

**SHEPHERD UNIVERSITY
BOARD OF GOVERNORS
POLICY 9**

TITLE: CLASSIFIED EMPLOYEES

SECTION 1. GENERAL

- 1.1 Scope - This policy establishes procedures related to personnel.
- 1.2 Authority - West Virginia Code §18B-1-6, §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-7, §18B-7-10, §18B-7-11, §18B-7-13.
- 1.3 Effective Date - September 27, 2017, Amending the March 21, 2006, Version of the Policy.

SECTION 2. DEFINITIONS

- 2.1 Classified Part-Time Regular Employee (PTR). An employee in a position created to last less than 1,040 hours during a twelve-month period. An employee in a PTR position is not eligible for employee benefits, but may be covered under the classification program. A PTR employee is not an at-will employee.
- 2.2 Classified Full-Time Regular Employee (FTR). An employee in a position created to last more than 1,039 hours during a twelve-month period. An employee in an FTR position is eligible for employee benefits, and is covered under the classification program. An FTR employee is not an at will employee.
- 2.2 Temporary Employee. An employee hired into a position expected to last fewer than nine months of a twelve month period regardless of hours worked per week. A temporary employee is not eligible for employee benefits, but may be covered by the classification program. A temporary employee is an at-will employee.
- 2.3 Casual Employee. A casual employee position is a position created to meet specific operational needs at an institution for no more than 500 hours in a 12-month period. Individuals in a casual employee position are not eligible for employee benefits and are not covered by the classification program. A casual employee is an at-will employee.
- 2.4 Student Employee. An employee enrolled at the institution as a student, whose primary purpose for being at the institution is to obtain an education, and who seeks a student employee position. Except in unusual circumstances, a student employee is not eligible for employee benefits. Student employees are not covered by the classification program. Student employee status includes, in its nature, the election to be exempt from Social Security withholding from payroll. A student employee is an at will employee.
- 2.5 Classified Employee. An employee who is covered by the provisions of the classification program outlined in this rule.
- 2.6 Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.
- 2.7 Grant-funded positions. Notwithstanding the foregoing definitions, the continuing employment expectations as to any grant-funded position at the University shall be subject to the continuing award of the grant funds. A grant-funded position is subject to termination due to unavailable funds.

SECTION 3. PART-TIME AND TEMPORARY EMPLOYEES

- 3.1 The use of part-time positions is not to be used solely to avoid the payment of benefits or in lieu of full-time employees. Temporary positions will 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 No aspect of this policy is intended to provide an expectation or a right of any part-time or temporary employee to claim a right of full-time employment. The President and his or her designees are intended under this policy to exercise their judgment, in their sole discretion, to fulfill the Board's intentions under this policy, and to be accountable solely to the Board as to the policy statement.

SECTION 4. PROBATIONARY PERIOD

- 4.1 Full-time and part time regular classified employees shall serve a six-month probationary period beginning at the original date of employment.
- 4.2 At the end of three months and the end of the six-month probationary period, a performance evaluation will be conducted for the employees. As with all positions, continued employment is based on adequate funding, satisfactory performance and adherence to system and institution rules and regulations.
- 4.3 When an employee moves from one position to another, another six-month probationary period shall begin. When an employee moves from one position to another and fails to complete the probationary period successfully in spite of good faith efforts, the employee may be transferred back into the prior position held, if vacant, or to the most-similar vacant position available, as determined by the University. The Human Resources office will coordinate such transfers with the appropriate Vice President(s) with an equitable salary rate.

SECTION 5. COMPENSATORY/OVERTIME PROVISIONS

- 5.1 Non-exempt employees may receive compensatory time off in lieu of overtime pay. All hours worked beyond 37½ and up to and including 40 hours are calculated at the employee's regular hourly rate. Time worked beyond 40 hours in a work-week are to be calculated at a rate of one and one-half times the regular hourly rate.
- 5.2 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.
- 5.3 Except as otherwise expressly provided for in this Policy, employees may accumulate up to one hundred fifty (150) hours of compensatory time and shall be paid for all hours worked above the maximum accrual.
- 5.4 Compensatory time must be used within one year of accrual or may thereafter be cashed out at the discretion of the University. The use of compensatory time off shall be requested appropriately in advance, consistent with annual leave practices, 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.
- 5.5 Should an individual's employment be terminated, any unused compensatory time shall be reimbursed as follows:
 - 5.5.1 The average regular rate received by such employee during the first three years of the employee's employment; or,
 - 5.5.2 The final regular rate received by such employee, whichever is higher.
- 5.6 An employee may not work overtime unless approved in advance per institutional policy. Working overtime without permission is a disciplinary offence.

SECTION 6. POSTINGS OF POSITIONS

- 6.1 It is the policy of Shepherd University to post full time and part time regular positions on the Human Resources website in order to provide all interested persons adequate

opportunity to make application for positions. Generally, positions will be posted for a minimum of 10 days before an offer is made to any candidate.

- 6.2 Posting requirements shall not apply to casual or temporary positions, or if an administrative decision is made of exigent circumstances in the filling of a position.
- 6.3 The President shall be authorized to approve specific rules of Human Resources administration for the acceptance of applications for positions, which rules shall be available on the Human Resources Office web site. The University may decline to consider any applications which are not submitted in compliance with such rules.