, changes in corresponding
pay grades, or creation of new job titles or classifications.
Such changes, if approved by the board, shall be made a
part of the personnel classification system of the board and
shall be applied uniformly at all institutions: Provided,
That when necessary, the board may order changes in
classifications or changes in job titles upon its own
authority and shall notify the institutions of such changes
within thirty days.
The board, upon receipt and review of the annual report
submitted by each institution, shall notify the reporting
institute by the first day of December, one thousand nine
hundred eighty-six, and each year thereafter, of any action
taken in response to recommendations made by the
institution. Immediately upon receipt of notification of any
changes in the personnel classification system by the board,
the institution shall post copies of such notice in prominent
campus locations. Changes in classification or changes in
job title, as approved by the board, shall be effective no later
than the first day of July of each year. When such changes affect currently employed personnel, each classified employee so affected shall be notified in writing regarding such change and the effect thereof.

§18-26B-7. Conferences regarding personnel classification.

(a) The president of the institution or the designees charged with responsibility to develop any personnel recommendations for inclusion in the institution's annual report to the board shall meet and confer during development of the recommendations with the classified employees who (1) may be affected by proposed recommendations to the board; or (2) have requested a change in job title.

(b) In accordance with the provisions of article twenty-nine of this chapter relating to employee grievance procedures, a classified employee may appeal the initial assignment, any change in the assigned classification or job title, or any change in the system of classification, whether such change is the result of action taken by the board upon its own authority or upon the recommendations of the institutions.

§18-26B-8. Hirings after effective date.

Any individual hired as a full-time classified employee after the effective date of this section shall be assigned by the board, with consideration to any recommendations of the institution, to a placement on the salary schedule which is appropriate to such individual's classification, job title, pay grade and years of experience: Provided, That nothing in this section shall be construed to guarantee to a newly hired classified employee payment of the salary prescribed in section three of this article.

§18-26B-9. Additional employment by mutual agreement; provision for board approval.

In accordance with policy established by the board and by mutual agreement, the president of an institution, or a designated representative, and a classified employee at such institution may agree on duties to be performed by such employee in addition to those duties listed in the job description. The terms and conditions of any such
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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.

Beverly O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1986.

Audrey C. Ellis
Clerk of the Senate

Donald C. Kopp
Clerk of the House of Delegates

Sam Torrence
President of the Senate

Joseph P. Allwright
Speaker House of Delegates

The within ..................this the .............
day of .................. March 26th 1986.

George Allen
Governor
PRESENTED TO THE
GOVERNOR

Date  3/11/16
Time  4:31 p.m.