

BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE BOARD OF GOVERNORS

SERIES: 4 Human Resources
RULE: 45.1 Classified Employees

Scope: This rule establishes procedures related to classified personnel.
Authority: W. Va. Code § 18B-1-6
Approval Date: 7/26/06
Effective Date: 7/26/06

SECTION 1. Purpose. The purpose of this rule is to establish procedures related to classified personnel.

SECTION 2. Definitions

- 2.1. Casual Employee. A casual employee position is a position created to meet specific operational needs at an institution for no more than 225 hours in a twelve (12) month period. Individuals in a casual employee position are not eligible for benefits and are not covered by the classification program as set out in WVCCTCE Series 8.
- 2.2. Classified Employee. An employee who is covered by the provisions of the classification program outlined in this rule as set out in WVCCTCE Series 8.
- 2.3. Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes as set out in WVCCTCE Series 8.

SECTION 3. Part-Time and Temporary Employees

- 3.1. Part-time employees will not be hired solely to avoid the payment of benefits or in lieu of full-time employees. All qualified classified employees with nine (9) month or ten (10) month appointments will be given the opportunity to accept part-time or full-time summer employment before new persons are hired for the part-time or full-time employment. Consequently temporary positions will only be used when the function of the position is expected to require less than nine (9) consecutive months of employment (regardless of hours worked per week) to equal the full-time equivalency of the position.
- 3.2. The provisions of the foregoing section of the rule are not intended to establish a rule mandate under which any part-time or temporary employee may claim a right of full-time employment. The President and his or her designees are intended under this rule to exercise their judgment, in their sole discretion, to fulfill the Board's intentions under this rule.

SECTION 4. Appointment or Promotion

- 4.1. Pursuant to W.Va Code §18B-7-3(e), non-exempt classified employees who apply for and meet the minimum qualifications for a posted non-exempt position and are currently employed at the institution shall be hired into the posted position prior to hiring someone from outside the institution.
- 4.2. If more than one (1) qualified, non-exempt classified employee applies, the best-qualified non-exempt classified employee shall be awarded the position. In such cases, if the employees are equally qualified, the employee with the greatest amount of continuous seniority at the institution shall be awarded the position. A random selection method such as drawing of lots, rolling dice, or selection of playing cards shall be utilized if two or more employees have equal qualifications and seniority. Such method shall be mutually agreed upon by the affected employees and approved by

the President or her/his designee. If the employees cannot agree on a random selection method, the President shall use the drawing of lots to determine rankings.

- 4.3. Provisions of this section shall not apply to casual, temporary and student employees, nor shall they apply to exempt positions.
- 4.4. Pursuant to W.Va. Code §8B-7-1d, the provisions of this section shall not take precedence over mandates in the institution's affirmative action plan. In no event shall the institution's affirmative action plan require the use of quotas to meet its affirmative action goals or require the hiring of an unqualified person for any non-exempt position.

SECTION 5. Probationary Period

- 5.1. Full-time regular classified employees shall serve a six (6) month probationary period beginning at the original date of employment.

SECTION 6. Compensatory/Overtime Provisions

- 6.1. Non-exempt employees may receive compensatory time off in lieu of overtime pay. All hours worked beyond 37 ½ and up to and including forty (40) hours are calculated at the employee's regular hourly rate. Time worked beyond forty (40) hours in a work-week are to be calculated at a rate of one and one half (1 ½) times the regular hourly rate.
- 6.2. A written agreement between the employee and the institution shall exist when the employee chooses compensatory time off in lieu of overtime pay. The written agreement may be modified at the request of either the employee or employer at any time but under no circumstances shall a change in the agreement deny the employee compensatory time heretofore acquired.
- 6.3. Except as otherwise expressly provided for in this Rule, employees may accumulate up to two hundred forty (240) hours of compensatory time and shall be paid for all hours worked above the maximum accrual.
- 6.4. Employees in public safety, seasonal work, and/or emergency response categories may accumulate up to four hundred eighty (480) hours and shall be paid for all hours worked above the maximum accrual.
- 6.5. Compensatory time must be used within one (1) year of accrual. The use of compensatory time off shall be requested two (2) weeks in advance of the use of the time off. Approval of the request shall be contingent upon whether it will unduly disrupt the operation of the institutional unit.
- 6.6. Should an individual's employment be terminated, any unused compensatory time shall be reimbursed as follows:
 - 6.6.1 The average regular rate received by such employee during the first (1st) three (3) years of the employee's employment; or,
 - 6.6.2 The final regular rate received by such employee, whichever is higher.

SECTION 7. Posting

- 7.1. It is the rule of Blue Ridge CTC to post classified positions, either internally or both internally and externally, in order to provide employees adequate time to make application for positions.
- 7.2. Posting shall not apply to casual or to temporary positions.

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