

Board of Governors Rule

Talent and Culture
Classification and Compensation
Responsible Unit: Talent and Culture
Amended: TBD
Effective: TBD
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BOG TALENT AND CULTURE RULE 3.3 CLASSIFICATION AND COMPENSATION

SECTION 1: PURPOSE & SCOPE.

- 1.1 The University seeks to design and administer a fair and flexible compensation program for its Classified and Non-Classified Employees that allows the University to attract, retain, and motivate high performing employees.
 - 1.2 This Rule outlines the guiding principles for establishing a classification and compensation program for Classified and Non-Classified Employees. Faculty positions are not covered by this Rule.
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SECTION 2: OVERVIEW OF PHILOSOPHY AND RESPONSIBILITIES OF THE CLASSIFICATION AND COMPENSATION PROGRAM.

- 2.1 The Vice President for Talent and Culture shall design and administer a classification and compensation program that aligns with the University's mission, vision, and values and meets the following objectives:
 - 2.1.1 Attracting and retaining a high performing, qualified and diverse workforce;
 - 2.1.2 Motivating and rewarding Classified and Non-Classified Employees for high levels of performance;
 - 2.1.3 Competing within comparable labor markets; and
 - 2.1.4 Providing flexibility to respond to changes in the labor market, within available financial resources.
- 2.2 The Vice President for Talent and Culture shall analyze emerging trends and changing circumstances that impact compensation in order to keep the compensation program

consistent with best practices and make any appropriate changes to the classification and compensation program. The Vice President for Talent and Culture shall obtain the approval of the Board prior to implementing any change that would make fundamental, systemic changes to the overall classification and compensation program.

- 2.3 The Vice President for Talent and Culture shall develop and maintain job titles, pay ranges, and alignment of job titles to respective pay ranges for all Classified and Non-Classified Employees; and implement the Staff Structure for Classified Employees.
- 2.4 Units are most familiar with work performed in their respective units and the abilities of the individuals who do the work and therefore Units have the primary and significant responsibility for determining pay in consultation with and concurrence of Talent and Culture.
- 2.5 **Job Descriptions.**
- 2.5.1 Development and Maintenance of Standardized Job Descriptions. Talent and Culture shall develop and maintain a standardized job description for all Classified Employee job titles and, where appropriate, Non-Classified job titles. The current and existing library of standardized job descriptions shall serve as the initial set of standardized job descriptions and may be updated and modified by the Vice President for Talent and Culture, as appropriate.
- 2.5.2 Development and Maintenance of Individual Job Descriptions. Units shall develop individualized job descriptions for all Classified and Non-Classified positions and submit the job descriptions to Talent and Culture. Talent and Culture shall maintain completed individual job descriptions.
- 2.5.2.1 Individual job descriptions must include a summary of the essential duties and the level of the work performed.
- 2.5.2.2 To maintain accurate job descriptions, supervisors shall periodically review individual job descriptions and notify Talent and Culture if the content of a position undergoes a fundamental change, pursuant to the provisions of Section 7 of this Rule.

SECTION 3. INITIAL JOB TITLE ASSIGNMENT AND COMPENSATION FOR CLASSIFIED EMPLOYEES.

- 3.1 The job titles in place as of the adoption of this Rule shall remain in effect until otherwise modified by the Vice President for Talent and Culture.
- 3.2 The Staff Structure remains in effect until otherwise modified by the Vice President for Talent and Culture.

- 3.3 Standardized and individual job descriptions for Classified Employees in place as of the adoption of this Rule shall remain in effect until otherwise modified by a Unit or by Talent and Culture, as applicable.
- 3.4 Pursuant to the provisions of Sections 3.1, 3.2, and 3.3, Classified Employees shall retain their respective classification, current job titles, job descriptions, and compensation until otherwise modified pursuant to actions taken consistent with this Rule or other administrative policy, except as set forth in West Virginia Code §18B-9A-2.
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SECTION 4: DETERMINATION OF CLASSIFICATION STATUS, JOB TITLE, JOB DESCRIPTIONS, AND COMPENSATION OF CLASSIFIED EMPLOYEES.

- 4.1 Prior to posting or reviewing a position, a Unit shall submit to Talent and Culture a set of proposed position duties, responsibilities, functions, skills, education, and experience required for the position. Talent and Culture shall then determine whether a position is Classified or Non-Classified.
- 4.2 If the position is deemed Classified, then Talent and Culture shall evaluate the submitted duties, responsibilities, functions, and the skills, education, and experience required for the position and compare those factors to the standardized job descriptions. Following this analysis, Talent and Culture shall assign a job title to the position. In undertaking this analysis, Talent and Culture will no longer evaluate the submitted duties and responsibilities using a point factor methodology.
- 4.3 Talent and Culture shall then slot the position into the corresponding range in the Staff Structure for the chosen job title, and the Unit shall then determine the individual's compensation level pursuant to Section 6.
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SECTION 5: DETERMINING JOB TITLE, JOB DESCRIPTION, AND COMPENSATION OF NON-CLASSIFIED EMPLOYEES.

- 5.1 If Talent and Culture deems a job posting or review as Non-Classified, Talent and Culture shall evaluate a position's submitted duties, responsibilities, functions, skills, education, and experience required for the position, as provided by the respective Unit, and then compare those factors to internal and external jobs to determine the job title and the corresponding pay range for the position.
- 5.2 Following Talent and Culture's determination of the pay range, the Unit shall then determine the individual's compensation level, pursuant to Section 6.
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SECTION 6: COMPENSATION ELEMENTS.

- 6.1 Once a Classified or Non-Classified position has been slotted in the appropriate job title and assigned to the appropriate pay range, the Unit shall assess the individual's qualifications and make a salary determination within the designated range after consultation with and the concurrence of Talent and Culture. The individual's placement in the respective pay range involves an assessment of elements such as education, experience, skill measures, performance, internal salary equities, and any budget parameters established by the Board of Governors or the President.
- 6.2 A Classified or Non-Classified Employee's compensation may include any of the following elements, consistent with the West Virginia Code and the West Virginia Constitution:
- 6.2.1 **Base Compensation**, defined as the hourly rate or salary.
 - 6.2.2 **Annual Increment**, defined as the annual lump sum payment based on years of state service multiplied by a flat dollar amount contemplated by the West Virginia Code §5-5-2.
 - 6.2.3 **Incentive Compensation**, defined as one-time payments based on (i) the achievement of previously defined, objective quantifiable metrics over a defined time period; (ii) incentive to motivate an employee to remain employed in current position until a certain date; or (iii) other contractual agreements, including substantial work on projects deemed critical to the department, division, or institution.
 - 6.2.4 **Shift Differential Compensation**, defined as additional compensation for hours worked that are deemed outside the typical business schedule by the University.
 - 6.2.5 **Emergency Call-in Compensation**, defined as compensation for applicable, regular, non-exempt employees who respond to a request for emergency call-in shall be guaranteed a minimum of two and one-half (2.5) hours of compensation, at the applicable rate of pay, for each occasion in which the employee responds in an emergency call-in situation, at the request of management.
 - 6.2.6 **Overtime and Holiday Compensation**, defined as compensation for applicable, eligible employees who are required to work Overtime, or during a Holiday or Emergency Closure shall be eligible for additional pay.
 - 6.2.7 **Compensatory Time-Off (CTO)**, may be offered by a supervisor to an eligible, non-exempt employee in lieu of overtime pay.
 - 6.2.8 Other compensation elements may be considered as deemed appropriate by the Vice President for Talent and Culture.

- 6.3 A Classified or Non-Classified Employee's compensation shall not be placed below the minimum of the selected range for the selected job title. Any instance of a Classified or Non-Classified Employee's compensation outside of the established pay range for the selected job title must be approved by the Vice President for Talent and Culture. Pay ranges may be adjusted from time to time based on market changes, *see* Section 9 below.

SECTION 7: JOB CHANGE ADJUSTMENTS FOR EXISTING CLASSIFIED OR NON-CLASSIFIED EMPLOYEES.

- 7.1 A Unit may request that Talent and Culture review a Classified or Non-Classified Employee's individual job description to determine whether the individual's job description, as modified to fit current duties, amounts to a fundamental change compared to the employee's previous individual job description, to determine whether the employee should be assigned to a new job title and corresponding pay range.
- 7.2 If Talent and Culture determines that a *significant* change in duties and responsibilities has occurred such that there is a fundamental change in the position, then Talent and Culture shall assign the Classified or Non-Classified Employee's position to a new job title. A fundamental change is a change in the relative worth of the position in achieving an organization's objectives and is assessed by considering a number of factors, including the duties and responsibilities, essential requirements, qualifications, experience, and skills required to perform the position. It is not sufficient that there be a mere change in the volume of work.
- 7.3 In determining whether a fundamental change has occurred, Talent and Culture shall consider the following:
- 7.3.1 the current job description of the incumbent in relation to the work actually being or proposed to be performed;
 - 7.3.2 changes that have occurred to the position, considering the duties, responsibilities, essential requirements, and organizational hierarchy of the role;
 - 7.3.3 comparable positions to ensure equity and consistency in measurement of work value within the unit and across the University;
 - 7.3.4 the ongoing nature of the changes to the duties, responsibilities, and essential requirements; and
 - 7.3.5 other factors deemed appropriate by Talent and Culture.
- 7.4 The following factors do not justify a job change adjustment:
- 7.4.1 the incumbent Classified or Non-Classified Employee's performance in the position;

- 7.4.2 the length of service or time in the position;
 - 7.4.3 the education beyond the minimum required education of the job title, including but not limited to obtaining additional degrees in a field not related to the Classified or Non-Classified Employee's current job duties;
 - 7.4.4 the knowledge, skills, and abilities of the incumbent Classified or Non-Classified Employee that are not directly relevant to the position under review;
 - 7.4.5 any differences in job change adjustments in other Units;
 - 7.4.6 any temporary duties (not including interim assignments) performed in addition to the incumbent Classified or Non-Classified Employee's regular position description duties or a one-off project (such circumstances may warrant a supplemental pay adjustment); or
 - 7.4.7 efforts to undertake a job change adjustment to retain an incumbent Classified or Non-Classified Employee (such circumstances may warrant a critical retention adjustment).
- 7.5 If Talent and Culture determines that a fundamental change has occurred, then Talent and Culture shall assign the Classified or Non-Classified Employee to the most appropriate job title consistent with the employee's new duties and responsibilities.
- 7.5.1 For Classified Employees, the determination of the most appropriate job title shall be determined by undertaking the analysis contemplated by Section 4.2.
 - 7.5.2 For Non-Classified Employees, the determination of the most appropriate job title shall be determined by undertaking the analysis contemplated by Section 5.1
- 7.6 The effective date of a job change adjustment and any accompanying salary adjustment should generally follow the date of approval by Talent and Culture.

SECTION 8: COMPENSATION ADJUSTMENTS FOR EXISTING CLASSIFIED OR NON-CLASSIFIED EMPLOYEES.

- 8.1 A Unit may, after consultation with and concurrence by Talent and Culture, modify a current Classified or Non-Classified Employee's compensation for one of the following reasons, provided it comports with the West Virginia Code and the West Virginia Constitution:
- 8.1.1 ***Performance-Based Merit Adjustments:*** Performance-based merit adjustments are designed to reward employees' performance and should not be treated as a cost of living adjustment. These adjustments should be tied to an employee's annual performance evaluations and may be either base adjustments or one-time, lump

sum payments.

- 8.1.2 **Market Adjustments:** Market adjustments may be requested when the employee's placement within the pay range is not consistent with relevant external market data, where individual pay circumstances require consideration of external market data for similar jobs, or in instances with high turnover or low supply of qualified applicants. Market adjustments may only be an increase to an employee's base pay, and not a one-time payment.
- 8.1.3 **Critical Retention Adjustments:** Critical retention adjustments are intended to retain an employee that occupies a critical position to the mission of the University. Critical retention adjustments should be reserved for a job involving unique skills, experience, or knowledge or jobs that are extremely hard to fill. Critical retention adjustments may only be an increase to an employee's base pay, and not a one-time payment.
- 8.1.4 **Job Change Adjustments:** A job change adjustment pursuant to Section 7. A Job Change Adjustment may only be an increase to an employee's base pay, and not a one-time payment.
- 8.1.5 **Supplemental Pay Adjustments:** Supplemental pay is used to compensate employees performing additional responsibilities that are functionally different or broader in scope than the current assignment. Supplemental pay adjustments may only be an increase to an employee's base pay, and not a one-time payment.
- 8.1.6 Other adjustments may be considered as deemed appropriate by the Vice President for Talent and Culture. *Provided*, that any inequities between employees' compensation within the same job title may not alone justify an adjustment to compensation.

SECTION 9: MARKET ANALYSES, PROGRAMMATIC CHANGES, AND QUARTERLY CONSULTATION WITH STAFF COUNCIL.

- 9.1 The Vice President for Talent and Culture shall periodically, but at least once every five years, undertake a comprehensive study of market salaries to facilitate a review of established pay ranges and job titles at the University. Additionally, the Vice President for Talent and Culture shall undertake informal reviews of the market salaries at least three years after each comprehensive study is completed.
- 9.2 Nothing in this section or Rule shall prohibit the Vice President and Talent and Culture from modifying pay ranges, job titles, and standardized job descriptions in the absence of a comprehensive market study.
- 9.3 In undertaking the quarterly meetings outlined by Talent and Culture Rule 3.1, the Vice

President for Talent and Culture shall on a quarterly basis advise and seek input from Staff Council as to efforts to consider and make potential changes to the compensation and classification plan, including revising pay ranges and job titles, and analyses of market forces that impact classification and compensation at the University.

SECTION 10: DEFINITIONS.

10.1 All defined terms for this Rule are contained within the Definitions Section of Board of Governors Talent & Culture Rule 3.1, unless the text clearly indicates a different meaning.

SECTION 11: DELEGATION.

11.1 The Board of Governors delegates to the Vice President for Talent and Culture the ability to adopt internal human resource policies and procedures in order to implement the provisions of this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

11.2 To the extent federal and state law is inconsistent with this Rule and it is not possible for the University to comply with all, applicable law will govern. Accordingly, Talent and Culture, with advice from the Office of General Counsel, has the discretion to implement any necessary changes in order to comply with legal obligations.

SECTION 12: AUTHORITY.

12.1 The Fair Labor Standards Act of 1938, as amended 29 U.S.C. 201, et seq.

12.2 W. Va. Const. Art.VI, §38.

12.3 W. Va. Code §6C-2-1, et seq., §18B-1-6, §18B-2A-4, §18B-7-10; §18B-9A-2 and §18B-9B-1.

SECTION 13: SUPERSEDING PROVISIONS.

13.1 This Rule supersedes and replaces Higher Education Policy Commission (“HEPC”) Series 8 (W. Va. Code R. §§ 133-8-1 to -19), which was adopted November, 22, 2001 and repealed June 22, 2018; HEPC Series 14 (W. Va. Code R. §§ 133-14-1 to -6), which was adopted December 1, 2019; HEPC Series 38 (W. Va. Code R. §§ 133-38-1 to -13), which was adopted November 19, 1992; HEPC Series 39 (W. Va. Code R. §§ 133-39-1 to -8), which was adopted September 5, 1996 and repealed June 22, 2018; HEPC Series 53 (W. Va. Code R. §§ 133-53-1 to -17), which was adopted May 2, 2013 and repealed March 29, 2019; HEPC Series 55 (W. Va. Code R. §§ 133-55-1 to -27, including Appendix A), which was adopted June 4, 2018, and any other current or subsequent Rule of the HEPC which

relates to the subject matter contained within this Rule. This Rule also repeals and supersedes WVU BOG Policy 29 – Salary Policy, which was adopted on October 5, 2001, and amended on November 16, 2012; WVU BOG Policy 53 – Emergency Call-In and the related procedure, which was adopted May 1, 2009; and any other Human Resources policy or procedure which relates to the subject matter contained within this Rule.