

# Employee Reference Manual



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# A Message from the President

Congratulations on your employment with West Virginia Northern Community College! We would like to welcome you as a new member of our team and wish you a successful and enjoyable career. Each employee is important and his or her performance contributes to the overall mission and success of our students and the institution.

The Employee Reference Manual provides the employees with useful information about policies, procedures, services, and activities at WVNCC. It is not intended to be an all-inclusive document, but to serve as a guide to rules, administrative policies and procedures as well as to relevant policies and procedures of The West Virginia Community and Technical College System.

Dr. Daniel Mosser  
President

## Introduction

### Campus locations

Wheeling Campus  
1704 Market Street  
Wheeling, WV 26003  
Phone: (304) 233-5900

Weirton Campus  
150 Park Avenue  
Weirton, WV 26062  
Phone: (304) 723-2210

New Martinsville Campus  
141 Main Street  
New Martinsville, WV 26155  
Phone: (304) 455-4684

### Institutional Mission Statement

West Virginia Northern Community College's mission is to educate and empower individuals to achieve academic and career goals, leading to a highly skilled, well-rounded, and accomplished workforce which successfully competes and adapts in a global economy.

The College responds to the needs of the region it serves by offering a high-quality learning environment that is accessible, safe, and accommodating while nurturing teamwork and community service.

### Institutional Vision

West Virginia Northern Community College is recognized and admired for being a community of learners who model integrity, mutual respect, and a commitment to excellence. The College purposefully strives to:

- Empower students to be successful
- Achieve continued growth
- Respect diversity
- Be responsive and adaptive
- Value personal growth and development
- Be fiscally responsible
- Be entrepreneurial whether in the classroom or online, and
- Enhance partnerships and community service

## Institutional Strategic Goals

- Goal 1: Student Success 6
- Goal 2: Workforce Development 8
- Goal 3: Affordable Access 10
- Goal 4: Fiscal Stability

\* The objectives and action items for accomplishing these goals are detailed in the [Strategic Plan Summary](#) on the College website.

## A Pledge to Our Students

*We, the faculty, staff and administrators of WVNCC, reaffirm our commitment to our common mission:  
Excellence in Teaching and Learning.*

*As members of an academic community, we pledge to unite to support the success of all who wish to learn.*

*As faculty, we are a community of scholars who place a top priority on teaching, learning and advising.*

*As staff, we serve the students and the College by facilitating and enhancing the total educational process.*

*As administrators, we provide leadership for the development of students, employees; and we accept the responsibility for quality and accountability to the total development of the Upper Ohio Valley.*

*At West Virginia Northern Community College, the values of the college education and service take precedence over the values of wealth and status.*

## Authority, Scope, and Introduction

This reference manual has been created by the Human Resources Office to serve as a reference for employee policies, rules and definitions. This Employee Reference Manual (ERM) has been prepared only to provide helpful information about the institution and to better summarize your rights, privileges and responsibilities as a West Virginia Northern Community College (WVNCC) and WV State employee created by policy, rules, regulation or law. This ERM also serves to summarize the compensation and benefits of employees as well as the rules, regulations, policies and laws by which WVNCC is governed. Information contained in this ERM may be applicable to all employees. The administration of WVNCC reserves the right to make changes in this document at any time.

The ERM is not intended to be a legal contract and shall not be construed to alter the nature of employment for either the employee or the employer. This ERM shall not create any additional rights that are not otherwise created by applicable policy, rules, regulations or law.

It is the responsibility of every employee to be familiar with the most current ERM and maintain compliance with the guidelines contained therein. Accordingly, the information contained within the ERM is considered important to the employment of every employee. Please be aware that changes in some of this material are inevitable as current rules, policies, regulations and laws are modified and new ones enacted. Again, it is the employee's responsibility to maintain familiarity with the current ERM.

All material in the ERM may be superseded by subsequent adoption of or modification to policies and/or rules developed by the West Virginia Northern Community College Board of Governors (BOG), the West Virginia Council for Community and Technical College Education (WVCTCS), the State of West Virginia and federal regulations or laws. This document merely serves as a summary of the same and is not intended to modify, expand upon or otherwise supplant any policy, rule, regulation or law. If there is a real or perceived conflict between this document and any policy, rule, regulation or law, the any policy, rule,

regulation or law will always control. If any such conflict is identified, it is the employee's responsibility to bring the issue directly to the Chief Human Resources Officer as soon as possible for resolution.

The master copy of the Employee Reference Manual will be updated as changes are made. The master copy is maintained by the Chief Human Resources Officer. A current copy of the Employee Reference Manual will be posted on WVNCC's website. A hard copy is also available in the Human Resources Office. It is the employees' responsibility to periodically review this reference manual and be aware of any changes made.

All employees are entitled to be treated with respect and dignity by supervisors, students and other employees. Employees can expect a safe and healthy working environment free from harassment or discrimination. Likewise, employees are expected to provide a full day's work each day; to behave in a civil, professional manner; to treat all others with respect; and to comply with all laws, rules, policies, and regulations pertinent to College operations. We will strive to provide employees all the necessary tools, training, and assistance to meet their respective responsibilities.

If at any time during your employment you have a question or concern about work related issues, please contact your immediate supervisor, department administrator or a representative from the Human Resources Office. Suggestions for improvement, comments, or corrections to this document are welcomed, and should be directed to the [Chief Human Resources Officer](#).

## Non-Discrimination Statement

West Virginia Northern Community College, pursuant to the requirements of Titles [IV](#), [VI](#), [VII of the Civil Rights Act of 1964](#), [Title IX of the Educational Amendments of 1972](#), [Section 504 of the Rehabilitation Act of 1973](#), and the [Age Discrimination Act of 1975](#), does not discriminate against applicants, employees, or students on the basis of race, color, religion, sex, disability, age, gender, ancestry, marital or parental status or national origin in its employment policies and/or educational programs or activities, including admissions to such.

Inquiries concerning this rule should be directed to Stephanie Kappel, who is designated coordinator for Title IX and Section 504. Her telephone number is 304-214-8900 and her office is located in Room 126, B&O Building, Wheeling campus. Her email address is [skappel@wncc.edu](mailto:skappel@wncc.edu).

# SECTION 1 – INSTITUTIONAL GOVERNANCE

The contents of this section are for informational purposes only and include descriptions developed by the administration.

## 1.1 West Virginia Community and Technical College System

The West Virginia Community & Technical College System (CTCS) coordinates community and technical colleges statewide, partnering with businesses to meet workforce needs and ensuring a meaningful education for our students. Community and technical colleges are an opportunity for West Virginians to get a college education for a reasonable price with on-the-job training in a variety of fields. Students can attend community colleges as an affordable way to work toward a bachelor's degree or to graduate and head right into a good-paying job. And when employers partner with us to meet their workforce needs, students can be assured that those jobs are there when they graduate.

## 1.2 Institutional Board of Governors

WV Northern Community College Board of Governors (BOG) is charged with determining, controlling, supervising, and managing the financial business and education policies and affairs of the institution.

The BOG consists of one faculty member, one staff member, one student, and nine lay members. Lay members are appointed by the Governor. Staff, faculty, and students hold elections from within their constituencies to select representatives to BOG. All BOG positions are voluntary.

### Board of Governors Members

Chair: David Artman

Vice Chair: Shelly Thomas

Secretary: Larry Lemon

Brann Altmeyer

Richard Barnabei

Robert "Bob" Contraguerro, Jr.

Amy Dobkin

Christine Mitchell

Faculty Representative: Christian Kefauver

Staff Representative: Shelly Reager

Student Representative: Matt Van Fossen

# Section 2 – INSTITUTIONAL OPERATIONS

## 2.1 Sources of Authority

The operations of the institution are mandated by a number of statutory, rule and policy sources. These include federal and state laws and regulations, WVCTCS policies, BOG institutional rules, and administrative procedures.



**West Virginia Code**  
**WVCTCS Policies**  
**Rules/Policies**  
**Administrative Procedures**

## 2.2 Organization Charts

Organization charts illustrate WVNCC's departments and their interrelationships within the College. The WVNCC [organization chart](#) is available on the College website.

## 2.3 The President

The President is the Chief Executive Officer of the institution. The President is appointed by the BOG subject to approval by the WV Council for Community and Technical College Education. He or she reports to the BOG and is responsible for the establishment and implementation of all institutional rules and goals as well as the acquisition of sufficient resources to achieve institutional goals.

### **2.3.1 The President's Cabinet**

The President's Cabinet consists of the President, Vice Presidents, Chief Human Resources Officer, and Director of Marketing and PR. The President's Cabinet is a forum for discussion of institutional issues to be vetted before presentation to the larger community for discussion.

#### **President's Cabinet Members**

Dr. Daniel Mosser, President

Dr. Jill Loveless, Provost

David Barnhardt, Director of Marketing and PR

Vacant, Chief Human Resource Officer

Janet Fike, Vice President of Student Services

Jeff Sayre, Vice President of Administrative Services/CFO

Purnima Sharma, Vice President Institutional Research and Effectiveness

Larry Tackett, Vice President for Workforce Development

### **2.3.2 The President's Council**

The President's Council normally consists of President's Cabinet and all supervisors and the chair persons of the Faculty Assembly and the Staff Councils. The President's Council is a forum for development and discussion of institutional issues and is used to enhance dissemination of information throughout the institution. The President's Council is also used to provide continued training to supervisors within WVNCC.

## 2.4 Delegated Authority

The Board of Governors and the President have the authority to delegate duties to other employees

### **2.4.1 President**

The BOG has delegated the responsibility for final approval of the employment and termination of all employees to the President. These decision making responsibilities cannot be "delegated" further by the President. However, the day-to-day management and supervision of employees must be assigned by the President to the appropriate supervisor.

#### **2.4.2 Provost**

Among those to whom the President has delegated major academic responsibilities is the Provost. The duties of this position include providing leadership for the development, maintenance and improvement of quality instruction and academic support services across three campuses.

#### **2.4.3 Vice President of Student Services**

Oversee the leadership and college-wide visioning for planning, analyzing and evaluating the College's enrollments management functions.

#### **2.4.4 Vice President of Administrative Services**

Oversee the leadership and college-wide visioning for planning, analyzing and evaluating the College's financial operations.

#### **2.4.5 Vice President of Economic and Workforce Development**

Oversee the leadership and overall direction for the economic and workforce development area of the College including setting goals, developing programming for all three campuses and coordinating activities of all programmatic sectors within the area.

#### **2.4.6 Vice President of Institutional Effectiveness**

Oversee the leadership of the College Strategic Plan and Institutional effectiveness under the direction of the President.

#### **2.4.7 Chief Human Resources Officer**

Among those to whom the President has delegated major personnel responsibilities is the Chief Human Resources Officer. The duties of this position include but are not limited to advising the President on human resources rules, policies, regulations, best practices, coordinating the process of acquiring new employees, ongoing employee relations, and ensuring institutional compliance with state and federal laws as well as WVCTCS and policies pertaining to human resources.

The Chief Human Resources Officer is also responsible for ensuring all reasonable actions are taken to protect employee rights and privileges as well as coordinating in-service training and enrichment programs. The Human Resources Office is responsible for maintaining personnel files on each employee.

The Chief Human Resources Officer, as the designated Affirmative Action Officer, monitors and ensures that all institutional policies and procedures are in compliance with affirmative action laws, rules and guidelines and advises the President on any matters that have potential affirmative action impact.

#### **2.4.8 Director of Marketing and PR**

Oversee and provide leadership initiative in the strategic and operational planning of the College's marketing efforts. Serve as the clearinghouse for approvals of materials intended for public dissemination. Direct the dissemination of information to various news media.

#### **2.4.9 Manager/Campus Operations**

Provide daily operations of the campus. Serve as the principal liaison with the community, local schools, agencies and organizations within the campus service area. Implement strategies to continuously move the campus forward while working with internal and external stakeholders.

#### **2.4.10 Supervisor**

Supervisors have the responsibility of assigning the specific duties based on the written job description to the employee, defining how they are to be accomplished and specifying timelines for completion of individual tasks. The supervisor will provide day to day leadership and guidance to the employee. The supervisor will evaluate the performance and assist employees in any areas indicating a need for modification or improvement.

WVNCC has established guidelines for professional conduct, appropriate dress and how to interact with students, faculty, co-workers, other administrators and the general public both within and outside WVNCC. It should be the goal of all employees to provide effective, timely, and courteous service to all customers and other employees.

Employees are encouraged to seek assistance from their direct supervisor on any questions, suggestions or concerns. There may be situations which warrant the employee to speak directly with the department administrator regarding the question, suggestions or concern. All employees are also permitted and encouraged to speak directly with the Chief Human Resources Officer and/or President if a situation warrants such.

### 2.5 Institutional Committees, Councils, and Associations

#### **2.5.1 Staff Council**

The Staff Council advises the President and/or Chief Human Resources Officer in matters concerning the staff.

#### **2.5.2 The Faculty Assembly**

The Faculty Assembly is the traditional collegial body for faculty discussion and deliberation on the various issues affecting the College and for adopting recommendations on College policy, procedures and programs. The Faculty Assembly advises the Provost in matters concerning the faculty.

New officers are elected during the April Faculty Assembly meeting (each even-numbered year). A full-time faculty member serves as faculty representative on the Board of Governors. The faculty member shall serve for a term of two years. Faculty members are eligible to succeed themselves for three additional terms, not to exceed a total of eight consecutive years.

#### **2.5.3 The Student Government Association**

The Student Government Association (SGA) maintains communication among all members of the student body and acts as the representative of the student body to the faculty, staff, administration, fellow professionals, and the public at large. The Executive Committee of the SGA consists of its elected officers, including the President, Vice President, Secretary, Treasurer, the Student Representative to the Board of Governors, and the Student Representative to the State Advisory Council of Students.

#### **2.5.4 Other Committees**

Employees may be asked to serve on a committee or may be required as part of their job responsibilities to serve on various committees.

## SECTION 3 – Employee Classifications

WVNCC employs individuals in a variety of positions to meet its institutional needs as defined below.

- Staff (exempt and non-exempt) Faculty (exempt)
- Adjunct Faculty (exempt) Part-time (non-exempt)
- Temporary (non-exempt) Work-study (non-exempt)

### 3.1 Staff (Non-Classified)

In March 2015, [Senate Bill 439](#) changed the definition of a non-classified position to the following:

1. *Holds a direct policy-making position at the department or organization level; or*
2. *Reports directly to the President or chief executive officer of the organization; or*
3. *Is in a position considered by the President to be critical to the institution pursuant to policies adopted by the governing board.*

#### **3.1.1 Full-time Regular Staff (FTR)**

A full-time regular staff is defined as any employee in a staff position created to last a minimum of nine months of a consecutive twelve-month period and is expected to work no less than 1,040 hours during said period. The full time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Is eligible for all applicable benefits, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE.

#### **3.1.2 Part-Time Regular Employee (PTR)**

Any employee in a position created to last less than 1,040 hours during a consecutive twelve-month period. An employee in a PTR position is not eligible for benefits.

### 3.2 Temporary Employee

Any employee hired into a position expected to last fewer than nine months of a consecutive twelve-month period and work less than 1,040 hours. A temporary employee is not eligible for benefits. Length of time as a temporary employee will not be credited toward seniority calculations.

### 3.3 Casual Employee

Any employee hired into a position created to meet specific operational needs for no more than 225 hours in a twelve-month period. are not eligible for benefits. A casual employee must be paid at least minimum wage in accordance with federal and state wage/hour laws. Length of time as a casual employee will not be credited toward seniority calculations.

### 3.4 Student

Individual enrolled as a student. A student employee serves at the will and pleasure of the President or his/her designee, and can be terminated at any time. An individual that terminates or loses his or her status as a student also is deemed terminated as a student employee at the same time. A student employee is not eligible for benefits.

### 3.5 Faculty

#### **3.5.1 Full-Time Faculty**

Faculty are not considered staff employees or subject to the classification program.

Full-time faculty may fall into one of the following classifications:

### **3.5.1.1 Tenured**

Tenured faculty members are those who have attained tenure status as determined by the College. Normally, tenured appointments are full-time (1.00 FTE or the equivalent, as determined by WVNCC) for the academic year.

### **3.5.1.2 Term**

Faculty members who have been appointed for a specified term as defined by WVNCC. The appointment may be full-time (1.00 FTE or the equivalent, as determined by WVNCC) or part-time. While a full-time term faculty member is eligible to receive reappointment to additional terms, no single term may exceed three years. No number of term appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty.

Faculty appointed to tenured or term positions at any institution shall be appointed in one of the following ranks: Instructor; Assistant Professor; Associate Professor; Professor.

## **3.5.2 Instructional Specialist**

Faculty members who have been appointed minimally on a nine-month basis and an hourly workload. The appointment is for a specified term not to exceed three years. The instructional specialist is eligible to receive reappointment to additional terms. No number of term appointments shall create any presumption of a right to appointment as a tenure-track or tenured faculty. In addition to teaching, instructional specialists will have responsibilities for various academic support activities.

Faculty appointed to instructional specialists at any institution may be appointed to one of the following ranks: Instructor/Instructional Specialist; Assistant Professor/Instructional Specialist; Associate Professor/Instructional Specialist; Professor/Instructional Specialist.

Term faculty and instructional specialists hold appointments that are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments. Term faculty and instructional specialist appointments are only for the periods and for the purposes specified, with no other interest or right obtained by the person appointed by virtue of such appointment.

## **3.6 Adjunct Faculty**

Adjunct faculty serve as temporary faculty whose appointments are for a specific limited period. Adjunct faculty are eligible to receive reappointment; however, no number of appointments shall create any presumption of a right to reappointment or designation as tenured or full-time faculty. Adjunct faculty has instructional responsibilities consistent with the laws, rules, and procedures which guide all faculty.

Compensation for Adjunct faculty is determined according to credit hours or equivalent, with credit hours not normally exceeding 9 hours per semester or 18 hours per academic year, excluding summer sessions.

Adjunct faculty have no guarantee of continuous employment.

Compensation for adjunct teaching would therefore not be in alignment with WVNCC adjunct faculty salary schedule, which represents equitable compensation. Therefore, the only teaching permitted by a non-exempt employee is teaching that is part of his or her normal job responsibilities.

Note: This administrative procedure does not apply to administrators and staff employees that are required to teach specific courses as part of their normal job responsibilities with no additional compensation or to administrators maintaining faculty rank status.

## SECTION 4 – HIRING PRACTICES

### 4.1 [Posting of Positions](#)

Employment opportunities are maintained by the Human Resources Office under the direction of the President. Along with several external publications and/or websites, the job announcements are listed on the Human Resources website and on WVNCC internal posting boards for a minimum of seven (7) days, when possible. Most job announcements run concurrently internally and externally.

### 4.2 Applying for a position

NEOGOVS serves as our online applicant tracking system. All employment applications are received through the applicant tracking system. For assistance, contact the Human Resources Office (304-214-8902).

### 4.3 [Nepotism](#)

Nepotism means favoritism shown or patronage granted in employment matters by a College employee to relatives or cohabitating partners without giving public notice and consideration to other qualified applicants.

### 4.4 [Conflict of Interest](#)

A conflict of interest exists when any employee, his or her spouse, and/or child immediate family member furnishes the institution goods, services, or any other thing for payment other than contract salary or wage. This includes any entity in which the employee his or her spouse or immediate family member owns, or holds at least a five percent (5%) interest in all outstanding stock. This does not apply to: services provided to WVNCC through a grant, contract, or other arrangement with an outside agency.

Employees with direct purchasing authority may not have any benefits, direct or indirect, in the purchase of commodities or services. Employees may not accept or receive, directly or indirectly, from any person, firm or corporation, any items, or have an interest in any bid, contract or purchase, by rebate, gift or otherwise, any money or thing of value, or any promise, obligation or contract for future reward or compensation.

Conduct by an employee constituting a conflict of interest may be grounds for disciplinary action, up to and including dismissal.

For further information employees should consult the [W.Va. Ethics Committee Handbook](#).

### 4.5 Fair Labor Standards Act (FLSA) Exempt and Non-exempt Personnel

According to the [Fair Labor Standards Act \(FLSA\)](#), employees are either exempt or non-exempt. Exempt or Non-Exempt status is not relevant to one's level of skill or work ethic, but rather with the duties performed and the employer's obligation under the Fair Labor Standards Act to ensure all hours worked by a non-exempt employee are recorded and paid correctly.

#### 4.5.1 Exempt

Exempt employees are not protected by overtime or minimum wage provisions, and therefore may not receive overtime compensation or comp time for hours worked over 37.5 hours per workweek. Exempt full-time employees are expected to maintain a minimum level of 37.5 hours on the job in a given workweek.

Employees engaged in supervisory, executive, managerial, professional jobs or faculty members are generally considered exempt and are not compensated for overtime. In most instances, exempt employees will be required to work additional time without receiving overtime

compensation. These employees' schedules may vary from the standard work period and are not required to complete time sheets.

#### **4.5.2 Non-exempt**

Those employees generally considered non-exempt include clerical/secretarial, skilled crafts, service/maintenance, and technical/paraprofessional. The standard work week for non-exempt employees is thirty seven and a half hours (37.5 hours). Non-exempt employees are paid their regular hourly rate up to 37.5 hours in a standard work week.

##### **4.5.2.1 Overtime**

Non-exempt employees are paid at their regular hourly pay rate for work time between thirty-seven and one-half (37 ½) hours and forty (40) hours in a standard work week.

Overtime pay for non-exempt employees does not commence until forty (40) hours have actually been worked within one (1) standard workweek. Non-exempt employees shall be provided additional pay or compensatory time off for hours worked in excess of 40 hours during the standard work week.

*Only actual hours worked are included in calculation of overtime. Pay which is received for holidays, annual leave, sick leave or work release time is not counted as working hours for purposes of overtime.*

##### **4.5.2.2 Maintenance Overtime process (Maintenance including Janitorial)**

Overtime is assigned by seniority within the department.

##### **4.5.2.3 Overtime Approval**

Non-exempt employees are not permitted to work beyond the 37.5 hours a week without prior approval from your Supervisor and the Chief Human Resources Officer. Supervisors may approve overtime for up to 2.5 hours per week without prior approval from Human Resources as needed to cover essential functions. Supervisors must approve planned overtime or be informed ASAP for unplanned situations. Supervisors and employees are encouraged to adjust hours within the week when at all possible.

We appreciate employee's willingness to work beyond their normal schedule to provide services to our students and take care of emergency situations, we just ask everyone to continue to strive to keep our overtime budget to a minimum.

Any work beyond 40 hours a week requires approval by the Supervisor and Chief Human Resources Officer. Approval must be completed in writing using the proper overtime request form. If an emergency occurs which requires an employee to work overtime the employee is required to contact your supervisor immediately. Supervisors may adjust hours within the work week to accommodate the needs of the College. For APPROVED hours worked beyond that amount, overtime compensation or compensatory time off will be granted.

##### **4.5.2.4 Rate of overtime pay**

Overtime pay for non-exempt employees is calculated at the rate of one and one-half (1 ½) times the regular hourly rate. Employees can calculate their overtime rate by multiplying 1 ½ by their total base salary which includes any incremental pay and dividing by 1,950 hours.

## **4.6 Equal Pay**

WVCTCS institutions, including WVNCC, are governed by the [Equal Pay Act of 1963](#), as amended in making all job classification and compensation decisions. The purpose of the Act is to ensure that both females and males performing substantially similar work receive equal pay when their jobs require equal skill, effort, and responsibility as defined by the law.



A provision of the Equal Pay Act permits institutions to pay differentials based on individual qualifications, bona fide merit, longevity or other reasons not based on a person's gender.

Any questions concerning employment practices should be directed to the Human Resources Office.

Any complaints based on improper hiring practices must be made in writing directly to the Chief Human Resources Officer within ten (10) business days following identification of the possible improper hiring practices. Appeals of the CHRO response may be made to the President of the College.

#### 4.7 Equal Opportunity and Affirmative Action

Recruitment for all positions will be the responsibility of and coordinated by the Human Resources Office. Individuals serving on search committees will provide recommendations for employment to the Chief Human Resources Officer in proper form for forwarding to the President with assurances of compliance with institutional, state, and federal hiring mandates. In compliance with state and federal statutes, West Virginia Northern Community College, pursuant to the requirements of Titles [IV](#), [VI](#), [VII](#) of the [Civil Rights Act of 1964](#), [Title IX of the Educational Amendments of 1972](#), [Section 504 of the Rehabilitation Act of 1973](#), and the [Age Discrimination Act of 1975](#), does not discriminate against applicants, employees, or students in a protected class in its employment policies and/or educational programs or activities, including admissions to such.

West Virginia Northern Community College (the College) provides equal employment opportunities to all qualified employees and applicants and prohibits discrimination and harassment against any such individuals on the basis of protected characteristics. In addition, the College prohibits discrimination against students on the basis of protected characteristics in educational programs and activities, including admissions to such.

The College considers ethnicity, marital status, race, color, religion, sex/gender, national origin, age (40 and over), disability, genetic information, sexual orientation, gender identity and veteran status as protected characteristics and will not permit discrimination or harassment against any employee, applicant or student on the basis of any such characteristic or any other characteristic protected under applicable federal, state or local law.

The scope of this rule prohibiting discrimination and harassment extends, but is not limited to, the following: recruitment, employment, promotion, transfer, training, working conditions, wage and salary administration, benefits, discipline, promotion, transfer, layoff, termination processes, and the application of all other employment-related policies. These principles of non-discrimination and anti-harassment also apply to educational programs and activities and the selection and treatment of independent contractors, personnel working on any College premises, and any other persons or firms doing business with the College.

The College will provide reasonable accommodations to applicants and employees who need them for medical or religious reasons, as required by law.

The College prohibits retaliating against a person who files a complaint of discrimination or harassment or participates in discrimination or harassment proceedings.

The College will conform both to the letter and the spirit of the law and regulations with respect to prohibiting any such discrimination or harassment and will engage in affirmative action to employ, advance in employment, and treat all qualified persons without discrimination in any employment practices.

Inquiries concerning this rule should be directed to the Assistant to the President, Stephanie Kappel, who is designated coordinator for Title IX and Section 504. Her telephone number is 304-214-8900 and her office is located in Room 126, B&O Building, Wheeling campus. Her email address is [skappel@wvnc.edu](mailto:skappel@wvnc.edu).



## 4.8 Discrimination Appeal

### **Reporting**

Any person who believes that the College stated rule of prohibited discrimination or harassment has been violated can seek redress through College procedures.

1. Any individual who has a complaint about a possible discrimination and/or equal opportunity or harassment, and believed to be out of compliance with the provisions of this rule, should contact the College Equal Employment Opportunity Counselor/Affirmative Action Officer (EEO Counselor/AA Officer) within 10 working days.
2. If the discrimination and/or equal opportunity or harassment complaint is against the EEO Counselor/AA Officer, the individual should contact the President.
3. The EEO Counselor/AA Officer or President shall make an investigation into the matter and should respond within 10 working days, if possible.
4. If the individual is dissatisfied with the response received, the individual may appeal the matter to the President, in writing, within 5 working days of the response.

### **State Grievance Procedure**

The College strives to provide dispute resolution at the lowest level possible. Nothing in this rule prevents an employee from filing a grievance through the State Employee Grievance procedure.

### **Authority**

The Chief Human Resources Officer has been appointed by the President as the Equal Employment Opportunity Counselor/Affirmative Action Officer for the College.

### **Sanctions**

Sanctions may be imposed upon any person under the College jurisdiction who is found to have violated this rule.

Typical student sanctions that may be imposed singly or in combination include, but are not limited to the following:

- a. Admonition
- b. Warning
- c. Disciplinary Probation
- d. Restitution
- e. Suspension
- f. Expulsion

Typical employee sanctions that may be imposed singly or in combination include, but are not limited to the following:

- a. Discussion
- b. Verbal Warning
- c. Written Warning
- d. Suspension
- e. Termination of Employment

Any person (employee, applicant, or student employee) who believe that WVNCC's stated policy of non-discrimination has been violated can seek redress through College procedures.

Any person may appeal administrative decisions, which are believed to be out of compliance with the provisions of the Equal Employment Opportunity Commission or discrimination by contacting, personally or in writing, Human Resources Office, Affirmative Action Officer for the purpose of explaining the complaint.

**Contact Information:**

Affirmative Action Officer  
Chief Human Resources Officer  
Vacant  
WV Northern Community College  
Room 119 B&O Building  
1704 Market Street  
Wheeling WV 26003  
304-214-8901

President  
Dr. Daniel Mosser  
WV Northern Community College  
Room 126 B&O Building  
1704 Market Street  
Wheeling WV 26003  
304-214-8800

## **Section 5 – Seniority and Years of Service Calculation Methods**

### 5.1 Seniority

Unless otherwise specified, seniority is measured by the total number of years of full-time employment in the service of state institutions of higher education and other agencies of state government in West Virginia. Seniority begins on the first day of employment in a full or part-time regular position. Part-time seniority is pro-rated based on the percentage of time employed.

### 5.2 Years of Service Calculation Methods

#### **5.2.2 Nine (9) Month Faculty Placement on the Salary Scale**

One full academic year equals one year

#### **5.2.3 Faculty Promotion**

One full academic year equals one year. Years of service must be completed by January 1<sup>st</sup> of the academic year in which application is made.

**Example:** Faculty member hired August 2009

August 2009 to May 2010= 1 academic year

August 2010 to May 2011= 1 academic year

August 2011 to May 2012= 1 academic year

Faculty member meets the years of service requirement of three years and can apply for promotion in January 2013 for promotion in rank effective August 2013.

#### **5.2.4 WVNCC Service Awards-Faculty**

First year is calculated at nine months-each academic year after that is counted as one year same as WV State Service. WVNCC does not count the amount of time faculty member was

not an employee. After the first academic year the faculty member remains an employee as long as they have an appointment for the next academic year.

### **5.2.5 WVNCC Service Awards-Staff**

Employees must be employed for one full year and must be employed from July 1 through June 30 to count as one year of service.

Example: Employee begins June 30, 2010, and on June 30, 2013, the employee will have completed three full years of service.

Employee begins July 10, 2010, and on June 30, 2013, the employee will have completed two years of service.

### **5.2.6 WV State Service**

This applies to any employee of the State of West Virginia or any spending unit who is eligible for membership in a State retirement plan authorized by the State of WV.

State service awards are prepared for eligible employees who successfully complete 20 or more years of service in increments of 5 years (20-25-30-35-40-45-50-etc. years) Employees must complete their benchmark anniversary between July 1 of the previous year and June 30 of the current year.

Years of service are calculated from beginning day of employment, therefore, if employee begins work on August 1 he or she will receive credit for 11 months.

### **5.2.7 Annual Increment**

#### **5.2.7.1 Full-time and part-time regular staff and twelve-month faculty**

Each twelve months of employment equals one full year of service.

#### **5.2.7.2 Full-time faculty**

Each nine or more months of employment during a fiscal year equals one full year of service.

### **5.2.8 Retirement**

[TIAA/CREF](#) does not use years of service for any calculation purposes.

Consolidated Public Retirement-Year of employment service means employment for at least ten months. [§18-7B-2](#)

### **5.2.9 Annual Leave**

Staff and twelve-month faculty are eligible for annual leave (see section 15.3 for further details).

Annual leave earnings are based on years of service calculated at employee's anniversary date.

Example: Employee hired March 1, 2009; on March 1, 2014, employee is eligible to move up one step on the annual leave earnings chart.

## Section 6 – Faculty

### 6.1 Faculty Promotion

#### 6.1.1 Initial Appointment

#### 6.1.2 Advancement in Rank

### 6.2 Faculty Evaluation

See section 19.3

### 6.3 Faculty Absences

See section 16.4

### 6.4 Faculty Workload

A typical faculty workload will consist of thirty (30) credit hours or 600 contact hours (Allied Health) per academic year and class preparation time and a minimum of ten (10) office hours. The basis for determining the full-time faculty instructional workload is semester credit hours or instructional contact hours for faculty who instruct in laboratory or clinical settings. When the determination is by credit hour, the instructional workload is 15 credit hours per semester or 30 semester credit hours per academic year. The actual credit hours may range from 12 to 18 credit hours per semester, for an annual workload of 30 credit hours.

When the determination is by contact hour, the instructional workload average is 20 contact hours per week for 15 weeks (300 contact hours per semester) or 600 contact hours per academic year. The range of contact hours may vary per week from 16-24 for courses scheduled over 15 weeks or 240 to 360 contact hours per semester.

### 6.5 Course Learning Contract (CLC)

**Insert definition from Provost**

### 6.6 Faculty Supplemental Appointments

Faculty Supplemental Appointments include but may not be limited to Division Chair and Program Directors.

#### 6.6.1 Division Chair (Supplemental Appointment)

Division Chairs provide leadership in curriculum and in faculty development. They are nine-month faculty member with a 10-month supplemental appointment who serve as academic administrators and maintain faculty status. Division Chairs report to the Provost and assist in implementing faculty personnel policies and the supervision of curriculum, courses, methods, and delivery of instruction in their division. Chairs provide supervisory leadership for full-time and part-time faculty and academic program development, implementation, and assessment.

#### 6.6.2 Program Director (Supplemental Appointment)

Provide first-line academic leadership and supervision for the degree programs. Under the supervision of the Division Chairs, the Provost and the President, the Program Directors perform duties for their respective associate degree program.

### 6.6.3 [Administrators with Faculty Rank Teaching](#)

Administrators who have previously earned faculty rank may retain the faculty rank and earned tenure, during their term/s of office as administrator. To maintain that rank and earned tenure, however, the administrator is required to instruct at least one course of three credit hours or more in their field during each eighteen-month period. The teaching assignment is to be approved by the President, with separate appointment and without additional compensation.

### 6.6.4 [Staff Adjunct Faculty Teaching](#)

WVNCC recognizes that some staff members may be qualified for adjunct faculty teaching and therefore have established administrative procedure to provide direction to administrators and staff members who may wish to perform adjunct teaching assignments.

Qualified exempt administrators and exempt staff members who choose to teach as an adjunct faculty member may do so during non-working hours with approval from his or her supervisor that it does not conflict with his or her normal work hours and the operations of the department using the proper approval form. On a rare occasion, WVNCC may approve exceptions to this administrative procedure for exempt employees.

Although WVNCC does recognize that some non-exempt employees may also qualify for adjunct faculty teaching we cannot permit non-exempt employees to have dual employment with WVNCC. According to the [Fair Labor Standards Act](#), "Employees that perform non-exempt work as his or her primary duty, he or she will be considered non-exempt and must be paid overtime for all hours worked over 40 in a week".

## Section 7- Background Checks and Records

All applicants selected for full-time employment, part-time regular, temporary hourly or adjunct faculty shall have a background check completed as a condition of employment with WVNCC. WVNCC conducts the background checks through a third-party vendor.

Background checks include, employment verification, education verification, license verification, criminal history check and sex and violent offender registry check. Credit Checks may be conducted if the position warrants such.

Employees hired prior to July 2010 may be subject to a background check as part of an investigation, when it is necessary to obtain updated information in the interest of college operations, or when a staff member applies for and moves to another position.

## Section 8 – Conduct, Discipline and Grievances

### 8.1 Standards of Conduct

It is the responsibility of each employee to maintain standards of conduct which will complement his/her occupational responsibilities, enable the employee to safely perform his/her duties and responsibilities, and enhance the College's professional image with the public.

All personnel are required to provide a full day's work each day on the job; to behave in a civil, professional manner; to treat others with respect; to comply with State and Federal laws and regulations, and to comply with the WVCTCS and College regulations, rules, and procedures.

All personnel are entitled to be treated with respect and are entitled to file a grievance ([WV Code 29A-6](#)) for work-related disputes free from any retaliation. Contact the Human Resources Office for procedures, information and questions.

## 8.2 [Harassment](#)

Harassment consists of unwelcome or unsolicited behavior, whether verbal, non-verbal, physical, or visual, that is based upon a person's sex, color, race, ancestry, religion, national origin, age, disability, medical condition, marital status, veteran status, citizenship, or other protected group status.

The College is committed to maintaining a work and learning environment including College sponsored activities free of all forms of harassment including sexual harassment and discrimination. Any form of harassment against an employee or student by anyone, including all employees, supervisors, students, outside personnel, vendors or non-employees who have contact with our employees or students, will not be tolerated.

College employees engaging in harassment shall be subject to immediate discipline, up to and including termination.

### **8.2.1 Reporting a complaint**

Any employee who believes he or she has been the subject of harassment, including sexual harassment or discrimination, shall immediately report the incident to the immediate supervisor of the individual involved or the Chief Human Resources Officer without fear of retaliation or reprisal.

ANYONE witnessing harassment of others should report the incident to the Chief Human Resources Officer. Faculty who witness harassment of students by other students in the classroom should seek assistance and guidance as appropriate from the Provost and/or Chief Human Resources Officer.

ANYONE who receives a complaint is to refer the information or individual to the Chief Human Resources Officer immediately.

All complaints will be thoroughly investigated and all complaints and related information will be kept confidential to the extent possible. The results of the investigation will be reported to the parties consistent with College practices regarding disclosure of personnel information.

Any employee or student who has a complaint may bypass the chain of command and proceed directly to the Chief Human Resources Officer.

Any employee or student who has a complaint against the Chief Human Resources Officer may direct complaint directly to the President.

### **8.2.2 Investigation**

It is the responsibility of the Chief Human Resources Officer or designee to coordinate all investigations. All complaints and related information will be kept confidential to the extent possible.

### **8.2.3 Training**

Training will be provided to all employees at the minimum of every two years and at the time of initial hire. Training may consist of in person presentations, webinars, training materials, etc.

### **8.2.4 Authority/Coordinator**

The Chief Human Resources Officer is responsible for implementing and administering the [Harassment and Discrimination Rule](#) as well as serves as the Title IX Coordinator. Adhering to federal regulations, the appropriate College publication will provide contact information for the Title IX Coordinator.

## **8.3 Title IX**

Title IX of the Education Amendments of 1972 protects individuals from discrimination based on sex, in education programs or activities which receive Federal financial assistance (i.e. Work study). Title IX is a federal civil rights law.

No Person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity (on or off campus) receiving Federal financial assistance. By accepting federal funds, institutions agree not to discriminate on the basis of sex.

### **8.3.1 Who is WVNCC's Title IX Coordinator?**

Inquiries concerning this rule should be directed to Stephanie Kappel, WVNCC's designated coordinator for Title IX and Section 504.

1704 Market Street, Office 126, Wheeling, WV 26003

304-214-8900

skappel@wvncc.edu

### **8.3.2 Responsibility and Reporting**

All employees have a responsibility to report to the Title IX Coordinator, Stephanie Kappel any knowledge (direct or indirect) of possible violations of Title IX. In the absence of the Title IX Coordinator, employees are to report possible violations to the Vice President of Student Services, Jane Fike or to the President, Dr. Daniel Mosser.

If any employee has notice, then the institution is on notice for purposes of Title IX liability.

## **8.4 Discrimination and Harassment**

West Virginia Northern Community College is committed to providing its faculty, staff and students with a work and educational environment free from all forms of discrimination and harassment. Therefore, discrimination or harassment, in any manner or form, is a violation of College rule and expressly prohibited.

West Virginia Northern Community College, pursuant to the requirements of Titles IV, VI, VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, does not discriminate against applicants, employees, or students on the basis of race, color, religion, sex, disability, age, gender, ancestry, marital or parental status or national origin in its employment policies and/or educational programs or activities, include admissions to such. Inquiries concerning this rule should be directed to Chief Human Resources Officer WVNCC's designated coordinator for Title IX and Section 504: Chief Human Resources Officer 1704 Market Street, Office 119, Wheeling, WV 26003 304-214-8901.

Please Note: NAME CALLING or FOUL LANGUAGE is not acceptable in the workplace.

## 8.5 Public Notification of Nondiscrimination in Career - Technical Opportunities

This is to advise students, parents, employees and the general public that all career and technical education opportunities are offered at West Virginia Northern Community College without regard to race, color, religion, national origin, sex, age, or disability.

As a comprehensive community college, West Virginia Northern Community College, Wheeling, Weirton, and New Martinsville campuses offer a wide variety of programs and courses in the liberal arts and sciences, career-technical education, work place training, developmental studies, and community and continuing education. Many courses and some programs are available online as a distance education component.

Under an open-door enrollment policy, the College admits all adults desiring postsecondary education. High school students recommended by their schools for early entrance also are admitted. The College admits students as degree seeking or non-degree seeking, or as early entrance high school students or those enrolling in continuing education. Some programs are limited enrollment with specific entrance requirements, including Allied Health.

Applications and information about WVNCC may be obtained from any Campus Service Center, through local high school counselor offices, or online at the College's website at [www.wvncc.edu](http://www.wvncc.edu). There are separate applications for general admission, continuing education and early entrance/home schooled students. General admission student applications may be submitted online or at any Campus Service Center. All general admission students must select a Program of Study at the time of application for admission. A separate application for admission into an Allied Health program is required in addition to the general application.

Student placement skills information is required for all admitted general admission students to determine academic preparation for course placement and program entry. This assessment should be completed prior to enrollment and entry into specific courses and programs.

West Virginia Northern Community College, pursuant to the requirements of Titles IV, VI, VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, does not discriminate against applicants, employees, or students on the basis of race, color, religion, sex, disability, age, gender, ancestry, marital or parental status or national origin in its employment policies and/or educational programs or activities, including admissions to such.

Inquiries concerning this rule should be directed to Stephanie Kappel, who is designated coordinator for Title IX and Section 504. Her telephone number is 304-214-8900 and her office is located in Room 126, B&O Building, Wheeling campus. Email address is [skappel@wvncc.edu](mailto:skappel@wvncc.edu).

## Section 9 – Resignation or Retirement

Upon the successful conclusion of your career with WVNCC, you may resign your services either by resignation or retirement. As a general rule, the more lead time you provide, the better able the Human Resources Office can assist you with your options and benefits and provide a smooth transition.

If you are resigning from your position, a minimum of two weeks (non-exempt) or four weeks (exempt) or one semester (faculty) notice, in writing, is recommended to provide time for your necessary appointments.

Your letter should include the reason for resigning and the last date you will work. Copies should be sent to your immediate supervisor and the Chief Human Resources Officer. A copy will be forwarded from Human Resources to the President.



If you are retiring, a minimum of a month's notice is recommended to enable you to complete all the transactions necessary with Social Security and Medicare (if applicable) and the Human Resources Office.

The Human Resources Office will provide you with the necessary information and forms to complete this action whether you are retiring or resigning.

You will have an exit meeting, when possible, with the Human Resources Office and complete a checklist of all items which have been returned to WVNCC.

## **Section 10 – Discipline**

### **10.1 Staff and Faculty**

WVNCC's Disciplinary Action Rule outlines the means by which the College may provide disciplinary action and/or counseling to correct an employee's work related behavior which does not meet the expectations set by the College, supervisor or other appropriate authority in accordance with the College rules and procedures. The disciplinary rule applies to staff and faculty.

Four-Part Progressive Discipline for Minor Misconduct progressive discipline is the method for remedying instances of inadequate work performance. The four components of progressive discipline are:

1. Verbal warning
2. Written warning
3. Suspension without pay
4. Termination from employment

The components are applied in the order listed. Further details can be located at: [WVNCC Disciplinary Action Rule](#). Employees may respond to discipline or dismissal by filing a written request for a hearing through the grievance procedure. He or she may have representation of choice to assist him or her at any such hearing. A request for such a hearing does not cancel the dismissal.

At the President's discretion, executive level direct reports to the President, may or may not be utilized before suspension or termination.

Employees may respond to discipline or dismissal by filing a written request for a hearing through the grievance procedure. He or she may have representation of choice to assist him or her at any such hearing. A request for such a hearing does not cancel the dismissal.

## **Section 11 – Grievance Procedure for Work Related Disputes**

The College administration supports solving work related disputes at the lowest level possible. Communication is encouraged between employees and supervisors and/or department administrators.

All full-time and part-time regular employees who are in a full-time, part-time or probationary position may seek a resolution of work related disputes through the West Virginia Public Employee Grievance Board. Information concerning the grievance procedure is available to employees on the HR webpage or by request through the Human Resources Office.

Comprehensive information, directions for filing, grievance forms, and procedural timelines can be found on the [West Virginia Public Employees' Grievance Board](#) website. Exceptions include pension

or other retirement system issues, insurance issues, or matters not within the vested authority of the employer.

Parties to a grievance must notify their supervisors in writing in advance when they will be absent from work for grievance proceedings.

### **West Virginia Due Process / WV Public Employees Grievance Board**

**Log on to:** <http://pegboard.state.wv.us>

**Click on:** [Forms for Grievance Process](#)

Please refer to page two (2) of the grievance form when completing this form (page two contains instructions). The form must be completed as accurately as possible. If you have any questions regarding the form, please contact the Grievance Board's office at:

WV Public Employees, Grievance Board

1701 5<sup>th</sup> Avenue, Suite 2, Charleston WV 25387

Phone: (304) 558-3361, Toll Free: (866) 747-6743 Fax: (304) 558-1106 [wvgb@wv.gov](mailto:wvgb@wv.gov)

## **Section 12 – Work Attendance**

### 12.1 [Work Week](#)

The work week is a basic measure; hours for one week cannot be combined with another week for purposes of determination of such matters as compensatory time, overtime, or completion of a full work week.

Consistent with federal labor laws, state, and West Virginia Community and Technical Colleges System (WVCTCS) rules, the College's standard work week for staff begins at 12:00 a.m. on Saturday, ends at 11:59 p.m. the following Friday, and consists of 37.5 hours. Each 14-day pay period will begin on Saturday and end on Friday; paychecks will then be distributed 14 days after the close of the two week pay period accounting for all employees being paid in arrears. Pay days occur every other Friday.

A basic work week for non-exempt staff consists of 37.5 hours per week. A basic work week for exempt non-faculty employees consists of a minimum of 37.5 hours per week.

Unless authorized in writing by the President, no employee shall engage in other employment during their assigned standard work week period.

### 12.2 Regular Work Schedule

WVNCC work hours are scheduled to serve the needs of the students, the community, and the public and the daily operational needs, consistent with the mission.

Based upon the position functions and services in each area, all staff will have an established regular work schedule, established by their supervisors, approved by the President or designee and on file by July 1 of each year in the Human Resources Office. Such regular work schedule should include any changes routinely made to accommodate changes in yearly activities, such as changes in work hours during non-class times.

WVNCC maintains the right to assign and schedule staff in accordance with operational needs and requirements.

### 12.3 Reporting to Work

All employees are expected to report to work on time and be ready to engage in work at the beginning of their work day.

### 12.4 Adjustments to Work Schedule

Any ongoing adjustments in work schedules, more than one (1) week, must be approved by the supervisor and the President or designee and must be communicated to the Chief Human Resources Officer for proper reporting purposes. If you have any questions or concerns, please contact the Human Resources Representative at 304-214-8902.

*It is the responsibility of both the employee and the supervisor to ensure that this process is followed.*

Adjustments to the regular work schedule to accommodate a major event may be approved in order to further the mission and the strategic initiatives of WVNCC. Long term or permanent changes in work schedule should be made with a notification to employee of at least fifteen (15) calendar days, unless the change is caused by an emergency. Adjustments may be done through flexible work schedules.

WVNCC discourages temporary, non-emergency changes in an employee's regular work schedule; however, at times, temporary changes may be required in order to meet needs due to absences of others, peak period demands, special events or to provide for a work/life balance for employees.

### 12.5 Schedule Alteration

At times an individual employee or work situation may best be addressed by an alteration in the hours worked per day (flexible work schedule) and, thus, an alteration in the beginning and ending times each day/week; however, such alterations must be arranged with and approved in advance, should be considered temporary, and are to be done in a manner which positively impacts the functions and service of the position.

### 12.6 Lunch Periods

Full-time staff shall be scheduled for a one-hour lunch period or one-half hour lunch period each day; which time is not included in the number of hours worked per week. The supervisor is responsible for determining the length of and the time for the lunch period; however, to the degree possible, the employee's interests shall be considered. Lunch periods may not be taken at the beginning or end of the work day.

### 12.7 Other Break Periods

Staff may be granted a rest period not to exceed 12 minutes per half day worked. Additional unauthorized time away from the work area must be credited against an appropriate leave accrual. Break periods shall be granted at the discretion of the supervisor. Based upon operational needs, an employee may be required to work without a break period without additional compensation. Breaks may not be taken in conjunction with lunch periods or at the end of the work day. Break time cannot be accumulated. Breaks within authorized time periods are recorded as work hours. Additional breaks (for smoking or otherwise) are not acceptable.

### 12.8 Compensatory Time/Overtime

Non-exempt employees may be asked to work beyond thirty-seven and one-half (37.5) hours per week. Work hours beyond this normal period must be arranged between the supervisor and employee with approval from the Chief Human Resources Officer in advance. Forms are provided for this process. Non-exempt employees may receive compensatory time off in lieu of overtime pay.

## 12.9 Overtime Calculation

Refer to section 5.3.2.1

## 12.10 Non-exempt employee work on Holiday

When a non-exempt employee is required to work on any designated College holiday, that employee has the option to receive regular pay for the holiday plus substitute time off or additional pay at the rate of one and one-half (1 ½) times the number of hours actually worked. The time off must be used within a six-month period following the holiday. A non-exempt employee is an employee that is entitled to overtime benefits as outlined in federal and state law.

## 12.11 Exempt employee work on Holiday

When an exempt employee is required to work on any designated board or institution holiday, that employee shall be given substitute time off on an hour-for-hour work basis. An exempt employee is not covered by the [Fair Labor Standards Act](#) for overtime purposes.

## 12.12 Recordkeeping

Exempt WVNCC time record keeping shall consist of a regular reoccurring timecard in KRONOS. If there is a change to an employee's normal work schedule on a permanent basis, the supervisor is required to notify the Chief Human Resources Officer immediately in writing utilizing the proper form. It is the responsibility of the supervisor to maintain accurate recordkeeping records. Recordkeeping requirements may change as determined and approved by the President or as required by the State or Federal rules, regulation and/or procedures.

## 12.13 Reporting Off Work

Unexpected absences must be reported to the employee's immediate supervisor or designee prior to the start of the work day. Absences are to be reported to the supervisor or designee using the communication tool indicated by the employee's supervisor. If the absence exceeds one day, the employee must notify the supervisor daily, unless otherwise arranged. Absences for three (3) consecutive days without notifying the supervisor will be grounds for disciplinary action, up to and including dismissal.

All absences must be charged to accrued annual, sick leave or emergency leave, whichever is appropriate. If no accrued time is available, lost wages will be reflected in the paycheck. Unpaid leave must be approved by the President or his/her designee.

All leave usage is to be recorded in the leave usage software utilized by WVNCC. The College may require a physician's excuse for the duration of the leave no matter what the length of time off is. Any absences exceeding five (5) days must be brought to the attention of the Chief Human Resources Officer immediately and employee must provide written satisfactory medical documentation to support the absence.

All medical documentation is kept in a confidential file in the Chief Human Resources Officer's Office.

Parties to a grievance must notify his/her immediate supervisor in wiring and in advance if they need to be absent from work for grievance proceedings.

## Section 13 – Types of Leave

### 13.1 General Leave Coverage

Qualified employees of WVNCC are provided a comprehensive leave program as state employees.

Full-time staff and full-time 12-month faculty accrue paid annual and sick leave based on hours worked. Employees working 1,950 hours or more within a 12-month period accrue leave at the full rate.

Part-time Regular employees working between 1,040 and 1,950 hours within a 12-month period receive pro rata leave, and those employees working under 1,040 hours within a 12-month period receive no leave.

The only faculty members who accrue leave are those on 12-month appointments. If an employee works less than a full month or is on unpaid leave during a month, then their annual and sick leave will be accrued on a pro rata basis. Some federal and state leave provisions also apply to part-time employees.

WVNCC is required to keep on file a record showing the current leave status of each leave-earning employee.

Annual leave and sick leave do not accumulate during a terminal leave period, which is that time between the employee's last day of work and his/her last day on the payroll (WVCTCS) ([Title 135, Series 8, Section 4](#)).

A recognized institutional holiday occurring during an employee's paid leave period shall not be considered as a day of leave, provided the employee is not in a terminal leave period (WVCTCS) ([Title 135, Series 38, Section 2](#)).

Throughout this section, a day is defined as 7.5 hours, which is the standard work day of all employees unless designated otherwise by the President or designee such as during summer operational hours.

The following information is a brief synopsis of the leave program. Additional information may be obtained from the Human Resources Office or online. New employees receive training from the Human Resources Office during new employee orientation on the WVNCC Leave Management System. Any employee may request this training from the Human Resources Office.

### 13.2 [Sick Leave](#)

#### 13.2.1 General Provisions

Full time staff employees and 12-month faculty are eligible to earn sick leave immediately upon employment at a rate of 18 days per year/1.50 days each month/11.25 hours. Benefits-eligible part-time employees accrue sick leave on a prorated basis.

There is no limit to the amount of sick leave you can accumulate and carry forward from year to year. Sick leave may be used for your own personal illness, injury, or routine medical/dental appointments and those of your immediate family. Immediate family is defined to include: father, mother, son, daughter, sister, brother, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepfather, stepmother, stepchildren or others considered to be members of the household and living under the same roof. Sick leave may also be used for a death in the immediate family (WVCTCS) ([Title 135, Series 38, Section 5](#)).

Sick leave for more than five consecutive work days requires satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. Failure to provide this proof may result in a decline to approve a sick leave request. An employee having an extended illness lasting longer than one (1) week or serious injury shall, before returning to duty, obtain satisfactory written medical clearance indicating the employee's release to return to work and ability to perform her/his duties. If there is any question as to the employee's ability to perform his or her job responsibilities a medical release may be required before an employee returns to work following an illness or serious injury. WVNCC may require evidence from an employee for verification of an illness or other causes for which leave may be granted under this rule, regardless of the duration of the leave (WVCTCS) ([Title 135, Series 38, Section 5](#)).

### **13.2.2 Pregnancy Related Illness or Disability**

Disabilities caused or contributed to by pregnancy, childbirth, miscarriage, abortion and recovery shall be considered temporary disabilities. These shall be treated the same as any other illness or disability would be treated for sick leave entitlement. WVNCC may require evidence from an employee for verification of an illness or other causes for which leave is granted, regardless of the duration of the leave (WVCTCS) ([Title 135, Series 38, Section 5](#)).

### **13.2.3 Transfer of Sick Leave**

When an employee transfers from other WV agencies of state government or from other WV state institutions of higher education to another WV institution, the employee's accumulated sick leave may be transferred with written approval from the President. Written verification of the accumulated amount of sick leave to be transferred must be provided by the state agency or institution of higher education wherein the employee accumulated the sick leave within one year of the date of employment with the new institution (WVCTCS) ([Title 135, Series 38, Section 2](#)). The employee is responsible to make the request for transfer in writing to the original agency or institution with a copy to the new institution. If transfer is not made within one year of the date of new employment, all accumulated sick leave is forfeited.

### **13.2.4 Reinstatement of Sick Leave Upon Reemployment**

Sick leave provisions are contingent upon continued employment. When the services of an employee have terminated, all sick leave credited to the employee shall be considered cancelled as of the last working day with the institution, and no reimbursement shall be provided for unused sick leave except in the event of applicable retirement. If applicable, sick leave will be converted to insurance coverage consistent with paragraph 10.2.3. Employees who resign in good standing and are later reemployed may have their total accumulated sick leave reinstated, provided the date of termination is one year or less from the date of reemployment. However, if the employee returns to work after more than one year from the date of termination, no more than 30 days of accumulated sick leave may be reinstated. (WVCTCS) ([Title 135, Series 38, Section 5](#)).

### **13.2.5 Donation of Sick Leave**

Employees have the ability to donate sick leave in whole day increments to employees who have been approved for catastrophic leave. Section 16.5 has a detailed description of WVNCC's [Catastrophic Leave](#) procedure.

### **13.2.6 Sick Leave Buy Back Program**

In 2008, the West Virginia Department of Administration distributed procedures for eligible State employees to surrender a portion of their unused sick leave for a taxable cash benefit. Employees who were hired prior to 2001 are eligible for this benefit. Payment is at a rate of

25% of the employee’s usual daily rate of pay. If employees leave State employment within five years from receipt of the funds (except in cases of death or retirement), then they must pay back the funds, plus 12% interest ([Title 148, Series 21](#)).

**13.2.7 Sick Leave Conversion Upon Retirement**

Upon meeting certain requirements, individuals retiring from a State agency or institution may be eligible to apply unused sick leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan, just as they can apply unused annual leave for this purpose. This option is not available to employees hired after July 1, 2001.

For employees enrolled in a PEIA insurance plan on or before July 1, 1988, the conversion factor is: Two days accrued annual or sick leave equal 100% of the premium for one month of single coverage. Three days accrued annual or sick leave equal 100% of the premium for one month of family coverage.

For employees who enrolled in the PEIA insurance plan after July 1, 1988, and before July 1, 2001 with continuous employment since that time, the conversion factor is: Two days of accrued annual or sick leave results in 50% of the premium for one month of single coverage. Three days of accrued annual or sick leave equals 50% of the premium for one month of family coverage.

Individuals employed after July 1, 2001 do not have the benefit of exchanging accrued leave for payment of insurance premiums.

Enrolled before July 1, 1988	2 Days of Sick/Annual =	100% of Single Coverage (1 mo.)
	3 Days of Sick/Annual =	100% of Family Coverage (1 mo.)
Enrolled after July 1, 1988 & before July 1, 2001	2 Days of Sick/Annual =	50% of Single Coverage (1 mo.)
	3 Days of Sick/Annual =	50% of Family Coverage (1 mo.)
Enrolled after July 1, 2001	No Exchanged Benefit	

13.3 [Annual Leave](#)

**13.3.1 General Provisions**

Employees begin earning annual leave immediately upon employment. Annual leave can be used for absences from work and must be approved in advance by your supervisor. Full-time staff and 12-month faculty shall be eligible for up to 24 days leave per year accumulated at a rate of 2.0 days per month from the date of employment. Annual leave is not granted to casual or temporary employees although benefits eligible part-time employees earn annual leave on a prorated basis.

Leave requests are to be submitted using the current recordkeeping/leave system. All leave requires your supervisor’s approval prior to taking leave.

Upon retirement or resignation, you may elect to have your accumulated leave paid to you in a lump sum or receive it over the regular pay periods. Should an employee die while employed by the institution, the value of the accumulated annual leave shall be paid to his/her estate. Employees hired prior to July 1, 2001, may be eligible to apply unused annual or sick leave as a credit toward premium costs for PEIA insurance coverage consistent with 10.2.3.



### **13.3.2 Accumulation Limits**

WVNCC accumulation maximum carryover is two (2) times an employee's annual accrual amount. Employees must be paid for their accrued annual leave at termination or use it as terminal leave to remain on the payroll (WVCTCS) ([Title 135, Series 38](#)). Any amount of accrued annual leave in excess of two times an employee's annual amount is forfeited.

### **13.3.3 Years of Service Credit**

Non-applicable at this time: Annual leave accrual rates for staff are based on the employee's years of service. An annual appointment period of nine months or more of full-time work shall be credited for one year of service for annual accrual rate determination.

### **13.3.4 Scheduling and Use of Annual Leave**

Annual leave requests must be made in writing and approved in advance by the employee's supervisor or authorized designee of the supervisor. Annual leave shall be arranged to fit operating schedules; however, consideration shall be given to all employee requests. Seniority may be considered by the supervisor when approving annual leave requests. An employee may not take leave before it is earned.

### **13.3.5 Transfer of Annual Leave**

Up to 15 days of annual leave may be transferred with an employee from one WV State agency or institution to another. Certification of the balance which existed with the previous employing agency must accompany the request for transfer of annual leave by the employee. The request must be made within one year from the last day of employment with the original agency or institution (WVCTCS) ([Title 135, Series 38, Section 2](#)). Any annual leave in excess of 15 days or leave not timely transferred will be forfeited by the employee.

### **13.3.6 Donation of Annual Leave**

Employees have the ability to donate annual leave in whole day increments to employees who have been approved for catastrophic leave. Section 10.4 has a detailed description of WVNCC's Catastrophic Leave procedure.

### **13.3.7 Payment for Annual Leave Upon Termination**

When an employee's employment is terminated, accrued annual leave will be compensated. This is accomplished either by paying the employee for the value of the leave all at once (lump sum payment) or by the employee remaining on the payroll using terminal leave and applying leave for each day until it has been depleted. In most cases, the employee may choose which option he or she prefers (WVCTCS) ([Title 135, Series 38, Section 3](#); [W.Va. Code § 5-5-3](#)). The employee must notify Human Resources prior to or within five (5) business days following termination which method of payment he or she chooses.

### **13.3.8 Terminal Leave Period**

A terminal leave period is defined as the time between an employee's last day of actual work and the time that the employee's accrued annual leave has expired. In cases where the employee is remaining on the payroll until the expiration of annual leave rather than taking a lump sum payment, the annual leave balance at the time of the last day of actual work is the total annual leave due the employee. During a terminal leave period, no type of leave may be accrued and no holidays are paid. Terminal leave is initiated by the last day of scheduled work, due to resignation, retirement, etc. (WVCTCS) ([Title 135, Series 38, Section 2.4](#)). As long as an employee remains active on the payroll, the employee's benefits, other than



annual and sick leave, will continue and payment for those benefits will continue to be deducted from the employee's paycheck.

During terminal leave, the employee's email will be deactivated, building access will be removed, and the employee is relieved of all responsibilities and decision making.

### **13.3.9 Unused Annual Leave Credits**

In case of an employee's death, the employee's annual leave will be paid in a lump sum payment to his or her estate in the amount allowed by WV law (WVCTCS) ([Title 135, Series 38, Section 4](#)).

### **13.3.10 Annual Leave Conversion Upon Retirement**

Upon meeting certain requirements, individuals retiring from a State agency or institution may be eligible to apply their unused annual leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan, just as they can apply unused sick leave for this purpose. This option is not available to employees hired after July 1, 2001. Please see 10.2.3 for more information.

### **13.3.11 Using Annual or Sick Leave to Increase Retirement Benefits**

An employee who is currently participating in the [WV Consolidated Public Retirement Board \(TRS\)](#) plan may elect to use unused annual vacation and/or sick leave toward an increase in retirement benefits, on the basis of two days of retirement service credit for each day of unused annual or sick leave. (This provision does not apply to full time higher education faculty members employed on an annual contract basis other than 12 months.) Such days will constitute additional service in the computation of the member's retirement annuity. The additional credited service shall not be used in meeting initial eligibility for retirement criteria.

## **13.4 [Catastrophic Leave of Absence](#)**

Catastrophic leave is a wage replacement benefit that is available to full-time staff, and twelve (12) month faculty, for a catastrophic illness. Use of donated credits may not exceed a maximum of twelve (12) continuous calendar months for any one catastrophic illness or injury.

A catastrophic illness is defined as a medically verified illness or injury which is expected to incapacitate an employee and which creates a financial hardship because the employee has exhausted all leave and other paid time off. Catastrophic illness or injury may also include an incapacitated immediate family member if this results in the eligible employee being required to take time off from work to care for the family member and the employee has exhausted all leave and other paid time off. Immediate family member is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step children, or others considered to be members of the household and living under the same roof.

Employees wishing to request catastrophic leave should [submit a written request](#) to the Human Resources Office. Catastrophic leave requests require satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. Failure to provide this proof may result in a denial of approval for the requested catastrophic leave.

Once approved, any other leave earning employee may donate sick or annual leave into a "bank" established to directly transfer these days to the affected employee. Any days donated are to be provided in full day increments in writing, to the Human Resources Office. Donated days are used in order based on the date they were received. Leave days will accrue when an individual is on catastrophic leave. An individual's accrued leave will be used prior to any donated leave. If all donated days are not used, they shall be returned to the donating employee and reflected on his/her leave

balance. Under no circumstances is an employee required to donate time to another employee. This is a totally elective program.

WVNCC has established procedures for direct transfer of sick or annual leave to an employee who has requested and been approved to receive leave donations due to a catastrophic illness or injury. WVNCC recommends employees maintain a minimum of 22 days of annual/sick leave when considering donating leave to a colleague to safeguard their own leave needs. Employees who have provided the institution with their notice of resignation or retirement are not eligible to donate leave.

All benefits will be continued for the employee while on catastrophic leave for the period donated days are available. Use of donated credits may not exceed a maximum of 12 continuous calendar months for any one catastrophic illness or injury. Direct transfer of leave or deposits into a leave bank may be inter-institutional, enabling individuals employed in other WV institutions or universities to receive or donate leave days to employees in other WV state institutions. (WVCTCS) ([Title 135, Series 38, Section 8](#)).

Donated leave is paid at the regular rate of the receiving employee.

### 13.5 Faculty Absence Procedure

While faculty members, other than twelve-month faculty, do not earn sick or annual leave, faculty absences may occur. Whenever a faculty member requests to be absent or is absent from classes, related duties and/or supplemental duties, the College then has a responsibility and an obligation to determine the conditions regarding continued employment, compensation, and benefits. The [Faculty Absence Procedure](#), along with the summary chart, was created to assist faculty during a period of time when medical absences are unavoidable.

### 13.6 Special Emergency Leave with Pay

Special emergency leave with pay may be granted by the President or the President's designee to full-time employees in the event of extreme misfortune to the employee or the employee's immediate family. The leave should be the minimum necessary, and in no case may it exceed 37.5 hours within any 12 consecutive month period. Typical events which may qualify an employee for such leave are fire, flood, or other events of a nature requiring emergency attention by the employee (other than personal illness, injury or serious illness or a death in the employee's immediate family). Written documentation of such events may be required (WVCTCS) ([Title 135, Series 38, Section 11](#)). This leave is completely discretionary.

### 13.7 Family and Medical Leave Act (FMLA)

Provisions of the [Federal Family and Medical Leave Act \(FMLA\)](#) provide up to twelve (12) weeks of unpaid, job protected leave within a 12 month period.

#### 13.7.1 Reasons for taking FMLA leave

- To care for the employee's child after birth, or placement of a child with the employee for adoption or foster care;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job.
- FMLA provides two military related benefits. Eligible employees may use up to twelve (12) weeks for a spouse, child, or parent on active duty to address certain qualifying exigencies. The Act also includes a special leave entitlement that permits up to twenty six (26) weeks of leave during a single twelve (12) month period. This may be provided to a covered service member who has a serious injury or illness that occurred in the line of duty and renders him/her medically unfit to perform his/her duties.

### **13.7.2 Eligibility**

Employees are eligible for these benefits if they have worked for at least one year, for a minimum of 1,250 hours over the previous twelve (12) months. Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When a 30-day notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the normal reporting off procedure. In all instances, written documentation supporting the illness or condition and pending return to work date must be provided. Written requests must be provided to the Human Resources Office.

### **13.7.3 Leave Coordination**

WVNCC requires the employee to use accrued paid leave while taking approved FMLA leave. An employee's annual leave does not have to be exhausted before the employee can go off the payroll, but all sick leave does. FMLA leave can run concurrent with paid sick, annual, or catastrophic leave. In other words, the 12 weeks of FMLA leave would include any paid leave that is used by the employee during this period. Medical insurance coverage may continue during this leave period if the employee continues to pay the employee's share of the insurance premiums and provides monthly medical verification from a care provider as required by WVNCC's health insurance provider. FMLA entitles an employee to the same or equivalent job upon the employee's return to work within the designated time period, and it protects employees from retaliation.

### **13.7.4 FMLA Measurement Period**

WVNCC calculates FMLA on a 12-month rolling period from the time that leave is initially taken for a maximum of 12 weeks leave in that 12-month period.

### **13.7.5 FMLA Request Process**

1. Complete a medical leave of absence form and return to the Human Resources Office.
2. Have your attending physician complete the Certification of Health Care Provider for Employee's/ Family Serious Health Condition form and return to Human Resource.
3. After all documentation has been received and reviewed, a qualification decision along with any additional requirements which you will be expected to follow during the leave period, will be provided to you.
4. Employees must continue to follow the normal reporting off process when taking FMLA.

Additional details and required forms are available from the Human Resources Office.

FMLA is a federally mandated program and final determination regarding the use of FMLA by employees will be consistent with current FMLA standards and requirements.

## **13.8 West Virginia Parental Leave Act (WVPLA)**

The [West Virginia Parental Leave Act](#) authorizes eligible employees to request up to twelve (12) weeks of unpaid parental leave per year. To be eligible to request leave under the Parental Leave Act, an employee must have worked at least 12 consecutive weeks for the State of West Virginia and he/she must be a full-time employee (benefits eligible). Parental Leave Act leave may be taken in addition to any available paid leave. The Parental Leave Act entitles employees to return to the same position they previously held, when they return to work. It prohibits interference with employee rights ([WV Code 21-5D-1 through -9](#)).

The basis of a Parental Leave Act request is due to the birth of a child or adoption of a child by the employee or because of a planned medical treatment or care for the employee's spouse, son,

daughter, parent, or dependent who has a serious health condition. The employee must provide her/his supervisor with written notice two weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. The employee must provide the Human Resources Office with certification by the treating physician and/or documentation regarding dependency status. All annual leave must be exhausted before the parental leave begins.

During the parental leave by an employee, group health insurance coverage shall continue during the leave period, provided the employee pays the employer the full premium cost of the health plan. The institution shall hold the position of the employee not to exceed the 12-week period of the leave and the employee shall be returned to his/her position upon medical documentation for return (WVCTCS) ([Title 135, Series 38, Section 7](#)).

WVNCC calculates WVPLA on a 12-month basis beginning on the date leave is initially taken. WVPLA leave cannot exceed 12 weeks in that 12-month period.

WVPLA leave cannot be stacked on FMLA leave to allow 24 weeks leave in any 12-month period.

Only the amount of leave actually taken may be counted toward the 12 weeks of leave (e.g., if an employee who normally works five days a week takes off one day, the employee uses eight (8) hours of FMLA leave; if a full-time employee who normally works 8-hour days, instead works 4-hour days under a reduced leave schedule, the employee uses 20 hours of FMLA leave each week). Where an employee normally works a part-time schedule or variable hours, the amount of leave is determined on a pro rata or proportional basis (e.g., if an employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule, ten hours of FMLA leave for each week is used). If an employee's schedule varies from week to week, a weekly average of hours worked over the 12 months prior to the beginning of the leave period would be used to calculate the employee's normal workweek.

### 13.9 Funeral leave

WVNCC nor the state of West Virginia provides bereavement leave however, staff do have sick leave provisions to cover funeral leave when an immediate family member is involved.

### 13.10 Leave of Absence

#### **13.10.1 Medical Leave of Absence Without Pay**

Any employee requesting a medical leave of absence without pay must provide the President or the President's designee (in this instance the Chief Human Resources Officer), with satisfactory medical evidence, such as a statement from the attending physician, that he or she is unable to work. This statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the President or the President's designee may authorize a medical leave of absence without pay only for the period of disability specified by the attending physician and not for more than 12 months. (WVCTCS) ([Title 135, Series 38, Section 6](#)). This leave is totally discretionary. When determining authorization, the President must take into consideration the needs of the institution and ability to compensate for the employee's absence.

Employees on leave of absence without pay shall not accrue annual or sick leave or years of service credit for any full months in which they are off the payroll. Employees will also not receive holiday pay.

Group health coverage shall continue during the duration of the unpaid medical leave provided the employee pays their portion of the premium cost of the plan and meets all eligibility requirements as outlined by PEIA.

The employee shall be expected to report to work on the first workday following the expiration of the leave period. The employee shall provide written medical clearance indicating the employee's ability to return to work and satisfactorily perform his/her duties.

Employees will accrue annual leave and service credit for annual leave accrual determination, but not sick leave, when they are out on Workers Comp leave. (WVCTCS) ([Title 135, Series 38, Section 2](#)).

### **13.10.2 Personal Leave of Absence Without Pay**

An employee, upon application in writing and upon written approval by the President or the President's designee, may be granted a continuous leave of absence without pay for a period of time not to exceed 12 consecutive months, provided all accrued annual leave and accrued compensatory time has been exhausted. The President or the President's designee, at her/his discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay. At the expiration of leave of absence without pay, the employee shall be reinstated without loss of any rights, unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload. Failure of an employee to report promptly at the expiration of an approved personal leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for immediate termination of employment by the institution. During a personal leave, group health insurance coverage shall continue provided that the employee pays the employer the full premium costs of such group health plan. Employees on personal leave of absence without pay shall not accrue annual or sick leave or years of service credit or holiday pay for any and all full months in which they are off the payroll (WVCTCS) ([Title 135, Series 38, Section 2](#)).

### **13.10.3 [Sabbatical Leave for Faculty](#)**

Sabbatical leave may be granted to a faculty member so that he/she may engage in research, writing, or other activity that contributes to professional development and/or his/her usefulness to WVNCC.

#### **13.10.3.1 Eligibility**

Any person holding faculty rank and full-time appointment is eligible for sabbatical leave after the completion of at least seven years of full-time employment at WVNCC. After completing a sabbatical leave, a faculty member shall not again be eligible until the seventh subsequent year.

#### **13.10.3.2 Compensation**

A faculty member on sabbatical leave shall receive full salary and full benefits for no more than one half of the contract period or half salary and full benefits for no more than the full contract period.

#### **13.10.3.1 Conditions Governing the Granting of Sabbatical Leave**

The awarding of sabbatical leave is not automatic but is contingent upon the merits of the request, availability of funds and the instructional needs of WVNCC.

## **13.11 Military Leave**

An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall receive a leave of absence without loss of pay, status, or efficiency rating, for all days engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of thirty (30) working days ordered or authorized under



provisions of state law in any one (1) calendar year. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increase, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave prior to beginning the leave.

Benefits of this section shall accrue for thirty (30) working days after they report for active service to individuals ordered or called to active duty by the President of the United States (WVCTCS) ([Title 135, Series 38, Section 10](#)).

After utilizing Military Leave, an employee may elect to use his or her allotted paid leave of absence, accrued annual leave, or freeze annual leave to continue their military service.

### **13.11.1 Uniformed Services Employment and Reemployment Rights Act**

The [Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#) clarifies and strengthens the [Veterans' Reemployment Rights \(VRR\) Statute](#).

USERRA protects civilian job rights and benefits for veterans and members of Reserve components. USERRA also makes major improvements in protecting service member rights and benefits by clarifying the law, improving enforcement mechanisms, and adding Federal Government employees to those employees already eligible to receive Department of Labor assistance in processing claims.

USERRA establishes the cumulative length of time that an individual may be absent from work for military duty and retain reemployment rights to five years (the previous law provided four years of active duty, plus an additional year if it was for the convenience of the Government). There are important exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency. USERRA clearly establishes that reemployment protection does not depend on the timing, frequency, duration, or nature of an individual's service as long as the basic eligibility criteria are met.

USERRA provides protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability. Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment.

USERRA provides that returning service-members are reemployed in the job that they would have attained had they not been absent for military service (the long-standing "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. The law clearly provides for alternative reemployment positions if the service member cannot qualify for the "escalator" position. USERRA also provides that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.

Health and pension plan coverage for service members is provided for by USERRA. Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months; however, they may be required to pay up to 102 percent of the full premium. For military service of less than 31 days, health care coverage is

provided as if the service member had remained employed. USERRA clarifies pension plan coverage by making explicit that all pension plans are protected.

The period an individual has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

USERRA also requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

### 13.12 Red Cross Leave

An employee who is a certified disaster service volunteer of the American Red Cross may be granted leave with pay for up to fifteen (15) work days per year calendar year to participate in relief services for the American Red Cross. This leave must be requested in writing and approved by the employee's supervisor and the President of the institution prior to using the leave. ([WV Code 15-5-15a](#))

### 13.13 Witness and Jury Leave

Upon application in writing, an employee may be granted leave as described in this section provided the employee is not a party to the action. Annual leave will not be charged under the provisions of this section.

When, in obedience to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of West Virginia, a political subdivision thereof, the institution, or is a member of a jury, the employee shall be entitled to leave with pay for such duty and for such period of required absence.

When attendance in a court is in connection with an employee's usual official duties, time required in going and returning shall not be considered as absence from duty. When an employee serves on a jury, or is subpoenaed in litigation, the employee shall be entitled to leave with pay for such duty and for such period of required absence. The employee shall report to work if he/she is excused by the court before the end of her/his regular work day. Provisions for employees who work a shift other than day shift shall be made according to institutional policy. (WVCTCS) ([Title 135, Series 38, Section 12](#)).

### 13.14 Educational Leave

See section 15.13

### 13.15 Declared Emergency

At the discretion of the President or the President's designee, in consultation with local, state, or federal public safety officials, institutional operations may be shut down in total or in part because of any circumstance which threatens the health or safety of employees and/or students, such as extreme inclement weather and facility shutdowns. During declared emergencies, employees required to work shall be compensated pursuant to Series 8 of the WVCTCS Rules ([Series 38, Section 13](#)).

Full-time regular staff are eligible for regular pay for work time lost because of a declared emergency. Work time lost will be considered regular work time for pay purposes and will not require time charged to accrued leave nor will there be a requirement that the time be made up. When operational needs require a non-exempt, regular employee to work during an institutional declared emergency period, in addition to regular pay the employee will receive compensation in either Compensatory Time Off (CTO) or pay at the rate of time and one-half for the actual hours worked during the declared emergency period. Exempt employees that work during a declared emergency period receive CTO on an hour-for hour-basis.

### **13.15.1 Emergency College/Campus Closing Procedure**

The following procedure is in place to guide employees through the process in the event of an emergency closing. Faculty, including Adjunct Faculty, generally follow the class cancellation notification instructions which are included on the back.

Closing the College: Closing the College refers to the times all buildings are locked and personnel and students do not report, except \*essential personnel.

If the College is closed, all internal and external activities will be canceled. After the President or designee has determined the need to close the College/Campuses one or more of the communication tools listed below will be activated to inform employees of a College Emergency Closing.

Text Message Alert System-Automatic enrollment with opt out provision.

Employee Emergency Closing Hotline 1-304-233-5900 ext. 4357 (Do not leave a message).

Website-WATCH Text Alert on screen display. Please remember when classes are canceled staff and administrators still report to work. Do not rely on the TV stations or radio for accurate information regarding the operations of the College.

If an employee is absent or late for work because of weather conditions or any other unplanned reason it is his or her responsibility to notify his or her supervisor immediately by phone prior to the beginning of his or her work day.

Required to work: If an employee is required to work during an College Emergency Closing, the employee will receive \*\*compensatory time for the hours he or she is required to work during the emergency closing hours or the employee's work schedule will be adjusted within the work week of the Emergency Closing. (Example: The College closed on Tuesday, but you were required to work, supervisor adjusted your schedule to be off on Friday for the work hours completed on Tuesday). See your supervisor for guidance and proper paperwork.

\*Essential personnel are employees that the College will determine are needed during an emergency closing situation and will be identified on a case by case basis.

\*\*Compensatory time earnings will be based upon your Fair Labor Standards exemption status.

**Additional Guidelines:** Any unauthorized work during a College emergency closing, delay or dismissal is not permitted.

Any time not worked because of weather conditions other than during a "College Emergency Closing" will be charged to the employee's annual leave or an adjusted schedule may be worked out with his or her supervisor within the work week of the Emergency Closing.

If the College is closed for a full day and an employee is not required to work, the hours will be treated as normal work hours.



If the College opening is delayed, any time missed prior to the official opening is considered normal work time. If an employee does not report to work at the official opening time, he or she will be required to take annual leave for any time he or she missed from the official opening time until the end of his or her normal work day.

If the College opens late and closes early, any time missed, during the time the College was open, will be charged to annual leave.

### **13.15.2 Utility Service Disruption**

During Utility Service Disruption, Emergency Situations, and/or Inclement Weather, employees may be required to perform their duties in alternate work locations or to take annual leave. ([West Virginia Code 12-3-13](#)) specifies that absences from work due to inclement weather conditions other than during a declared emergency must be charged against accumulated annual leave, accumulated compensatory time, or the employee must be removed from the payroll for the time in question. If the employee has "floating holiday" time, the holiday record may also be charged. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor. (WVCTCS) ([Title 135, Series 38, Section 13](#))

### **13.15.3 Class Cancellations**

In order for employees to assist students with accurate information regarding class cancellations, the College is providing our employees with some helpful information. Cancellations may be issued for all three campuses or for individual campuses.

#### **Types of Cancellations and Delays:**

1. All Day Classes are Cancelled: classes with a starting time up to 4:59 p.m. are cancelled.
2. All Evening Classes are Cancelled: classes with a starting time of 5:00 p.m. or after are cancelled. Classes scheduled to be in session after 5:00 p.m. are to be dismissed at 5:00 p.m.
3. Delayed Start: a set time will be included in the various announcements.
  - a. *Announcement:* "Classes will start at 10 a.m." or "delayed start: classes start at 10 a.m."
  - b. *Instructions:* "All classes which are scheduled to begin prior to 10 a.m. are cancelled. Any class with a scheduled starting time of 10 a.m. or after will be in session as scheduled. Any exceptions to the above will be communicated by the instructor."
4. Dismissal: all classes after a specific time will be cancelled and any classes currently in session will be dismissed as indicated by your instructor.

#### **Communication Tools:**

Below is a list of the communication tools the College will activate if classes are cancelled, delayed, or dismissed (this does not include classes cancelled by individual instructors):

1. Text Message Alert System
2. Switchboard Message

3.Website- weather/emergency link on the homepage

4.In-House Phone Intercom System

In the event that the College is open and classes are cancelled, employees will be notified by text alert or email of the class cancellations; this does not include individual class cancellations.

### **Student Activity Events:**

If classes are cancelled, all student activity events will also be cancelled and possibly rescheduled. In the event that a student activity is scheduled on a Saturday evening or Sunday, the College will use any methods available at the time to notify students or attendees if the event must be cancelled, including the website at the WVNCC text alert system.

### **13.16 Emergency Contact Records**

Employees must complete an Employee Data and Emergency Contact Form. It is Important to keep this up to date and to fill out a new form when changes occur to the Human Resources office.

### **13.17 Holidays**

WV State law requires each institution to provide twelve (12) full days, plus additional days for any statewide, primary or general election. Six of these holidays, New Year's Day, Martin Luther King's Birthday, Independence Day, Labor Day, Thanksgiving, Thanksgiving Friday and Christmas, are fixed by the state and taken on the appropriate date of the holiday. The six additional days are determined by the President in consultation with the college operations.

If a specified holiday occurs on a Saturday, it is observed on the preceding Friday. If a specified holiday occurs on Sunday, it is observed on the following Monday.

When Christmas or New Year's Day occurs on Tuesday, Wednesday, Thursday, or Friday, an additional one-half day for each of these holidays is granted.

The WVNCC holiday schedule is distributed either online or by hardcopy by June of each year for the next fiscal year.

Proclamation of additional legal holidays by the president of the United States, governor, or other duly constituted authority may be observed by employees as determined and communicated by the president of the institution.

### **13.18 Time Off for Voting (WV Code 3-1-42)**

Every person entitled to vote at any election who may be employed by any person, company, or corporation on the day on which such election shall be held in this state, shall, on written demand of such employee, made at least three days prior thereto, be given a period of not more than three hours, if necessary, between the opening and the closing of the polls on such day, for the purpose of enabling such person to repair to the place of voting to cast his vote and return, without liability to any penalty or deduction from his usual salary or wages on account of such absence, except that any employee, who has three or more hours of his own time away from his work or place of employment at any time between the hours of the opening and the closing of the polls on election day and who fails or neglects to vote or elects not to vote during such free time away from his work or employment, may be subject to wage or salary deductions for the time actually absent from his work or employment for voting in such election.

## SECTION 14 – Position and Wages

### 14.1 General Provisions

WVNCC positions are separated into general groups based on the nature of their duties and responsibilities. Every staff position is assigned a grade. Each grade has a range, having an entry rate of pay (beginning salary). The WVNCC salary schedule represents the normal range of salaries for all grades. Pay grades range from one through 25, with 15 steps. Employees are normally hired at the entry rate, but exceptions may be made in accordance with provisions in the WVCTCS [Policy Series 8](#).

No guarantee exists that any employee will receive a salary increase either on an annual basis or for merit. Increases of these types may be granted when money is available and approved by the WVNCC BOG or when allocated by the Legislature.

Employees will be paid every other Friday according to the State of West Virginia payroll Calendar.

State and federal laws require each institution to deduct state and federal income taxes, social security, and retirement premiums from each employee's wages. For the employee's convenience, optional deductions may be made for other reasons upon approval by the employee.

Employees are responsible for examining their pay stubs to verify that all amounts listed for both income and deductions are correct. Any possible error must be reported to the Human Resources Office within 10 days of receiving the pay stub. This may save processing time should any corrections be necessary.

### 14.2 [Direct Deposit](#)

Employees are required to sign up for direct deposit at the time of hire or sign up for a pay card. Deposits can be divided between several banking institutions and/or accounts. Changes to deposit account information can be made at any time and are the responsibility of the employee. Effective dates will be set by the State of WV payroll system.

### 14.3 Arrears Payment

All full-time, part-time, temporary hourly and student employees shall be paid one pay cycle in arrears.

### 14.4 Annual Increment Pay

Annual Increment is a longevity based payment. All eligible employees and full-time faculty with three or more full-years of service with the State of West Virginia shall receive an annual increment based upon an employee's full-years of service. The amount is equal to \$60 multiplied by years of service.

The amount per year is determined by the state of West Virginia.

The Annual Increment is payable in one installment in July of each year. Staff and Twelve-Month Faculty must be active for a full twelve months between July 1 and June 30 to receive the increment. Faculty members receive one-year credit for a 9-month academic year.

See Years of Service section for further details.

### 14.5 Overtime Pay

All employees who meet the definition of "non-exempt" are to be compensated with time off or one and one-half times pay for all hours worked over forty (40) in a given work week. This rule applies whether the employee was authorized to work overtime or was "suffered and permitted" to do so, as

defined by the [Fair Labor Standards Act](#). However, occasionally working a few minutes over, which is not practical to record, can be disregarded as “de minimus”.

When possible, overtime will be distributed equally among all employees within a group, department, or occupation. Overtime rosters shall be maintained based on seniority. Employees will be offered overtime work beginning with the most senior person. If no one in order of decreasing seniority accepts the overtime, the work will be assigned to the most junior employee who is capable of doing the work. Overtime must be approved in advance by the supervisor and the Human Resources Office.

Employees may be required to work overtime under certain circumstances. However, the work must be of reasonable duration with employee health, safety, and endurance considered.

If the normal work period is 37.5 hours, the employee will be paid the normal hourly rate up to forty (40) hours per week. Overtime pay is compensated at the rate of 1 ½ times an employee’s hourly equivalent for the time worked in excess of 40 hours per week.

Employees may accumulate a maximum of two hundred and forty (240) hours and shall be paid for all additional hours accrued.

An employee may elect compensatory time off in lieu of overtime pay. Compensatory time off is calculated at the same rate as overtime pay. A written agreement between the employee and the institution shall exist in this instance. This agreement may be modified at the request of either the employee or the employer at any time but under no circumstances will the employee be denied compensatory time heretofore acquired.

Compensatory time must be used within one year of accrual. The use of compensatory time off shall be requested in the same manner as vacation time. Approval of the request shall be contingent upon whether it will unduly disrupt the operation of the institutional unit.

Should an individual's employment be terminated, any unused compensatory time shall be reimbursed at the end of their employment.

## 14.6 Compensation

### 14.6.1 [Faculty Salary Rule](#)

The College will implement annually a structure, based on available funding, of placing full-time nine month faculty equitably on a base salary scale with appropriate ranges according to rank.

Instructor

Assistant Professor

Associate Professor

Professor

The goals of placement on the scale are both equity and reward for meritorious performance.

The following principles of distribution will be followed:

1. Promotions will be granted first at 10%.
2. Distribution cannot be across-the-board.
3. All faculty should receive an increase unless salary is at rank maximum.
4. Distribution will consider equity first for faculty significantly below base, equity disparities within rank, and merit.

5. Any merit allocation is added to base, but is tracked separately to maintain the faculty salary scale.
6. The President will hold 10% of funds available for outstanding performance significantly beyond merit criteria or to address problems of retention due to academic market.
7. Annual increment for years of service is not part of faculty salary scale.

#### **14.6.2 Staff**

The West Virginia Northern Community College Market Salary Structure compensation program for staff is designed to attract, retain, and motivate a high performing workforce to support the College's mission, vision, and goals. Competitive pay is an element in attracting, retaining, motivating, and rewarding the type of staffs that are needed to fulfil the mission of the College. The goal of the College is to pay competitive salaries within budget. Additional details are provided in the Salary Administration Guidelines.

#### **14.6.3 Adjunct Faculty**

Adjunct faculty payment is based on the number of credit hours taught times the current rate of pay established by the College.

## **SECTION 15 – EMPLOYEE BENEFITS**

### **15.1 General Provisions**

As an employee of the State of West Virginia, an extensive array of benefits is available to you and your family members. These benefits significantly increase the value of your total compensation and provide for an enhanced working environment.

These include, but are not limited to, comprehensive health insurance; life insurance; paid leave for vacation and holidays; paid sick leave and retirement. In addition, you have the opportunity to participate in a variety of optional health benefit plans, insurance programs and monetary savings plans. Due to the large number of potential participants, these voluntary programs offer state employees impressive incentives.

The information contained herein is designed to provide you with a brief overview of your provided and optional benefits. This information is not intended to answer every possible question, but to give you an idea of what is available and how these programs can work for you. WVNCC will not be held responsible for any action taken or harm caused to the employee because the information contained herein was too vague, incomplete, incorrect, or changed after the time this document was written or updated. Detailed information on each benefit and the necessary enrollment forms are available in the Human Resources Office. Proper enrollment is the responsibility of each employee.

All employee benefits are offered to WVNCC employees by the State of West Virginia and are subject to control and changes by the State of West Virginia, as defined in the controlling plan document.

### **15.2 Retirement**

Since July 1, 1991, all regular employees (.53 FTE and above) of both colleges and universities began participating in a tax-sheltered program administered either by the Teachers Insurance and Annuity Association of the America/College Retirement Equities Fund ([TIAA-CREF](#)) or [Great West](#). These

plans are qualified under section 401(a) of the Internal Revenue Code and both the employee and the employer contribute 6 percent of gross pay (automatically deducted each pay period) into the plan each year. Employees choose their own investment options from a variety of accounts including mutual fund programs. Supplemental tax sheltering is available up to the maximum allowed under federal tax guidelines through two additional programs. Members are vested immediately.

Employees may change allocations and transfers between certain accounts when they choose. This is a defined contribution plan. Retirement benefits are based on the funds that have accumulated in the account (not the years of employment) at the time of retirement.

Full-time employees are required to contribute 6% of their gross pay into a state sponsored retirement plan with 6% matching from the College.

There are two plans from which to choose:

1. TIAA

<https://auth.tiaa.org/public/authentication/securelogin>

2. EMPOWER Formerly Great West Educators Fund

<https://participant.empower-retirement.com/participant/#/login>

Employees are required to enroll online to the corresponding Retirement Plan.

### 15.3 Supplemental Retirement

Employees may elect to enroll in a supplemental retirement plan such as a 403(b) and/or a 457(b). The College does not provide matching for the supplemental retirement plans. Maximum contribution limits are set yearly by the IRS.

### 15.4 Health Insurance

The [Public Employees Insurance Agency \(PEIA\)](#) offers multiple health insurance plans which include benefits for hospital, surgical, major medical, prescriptions, and other medical expenses. Premiums, copayments, and out-of-pocket payment maximums are based on the employee's salary and the type of coverage (plan A, B, C etc.) chosen. WVNCC currently contributes approximately 80% of the cost of the employee's premium. Additional coverage for certain family members is available for an additional amount paid by the employee.

Health Insurance coverage for our employees is administered through WV Public Employees Insurance Agency (PEIA). Employees have two carriers to choose from, each with their own plan options:

1. Health Plan, Plan A, B or C
2. WVPEIA PPB, Plan A, B, C, D

*PPB plans, policyholders must designate a Primary Care Physician (PCP) to avoid a \$500 deductible penalty and complete the [Healthy Tomorrows Reporting Form](#) before open enrollment yearly in April.*

Please Note: The WVPEIA Shoppers Guide and/or the Summary Plan Description Book contain helpful information regarding the insurance plans. PEIA Plan C offers the same coverage as Plan A but with a higher deductible. **Enrollment must be completed online**

New hires have the month employment begins plus the following two months to sign up for health insurance. After that period of time, employees must have a qualifying event or wait for open enrollment to add or make any changes. Additional documentation is required for dependent coverage. Open enrollment for health insurance is each April with an effective date

of July 1 through June 30. *Additional Information and required eligibility documentation can be found at <http://www.peia.wv.gov> and <https://openenrollment.wvpeia.com>.*

## 15.5 Supplemental Insurance

Supplemental insurance plans, such as those listed below are administered through Mountaineer Flex Benefits. New hires have the month employment begins plus the following two months to sign up for supplemental insurances. After that period of time, employees must have a qualifying event or wait for open enrollment to add or make any changes. For new enrollees, **enrollment must be completed through paper forms** (provided) and submitted to the Human Resources Office for processing.

### Supplemental insurance plans include:

- Dental
- Vision
- Hearing
- Medical Expense Flexible Spending
- Dependent Care Flexible Spending
- Long & Short Term Disability
- Legal

**Other supplemental insurance plans** may be available such as: home insurance, car insurance, hospital insurance, cancer insurance. *Additional information can be found at: [www.wvnc.edu/offices-and-services/benefits/38](http://www.wvnc.edu/offices-and-services/benefits/38).*

## 15.6 Life Insurance (Term)

Life insurance is available to eligible employees and their dependents. Benefit choices include basic life insurance, optional life insurance and optional dependent life insurance.

Basic life insurance for the employee is included in all single and family health care coverage provided by PEIA at no additional cost. The insurance benefit totals \$10,000 (\$20,000 in case of accidental death) for each participant, until an employee reaches a certain age. Currently, when an employee reaches the age of 65 the insurance benefit incrementally decreases as the employee ages.

One may elect to be covered at his/her expense by an additional optional amount of term life insurance. These additional amounts also double if the death is accidental. The employee may also choose to cover their spouse with additional optional life insurance coverage of \$5,000 - \$20,000 and/or eligible dependent children for \$2,000 - \$10,000 of optional coverage. The purchase of life insurance coverage is subject to approval and may require medical documentation.

- Term Life Insurance Policy
- Coverage available \$5,000 to \$500,000.00.
- Any policy for \$100,000 or below does not require evidence of insurability.
- The premium for the first \$40,000.00 is tax sheltered.

New hires have the month employment begins plus the following two months to sign up for Life insurance. After that period of time, evidence of insurability is required.



## 15.7 [Mountaineer Flexible Benefits](#)

This is an additional benefits program which allows tax-free deductions for supplemental insurance plans. These options are available to eligible, active employees. They may be continued upon retirement, but may not be continued if the employee resigns or is terminated. Enrollment is held once each year during April and May. Once enrolled, the plan is binding for a one-year period unless the employee experiences a significant change in family status.

The options currently include:

Dental Care

Vision Care

Medical Flexible Spending Account

Dependent Care Flexible Spending Account

Legal Plan

Long Term Income Disability Protection

Short Term Income Disability Protection

Health Savings Account (For Participants in PEIA Plan C)

## 15.8 [Consolidated Omnibus Reconciliation Act of 1986 \(COBRA\)](#)

COBRA requires that most employers sponsoring group health plans offer employees and their eligible dependents the opportunity for a temporary extension of health care coverage at group rates in certain instances where coverage would otherwise end. If an employee is covered under WVPEIA, he or she has the right to choose this continuation coverage if coverage is lost and criteria related to this act are met. The employee should contact WVPEIA on rights and obligations under this act and may also request a copy of the Statement of Rights to Continue Coverage. COBRA coverage requires the former or non-covered employee to pay the premium for continued insurance coverage. An employee may request information on the amount of premium necessary to continue their coverage from WVPEIA. In addition, the employee must understand that COBRA benefits can only be offered for a limited amount of time.

## 15.9 State Credit Union

The State Credit Union is a West Virginia, member owned, not-for-profit, financial organization available to the employees of WVNCC and is located in Charleston, WV. The purpose of the credit union is to promote saving and to provide low cost loans and services to its members. This benefit may be continued upon retirement from the institution.

## 15.10 Social Security

All employees must contribute to Social Security. These funds are matched by the institution. The benefits provided are determined by federal law.

## 15.11 Worker's Compensation

Worker's Compensation Insurance helps protect employees against financial loss resulting from on the job injuries or death caused by certain work related injuries. Worker's Compensation pays some claims involving medical, hospital and related bills; disability; loss of body limbs, such as an arm or leg; and some dependent benefits. WVNCC pays for Worker's Compensation insurance for each eligible employee.



On-the-job injuries must be reported to the Human Resources Office immediately after they occur. The employee must submit an incident report to the Human Resources Office within twenty-four (24) hours after the injury occurs. All accidents must be reported, regardless of whether they result in a Worker's Compensation claim. Each employee is responsible for providing the forms to the Human Resources Office. Incident Report Forms and workers' compensation claim forms are available [online](#) and in the Human Resources Office. Failure to timely submit a claim form will prevent an injured employee's ability to collect Workers' Compensation benefits. The time period to file a claim begins from the time of injury, not the time of first medical treatment. Accordingly, filing a Workers' Compensation claim form for all work related injuries is imperative to protecting the employee's right to collect Workers' Compensation benefits.

Approval of payment of claims or missed work time is determined by the Workers' Compensation carrier WVNCC maintains coverage through at the time of injury. WVNCC provides all requested information to the carrier. WVNCC does not make the final determination of claim approval or denial.

## 15.12 Tuition Waivers

WVNCC has an excellent program which provides opportunities for full-time employees to enhance professional knowledge or skills and to improve academic credentials through tuition waivers at WVNCC. Tuition waivers are also available to employee's eligible dependents. Employees approved for this program may receive both supplemental funding for costs and tuition plus released time without pay from work.

Tuition Waivers may be available for full-time regular employees, who are eligible to participate in health insurance coverage through the State of WV and any eligible employee's family member who is eligible to enroll in the employee's health insurance coverage through the State of WV.

Tuition waivers to West Liberty University may also be available on a limited basis.

[http://www.wvncc.edu/uploads/1f\\_ProcedureforRequestinganEmployeeWaiver1-16-2013.pdf](http://www.wvncc.edu/uploads/1f_ProcedureforRequestinganEmployeeWaiver1-16-2013.pdf)

*Please Note: Tuition waivers may be available only after the probationary period is over (normally 6 months).*

## 15.13 [Educational Release Time](#)

Educational release time may be granted to staff to take up to three credit hours per semester during his/her normal work time, providing that the needs of the department are such that the employee's absence will not disrupt services. However, educational release time is neither an entitled benefit nor a guarantee. The request must be in writing on the appropriate form with supporting documentation provided and must be approved by the immediate supervisor and the Chief Human Resources Officer. This time shall not exceed three hours per week and shall not result in a negative impact on the quantity and quality of the work performed.

If an employee takes more than three hours of academic courses per term during regular working hours, educational release time may be granted; however, the employee would be required to work the number of hours necessary to make up the hours missed within the same week. The method utilized for making up hours missed for educational purposes will be a written agreement between the employee and his or her supervisor. The agreement must be on file in the Human Resources Office. Reasonable travel time will be determined by the supervisor, employee and Chief Human Resources Officer.

Eligibility: Full-time regular staff are eligible; faculty, part-time casual, and temporary employees are not eligible.

In order to be granted educational release time, an employee must have been employed in his/her current position for at least six (6) calendar months prior to the beginning of the term in which he/she seeks admission.

The employee may not be on probation or in an improvement period to be eligible for educational release time.

#### 15.14 Campus Parking

Employees may park in all campus spaces with the exception of those designated for visitors, state cars, and President. Parking in restricted spaces may result in towing, fines, or loss of parking privileges.

Parking is provided for the use and access of students, faculty, staff members and other persons or groups with approval and permission of the College. Users are responsible for complying with regulations stated and posted and are subject to established penalties for violation. If the operator of a vehicle cannot be determined, the College will consider the vehicle's registered owner responsible for the violation. A free employee parking pass can be obtained at the front desk at each campus or from the Wheeling Campus Cashier.

A map of the parking areas available at the Wheeling Campus can be found on the WVNCC website: [http://www.wvncc.edu/uploads/lr\\_Parking.pdf](http://www.wvncc.edu/uploads/lr_Parking.pdf).

For employee parking in spaces designated for disabled persons, the employee must have a valid placard issued in his or her name and displayed in the appropriate location on his/her vehicle at all times.

#### 15.15 Library

Employees have complimentary access to all services of the library including the public access computers.

## Section 16 - Evaluations

#### 16.1 Staff

##### 16.1.1 Probationary Period

All employees are evaluated on an annual basis. Staff serve a six (6) month probationary period with a three (3) month review and a six (6) month review.

The supervisor shall continuously monitor the employee's performance and provide counseling or assistance as indicated. A written performance evaluation shall be provided to the staff member at the completion of three (3) months and six (6) months. This shall include initiative, resourcefulness, attitude, quality and quantity of work, plus other related factors.

If at any time during this period, areas of improvement are noted, the supervisor shall counsel the staff member and provide a planned program outlining specific goals, objectives, timelines for completion and strategies to assist in achieving satisfactory improvement by the employee. If satisfactory performance is documented by the end of the probationary period, the staff will be considered a regular employee and evaluations will be conducted on an annual basis thereafter.

If satisfactory performance according to the supervisor's standards are not met or maintained during this probationary period, the employee may either be granted an extension of probation, or may be terminated by the institution.

Possible evaluation areas may include but are not limited to: reliability, work performance, initiative, professional growth, cooperation, comprehension, interpersonal relations, attendance/punctuality, quality of work, leadership, supervisory ability and communication skills.

#### **16.1.2 Annual Evaluations**

Staff are evaluated each year by their supervisor and department administrator. The evaluations are reviewed for completeness by the Chief Human Resources Officer prior to the final review and approval by the President. Employees have the option to sign that they agree with the evaluation or sign that they disagree with the evaluation.

#### **16.2 Faculty Evaluations**

All faculty members shall be evaluated regularly on the basis of their primary responsibilities, utilizing multiple input and criteria. A list of behaviors which indicates a consistent set of guidelines for consideration by those involved in faculty evaluation processes are identified in five major areas of responsibility.

## **SECTION 17 – GENERAL PRACTICES AND PROCEDURES**

#### **17.1 Acceptable Computer and Internet Usage**

College provided internet access and email is intended for business and course work purposes; therefore, users are expected to conduct themselves in a professional manner when in use. Employee use of email for personal use is prohibited.

##### **Sites, Material and Messages**

Websites containing pornography or advocating discriminatory, hateful or violent actions are prohibited unless approved for educational purposes by the Provost. The transmission of obscene, illegal, violent, discriminatory or other information which may result in harassment or defamation is prohibited at all times.

*For more information, see the Computer and Internet Usage Rule:*

[http://www.wvnc.edu/uploads/gb\\_ComputerUsageRule7-1-2013.pdf](http://www.wvnc.edu/uploads/gb_ComputerUsageRule7-1-2013.pdf)

#### **17.2 Access Cards and Keys**

The Director of Facilities is responsible for the door lock keying system, and for the issuance of all office and lab keys. Supervisors may secure necessary access keys for their employees by providing notification to the Director of Facilities. Issuance of access keys to certain designated areas of the campus is restricted.

Keyless entry cards (ID/Access Cards) are issued for access to specific buildings on campus. The Director of Facilities and the Chief Human Resources Officer provide oversight for this program.

Employees are prohibited from duplicating any keys or entry cards and may not allow use of keys or entry cards issued to them by any other person.

All keys and entry cards must be returned to the Human Resources Office or their designee on the employee's last working day.

Employees are responsible for the cost associated with lost or stolen keys and/or ID/Access Cards.

### 17.3 Access Codes and Passwords

All access codes and passwords are to be kept strictly confidential. All College data and databases are private and confidential; no College information or data may be uploaded or otherwise transferred to persons or entities outside of the College without prior approval.

*For more information, see the Computer and Internet Usage Rule:*

[http://www.wvncc.edu/uploads/gb\\_ComputerUsageRule7-1-2013.pdf](http://www.wvncc.edu/uploads/gb_ComputerUsageRule7-1-2013.pdf)

*Confidentiality/Privacy Agreement for the Protection of Confidential and/or Sensitive Information*

[http://www.wvncc.edu/uploads/dm\\_ConfidentialityAgreement7-17-2015.pdf](http://www.wvncc.edu/uploads/dm_ConfidentialityAgreement7-17-2015.pdf)

### 17.4 ADA

WVNCC will consider reasonable accommodations in accordance with the [Americans with Disabilities Act](#), the [ADAAA](#), the [West Virginia Human Rights Act](#), the [Federal Rehabilitation Act of 1973](#), and the [WVNCC Affirmative Action Plan](#).

#### 17.4.1 Eligibility

In order to meet eligibility requirements, an employee must have a qualifying disability and need reasonable accommodation in order to be able to fulfill the essential functions of his or her position.

#### 17.4.2 Procedure

Employees must submit a [Reasonable Accommodation Request form](#) and an Americans with Disabilities (ADA) Medical Documentation Form & physician's statement to the Chief Human Resources Officer.

#### 17.4.3 Process

The College is committed to providing reasonable accommodation for employees with disabilities based upon medical assessment of the person's capabilities to perform the essential functions of the job. However, if reasonable accommodation is not possible within the provisions of the law for his/her position, WVNCC may consider the individual for referral to other positions within WVNCC for which he/she applies and may otherwise qualify. However, it must be remembered that ADA does not excuse an employee from failing to perform the essential functions of his or her position.

Reasonable accommodation requests for employees with disabilities could involve initial input by, but not limited to, the Chief Human Resources Officer, and/or the individual's physician, the department supervisor and the employee.

WVNCC will follow applicable Federal and State guidelines and statutes as they relate to reasonable accommodation of employees with disabilities and their capabilities to perform essential job duties. A thorough review of the pertinent employability information including, but not limited to, the medical history, position description, and a functional capability report will be conducted. Resulting proposed accommodations must be reviewed and authorized by the Chief Human Resources Officer, prior to implementation.

WVNCC will analyze and respond to each medical situation on a case-by-case basis using the most current evidence available. WVNCC respects the confidentiality of an individual's medical condition and will make an effort to ensure that the condition of the employee will remain confidential, unless the employee requests that the information regarding his/her medical condition be released to others. Nothing in this statement is to be read as vesting an employee with broader rights than otherwise exist under the law.

#### 17.4.4 Duration

To be determined based on the Medical Inquiry Form.

#### 17.4.5 Continuation of Work

As long as an employee maintains adequate performance of essential job duties, and the medical evidence indicates there is no health or safety risk to the employee, other employees or the public, WVNCC will attempt to provide an environment that will allow the employee to continue working.

### 17.5 [Alcohol and Drugs](#)

The purpose of the alcohol and drug free rule is to assure compliance with the [Drug-Free Schools and Communities Act of 1989](#) and the [Drug-Free Work Place Act of 1988](#). The rule applies to the entire College community, including students, faculty, staff and visitors to any of the campuses or classroom buildings.

**Standards of Conduct:** The unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and unauthorized use of alcohol on West Virginia WVNCC Community College property or as a part of any College activity is prohibited. It is prohibited to come to work, class or any College-sponsored function under the influence of alcohol or illicit drugs.

**Disciplinary Sanctions:** Consistent with College, local, State and Federal laws, WVNCC will impose disciplinary sanctions for violation of the standards of conduct outlined above and prohibited in the Drug-Free Schools and Communities laws. Violations could result in expulsion from school, termination of employment and/or referral to law enforcement agencies as is consistent with College rules. Federal trafficking penalties include substantial fines and imprisonment up to life. WV law provides for penalties dependent on the classification of the substance, the activity involved and other convictions. The most severe penalties are for possession with intent to sell. Convictions may provide for fines and/or imprisonment with the amount and time dependent upon other factors.

College sanctions will be consistent with procedures used in other disciplinary actions as described in the [Student Code of Conduct](#) and [Governing Board rule](#). For employees, sanctions may include oral warning, written reprimand, suspension, termination and referral to law enforcement agencies. Disciplinary sanctions for students may include reprimand, probation, suspension, expulsion and referral to law enforcement agencies.

Action for visitors may include referral to law enforcement agencies.

### 17.6 Campus Bulletin Boards

Campus bulletin boards are regulated by either individual departments or the Director of Marketing and Public Relations.

### 17.7 Class Cancellation

In the event of:

- A. *All day classes are canceled:* classes with a starting time up to 4:59 pm are canceled.
- B. *All evening classes are canceled:* classes with a starting time of 5:00 pm or after are canceled.

- C. *Delayed start:* A set starting time will be included in the various announcements. For example, classes will start at 10 am or delayed start-classes start at 10 am.
- D. *Dismissal:* All classes after a specific time will be canceled and any classes currently in session will be dismissed as indicated by your instructor.

Below is list of the communication tools the College will activate if classes are canceled, delayed or dismissed (this does not include individual cancelled classes by instructors):

1. Text Message Alert System-voluntary sign up
2. Switchboard message
3. Website-weather/emergency link on homepage.
4. In house phone intercom system.

In the event that the College is open and classes are canceled, employees will be notified by e-mail of the class cancelations.

### **17.6.1 Student Activity Events**

If classes are canceled, all student activity events will also be canceled and possibly rescheduled. In the event a student activity is scheduled on a Saturday evening or Sunday, the College will use any methods available at the time to notify students or attendees if the event must be canceled, including the website and the text alert system.

## 17.8 [College Closing](#)

The President of the College has the authority to close WVNCC during the period when emergency conditions exist. Such a determination is made in conjunction with local or State public safety officials. The President will document the emergency situation to the Chancellor of the WV Council for Community and Technical College Education. Such closing may be at one campus or the entire College, depending upon the impact of the situation.

During the period of such closing, operations cease at the campus or College. Affected employees do not report to work unless requested to do so by the President or his/her designee. Work time lost by any employee due to the declared emergency will be considered regular work time for pay purposes and will not require that the time be charged to annual leave nor will there be a requirement that the time be made up.

Affected employees who are requested to work shall be compensated according to the provisions of [Series 38, Section 13.2](#) of the Policy Commission's rules. The impact of the closing will be assessed, according to activities and operations affected during the period of closing, and alternatives developed to accomplish the goals of the College and requirements related to the activities. Academic calendar changes will be made only in rare circumstances and with broad consultation with those responsible and impacted. Senior administrators will work with personnel in their areas to develop satisfactory alternatives for accomplishment of goals and report those alternatives to the President, with the expectation that minimal schedule changes will be made. When possible, these alternatives will be developed after normal operations resume; however, depending upon the activities missed, the alternatives may of necessity be developed during the period of closing.

The rule is not to be confused with the Institutional Cancellation of Classes. This rule does not apply to situations in which interruptions of utility service may result in alterations in work arrangements or locations, or as outlined in [Series 38, Section 13.1 and 13.3](#) of the Policy Commission's rules.



## 17.9 [Computer Equipment, Data, and Programs](#)

Computer equipment, data or program owned, leased or otherwise provided by the employee's institution are for conducting authorized, non-personal business. Use for personal benefit or gain may be grounds for disciplinary action up to and including dismissal. Di minimus personal use may be permitted.

## 17.10 Concessions and Solicitation of Funds

All solicitations and selling of products and articles upon property under the jurisdiction of WVNCC is prohibited except by organizations and groups directly connected with and recognized by the institutions with the written approval of the institution's President or his/her designee.

No individual, firm, group, organization, or other agency may use the name of any institution or the WVCTCS to secure funds for any purpose, by any means, without the express written consent of the institution's President.

No employee may participate in the solicitation of funds by sales or through donations, stated or implied, utilizing the name of the institution without written permission from the President. This restriction applies to on and off campus activities.

## 17.11 Confidentiality

Employees must maintain the highest level of confidentiality and privacy in all institutional matters and respect and safeguard the privacy of members of the College community and the confidential nature of their information. Without limiting the general nature of this commitment, employees will not access or seek to gain access to confidential information regarding any past or present employee, student, or honor of the College except when fulfilling authorized job responsibilities. Employees are responsible for taking reasonable steps to protect confidential or sensitive information (oral or written) to which they have access in the course of business or in the performance of job responsibilities. In this context, confidential information is defined as all non-public information that can be personally associated with an individual, in any oral, written, or electronic form.

### 17.11.1 FERPA Confidentiality and Release of Information

The [Family Educational Rights and Privacy Act](#) (sometimes called the Buckley Amendment) of 1974 regulates the release of academic records for students. Student educational records are considered confidential and may not be released without the written consent of the student. College employees may have access to academic records for legitimate "educational" purpose. College employees have a responsibility to protect any educational records in his or her possession. Educational records also contain information such as grades, class schedules, social security numbers, and any other personally identifiable characteristics. Educational records are not necessarily always on paper. Records could be a computer screen display, notes or emails employees have made referencing individual students, a computer printout, a class list or an official document such as a class schedule or class roster.

**THE BASIC RULE:** Never give information to any person (this includes parents, spouses, children, grandparents or agency (either on the phone or in person) about the student's whereabouts, class schedule, grades, etc. Even in an emergency situation (including the Police), you are to take the information down and deliver it to the student, do not give anyone in person or on the phone any information. All information belongs to the student. An employee may have access to Banner and the information it contains 24/7. This access brings a new level of access and an additional level of responsibility.

## 17.12 Dangerous Weapons

The Dangerous Weapons on Campus Administrative Procedure establishes the guidelines and the safety and protection of all members of the campus community relating to dangerous weapons on College property.

The term “dangerous weapon” includes, but is not limited to, firearms; knives other than folding pocket knives with blades three and one half inches long or less or those used for food preparation; bladed weapons such as swords, razors or arrows; ammunition; explosives or explosive devices; nun chucks; and throwing devices with sharp or pointed edges.

No person may possess or carry any firearm or other dangerous weapon upon the premises of the College or upon those premises controlled by the College, unless such person is a law enforcement officer, he or she has written permission of the President, or under the provisions of WV Code §61-7-14 (HB4187).

HB 4187 establishes a right for employees, students, and visitors to keep a gun securely “locked inside” or “locked to” a privately owned vehicle, in a manner that is “out of view”, while the vehicle is otherwise lawfully on our campus and parked in a College parking lot. It is unlawful for the College, or any of its employees or agents, to engage in any communication with any person to try to obtain knowledge of whether they are exercising the right provided for in HB4187; it is unlawful to in any manner discourage a person from exercising that right. It is necessary for the College, to protect itself from possible adverse legal actions, to emphasize that while you are on College property, or elsewhere while acting in the capacity of a College employee, you are prohibited from doing either of those things, and doing so would be treated as employee misconduct [this does not apply, however, to Campus Police Officers who are conducting a specific investigation].

This law does not allow persons who are not police officers to carry a gun on their person on our campuses; if you see someone carrying a gun, you should call 911 or our Campus Police Officer, 304-650-9994, or in the evening, 304-650-9996 immediately if you feel threatened.

If you think a person simply has a firearm at their vehicle but in a manner that is outside the protections of the new law, and if that is the extent of the concern, you should not call 911. Instead, you should contact our Campus Police Officer and describe the concern to him on the Wheeling campus; on the New Martinsville and Weirton campuses you should contact the Manager Campus Operations. You should not confront or communicate with the individual whom you suspect of having a firearm in/at the vehicle in a HB4187 non-compliant manner; that could become dangerous for you, or it could cause you to accidentally violate the new law.

If you feel in danger at any time, please call 911 immediately or contact our Campus Police Officer at 304-650-9994.



### 17.13 Dress Code

The dress code is to dress professionally and appropriately for your assignment (and daily work activities). College personnel are all professionals and know what is appropriate business attire. The main guidance is, if you look at something and ask “is this appropriate to wear?” it probably isn’t. It is up to the supervisor of the area to monitor dress and have discussions with individuals if the person is wearing apparel that does not present the professional appearance, which the area should portray. You may address any questions you have to your supervisor.

### 17.14 [Emeritus Status](#)

In recognition of distinguished contributions of certain individuals upon retirement, in accordance with the [procedure and criteria](#), the President of WVNCC may confer the title of “Emeritus” upon a member of the faculty or administrative officer at the time of retirement.

### 17.15 [Employee ID/Access Cards](#)

Employee ID/Access Cards are utilized as a formal identification for all College employees. College employees are defined as Staff, Faculty, Adjunct Faculty and Hourly Temporary employees. Photo ID/Access Cards are issued for all employees as defined above. All College employees will be issued their first ID/Access Card free of charge. ID/Access Cards are issued with a photograph (taken by College personnel), employee name, title and campus address.

All College employees are required to display the ID/Access Card while on College premises. Either Photo ID’s or non-photo ID’s can be used when on off-campus College official business such as meetings, internships, volunteer activities, etc. Employees are not required to display their photo or non-photo ID when attending conferences. Clinical instructors while at Clinical sites will follow the clinical site identification policy.

A fee will be charged to replace a lost or stolen card. Employees must report a lost or stolen card immediately to the Human Resources Office. Broken ID/Access Card will be replaced during posted hours. The pieces of the broken card must be returned to the Human Resources Office. If the pieces are not turned in, the card will be considered a lost card and a replacement fee will be charged.

The ID/Access Card is the employee’s permanent WVNCC identification card and must be presented upon request. The ID/Access Card is issued for the duration of an employee’s employment at WVNCC. The ID/Access Card is not transferable. The card is the property of WVNCC and, as such, can be confiscated if there is any misuse, forgery, or alteration on the ID/Access Card. The employee may also be subject to disciplinary actions.

### 17.16 Ethics

A public official or employee may not solicit a gift unless the solicitation is for a charitable purpose.

The Ethics Act states that public servants may not solicit a gift, unless it is for a charitable purpose from which they and their immediate family members derive no direct personal benefit. They may not directly solicit a subordinate for any gift - not even a gift for a charitable purpose. The Act prohibition against solicitation of gifts does not apply to solicitation of political contributions. However, [WV Code 3-8-12\(h\)](#) dealing with the regulation and control of elections provides no person shall solicit any [political] contribution from any non-elective salaried employee of the state government or of any of its subdivisions.

#### **17.16.1 Ethical Behavior**

The WVNCC Statement of Ethics has six principles as its foundation:

1. Autonomy: Constituents of West Virginia Northern Community College will make choices within the guidelines of established rules and procedures.
2. Non-maleficence: Constituents of West Virginia Northern Community College will conduct themselves in a manner that is not intended to harm others.
3. Beneficence: Constituents of West Virginia Northern Community College will act in ways that promote good and demonstrate respect.
4. Justice: Constituents of West Virginia Northern Community College will treat all persons fairly and equitably.
5. Fidelity: Constituents of West Virginia Northern Community College will be committed to the College's missions and vision, keep agreements and promises made within the guidelines of established rules and procedures, and maintain privacy.
6. Veracity: Constituents of West Virginia Northern Community College will communicate truthfully and behave honestly.

For more information, refer to the [Guide to the West Virginia Ethics Act](#).

#### 17.17 External Employment

All full-time regular WVNCC employees have a responsibility to report all external employment and entrepreneurship during the course of their employment and prior to any secondary employment to ensure compliance with the [WV Governmental Ethics Act](#) and the College.

On an annual basis, all employees must complete and submit an "[External Employment & Entrepreneurship Reporting Form](#)" to report if they have any activity covered by the Ethics Act for review and approval by the President. Forms are to be submitted to the Human Resources Office.

Employees are required to report and changes to the annual submission prior to assuming the other employment.

#### 17.18 [Freedom of Information Act](#)

Public records maintained by the College in the course of regular business, unless otherwise expressly provided by law, "are subject to the public policy that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." "Every person has a right to inspect or copy any public record of a public body in the State of West Virginia," except as otherwise expressly provided by law. Exemptions from disclosure under documents under the provisions of the Freedom of Information Act (FOIA) are set forth in W.Va. Code §29B-1-4.

The FOIA request for information must be submitted in writing and addressed to the official College custodian of the public records. Duplicating fees for documents or materials in FOIA requests are reasonably calculated to reimburse the College for its actual cost in making reproductions of such records. This fee is subject to review on a regular basis as costs increase. All requests under FOIA must be directed to the College President. Any employee presented with a request pursuant to FOIA must forthwith present the same to the President's Office. The President has sole authority to grant or deny a fee waiver.

#### 17.19 [Fundraising](#)

[Oversight and coordination](#) of all fundraising activities associated with WVNCC will:

1. Provide a continuity of message in building understanding and support for College-wide funding needs.

2. Avoid conflict and duplication of effort in the fundraising contact program.
3. Maximize the contribution from each potential donor.
4. Provide a complete accounting and audit trail of all monies donated to WVNCC.
5. Ensure that no other fundraising effort will compete with the priorities established by WVNCC Foundation in support of WVNCC.

In order to manage all fundraising activities associated with WVNCC, the College requires all organizations and affiliations to [request permission](#) from the College President and notify Institutional Advancement before any fundraising activities are initiated. Funds raised through authorized activities must be deposited with [WVNCC Foundation](#) or in a designated College account. No group, affiliation, or individual(s) that raises funds using the College's name can operate or control outside accounts for funds raised by such College associated activities. Violations of this rule will result in appropriate legal and administrative action.

#### 17.20 Garnishments including Levy

WVNCC is required by law to comply with levies and/or garnishments. The Human Resources Office will notify an employee when a levy or garnishment has been received. It is up to the employee to take any necessary steps to complete the required information as indicated on the levy or garnishment. WVNCC cannot stop deduction for a garnishment or levy without written dismissal of the levy or garnishment from the issuing party.

#### 17.21 Institutional Titles

Institutional titles in affairs not directly related to institutional business may not be used unless it is made clear that the title is being used for identification only and it does not imply institutional involvement or endorsement.

#### 17.22 Medical Records

All employee medical records required to be provided by the employee are maintained in a separate, secure, confidential location with access only by the Chief Human Resources Officer. If there is a need to know situation, the President may be provided limited details.

#### 17.23 Nursing Mothers

The Patient Protection and Affordable Care Act (effective 3/23/2010), amended section 7 of the Fair Labor Standards Act to require employers to provide "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk. Employers are also required to provide "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public.

#### 17.24 Personnel File

WVNCC maintains individual official personnel files for each employee in the course of regular business for employment, benefit and payroll purposes. Personnel and payroll files are maintained in the Human Resources office area and the official custodian of these records is the Human Resources Representative. An employee may have access to his/her personnel file when the College is normally open for business.

An employee may examine his/her own file and the contents therein with the following exception:

Materials which were gathered with the employee's prior agreement to forfeit his/her right of access, such as some references.

To maintain confidentiality of employee personnel and payroll records, no individual, private or public agency external to WVNCC will be permitted access to any employee's personnel file and information without the express written consent of the individual employee concerned, but with the following exceptions:

1. Information will be voluntarily provided to Federal or State agencies responding to written requests when: the agency has jurisdiction to make the particular inquiry; the information being sought is obtainable by subpoena; and the appropriate College officials are satisfied that the information being sought is actually pertinent to the agency's inquiry.
2. Information is being requested by legal subpoena or other requirements by law or court order.

College supervisors, managers and officials will have access to an employee official personnel file on the basis of a need to know. All persons examining a file on the basis of a need to know must treat the contents of the file as confidential, unless under a legal subpoena.

A representative of the custodian of records shall be present with the employee during the review. The date, time and location of each review shall be recorded in the personnel file.

A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A small copy fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. Documents may not be removed from a personnel file by the employee.

An employee may petition at any time for either the removal or addition of documents to his/her own personnel file. The employer may require that employees schedule an appointment to see the personnel file. The personnel file is not the appropriate place to maintain personnel thank you notes, letters, etc.

## 17.25 Pets

No pets including birds, fish, mammals or others shall be permitted in campus buildings or state vehicles. The only exceptions are certified service animals. Employees having pets on campus are responsible for keeping the pet on a leash at all times and are responsible for appropriately cleaning up any stools by the animal. Dangerous animals are prohibited on campus at all times.

## 17.26 Political Activity by Employees

Procedures regarding political activity are based on the degree of involvement required by the office sought. At the municipal or county level, where elective offices by nature and by law require only part time attention, an employee may seek and serve without adjustment to one's position and without taking a leave of absence. An employee must, however, make arrangements with his/her supervisor to make sure all responsibilities to the institution are met.

If an employee wishes to participate in a primary or general election as a candidate for public office which is a full time municipal or county office, or full time or part time state or federal office, he/she must seek a leave of absence without pay from his/her institution. If not elected, the employee will be reinstated after the election.

While on personal time, an employee is not prohibited from campaigning for a candidate in a municipal, county, state, or federal election. Employees are also not prohibited from contact with any elected representatives. An employee may not campaign while on work time and must make it clear that he/she is not representing WVNCC or the Higher Education Policy Commission when campaigning for themselves or any candidate.

[The Hatch Act](#) restricts the political activity of individuals principally employed by state, county or municipal executive agencies who work in connection with programs financed in whole or in part by federal loans or grants. An officer or employee of a state or local agency is covered by the Hatch Act, if he or she has duties in connection with an activity financed in whole or in part by federal funds.

The [WV Ethics Act at WV Code §6B2-5\(b\)\(1\)](#) prohibits the use or expenditure of any public resources to solicit campaign contributions, use public resources to endorse political candidates, etc. This includes State telephones and e-mail accounts.

## 17.27 [Professional Development](#)

Professional development is important for our employees to continue their knowledge base. Professional Development funds are generally awarded to full-time employee of the College. Professional development must pertain to the enhancement of an individual's job duties and/or position at WVNCC. Professional development activities may be funded through grant funds, department budgets including department professional development funds, or from the general professional development fund. Professional development funds may be used for conference, workshop, training attendance or tuition reimbursement. Maximum amount awarded is set each year. Funds are awarded on a first come basis. There is no guarantee that funding will be available for all requests. No individual or department is guaranteed funding in any year.

<http://www.wvncc.edu/offices-and-services/professional-development/4865>

### 17.27.1 Request Process

Complete and submit the [Professional Development Request form](#) with supervisor's signature and completed [Travel Request form](#) to the Human Resources Office.

### 17.27.2 Tuition Reimbursement Request

Complete Section I of the [Tuition Reimbursement Request Form](#) in accordance with the requirements found in the [Professional Development Guidelines](#) and send the completed and signed form to the Human Resources Office for review by the Professional Development Committee. A copy of the application, with approval or denial, will be returned to you to be retained until the end of the semester for final grades to be submitted if approved. To receive reimbursement for tuition (any non-tuition costs including books and fees are the employee's responsibility), complete Section II of the returned Tuition Reimbursement Request form and submit it to the Human Resources Office after the completion of the course. Include a copy of your grades and receipt(s).

### 17.27.3 Professional Development Completion Questionnaire

Complete the Professional Development Completion Questionnaire within 30 days following attendance of professional development opportunity and submit to the Human Resources Office with a copy of your Travel Reimbursement Form.

### 17.27.4 Approval

Upon approval the Professional Development Coordinator will send the approved copy to the Business Office for processing.

## 17.28 Protection of Private Information

Private information is information protected under institutional policies, state law, or federal statutes. Examples include, but are not limited to: certain financial information, certain employee and student information, patient information and histories, donor histories and related information and mailing lists.

All employees and students are responsible for protecting the privacy of such information. Protection means not disclosing, copying, or disseminating information without authorization. All documents containing private information must be properly maintained and disposed of.

Unauthorized release, access, possession or viewing of the information specified may result in disciplinary action or prosecution under state and federal statutes or both.

## 17.29 Public Communication

All official public communication activities engaged in by WVNCC employees and students for the purpose of promoting the institution shall be authorized in advance by the President and the Director of Marketing and Public Relations or designee.

## 17.30 [Red Flag Rule](#)

WVNCC will properly dispose of consumer report information and provide information to victims of identity theft. WVNCC will properly handle notice of identity theft and respond to any notification received of identity theft to prevent refurnishing blocked information. WVNCC will comply with the [Higher Education Opportunity Act](#) and all current Federal regulations regarding sharing information with affiliates and provide an oral, written, or electronic notice when a possible flag has been set. WVNCC will also comply with the guidelines adopted by the Federal banking agencies, and the Federal Trade Commission for use when furnishing information to a Credit Reporting Agency regarding the accuracy and integrity of the information relating to the consumer that such entities furnish to Credit Reporting Agencies. WVNCC will provide notice to students and affiliates regarding negative and/or compromised information and take appropriate action when receiving a notice of discrepancy in the consumer's address.

WVNCC does not provide references for current or past employees. Individuals may request another employee and/or supervisor provide an individual reference, but the individual is not to represent WVNCC.

## 17.31 [Rules](#)

Our rule making processes is This rule governs rulemaking by the Board of Governors and is applicable to rules for WVNCC.

Definitions:

The term "rule" shall be defined as it is in [WV Code §18B-1-6\(c\)](#). – (a)"Rule" means any regulation, guideline, directive, standard, statement of policy or interpretation of general application which has institution-wide effect or which affects the rights, privileges or interests of employees, students or citizens. Any regulation, guideline, directive, standard, statement of policy or interpretation of general application that meets this definition is a rule for the purposes of this section. (b)Regulations, guidelines or policies established for individual units, divisions, departments or schools of the institution, which deal solely with the internal management or responsibilities of a single unit, division, department or school or with academic curricular policies that do not constitute a mission change for the institution, are excluded from this subsection, except for the requirements relating to posting.

The term "policy" as it is used by the Board shall be synonymous with the term "rule" defined above.

The term "administrative procedure" means any regulation, guideline, directive, standard, or statement of policy or interpretation of future effect that does not qualify as a "rule." Administrative procedures or [rule procedures](#) do not require approval of the Board.

### Adoption, Amendment, and Repeal of Rules:

The Board shall approve a notice of proposed rulemaking or a notice of revised rulemaking prior to the drafting or revision of such rule. A rule shall be brought to the Board for final approval after the appropriate notice and comment period requirements have been met. (Refer to Rule Processing Procedure for guidelines on rule processing.)

The Board may also approve emergency rule before the normal notice and comment period. A rule approved as an emergency must be approved, following the normal procedures in this rule, within three (3) months of its emergency approval or it shall expire.

The Board authorizes the president and/or designee(s) to make modifications to a proposed rule in response to comments. Comments or (summaries of comments) and responses to those comments will be included with the proposed rule in the agenda for the Board meeting in which it is to be approved. Notification to constituencies and the public may be accomplished by publication of the comments, responses, and any modified rule in the Board's meeting agenda or direct notification to the individuals listed above.

The Board will approve rules in a manner consistent with all applicable laws, rule, and procedures of the State of West Virginia and all relevant governing authorities.

The following individuals shall be notified of a "request for comment" on a proposed rule: The president, president's cabinet, staff council chair, faculty assembly chair, student representative, chancellor of the Community and Technical College System.

Paper copies of all rules and proposed rules will be maintained "on reserve" in the library on each campus. Electronic copies of all rules and proposed rules will be available for viewing on the Board of Governors web page for WVNCC.

All rules previously approved by the Board of Governors prior to this rule remain in effect until amended, repealed or suspended.

## 17.32 Safety and Security

The Executive Safety Committee (Vice President of Student Services, Vice President of Administrative Services, Chief Human Resources Officer, Campus Police Officer), working with the Manager Campus Operations, and the Safety Committee is responsible for security services. Employees shall immediately report any suspicious person, behaviors, or circumstances to his/her supervisor, campus liaison officer or notify 911.

### 17.32.1 Safety

Staff committee members are committed to providing and maintaining a safe, clean and healthy environment for all employees, students and visitors on campus.

### 17.32.2 Emergency Response Plan

WVNCC has designed a plan for administration, faculty, and staff to manage campus emergencies. While this may not address every conceivable situation it supplies extensive guidelines to cope with campus and community emergencies with the expectation of making the campus safe and secure for all students, staff, faculty and visitors.

The Executive Safety Committee is responsible for this program. Each employee is responsible for reviewing the emergency response reference manual, knowing the actions he/she is responsible for completing, and for being familiar with the guidelines.



### **17.32.3 Automatic External Defibrillators**

AEDs are strategically located throughout the campus in case of emergencies. The locations of these devices may be found in the Emergency Response Manual.

### **17.32.4 Building Access (Public Access Administrative Procedure)**

The purpose of this administrative procedure is to further promote the safety and security of students, faculty, staff, administrators and building occupants by controlling access to its facilities to those authorized by the administration. The College uses measures to reasonably ensure the health, safety and welfare of its internal community. As a result, it is important for the College to ensure, on a daily basis, that those who come to campus have the authority to do so. The College fully recognizes its status as a public entity and the need to provide access to its facilities to those individuals and groups that are authorized by College administrators to use its facilities. This administrative procedure applies to all individuals including, but not limited to students, employees, building occupants, visitors and guests. Effective 12/1/2011.

### **17.32.5 No Trespassing List**

A “No Trespassing” List is available to WVNCC students, faculty, and staff on the main page of the WVNCC Student and Faculty/Staff Portal. This lists includes names and pictures (if available) of persons who are not permitted on the college property or at any of the College sponsored functions. If anyone on this list is seen on College property, please contact any of our Security phone numbers designated for your campus.

### **17.32.6 Text Alert System**

The College participates in an emergency alert system. All employees are automatically enrolled with the option to opt out.

### **17.32.7 Safety and Security Plan**

*Safety and Security Plans - <http://www.wvncc.edu/offices-and-services/security-and-safety/1487>*

## **17.33 State owned vehicles**

To be used exclusively for business purposes and must be approved in advance by the appropriate administrator. It is the responsibility of the driver to follow all regulations pertaining to the use of the vehicle, to ensure that the use of the state vehicle is properly authorized and the passengers are all “agents” or employees of the state. The Business Office is responsible for checking out vehicles for use, maintaining records and providing copies of regulations pertaining to the use of the vehicles.

## **17.34 State Property Use**

An employee may use institutional stationery, motor vehicles, or other equipment only in conducting institution business. It is a criminal offense for an employee to remove state property when leaving the service of the institution. Employees are to turn in all institutional property including keys, books, office supplies, furniture, equipment, paper, etc. upon termination of state employment. WVNCC reserves the right to request the return of institutionally issued uniforms.

## **17.35 Telephones**

Institutional telephones should be utilized for WVNCC business purposes only. Personal phone calls should be made during breaks except in the case of emergencies. Personal long-distance calls are



not permitted using college-owned phones. Personal cell phones may be used during non-work times, but are not to be used while operating state vehicles. Excessive or disruptive use of a personal cell phone is prohibited and will be addressed by a supervisor or other administrator.

*Texting while operating a state vehicle is strictly prohibited.*

### 17.36 [Tobacco-Free Campus](#)

The College has a responsibility to its employees and students to provide a safe and healthy environment. In support of this responsibility, the College has established the following rule regarding tobacco use on campus property:

Tobacco use, which includes, but is not limited to, smoking, chewing, rubbing and the use of electronic tobacco devices, is prohibited on all College owned, leased or operated property, buildings and vehicles. This will include any public sidewalks within 25 feet radius of College entrance/exits. Organizers and attendees at public events, such as conferences, meetings, public lectures, social events and cultural events, using College facilities will be required to abide by the [College Tobacco-Free Campus Rule](#). Organizers of such events are responsible for communicating and enforcing this rule to attendees.

The sale of or free distribution of tobacco products on campus is prohibited. This includes the delivery of tobacco products to campus by means of delivery services of any kind.

Campus organizations are prohibited from accepting money or gifts from tobacco companies. All tobacco advertising in public spaces, such as billboards and signs, is prohibited. Accepting revenue for advertising tobacco products is inconsistent with the mission of this rule. Course learning materials which reference tobacco products are acceptable as long as the materials do not promote the use of tobacco.

Tobacco advertisements are prohibited in College-run publications. Enforcement of this rule will depend on the cooperation of all members of the campus community, both to comply and encourage others to do so. Faculty, staff and students who see individuals smoking or using tobacco products are asked to inform these individuals in a professional and courteous manner that College rule prohibits tobacco use anywhere on grounds. Offenders are to be reported to the Chief Human Resources Office on the Wheeling campus and the Campus Deans on the Weirton and New Martinsville campuses. Initial rule violations will be responded to with education. Repeated violations may be subject to appropriate disciplinary actions in accordance with the student code of conduct and the employee disciplinary action rule for faculty, administrators and staff. Visitors who violate the rule will be informed that WVNCC is a tobacco-free campus. Visitors who continue to violate the rule following a warning will be escorted off campus.

### 17.36 Verification of Employment

The Human Resources Office is responsible for completing request for verification of employment. In most cases, the Human Resources personnel will not provide information beyond if someone works or has worked for WVNCC. Additional information may be provided if the employee has signed a release for the requested information.

### 17.38 Volunteering

Any individual that wishes to voluntarily donate his or her time and services to the College for the service is required to complete a [Voluntary Service\(s\) Approval/Release Form](#).

Any time and/or service(s) are provided free of charge and, therefore, the individual can expect no compensation, consideration, benefit, or remuneration of any kind or description whatsoever. The individual must also grant full and unconditional release to WVNCC and the State of West Virginia for

any and all liabilities including personal injuries, jointly and severally which may arise from his or her voluntary association with WVNCC.

### 17.39 Whistle Blower Policy

The West Virginia Whistle-blower Law protects public employees against discharge, discrimination, or retaliation when they, in good faith, report any instances of waste (substantial abuse, misuse, destruction, or loss of public funds or resources) or wrongdoing (non-technical violations of any statute, regulation, ordinance, or code of ethics designed to protect the public interest.) To report any instance of waste or wrongdoing, as defined above, contact the appropriate supervisory personnel, department administrator, or the Chief Human Resources Officer.

### 17.40 Workplace Injury

#### 17.40.1 On the Job injury

Employees are required to report any on the job injury immediately to his or her supervisor and within 24 hours to the Human Resources Office. This includes injuries that do not require medical attention. Employees are required to complete an employee workplace injury form which can be found on the Human Resources forms web page.

#### 17.40.2 Fitness for Duty

Employees who seek medical attention for a work place injury must provide a return to work release form from the medical facility prior to returning to work.

## Section 18 – Links and Resources

The following links are provided as resources to documents that you may find helpful. The Human Resources Office can provide these documents to you electronically or in hard copy at your request or the documents can be located on WVNCC website.

WV Northern Community College [www.wvncc.edu](http://www.wvncc.edu)

WVNCC Board of Governors <http://www.wvncc.edu/about/board-of-governors/531>

WV Legislative Code <http://www.legis.state.wv.us/WVCODE/Code.cfm>

WV Community and Technical College Council Education <http://www.wvctcs.org/>

BOG Rules- Approved <http://www.wvncc.edu/about/board-of-governors---rules-approved/680>

BOG Rules- Pending <http://www.wvncc.edu/about/board-of-governors---rules-currently-under-review-/699>

Administrative Procedures <http://www.wvncc.edu/offices-and-services/administrative-procedures/701>

Human Resources Forms <http://www.wvncc.edu/offices-and-services/human-resources-forms/773>

Human Resources <http://www.wvncc.edu/offices-and-services/human-resources-/37>

Strategic Plan <http://www.wvncc.edu/about/2011-2016-strategic-plan-summary/81>

Faculty Instructional Workload <http://www.wvncc.edu/uploads/FacultyInstructionalWorkload.pdf>

EEO/AA Plan <http://www.wvncc.edu/uploads/EEOAA.pdf>

Many thanks to other West Virginia higher education institutions and the West Virginia Higher Education Policy Commission Vice Chancellor for Human Resources and Legal Division which shared best practices and resources for items contained within this Employee Reference Manual.