

SB # 519

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 519

(By Senators Plymale, Kucht & Maxnaughton)



PASSED March 12, 1994

In Effect July 1, 1994 Passage

E N R O L L E D

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-

one, as amended, be repealed; that sections two, three, five and eleven of said article be amended and reenacted; that said article be further amended by adding thereto a new section,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.

§18B-9-2. Definitions.

1 As used in this article:

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

14 (b) "Nonclassified employee" means an individual
15 who is responsible for policy formation at the institu-
16 tional level or reports directly to the president:
17 *Provided*, That the percentage of personnel placed in
18 the category of "nonclassified" at any given institution
19 shall not exceed four percent of the total number of
20 employees of that institution who are eligible for
21 membership in any state retirement system of the
22 state of West Virginia or other retirement plan auth-
23 orized by the state. Final approval of such placement
24 shall be with the appropriate governing board;

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

29 (d) "Job title" means the name of the position or job
30 as defined by the appropriate governing board;

31 (e) "Merit increases and salary adjustments" means
32 the amount of additional salary increase allowed on a
33 merit basis or to rectify salary inequities or accommo-
34 date competitive market conditions in accordance with
35 rules established by the appropriate governing board;

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

40 (g) "Personnel classification system" means the
41 process of job categorization adopted by the appropri-
42 ate governing board by which job title, job description,
43 pay grade and placement on the salary schedule are
44 determined;

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

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

51 (j) "Years of experience" means the number of
52 years a person has been an employee of the state of
53 West Virginia and refers to the horizontal column
54 heading of the salary schedule established in section
55 three of this article. For the purpose of placement on
56 the salary schedule pursuant to said section, employ-
57 ment for nine months or more shall equal one year of
58 experience, but no classified employee may accrue
59 more than one year of experience during any given
60 fiscal year. Employment for less than full time or less
61 than nine months during any fiscal year shall be
62 prorated. For the purpose of determining the amount
63 of annual salary increase pursuant to subsection (b),
64 section five of this article, employment for less than
65 twelve months during any fiscal year shall be prorat-
66 ed. In accordance with rules established by the
67 appropriate governing board, a classified employee
68 may be granted additional years of experience not to
69 exceed the actual number of years of prior, relevant
70 work or experience at accredited institutions of higher

71 education other than state institutions of higher
72 education.

§18B-9-3. Higher education classified employee annual salary schedule.

1 There is hereby established a state annual salary
2 schedule for classified employees consisting of a
3 minimum annual salary for each pay grade in accor-
4 dance with years of experience: *Provided*, That pay-
5 ment of the minimum salary shall be subject to the
6 availability of funds, and nothing in this article shall
7 be construed to guarantee payment to any classified
8 employee of the salary indicated on the schedule at
9 the actual years of experience absent specific legisla-
10 tive appropriation therefor. The minimum salary
11 herein indicated shall be prorated for classified
12 employees working less than thirty-seven and one-half
13 hours per week.

14 **HIGHER EDUCATION**
15 **CLASSIFIED EMPLOYEE ANNUAL**
16 **SALARY SCHEDULE**
17 **YEARS OF EXPERIENCE**

18	PAY	0	1	2	3	4	5	6	7	8
19	GRADE									
20	1	10,092	10,788	11,028	11,268	11,508	11,760	12,012	12,276	12,540
21	2	10,392	11,340	11,592	11,844	12,108	12,372	12,648	12,924	13,212
22	3	10,716	11,928	12,192	12,468	12,756	13,044	13,332	13,632	13,944
23	4	11,040	12,564	12,852	13,140	13,440	13,752	14,076	14,400	14,724
24	5	11,376	13,236	13,548	13,872	14,196	14,520	14,868	15,216	15,576
25	6	11,736	13,968	14,304	14,652	15,000	15,360	15,720	16,104	16,488
26	7	12,396	14,760	15,120	15,492	15,864	16,248	16,644	17,052	17,460
27	8	13,116	15,612	15,996	16,392	16,800	17,220	17,640	18,084	18,528
28	9	13,884	16,524	16,944	17,376	17,808	18,264	18,720	19,188	19,680
29	10	14,712	17,520	17,964	18,432	18,900	19,392	19,884	20,388	20,916
30	11	15,612	18,588	19,080	19,572	20,076	20,604	21,144	21,696	22,260
31	12	16,596	19,752	20,268	20,808	21,360	21,924	22,500	23,100	23,712
32	13	17,640	21,000	21,564	22,140	22,740	23,352	23,976	24,624	25,284
33	14	18,780	22,356	22,968	23,592	24,240	24,900	25,572	26,280	27,000
34	15	20,004	23,820	24,480	25,164	25,860	26,580	27,312	28,068	28,848
35	16	21,348	25,416	26,124	26,868	27,624	28,392	29,196	30,012	30,864
36	17	22,800	27,144	27,912	28,716	29,532	30,372	31,248	32,136	33,048

37	18	24,372	29,016	29,856	30,720	31,608	32,520	33,468	34,440	35,436
38	19	26,088	31,056	31,968	32,904	33,864	34,860	35,892	36,948	38,028
39	20	27,948	33,264	34,260	35,280	36,336	37,416	38,532	39,672	40,860
40	21	29,964	35,676	36,756	37,872	39,012	40,188	41,400	42,648	43,944
41	22	32,172	38,304	39,480	40,692	41,928	43,212	44,544	45,900	47,304
42	23	34,584	41,172	42,456	43,764	45,120	46,524	47,964	49,452	50,988
43	24	37,212	44,304	45,696	47,124	48,612	50,136	51,708	53,328	55,008
44	25	40,080	47,712	49,236	50,796	52,416	54,084	55,800	57,576	59,412

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**HIGHER EDUCATION
CLASSIFIED EMPLOYEE ANNUAL
SALARY SCHEDULE
YEARS OF EXPERIENCE**

49	PAY	9	10	11	12	13	14	15
50	GRADE							
51	1	12,804	13,080	13,368	13,656	13,956	14,256	14,568
52	2	13,500	13,800	14,112	14,424	14,736	15,072	15,396
53	3	14,256	14,580	14,904	15,240	15,588	15,936	16,296
54	4	15,060	15,408	15,768	16,128	16,500	16,884	17,268
55	5	15,936	16,308	16,692	17,088	17,484	17,892	18,312
56	6	16,872	17,280	17,688	18,120	18,552	18,996	19,440
57	7	17,892	18,324	18,768	19,224	19,692	20,172	20,664
58	8	18,984	19,452	19,932	20,436	20,940	21,456	21,984
59	9	20,172	20,676	21,204	21,732	22,284	22,848	23,412
60	10	21,456	21,996	22,560	23,148	23,736	24,348	24,972
61	11	22,836	23,436	24,036	24,672	25,308	25,968	26,652
62	12	24,336	24,984	25,644	26,328	27,024	27,732	28,464
63	13	25,968	26,664	27,384	28,116	28,872	29,652	30,444
64	14	27,732	28,488	29,268	30,072	30,888	31,728	32,604
65	15	29,652	30,468	31,320	32,184	33,072	33,996	34,932
66	16	31,728	32,628	33,540	34,488	35,460	36,456	37,488
67	17	33,996	34,968	35,964	36,996	38,052	39,132	40,260
68	18	36,468	37,524	38,604	39,720	40,872	42,060	43,284
69	19	39,144	40,296	41,484	42,696	43,956	45,252	46,572
70	20	42,072	43,332	44,616	45,948	47,316	48,732	50,172
71	21	45,264	46,632	48,048	49,500	50,988	52,524	54,120
72	22	48,756	50,244	51,780	53,364	55,008	56,688	58,416
73	23	52,560	54,192	55,872	57,612	59,388	61,236	63,132
74	24	56,736	58,512	60,348	62,244	64,200	66,216	68,304
75	25	61,296	63,240	65,256	67,332	69,468	71,676	73,956

§18B-9-5. Classified employee salary.

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

17 (b) Commencing with the fiscal year beginning on
18 the first day of July, one thousand nine hundred
19 ninety-one, and each fiscal year thereafter, each
20 classified employee with three or more years of
21 experience shall receive an annual salary increase
22 equal to thirty-six dollars times the employee's years
23 of experience: *Provided*, That such annual salary
24 increase shall not exceed the amount granted for the
25 maximum of twenty years of experience. These
26 incremental increases shall be in lieu of any salary
27 increase received pursuant to section two, article five,
28 chapter five of this code; shall be in addition to any
29 across-the-board, cost-of-living or percentage salary
30 increases which may be granted in any fiscal year by
31 the Legislature; and shall be paid in like manner as
32 the annual payment to eligible state employees of the
33 incremental salary increases based on years of service
34 under the provisions of said section.

35 (c) Any classified employee may receive merit
36 increases and/or salary adjustments in accordance
37 with policies established by the board: *Provided*, That
38 funds for such increases and/or adjustments shall be
39 distributed in accordance with rules of the appropriate
40 governing board and shall be available to all state
41 institutions of higher education on an equitable basis.

42 (d) The current annual salary of any classified
43 employee may not be reduced by the provisions of this
44 article nor by any other action inconsistent with the
45 provisions of this article, and nothing in this article
46 shall be construed to prohibit promotion of any
47 classified employee to a job title carrying a higher pay
48 grade if such promotion is in accordance with the
49 provisions of this article and the personnel classifica-
50 tion system established by the appropriate governing
51 board.

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

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

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

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

18 (3) Equity among salaries is maintained; and

19 (4) The institution's classified employees are effec-
20 tively involved in the administration of the campus-
21 level classified employee salary policy.

22 (b) Subject to an appropriation by the Legislature
23 therefor, for the fiscal year commencing on the first
24 day of July, one thousand nine hundred ninety-four,
25 seven hundred fifty dollars per full-time classified
26 employee is recommended to be appropriated and
27 distributed in that fiscal year for salary increases to

28 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.

48 (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.

1 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

10 entry rate salary for their position in accordance with
11 the salary schedule set forth in section three of this
12 article, as determined by the governing board's policy,
13 during their probationary employment. Whenever
14 probationary employment becomes regular employ-
15 ment, the employee shall receive an immediate five
16 percent salary increase.

ARTICLE 11. MISCELLANEOUS INSTITUTES AND CENTERS.

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

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

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

25 Each depository shall coordinate its activities with
26 the West Virginia assistive technology system at the
27 university affiliated center for developmental disabili-
28 ties. Each depository shall undertake outreach efforts
29 and shall coordinate services and equipment programs
30 with other state and local agencies to share resources.
31 Services to individuals with disabilities in higher

32 education shall include, but not be limited to: Inter-
33 preters for the deaf, peer tutors, note takers, readers
34 for the blind; and shall further be defined as commu-
35 nity service under provisions of the national and
36 community service act and other applicable state and
37 federal statutes.

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

[Handwritten signature]
.....
Chairman Senate Committee

[Handwritten signature]
.....
Ernest C. Moore
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1994.

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.....
Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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.....
Speaker House of Delegates

The within *is approved* this the *30th* day of *March*, 1994.

[Handwritten signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/94

Time 12:51pm