

# WVU BOARD OF GOVERNORS – PROPOSED RULES OFFICIAL COMMENTS & DETERMINATIONS MADE

Date Received	Proposed Rule	Comment	Determination Made
7/26/2017	WVU BOG Tal. & Cult. Rule 3.1 - Administration & Employment Practices	<p>Regarding 5.1, I would like a definition of "redesign". How does that differ from "reorganization"?</p> <p>"Reduction in Force" or "RIF" means a separation from employment due to lack of funds, lack of work, redesign, or elimination of position(s) or reorganization, with no likelihood or expectation that the employee will be recalled because the position itself is eliminated.</p>	<p>Talent and Culture contacted the employee to discuss the comments further. As used in the definition of Reduction in Force, the words redesign and reorganization have similar meanings. To eliminate any confusion, WVU BOG Tal. &amp; Cult. Rule 3.1 - Administration &amp; Employment Practices was amended as follows:</p> <p>5.12 "Reduction in Force" or "RIF" means a separation from employment due to lack of funds, lack of work, <del>redesign, or</del> elimination of position(s) or reorganization, with no likelihood or expectation that the employee will be recalled because the position itself is eliminated.</p>
7/19/2017	WVU BOG Tal. & Cult. Rule 3.3 - Classification & Compensation	<p>I'm very encouraged to see these changes being considered. As we look to build our units and try to attract professionals from the broader market, things such as job titles that don't match industry standards are an unnecessary impediment. The ability to align titles and job descriptions with similar positions at other institutions would allow us to attract individuals with an appropriate skill-set and aptitude. I hope that there will be an opportunity for departments to provide input in the restructuring and allow us to remain competitive within the labor market. Thank you for all of the work that has gone into bringing our institution forward.</p>	<p>Talent and Culture contacted the employee to discuss the comments further. It was determined that a modification to WVU BOG Tal. &amp; Cult. Rule 3.3 - Classification &amp; Compensation was not needed in response to this comment.</p>

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7/31/2017	WVU BOG Tal. & Cult. Rule 3.3 - Classification & Compensation	It looks like you left words in from a draft to section 6.3. "STOPPED HERE!" is at the very end of the section, but doesn't seem relevant to anything.	Talent and Culture contacted the employee to discuss the comments further. It was determined that the language "STOPPED HERE!" was an embedded web development note on the web page, and not a part of the Rule language approved by the Board of Governors for posting. Therefore, a modification to WVU BOG Tal. & Cult. Rule 3.3 - Classification & Compensation was not needed in response to this comment. However, the web page was amended to remove "STOPPED HERE!"
8/17/2017	WVU BOG Tal. & Cult. Rule 3.3 - Classification & Compensation	<p>"Comment is on Section 8. During the Campus Conversation, Cris DeBord, stated that those who are at the top of their pay range will not get base salary adjustment but instead can receive lump sum payments. This needs to be spelled out in Section 8. According to 8.1.1 a base or lump sum can be given, but according to Cris, lump is all that can be given if the individual is at top pay for their paygrade. Is this the case for all the adjustments listed under Section 8? Does this apply to across-the-board raises (if any)? If so, then that needs to be communicated clearly! Had I not listened to the campus conversation, I would never have known this bit of information just based on reading this rule - that is not fair to the employees it affects.</p> <p>I unfortunately am one of those employees. This makes me feel like I'm being penalized for my years of service (29), and for taking the initiative to pursue new job opportunities over the past 20 years (started as a PG 10, then promoted to a 12, 14, 15 &amp; currently 16). The salary I make today is based on the 5% I received when upgrading positions, across-the-board raises and one merit increase. Now, because of my hard work, I'm being held back because I make over the top pay for my paygrade. What I am hearing is the University wants everyone in each of the paygrades to make the same amount</p>	<p>Talent and Culture contacted the employee to discuss the comments further. Although an employee may currently be at the maximum of the established pay range, future market studies may increase the maximum of the pay range. To clarify this point, WVU BOG Tal. &amp; Cult. Rule 3.3 - Classification &amp; Compensation was amended as follows:</p> <p>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. <a href="#">Pay ranges may be adjusted from time to time based on market changes, see Section 9 below.</a></p> <p>The last comprehensive study was conducted in 2015. Information regarding employee compensation can be found on the Talent and Culture web page at <a href="http://classcomp.hr.wvu.edu/home">http://classcomp.hr.wvu.edu/home</a>.</p>

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		<p>of money - those making top pay will be stifled so those below them can catch up - regardless that the employee below may have lesser years of service and may not be the best performer. By not getting base increases, this will also rob employees, like myself, of future retirement contributions. In my opinion this will not attract, or motivate high performing employees, and will certainly not retain them.</p> <p>Comment on Section 9 - 9.1 - When will the first comprehensive study of market salaries take place? Seems like it should be soon as the current salary schedule is dated 2012."</p>	
7/18/2017	WVU BOG Tal. & Cult. Rule 3.5 - Employee Leave	<p>"What of this information will remain the same if/when we convert to a bi-weekly pay schedule? Will the bulk of the information remain the same?</p> <p>Clarify 3.1.3.2 for us ""normal"" people. I have a master's degree in language and linguistics, and I'm not sure what you're talking about.</p> <p>Typographical error in 15.1."</p>	<p>Talent and Culture contacted the employee to discuss the comments further. WVU BOG Tal. &amp; Cult. Rule 3.5 - Employee Leave will not be impacted by the conversion to bi-weekly pay.</p> <p>The current Board of Governors policy was simply amended to the new Board of Governors Rules format, without substantive change. The Rule on Employee Leave will be comprehensively reviewed and amended over the next year.</p> <p>The typographical error in section 15.1 has been amended.</p>
8/17/2017	WVU BOG Tal. & Cult. Rule 3.5 - Employee Leave	<p>Comment on 4.4 - "When the services of a leave eligible employee have terminated, . . ." Does "terminated" in this sentence also mean those who were part of a ""RIF"? If so, what happens to the employee's sick leave since separation from employment was not due to a wrong doing on their part?"</p>	<p>Talent and Culture contacted the employee to discuss the comments further. It was determined that a modification to WVU BOG Tal. &amp; Cult. Rule 3.5 - Employee Leave was not needed in response to this comment.</p> <p>However, language regarding the sick leave conversion benefit was added to WVU BOG Tal. &amp; Cult. Rule 3.9 - Reduction in Force. WVU BOG Tal. &amp; Cult. Rule 3.9 - Reduction in Force has been amended as follows:</p>

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			4.2 Generally, the value of the severance package should be a minimum of four weeks of pay, but no more than the Classified Employee's annual base pay. <a href="#">When developing a severance package, the University may take into consideration the value of an employee's sick leave conversion benefit, if applicable.</a>
7/18/2017	WVU BOG Tal. & Cult. Rule 3.6 - Holidays	"1. You have several typos throughout the document (i.e. ""Ppresident). 2. Upon what criteria will the President determine what additional days should be University holidays? Will the criteria be religious or otherwise?"	Talent and Culture contacted the employee to discuss the comments further. It was determined that a modification to WVU BOG Tal. & Cult. Rule 3.6 - Holidays was not needed in response to this comment.
8/2/2017	WVU BOG Tal. & Cult. Rule 3.6 - Holidays	I would like to see the addition of Veteran's Day added and observed on the true day it is observed - November 11. Thus adding one additional day of observed holidays.	Talent and Culture contacted the employee to discuss the comments further. It was determined that a modification to WVU BOG Tal. & Cult. Rule 3.6 - Holidays was not needed in response to this comment.
7/31/2017	WVU BOG Tal. & Cult. Rule 3.8- Performance Management	For the 6 month performance evaluations specified in sections 2.4 and 2.5, I suggest specifying that these evaluations must follow the same criteria/metrics as the regular, annual reviews."	Talent and Culture contacted the employee to discuss the comments further. It was determined that a modification to WVU BOG Tal. & Cult. Rule 3.8- Performance Management was not needed in response to this comment.
7/18/2017	WVU BOG Tal. & Cult. Rule 3.9 - Reduction in Force	If an older employee is being "RIFed" would they be able to retire instead?	Talent and Culture contacted the employee to discuss the comments further and answered their individual question. It was determined that a modification to WVU BOG Tal. & Cult. Rule 3.9 - Reduction in Force was not needed in response to this comment.
7/18/2017	WVU BOG Tal. & Cult. Rule 3.9 - Reduction in Force	Does the right-of-recall apply to non-classified employees who are not salaried as well? For example, I am an interpreter at the University. I am paid hourly. Would I be subject to these same rules?	Talent and Culture contacted the employee to discuss the comments further and answered their individual question. It was determined that a modification to WVU BOG Tal. & Cult. Rule 3.9 - Reduction in Force was not needed in response to this comment.
8/2/2017	WVU BOG Tal. & Cult. Rule 3.9 - Reduction in Force	"On Section 2 2.2 ..appoint a Review Committee, I would like to see added to that the Chair of Classified Staff Council or his/her designee. on 2.3.2 The Vice President .....may, but it not required to, refer any RIF Plan to the Review Committee. I would like to see that the VP of Talent	Talent and Culture contacted the employee to discuss the comments further. WVU BOG Tal. & Cult. Rule 3.9 - Reduction in Force has been amended as follows:  2.3.1 If the RIF would eliminate the positions of five <a href="#">or fewer</a> Full-Time Regular Classified Employees <del>or less</del> , the Unit shall obtain the approval of the Vice

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		<p>and Culture is required to refer any RIF Plan to the Review Committee. My concern is the VP of Talent and Culture has too much power, some powers that are traditionally held by the President.</p> <p>On 2.8 I would like to see an addition that if an employee did not receive a review, then that Supervisor is notified and disciplined and held accountable for their job requirement.</p> <p>On Section 3 3.1 the 60 days written notice should stand. Remove the part where it states unless the financial circumstances of the University dictate a shorter notice period.....</p> <p>4.2 The University may also subsidize.....as determined by the VP for Talent and Culture or the Review Committee. I would like you to change that to and."</p>	<p>President for Talent and Culture prior to the implementation of the RIF Plan. <a href="#">The Vice President for Talent and Culture shall inform the Review Committee regarding any RIF.</a></p> <p>3.1 The University shall provide a Classified Employee at least 60 days written notice ("Notice Period") that his or her position is going to be eliminated, unless the financial circumstances of the University <a href="#">are so severe that they</a> dictate a shorter notice period, as determined by the Vice President for Talent and Culture and the Review Committee.</p> <p>4.2 The University may also subsidize health insurance for a predetermined period of time as determined by <del>the Vice President for Talent and Culture</del> or the Review Committee, <del>as appropriate.</del> ...</p>
8/17/2017	WVU BOG Tal. & Cult. Rule 3.9 - Reduction in Force	<p>Comment on Section 4: Severance Agreement.</p> <p>What happens to an employee's sick leave if they accept a severance package due to a RIF?</p> <p>If an employee is close to meeting the eligibility requirements to retire from WVU but is offered a severance package due to a RIF prior to eligibility, what happens to their sick leave? Will WVU bridge their time so they can retire and collect their benefit or do they just lose their benefit? "</p>	<p>Talent and Culture contacted the employee to discuss the comments further. WVU BOG Tal. &amp; Cult. Rule 3.9 - Reduction in Force has been amended as follows:</p> <p>4.2 Generally, the value of the severance package should be a minimum of four weeks of pay, but no more than the Classified Employee's annual base pay. <a href="#">When developing a severance package, the University may take into consideration the value of an employee's sick leave conversion benefit, if applicable.</a> ...</p>
8/17/2017	WVU BOG Governance Rule 1.1 – Adoption, Amendment, and Repeal of Rules	<p>My comment is on 3.3.2 (3.3 Approval of the Rule). Notice or public comment period should still be practiced for rules amended as a result of public comments received. First, so those who made the comments can review to make sure their comments were interpreted correctly. Second, those who are affected by the rule have a right to know what changes are being made prior to official approval.</p>	<p>It was determined that a modification to WVU BOG Governance Rule 1.1 – Adoption, Amendment, and Repeal of Rules was not needed in response to this comment.</p>