
**BOG TALENT AND CULTURE RULE 3.7
ANNUAL INCREMENT**

SECTION 1: PURPOSE & SCOPE.

- 1.1 This Rule outlines the guiding principles for determining annual increment payments (also called “longevity”) for eligible employees of the West Virginia University Board of Governors. Specific eligibility is further defined below.

SECTION 2: GENERAL REQUIREMENTS.

- 2.1 Every eligible employee, as defined below in Section 3, with at least the minimum statutorily defined or more years of credited West Virginia State service, shall receive an annual increment payment equal to the statutorily defined dollars times the eligible employee’s eligible West Virginia State years of service, without limit.
- 2.2 During the month of July of each fiscal year, the Auditor’s Office shall pay annual increment to all eligible employees in the form of a lump sum payment. All eligible employees on a leave of absence without pay at the time payment is made shall receive any annual increment payment due to them concurrently with all other eligible employees.
- 2.3 The annual increment payment shall be in addition to any across-the-board, cost of living, or percentage salary increases which may be granted in any fiscal year by the Legislature. This shall not be construed to prohibit other increases based on merit, seniority, promotion, or other reason, if funds are available for the other pay increases. The West Virginia University Board of Governors shall first grant the annual increment payment to all eligible employees prior to the consideration of any increases based on merit, seniority, promotion, or other reason.

- 2.4 Only years of service earned while working in an eligible West Virginia State employee position are credited. Prior service with a county school board or political subdivision will not be considered eligible years of service for the purpose of calculating annual increment. Section 3 below further defines “eligible employee” and the years of service calculation for each type of West Virginia State employee. An eligible employee cannot be credited for more years of service than the total number of fiscal years that the eligible employee has performed services for the State of West Virginia.
- 2.5 An employee hired into an eligible employee position shall not receive any credit toward the calculation of annual increment for service earned in a temporary State employee position, including, but not limited to, Mountaineer Temp positions. Any current eligible employee, hired prior to July 1, 2007, who previously received credit for Mountaineer Temp service, shall continue to receive years of service credit for his/her Mountaineer Temp service, so long as his/her employment with West Virginia University is continuous and uninterrupted.
- 2.6 All eligible West Virginia State years of service shall be calculated based on the rules applicable to that type of service. For example: A nine (9) month, 1.00 fulltime equivalent (FTE), Faculty member, who has prior service as a 9 month, 1.00 FTE, Classified Employee, would have their years of service during the time spent in the classified assignment calculated based on the rules applicable to classified service. Thus, the 9 months of service in the classified position **would not** be equal to 12 months of service for the purpose of calculating annual increment.
- 2.7 The eligible employee is responsible for obtaining verification of qualifying service and such service must be verified from each former West Virginia State employer. If an eligible employee subsequently provides verification of qualifying service, the service will be calculated into the eligible employee’s totaled years of service. However, the eligible employee shall not be entitled to any back pay of annual increment for fiscal years prior to the fiscal year in which the obligation to verify service was met by the eligible employee.
- 2.8 Separating eligible employees shall be paid the annual increment on a pro-rata basis for the portion of service rendered by the eligible employee during the current fiscal year of employment, in his/her final paycheck.
- 2.9 Where the eligible employee provided no service during the fiscal year, the eligible employee shall receive no annual increment payment consistent with the provisions of section thirteen, article three, chapter twelve of the West Virginia Code (§12-3-13). However, an eligible employee on leave without pay while receiving temporary total disability benefits, consistent with section four, article five-A, chapter twenty-three of the West Virginia Code (§23-5A-4), or on military service leave or certain types of service in the National Disaster Medical System, consistent with the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), 38 U.S.C. § 4301 et seq., continues to accrue increment pay and service credit while on leave without pay from

West Virginia University, and such payment will be made as appropriate in July following the service year, concurrent with all other eligible employees.

- 2.10 Any eligible employee who transfers from another West Virginia State agency, having received a prorated annual increment payment upon termination of employment, shall be responsible for notifying Talent and Culture of the amount of prorated annual increment received. The eligible employee shall receive his/her annual increment payment concurrently with all other eligible employees, less the amount of prorated annual increment received during that fiscal year.
- 2.11 Any eligible employee overpaid the amount of annual increment entitled to him/her shall be responsible for reimbursing the University for the amount overpaid.
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SECTION 3. SPECIFIC REQUIREMENTS.

3.1 Classified Employees.

- 3.1.1 Eligible employee means any Classified Employee who is appointed to a regular full-time or regular part-time position with the West Virginia University Board of Governors.
- 3.1.2 An eligible employee will be credited for all service performed as an eligible Classified Employee under the following calculation. All service will be calculated based on full years of totaled service as a Classified Employee of a West Virginia State institution of higher education, the Higher Education Policy Commission, or the Council for Community and Technical College Education, consistent with section one, article five, chapter five of the West Virginia Code (§5-5-1). For example: An eligible Classified Employee must work twelve (12) months in order to earn (1) year of credited service. Service in eligible classified positions that are less than twelve (12) months, 1.00 FTE, will be given pro-rated service credit. The pro-rated service credit will be cumulative.

3.2 Faculty and Non-Classified Employees with Faculty Rank.

- 3.2.1 Eligible employee, as of the first day of July, two-thousand and six (07/01/2006), means any Faculty or Non-Classified Employee with Faculty rank, who is appointed to a position with the West Virginia University Board of Governors, that is at least a nine (9) month, 1.00 FTE position, which is defined as full-time per BOG Faculty Rule 4.2, consistent with W. Va. Code § 18B-8-1(c).
- 3.2.2 A Faculty or Non-Classified Employee with Faculty rank, who is appointed to a position that is not at least nine (9) month or not at least 1.00 FTE, is not eligible to receive an annual increment payment. This type of service will not be given any credit toward the calculation of years of service for annual increment, even if the employee is later appointed to another position that is eligible to receive

annual increment.

- 3.2.3 An eligible employee will be credited for all service performed as an eligible Faculty or Non-Classified Employee with Faculty rank, under the following calculation. All service performed as an eligible Faculty or Non-Classified Employee with Faculty rank, as an employee of a West Virginia State institution of higher education, the Higher Education Policy Commission, or the Council for Community and Technical College Education, will be calculated so that nine (9) or more months of service during the fiscal year is equal to one (1) full year of credited service, consistent with section one, article five, chapter five of the West Virginia Code (§5-5-1).

3.3 **Non-Classified Employees without Faculty Rank.**

- 3.3.1 Eligible employee means any Non-Classified Employee without Faculty rank, who is appointed to a regular full-time, benefits eligible position with the West Virginia University Board of Governors, consistent with subpart (a) (1), section one, article five, chapter five of the West Virginia Code [§5-5-1(a) (1)].
- 3.3.2 An employee currently in a temporary Non-Classified position without Faculty rank is not eligible to receive an annual increment payment.
- 3.3.3 An eligible employee will be credited for all service performed as an eligible Non-Classified Employee without Faculty rank under the following calculation. All service will be calculated based on full years of totaled service as a Non-Classified Employee without Faculty rank of a West Virginia State institution of higher education, the Higher Education Policy Commission, or the Council for Community and Technical College Education, consistent with section one, article five, chapter five of the West Virginia Code (§5-5-1). For example: An eligible Non-Classified Employee without Faculty rank must work twelve (12) months in order to earn (1) year of credited service. Service in eligible Non-Classified positions without Faculty rank that are less than twelve (12) months, 1.00 FTE will be given pro-rated credit. The pro-rated service credit will be cumulative.

3.4 **Other West Virginia State Employee Service.**

- 3.4.1 For the purpose of crediting all other prior West Virginia State employee service, eligible employee means any regular full-time or part-time employee of the State of West Virginia or any spending unit thereof who is eligible for membership in any State retirement system of the State of West Virginia or any other retirement plan authorized by the State.
- 3.4.2 Eligibility for annual increment shall not apply to any employee of the State whose compensation is fixed by statute or by statutory schedule, (except for the clerks, deputy clerks, and magistrate assistants of magistrate courts), nor shall it apply to any elected or appointed officer of the State of West Virginia.

Conservation Officers, whose salaries are fixed by subpart (c), section one, article seven, chapter twenty of the West Virginia Code [§20-7-1(c)], are eligible for annual increment.

3.4.3 Any employee that is excluded from eligibility for annual increment as defined in 3.4.2 above, will not be given any credit toward the calculation of years of service for annual increment, even if the employee is later appointed to another position with the West Virginia University Board of Governors that is eligible to receive annual increment.

3.4.4 An eligible employee will be given prior service credit for all service performed as an eligible West Virginia State employee, consistent with this Rule, as well as section one, article five, chapter five of the West Virginia Code (§5-5-1). For example: An eligible West Virginia State employee must work twelve (12) months in order to earn (1) year of credited service. Service in eligible West Virginia State positions that are less than twelve (12) months, 1.00 FTE will be given pro-rated credit. The pro-rated service credit will be cumulative.

SECTION 4: DEFINITIONS.

4.1 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 5: DELEGATION.

5.1 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.

5.2 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 6: AUTHORITY.

6.1 Uniformed Services Employment and Reemployment Act (“USERRA”) 38 U.S.C. §§ 4301-4335; W. Va. Code §5-5-1; §5-5-2; §12-3-13; §18B-1-6; §18B-2A-4; §18B-8-1; §18B-9A-2; §23-5A-4; WVU BOG Faculty Rule 4.2 – Appointment, Promotion, Tenure, and Dismissal For Cause.

SECTION 7: SUPERSEDING PROVISIONS.

- 7.1 This Rule repeals and supersedes 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; WVU BOG Policy 32 – Rule on Annual Increment, which was adopted on July 1, 2006, and amended on July 1, 2007, and July 1, 2008; and any other Human Resources policy or procedure which relates to the subject matter contained within this Rule.