WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

ENROLLED

SENATE BILL NO. 519

(By Senators Plymear, B麝t & Maynaughton)

PASSED March 12, 1994
In Effect July 1, 1994
ENROLLED

Senate Bill No. 519

(By Senators Plymale, Lucht and Macnaughtan)

[Passed March 12, 1994; to take effect July 1, 1994.]

AN ACT to repeal section six, article nine, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections two, three, five and eleven of said article; to further amend said article by adding thereto a new section, designated section twelve; and to amend article eleven of said chapter by adding thereto a new section, designated section four, all relating to higher education classified employees; repealing section relating to review of classification system requiring notice and reports; defining terms; deleting obsolete provisions; establishing new classified pay schedule; making classified salary schedule subject to appropriation; deleting goal of recognizing outstanding performance; recommending seven hundred fifty dollar salary increase to each classified employee; requiring probationary employment at lower salary with written evaluation; deleting certain policy requirements; providing for minimum salary; and requiring creation of two assistive device depositories for provision of specified services.

Be it enacted by the Legislature of West Virginia:

That section six, article nine, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-
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one, as amended, be repealed; that sections two, three, five and eleven of said article be amended and reenacted; that said article be further amended by adding thereto a new section, designated section twelve; and that article eleven of said chapter be further amended by adding thereto a new section, designated section four; all to read as follows:

ARTICLE 9. CLASSIFIED EMPLOYEE SALARY SCHEDULE AND CLASSIFICATION SYSTEM.


1 As used in this article:

2 (a) "Classified employee or employee" means any regular full-time or regular part-time employee of a governing board, including all employees of the West Virginia network for educational telecomputing and beginning the first day of July, one thousand nine hundred ninety, includes employees at the central office of the governing boards, who hold a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by the appropriate governing board and shall include all employees of the West Virginia network for educational telecomputing;

3 (b) "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 shall 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 be with the appropriate governing board;

4 (c) "Job description" means the specific listing of duties and responsibilities as determined by the appropriate governing board and associated with a particular job title;

5 (d) "Job title" means the name of the position or job as defined by the appropriate governing board;
(e) "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 rules established by the appropriate governing board;

(f) "Pay grade" means the number assigned by the appropriate governing board to a particular job title and refers to the vertical column heading of the salary schedule established in section three of this article;

(g) "Personnel classification system" means the process of job categorization adopted by the appropriate governing board by which job title, job description, pay grade and placement on the salary schedule are determined;

(h) "Salary" means the amount of compensation paid through the state treasury per annum to a classified employee;

(i) "Schedule" or "salary schedule" means the grid of annual salary figures established in section three of this article; and

(j) "Years of experience" means the number of years a person has been an employee of the state of West Virginia and refers to the horizontal 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, 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), section five of this article, employment for less than twelve months during any fiscal year shall be prorated. In accordance with rules established by the appropriate governing board, a classified employee may be granted additional years of experience not to exceed the actual number of years of prior, relevant work or experience at accredited institutions of higher
§18B-9-3. Higher education classified employee annual salary schedule.

There is hereby established a state annual salary schedule for classified employees consisting of a minimum annual salary for each pay grade in accordance with years of experience: Provided, That payment of the minimum salary shall be subject to the availability of funds, and nothing in this article shall be construed to guarantee payment to any classified employee of the salary indicated on the schedule at the actual years of experience absent specific legislative appropriation therefor. The minimum salary herein indicated shall be prorated for classified employees working less than thirty-seven and one-half hours per week.

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§18B-9-5. Classified employee salary.

(a) Each classified employee who is employed by a governing board on the first day of July, one thousand nine hundred ninety-three, shall receive for the same employment at the same pay grade during the fiscal year commencing on such date and thereafter, subject to an appropriation by the Legislature therefor, and in addition to the experience increment increase provided for in subsection (b) of this section, a monthly salary which is at least one hundred twenty-five dollars more than the final base monthly salary paid such classified employee for the fiscal year commencing on the first day of July, one thousand nine hundred ninety-two, to be paid in equal installments within the regular pay periods and to be prorated for classified employees working less than thirty-seven and one-half hours per week.

(b) Commencing with the fiscal year beginning on the first day of July, one thousand nine hundred ninety-one, 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: 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 like manner as the annual payment to eligible state employees of the incremental salary increases based on years of service under the provisions of said section.

(c) 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 rules of the appropriate governing board and shall be available to all state institutions of higher education on an equitable basis.
(d) The current annual 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 appropriate governing board.

§18B-9-11. Institutional salary policies; salary increase authorization.

(a) Beginning with the fiscal year commencing on the first day of July, one thousand nine hundred ninety-four, classified employee salary increases shall be distributed within each state institution of higher education, to the extent of legislative appropriation therefor, in accordance with a written institutional salary policy which does not conflict with the uniform employee classification system and which achieves or moves toward the following goals:

(1) Each classified employee receives at least the amount indicated by the minimum salary schedules pursuant to section three of this article;

(2) Each classified employee within a classification group receives a salary which will achieve salary equity as defined in the uniform employee classification system established pursuant to subsection (b), section four of this article;

(3) Equity among salaries is maintained; and

(4) The institution's classified employees are effectively involved in the administration of the campus-level classified employee salary policy.

(b) Subject to an appropriation by the Legislature therefor, for the fiscal year commencing on the first day of July, one thousand nine hundred ninety-four, seven hundred fifty dollars per full-time classified employee is recommended to be appropriated and distributed in that fiscal year for salary increases to
each classified employee. For the fiscal year commencing on the first day of July, one thousand nine hundred ninety-five, an amount equal to one thousand five hundred dollars per full-time classified employee is recommended to be appropriated and distributed in that fiscal year for salary increases for classified employees, such distribution to be in accordance with the resource allocation policies developed pursuant to the provisions of section two, article five of this chapter and the salary policies required in subsection (a) of this section: Provided, That nothing in this section shall be construed to prohibit future salary increases for classified employees determined to be at the maximum for their pay grade under any new classification system promulgated in accordance with subsection (b), section four of this article and in accordance with policies which shall be adopted by each governing board relating to salary increases for classified employees determined to be at maximum salary.

(c) Subject to appropriations by the Legislature therefor, each classified employee whose annual 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 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.

§18B-9-12. Probationary employees.

Each full-time classified employee hired by the governing boards shall serve an initial six-month probationary period. At the end of said probationary period the employee shall receive a written evaluation of his or her performance. The employee's supervisor shall meet with the employee and explain the contents of said evaluation and whether the employee is being offered regular employment. Probationary employees shall receive five percent less than the agreed upon
entry rate salary for their position in accordance with
the salary schedule set forth in section three of this
article, as determined by the governing board’s policy,
during their probationary employment. Whenever
probationary employment becomes regular employ-
ment, the employee shall receive an immediate five
percent salary increase.

ARTICLE 11. MISCELLANEOUS INSTITUTES AND CENTERS.

§18B-11-4. Depositories for assistive devices and services.

There is hereby created under the authority, super-
vision and direction of the two governing boards of the
state institutions of higher education, two assistive
device depositories, one of which is to be located in a
state supported college or university in the northern
part of the state and the other depository is to be
located in a state supported college or university in the
southern part of the state. Each assistive device
depository shall obtain assistive devices either through
public or private funding, develop an inventory of
assistive devices and services for individuals with
disabilities, catalog equipment, receive and fulfill
requests, track and maintain assistive devices.

In coordination with the secretary of education and
the arts, the governing boards shall establish the
depositories upon receipt of line item appropriations
by the Legislature for such purposes. Educational
agencies, including public and private educational
agencies, public and private service agencies, individ-
uals, families and communities shall have access to
these depositories and the equipment and services
available at each depository. Public and private higher
education institutions shall have priority access to the
depositories.

Each depository shall coordinate its activities with
the West Virginia assistive technology system at the
university affiliated center for developmental disabil-
ities. Each depository shall undertake outreach efforts
and shall coordinate services and equipment programs
with other state and local agencies to share resources.
Services to individuals with disabilities in higher
education shall include, but not be limited to: Inter-
preters for the deaf, peer tutors, note takers, readers
for the blind; and shall further be defined as commu-
nity service under provisions of the national and
community service act and other applicable state and
federal statutes.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originated in the Senate.

To take effect July 1, 1994.

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

The within is approved this the ___ day of Maine, 1994.

Governor

[Signature]
PRESENTED TO THE
GOVERNOR
Date 3/30/94
Time 12:50 PM