

# Employee Handbook



Adopted March 2024

# DISCLAIMER

This handbook has been prepared as an informational tool. This handbook does not create any rights or benefits. This handbook is not a contract, nor is it an invitation to contract. This handbook supersedes all previous handbooks.

The Employee Handbook is intended to be a helpful guide to issues related to employment at BridgeValley Community and Technical College. It is not a comprehensive manual of all policies but a resource tool for many basic questions. The Employee Handbook contains important information for all categories of employees, including faculty. The Faculty Handbook applies only to faculty.

Policies and procedures will change from time to time to accommodate changes in circumstances and applicable law. At any given time, existing policy and law will prevail over inadvertent errors or outdated material in the Employee Handbook.

The Employee Handbook is posted on the BridgeValley website and may be printed. Paper copies are available in the Human Resources Office upon request. Employees who have questions or concerns regarding the information contained in this handbook are encouraged to contact Human Resources at [hr@bridgevalley.edu](mailto:hr@bridgevalley.edu) for further assistance.

# MISSION, VISION, VALUE STATEMENTS

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BridgeValley Community and Technical College promotes student success, prepares a skilled workforce, and builds tomorrow's leaders by providing access to quality education.

## **Vision Statement**

BridgeValley Community and Technical College will be the college of opportunity for a diverse learner population, offering leading-edge technology, innovative ideas, and dynamic service to our students and our communities.

## **Value Statements**

Faculty, staff, and administrators share a common set of values that guides the College in fulfilling its mission. These values influence our actions, guide our decisions, mold our policies, and determine our strategic planning.

**Excellence in Education.** We are dedicated to excellence in education by providing a highly competent, innovative, and supportive faculty and staff; facilities equipped with current technology; quality academic and occupational programs; and integrity and high standards in teaching, learning, and service.

**Accessibility and Achievement.** We are committed to access and affordability of higher education for all students and the delivery of education and support services that will enable students to achieve their individual educational goals in course, skill set, or program completion.

**Respect for Diversity.** We value intellectual and cultural diversity. We believe that all individuals should have an opportunity to learn and succeed in the classroom, in the workplace, and in the community and encourage a diverse student body through open admission and delivery of educational services that support student success.

**Accountability.** We are committed to efficient and effective management of human and financial resources that will maintain public trust and ensure a fiscally responsible, sustainable environment for the institution.

**Quality of Work Environment.** We value each member of our community; promote free, open and responsible exchange of ideas; foster respect, trust, and support among faculty, staff, and students through shared governance; encourage ethical risk-taking and innovation; recognize exceptional performance and contributions made to our dynamic learning environment.

**Contribution to Community and Economic Development.** We are committed to serving the academic, occupational, and enrichment needs of our communities; enhancing quality of life; and supporting economic development through effective business and industry partnerships and collaborations.

**Commitment to the Future.** We are dedicated to continuous evaluation of the institution in order to address the needs of the present and the challenges of the future.

# Resources

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As a College employee, you are also considered a public employee of the State of West Virginia, and public employment is often highly regulated. The following links will take you to the key law, policy and procedure websites that cover your employment:

**West Virginia Constitution & Code**

[https://www.wvlegislature.gov/wvcode/wv\\_con.cfm](https://www.wvlegislature.gov/wvcode/wv_con.cfm)

**West Virginia Code of State Rules**

<https://www.wvlegislature.gov/wvcodeentire.htm>

**Community and Technical College System of West Virginia**

<https://wvctcs.org/>

**BridgeValley Board of Governors**

<https://www.bridgevalley.edu/board-governors/bog-adopted-policies>

**BridgeValley Operating Policies**

<https://www.bridgevalley.edu/operational-policies>

# Employment Practices

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## **Equal Employment Opportunity and Affirmative Action**

BridgeValley Community and Technical College is an equal opportunity/affirmative action institution. BridgeValley does not discriminate on the basis of race, color, national origin, ancestry, age, disability, marital status, pregnancy, veteran/military status, religion, creed, sex, sexual orientation, genetic information, gender identity, gender expression or any other characteristic protected by law. The College prohibits any such discrimination or harassment in the administration of any of its educational programs, activities, or with respect to admission or employment.

BridgeValley Community and Technical College neither affiliates with nor grants recognition to any individual, group, or organization having policies that discriminate based upon any lawfully protected class.

The college is fully committed to a program of affirmative action designed to promote equal opportunity for all segments of the College without regards to race, color, national origin, ancestry, age, disability, marital status, pregnancy, veteran/military status, religion, creed, sex, sexual orientation, genetic information, gender identity, gender expression or any other characteristic protected by law. Such diversity enriches the atmosphere of a campus and fosters understanding among faculty, staff, students, friends, and other constituents of the College.

## **Code of Conduct**

BridgeValley Community and Technical College is committed to the highest ethical, legal, and professional standards of conduct as an integral part of its core values. To achieve this goal, the College relies on each community member's ethical behavior, civility, integrity, and good judgment. All members of the BridgeValley Community must be aware of and comply with the relevant policies, standards, laws, and regulations that guide our work. Each member is individually accountable for our own actions and, as members of the BridgeValley Community, are collectively accountable for upholding these standards of behavior and for compliance with all applicable laws, regulations, and policies.

All members of the BridgeValley Community are responsible for sustaining the high ethical standards of this institution and of the broader community in which we serve and function. The College values integrity, diversity, respect, freedom of inquiry and expression, trust, honesty, and fairness and strives to integrate these values into its education, work, services, and business practices. This Code cannot address all situations that may arise, but it offers a framework to assist community members in understanding the College's expectations of them. This Code of Conduct supplements but does not supersede any other published College policies.

## **Standards of Integrity and Quality**

BridgeValley recognizes that it must earn and maintain a reputation for integrity that includes, but is not limited to, compliance with laws and regulations and its contractual obligations. Even the appearance of misconduct or impropriety can be damaging to the College. BridgeValley must always strive to maintain the highest standards of integrity and quality.

There are times when BridgeValley's business activities and other conduct of its community members are not governed by specific laws or regulations. In these instances, rules of fairness, honesty, and respect for the rights of others will always govern our conduct.

Everyone is required to conduct College business transactions with the utmost honesty, accuracy, and fairness. Each situation needs to be examined in accordance with this standard. No unethical

practice can be tolerated, even if such practice is “customary” outside of BridgeValley or even if some of the goals it serves are worthy. Expediency should never compromise integrity.

### **Respect for Persons**

BridgeValley places a high value on human relations, human diversity, and human rights. Consistent with these values, the College strives to maintain a work environment that is characterized by mutual respect for all individuals. The College prohibits discrimination and harassment and provides equal opportunities for all Community members and applicants regardless of race, color, religion, religious creed, national origin, ancestry, genetic information, marital status, age, sex (gender, gender identity, gender expression), sexual orientation, disability (physical or mental), military status, veteran status, and other factors prohibited by law. Such behavior will not be tolerated. As befitting the College's commitment to its mission, community members are expected to treat one another, students, and the general public in a cordial and respectful manner. For example, the following behaviors are specifically prohibited:

- Disorderly conduct, including but not limited to using discriminatory, profane, abusive, or threatening language, fighting, provoking a fight, threatening, or attempting bodily harm or injury to another on college property or during college activities; or other conduct which threatens or endangers the health, safety, or wellbeing of a community member, wherever it occurs.
- Sexual harassment of employees, students, donors, customers, visitors, vendors, or any other person on college property or during college activities.
- Members should conduct themselves in a businesslike manner on campus or when attending an off-campus work-related function. Unprofessional activities such as threatening or intimidating behavior, possessing or posting offensive materials in the work area or accessing inappropriate materials on work computers are strictly prohibited.
- Members should not participate in rhetorical talk or writings that may defame, discredit, or malign a member or members of the College or the College itself. This action or involvement is strictly prohibited.

### **Respect for Property**

Members of the College community must be responsible stewards of the College's resources and exercise prudent financial management in their stewardship of the Colleges resources. Consistent with this value, employees are specifically prohibited:

- Willful or careless damage to college property
- Theft or other dishonesty.
- Tampering with or destroying College data, records, or other information without authorization; gaining unauthorized access to such information; disclosing confidential information; or otherwise, misusing college data or information.
- Unauthorized use of college vehicles, mail services, identification and credit cards, telephones, computers, or computer equipment, or other college equipment or materials.
- Unauthorized occupation or use of college facilities.

### **Standards of Safety**

The College is committed to maintaining the safety and security of all people on college property and during college activities and to maintaining a safe and healthy working environment. Specific prohibited activities include:

- Possession of deadly weapons, destructive devices, explosives (fireworks), or other lethal materials on college property or during college activities. Exceptions to this standard include academic programs using explosives such as Blasting Technology. All others must be approved in writing and administered by the Campus Police.

- Possessing, drinking, or being under the influence of intoxicants on the job; unlawful possession, use or distribution of alcohol on college property or during college activities; illegally using, manufacturing, possessing, distributing, dispensing, or being under the influence of controlled substances on College property or during College activities. An exception to this is the consumption of alcohol in moderation at official College events in which alcohol is served.
- Refusal to obey Police Officers, safety personnel, or Fire Officials during safety drills or emergency situations.
- Failure to comply with safety rules, regulations, or common safety practices.
- Failure to report an accident involving on-the-job injury or damage to college property. Use of any tobacco product is prohibited on college property.

### **Compliance with Laws and College Policies**

College community members are expected to follow normally accepted professional standards and to exhibit personal and professional integrity and objectivity. The Faculty, Staff, and Administration of the College are expected to take precautions to ensure that outside financial interests do not place them in conflict with carrying out their duties and responsibilities as employees of the College. Specifically prohibited activities include but are not limited to:

- Deliberate falsification of any College record including employment applications, timecards, medical records, College work product, including deliberate modification of any College record or file undertaken for personal gain, malicious intent, or to conceal the truth.
- Conviction of a crime which could seriously affect the employee's work performance or the accomplishment of the mission of the College or of the division/office employing the individual.
- Violation of Federal, State or local laws, regulations, or ordinances in connection with one's work for the College.
- Soliciting, collecting money, or circulating petitions for personal gain on college property.
- Stealing from employees, students, and/or other persons on college property.
- Immoral or indecent conduct on college property which is defined as behavior which, when evaluated against statutes and policies, rises to the threshold for misdemeanor arrest or felony arrest.

### **Confidentiality, Privacy, and Information Security**

BridgeValley Community Members receive and generate various types of confidential, regulated, proprietary and private information on behalf of the College. All members of the community are expected to comply with all applicable rules, laws, and regulations (whether federal, state, or local), contractual obligations, and College policies pertaining to the use, protection, and disclosure of this information. When disaffiliating from BridgeValley Community and Technical College members must return all information and property.

### **Other Misconduct**

The College expects community members to strive for and always meet high quality job performance standards. Issues of misconduct compromise both the worker and the College. Specifically prohibited behaviors include but are not limited to:

- Gross insubordination, including willful disregard of a lawful and legitimate order from a supervisor, threatening a supervisor, and/or striking a supervisor.
- Obstruction or disruption of teaching, research, public service, or administration
- Failure or refusal to maintain or obtain required licensure, certification, or registration.
- Instigating or participating in deliberate low productivity and/or interfering with another employee's work.

## **Response to Governmental or Other Investigations**

BridgeValley is committed to cooperating with government investigations as required by law. If an employee receives a subpoena, search warrant or other similar document, before taking any action, the employee must immediately contact the Office of the President which will consult with General Counsel regarding the request.

If a government investigator, agent, or auditor comes to the College, an employee should contact his/her supervisor and the appropriate College office before discussing business with such an investigator, agent, or auditor. If the appropriate office is unknown, the supervisor should contact the Office of the President.

## **Adherence**

Adherence to this Code requires that any suspected violations of applicable standards, policies, laws, or regulations be brought to the attention of the appropriate cognizant office. Raising such concerns is a service to the College and does not jeopardize the College Community member's position or employment.

## **Reporting to Management**

Members of the College should report suspected violations of applicable laws, regulations, government contract and grant requirements or any College policies and procedures. This reporting should normally be made initially through standard management channels, beginning with the immediate supervisor. If for any reason it is not appropriate to report suspected violations to their immediate supervisor (e.g., the suspected violation is by the supervisor), or the employee is uncomfortable doing so, individuals may go to a higher level of management within their school, department, or division.

If for any reason it is not appropriate to report suspected violations through management channels within the school, department, or division, or the employee is uncomfortable doing so, individuals may go to:

- Human Resources/Chief Human Resources Officer
- The Office of the President
- Ethics Hotline

## **Immigration Reform and Control Act of 1986**

The Immigration Reform and Control Act of 1986 requires all employees, as a condition of employment, to provide original documents which establish their identity and employment eligibility. Also, all employees must complete their portion of the Employment Eligibility Verification Form (Form I-9). Employees must provide these documents within three days of the first day of employment. BridgeValley retains copies of the completed Form I-9 as required by the Act.

## **Americans With Disabilities Act (Job Accommodations)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

BridgeValley will comply with all Federal and State laws concerning the employment of persons with disabilities and to act in accordance with the regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is BridgeValley's policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring,



advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

BridgeValley will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the College.

An employee in their present position, who is otherwise qualified and has or acquires a permanent medical impairment or impairments causing functional restrictions or limitations that can be reasonably accommodated, will be provided such measures by the College if reasonable accommodations will permit the employee to meet the essential requirements of their job.

An employer is not required to make an accommodation if it would impose an "undue hardship" on the operation of the employer's business. "Undue hardship" is defined as an "action requiring significant difficulty or expense" when considering a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation.

All accommodation requests and determination of undue hardship will be determined on a case-by-case basis. All accommodation requests should be directed to the Office of Human Resources.

### **Background Checks**

BridgeValley is committed to providing a safe working and learning environment for its employees, students, and visitors. It also seeks to protect its assets, preserve its reputation, and comply with laws, regulations, and agreements. In order to verify the pertinent backgrounds of individuals before being hired into positions at BridgeValley, the College conducts pre-employment background checks as part of its employment procedures. The College contracts with an outside agency to perform the criminal background checks.

The background checks may involve review of any information which would be lawful for the College to acquire and to consider as part of its consideration for employment. The authorization, signed by the candidate, expressly includes, but is not limited to, authorization for release of employment records including but not limited to any information relating to confidential information about job performance, attendance, reason for separation, matter of discipline or misconduct, etc. as well as the authorization to conduct a criminal records background check of the candidate.

As a general rule, the results of the investigation will be received before an offer of employment is made. However, under some circumstances, an offer of employment may be made prior to the completion of the background check; whenever this occurs, it is with the stipulation that employment is contingent upon a satisfactory report.

### **Hiring of Relatives - Nepotism**

Consistent with the West Virginia Governmental Ethics Act (Ethics Act) and best employment practices, employees may neither initiate nor participate in institutional personnel decisions involving a direct benefit to an immediate family member. Such decisions include, but are not limited to, hiring, supervision, retention, promotion, salary, and leave of absence.

A family member is defined by one of the following: relationships by blood (parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin); relationships by marriage (husband, wife, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece).

## **Outside Employment**

Employment at BridgeValley is expected to be the primary source of employment for all full-time faculty and staff members. Outside employment is allowed if employees adhere to the following guidelines: The hours of outside employment shall not coincide or conflict with the employee's College work schedule. Outside employment shall not conflict with an employee's College job responsibilities or affect their ability to meet the expectations of their position with the College. Outside employment must be reported to your immediate supervisor and copied to HR.

Employees are not to accept pay or other compensation from anyone for work done during the time for which he or she is contractually obligated to and being reimbursed by the College. Employees are not to use College equipment, services, facilities, materials, or time to engage in work for an outside employer.

The Ethics Act prohibits full-time State employees from seeking or accepting employment from vendors if the State employee, or their subordinates, exercises authority or control over a public contract with that vendor.

## **Employment of Non-exempt State Employees as Adjunct Faculty**

To remain compliant with the Fair Labor Standards Act, non-exempt employees in staff positions are not eligible to accept additional employment with the College as adjunct faculty. Employees in Exempt positions, as defined under the Fair Labor Standards Act and designated as such by Human Resources, may be eligible for consideration as adjunct faculty and receive additional compensation for classes that are taught with prior written approval of the employee's immediate supervisor and Department or Division Head and Human Resources.

## **Orientation**

During the first days of employment, the orientation process will begin. The Human Resources Specialist for Benefits will schedule time with the new employee for an in-depth benefits orientation and enrollment session within the first few weeks of employment. New employees will meet with their supervisor for an introduction to procedures, programs, performance, and expectations of the position. The supervisor is the primary authority and best source for specific information regarding position responsibilities and performance expectations. The supervisor is the first person to contact concerning any questions, problems, or complaints pertaining to job duties and responsibilities or workplace conditions. If an employee is unable to or uncomfortable with addressing such concerns with their supervisor, concerns should be brought to the attention of Human Resources.

## **Access to Personnel Files**

A confidential personnel file containing pertinent employment information is maintained for each employee in the Office of Human Resources. The employee is entitled to inspect or copy his or her personnel file in the presence of a Human Resource staff member. No material may be permanently removed from the file without the express written consent of the President. If employees wish to examine their personnel files, they should notify the Office of Human Resources by phone or by filing a written appointment request at least 24 hours in advance of the desired appointment time. Personnel files may be examined only during normal business hours. The response of the Office of Human Resources to outside requests for employment verification is restricted to the release of the employee's name, employment dates, and job title. Salaries of public (State) employees are a matter of public record and can be obtained from the West Virginia State Auditor's Office.

Records exempt from review include, but are not limited to, pre-employment reference information including letters, telephone notes, and memoranda secured from the employee's prior employers or persons who are not current employees of BridgeValley: the report of the search committee; medical records created or received by BridgeValley that an employee can obtain directly from

his/her physician or directly from a health care provider; or other records required to be kept confidential by law or policy or deemed unlawful to copy are regarded as the property of BridgeValley and confidential. These records are to be maintained in a separate confidential file in the Human Resources office and are not available to the employee. The employee shall not be entitled to inspect or copy any letter of reference or other similar record that he/she has previously waived the right to inspect when the information was solicited by or supplied to BridgeValley based on such waiver. The employee shall not be entitled to inspect or copy any other record exempted by [W. Va. Code § 29B-1-4](#) unless there is clear and convincing evidence of a legitimate reason sufficient to overcome the exception.

### **Reporting On-the-Job Injuries**

On-the-job injuries, regardless of the severity, are required to be immediately reported by the employee, if possible, and by the injured employee's supervisor to the Human Resources Office.

Additionally, the employee's supervisor, in conjunction with the employee whenever possible, must submit a written accident report form to Human Resources no later than 24 hours after the injury occurs. All accidents and injuries must be reported, regardless of whether they result in a Workers' Compensation claim. The employee's supervisor is responsible for having the appropriate form completed and submitted immediately to the Human Resources Department.

# Classification

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## **Fair Labor Standards Act (FLSA)**

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a federal minimum wage established by the Fair Labor Standards Act and enforced by the Department of Labor. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage. Overtime pays at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

The Fair Labor Standards Act categories employees as either:

**Exempt Employees** – Employees are in positions that do not receive overtime compensation. Employees exempt from the FLSA typically must be paid a salary above a certain level and work in an administrative, professional, executive, computer or outside sales, and meet the specific criteria for the exemption.

**Non-exempt Employees** – are entitled to overtime compensation at the rate of 1.5 times the actual hourly rate for all hours worked, in excess of 40 during the work week. Hours worked between 37.25 and 40 hours are compensated at the straight time hourly rate.

## **Employee Categories**

BridgeValley employees are segmented into one of the following categories or classes. Employees in each category may be full-time or part-time or regular or temporary.

### **Classified:**

Classified Employees are any regular full-time or regular part-time employees of the College who do not meet the duties test for exempt status under the provisions of the Fair Labor Standards Act; and are not otherwise a non-classified employee.

### **Non-Classified:**

Non-classified employees serve at the will and pleasure of the College, their employment may be terminated at any time, with or without notice or cause. To be designated as non-classified, the employee must meet one or more of the following criteria:

- Employee holds a direct policy-making position at the department or organization level,
- Employee reports directly to the BridgeValley President,
- Employee is in a position considered by the president or designee to be critical to the College pursuant to policies or decisions adopted by a governing board,
- Employee in an information technology-related position which may be defined by policies or decisions adopted by a governing board,
- Employees hired after July 1, 2017, in a position that meets the duties test for exempt status under the provisions of the Fair Labor Standards Acts when hired or anytime thereafter; or
- An employee in a non-classified position as of January 1, 2017, who may not meet any of the other criteria of this rule.

The terms exempt and non-exempt are not parallel to non-classified and classified. Classified and non-classified positions can be either exempt or non-exempt. Exempt status depends on the nature of the responsibilities of the position not on whether the position is classified or non-classified.

**Faculty:**

Faculty may fall into one of the following classifications:

**Term** – Those faculty members at community and technical colleges who have been appointed for a specified term as defined by the President or the President’s designee. The appointment may be full-time (1.00 FTE) or part-time. While a full-time term faculty member is eligible to receive reappointment to additional terms, no single term may exceed three years. No number of term appointments shall create any presumption of a right to appointment.

**Clinical-Track** - Those faculty members who have been appointed by the President or the President’s designee and have been designated as being in a clinical-track position. Their appointment may be full-time (1.00 FTE) or part-time.

**Librarian-Track** - Those faculty members who have been appointed by the President or the President’s designee and have been designated as being in a librarian-track position. Their appointment may be full-time (1.00 FTE) or part-time.

**Types of Employment and Benefit Eligibility**

**Full-time Regular Employees** - Any employee in a position created to last a minimum of nine months of a twelve-month period in which such an employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than 0.53 FTE. Such an employee is eligible for all applicable benefits of a full-time regular employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE.

**Part-time Regular Employee** - An employee in a position created to last less than 1,040 hours during a twelve-month period. Part-time regular positions typically continue from one fiscal year to another. An employee in a part-time regular position is not eligible for benefits.

**Temporary Employee** - An employee hired into a position expected to last fewer than nine months of a twelve-month period. Temporary employees may be part-time temporary or full-time temporary. A temporary employee is not eligible for benefits.

**Casual Employee** - A casual employee is a position created to meet business needs for no more than 450 hours in a twelve-month period. Individuals in a casual employee position are not eligible for benefits.

**Student Employee** – A position created for degree-seeking students whose primary purpose for being at the College is to obtain an education. A student is not eligible for benefits and is not covered by the classification program. Service in this capacity does not apply to any seniority or years of experience.

Although part-time, casual, temporary and student employees are not eligible for higher education benefit programs, the College will monitor average hours worked per week to identify situations where eligibility for health insurance is triggered and compliance with the federal Affordable Care Act (ACA) is required. No number of ACA eligible period of part-time, temporary, casual, or student employment shall create any presumption of a right to appointment as a full-time or part-time regular employee.



# Hours of Work and Pay

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## Overtime

Classified and non-classified positions are either exempt or non-exempt as determined by the Fair Labor Standards Act (FLSA) criteria. Faculty positions are exempt.

- **Non-Exempt Employees** – are entitled to overtime compensation at the rate of 1.5 times the actual hourly rate for all hours worked in excess of 40 during the work week. Hours worked between 37.5 and 40 are compensated at the straight time hourly rate. Holidays and sick or annual leave hours do not count as hours worked for purposes of computing overtime pay. Overtime for non-exempt employees must be approved according to policy *before* the overtime is worked.
- **Exempt Employees** – do not receive overtime compensation. Employees exempt from the FLSA typically must be paid a salary above a certain level and work in an administrative, professional, executive, computer or outside sales, and meet the specific criteria for the exemption.

## Required Overtime

Employees may be required to work overtime under certain circumstances. However, the work must be of reasonable duration. Also, employee health, safety, and endurance must be considered, and the direction of work must be issued under reasonable circumstances.

## Overtime and Compensatory Time Off

Overtime pay or compensatory time off is only available to an employee who is in a position that has been determined to be Fair Labor Standards Act (FLSA) non-exempt. Exempt employees are employees who, based on the duties performed and the manner of compensation, are exempt from the FLSA minimum wage and overtime provisions. Exempt employees are paid an established monthly or annual salary and are expected to fulfill the duties of their positions regardless of the hours worked. A nonexempt employee is entitled to overtime pay for all hours worked beyond 40 in a workweek.

The standard full-time work week at the College is 37.5 hours. Overtime pay or compensatory time off (if authorized) is granted to eligible employees only on the basis of hours worked in excess of 40 hours in a week. A work week that is comprised of both hours actually worked and hours absent may not qualify for overtime or compensatory time off unless the total hours actually worked in the week exceed 40 hours. Overtime pay is provided at one and one-half times the base effective hourly rate of the non-exempt employee.

By default, an FLSA non-exempt employee will receive overtime pay for any hours worked over 40 in a week. Usage during a week of accrued sick leave or annual leave or absence due to holiday, day of administrative closing, jury duty, military duty, etc., will subtract from the 40 hours worked requirement. FLSA non-exempt employees of the College who work 40 or more hours in a week receive straight wages for hours worked over 37.5 and up to and including 40 hours. Such employees receive overtime pay at the rate of time and one-half of the normal hourly wage rate for hours worked in excess of 40 hours.

In accordance with the FLSA, the College may grant non-exempt employees compensatory time off in lieu of overtime wages with prior agreement between the supervisor and employee. Based upon the standard full-time work week at the College of 37.5 hours and calculating for a non-exempt employee, pay at the straight time rate or straight compensatory time off is provided for any week in

which hours worked maximum of 2.5 hours of additional straight time pay or compensatory time off (40 hours worked minus 37.5 standard work week). Overtime pay or compensatory time off is provided for any hours worked in the week in excess of 40 hours.

A non-exempt employee cannot receive overtime wages during a time period that an agreement to receive compensatory time off in lieu of overtime wages is in effect. The Payroll Office maintains the official records of compensatory time off earned and taken. Such written agreements may be non-expiring or may reflect a date upon which the agreement lapses. An agreement may be rescinded at any time in writing, signed by both the employee and employer. A copy of such revocation must be provided to the same addresses as set forth above for the initial agreement. An FLSA non-exempt employee cannot receive overtime wages during a time period that an agreement to receive compensatory time off in lieu of overtime wages is in effect.

The College observes payroll periods in accordance with the State of WV schedule. Accrual of compensatory time off – if so required and approved via a properly signed and distributed agreement – cannot begin until the end of the first work week in which the employee works more than 37.5 hours (for purposes of straight-time compensatory time off) or more than 40 hours (for purposes of time and one-half compensatory time off) following the distribution of the signed agreement.

Compensatory time off as earned during the term of an agreement is tracked through an online payroll time sheet system. The Payroll Office will maintain the official records of compensatory time off earned and taken.

Due to the nature of the jobs represented at the College, the maximum allowable accrual of compensatory time off is 240 hours.

Compensatory time off is requested in the same manner as accrued annual leave. Supervisors should make every reasonable effort to accommodate the employee's request to take compensatory time off. Situations may exist from time to time in which it is not feasible to allow the employee to be absent on compensatory time off. This should occur only rarely, and supervisors should in such cases be prepared to provide the employee with a reason for the denial of the request to take compensatory time off.

The employee and supervisor should cooperate in an orderly process of taking compensatory time off. The maximum allowable accrual of compensatory time off for an eligible full-time employee is over six weeks. Absences of such length may prove disruptive to the unit's mission. Therefore, every effort should be made to draw down accrued compensatory time off in such a way that the mission of the College is not impaired and so that accrual remains at a manageable level.

Employees who are in FLSA-exempt positions are not eligible to accrue or use any form of compensatory time off. If such arrangements are discovered, the employee and supervisor will be directed to cease such activity, and the balance of compensatory time will be set to zero. No FLSA exempt employee who is separated from employment at the College may assert a claim to any accumulation of compensatory time off accrued while in FLSA-exempt status. An employee who is FLSA-exempt and who accrues or uses compensatory time off or a supervisor who allows such process when both are informed of the provisions of this procedure may be subject to disciplinary action.

**Work Hours/Week** The work week is defined as a regularly recurring period of one hundred sixty-eight (168) hours in the form of seven (7) consecutive twenty-four (24) hour periods. The work week begins at 12:01 a.m. on Saturday and ends at 12:00 a.m. midnight, the following Friday. The standard number of work hours for a full-time classified or non-classified employee is 37.5 hours during the work week. The standard number of work hours for 12-month employees is also 37.5 hours during the work week, which includes their teaching schedule.



Employees are expected to be punctual and functioning in their positions consistent with their scheduled work hours. Based on operating needs, supervisors have the authority to require employees to work more than their normal hours. Supervisors also have the authority to assign employees to work different shifts on a temporary or permanent basis. When practical, employees will be given two weeks' advance notice of any significant schedule change. However, employees have the responsibility of reporting as assigned by their supervisors, even if there has not been advance notice of a significant schedule change given to the employee. It is the practice of the College not to make temporary, non-emergency changes to an employee's work schedule.

### **Breaks and Meal Periods**

When an employee works a shift of six (6) hours or more, an unpaid meal break of either 30 minutes or 1 hour depending on their assigned work schedule, but no less than 20 minutes is required. Meal periods should be scheduled with your reporting supervisor, the exact timing and scheduling of the meal period is at the discretion of the supervisor.

Employees may be granted two rest periods not to exceed 10 minutes each per day. Additional unauthorized time away from the work site must be credited against an appropriate leave accrual. Break periods shall be granted at the discretion of the supervisor. The purpose of such break periods is to provide relief from duties and absence from the workstation, offering employees the opportunity to attend to personal activities (i.e., to smoke, to make personal calls, etc). Based upon operational need, an employee may be required to work through a break: in such cases, the employee is not entitled to additional compensation. Breaks are compensated work-release time and may not be used or accrued to make up work time, leave work early, etc.

Employees are expected to be punctual in starting and ending their breaks and meal periods. Employees on break and meal periods may not interfere with other employees who are continuing to work.

### **Flex Time**

An employee may request and work other than the College's normal hours of operation, to include flex time, four-day work week, and job sharing, provided that he/she works the required number of hours in the respective work week with the approval of the immediate supervisor. The supervisor may approve or deny a request for flexible work hours. Based on operational needs, the supervisor has the authority to require flex time only in unusual and/or emergency circumstances. Flex time may be granted on a fixed schedule or short-term basis. Supervisors reserve the right to amend or change work schedules based on operational needs. All administrative offices must be kept open five days per week to assist current and potential students.

### **Pay Calculations**

Base salary is calculated on a thirty-seven and one-half (37 ½) hour workweek. Overtime pay for non-exempt employees is calculated at the rate of one and one-half (1 ½) times the regular hourly rate, which is the total base salary, plus any incremental pay, divided by 1,950 hours. Overtime does not commence until forty (40) hours have been worked within one (1) workweek. Regular hourly pay, also known as straight time, is paid for work time between thirty-seven and one-half (37 ½) hours and forty (40) hours in a work week. Only actual hours worked are included in calculating overtime. Pay which is received for holidays, annual leave, sick leave, or work release time, is not counted as working hours for purposes of overtime.

Annual leave, sick leave and longevity do not accumulate in any part of a month for which an employee is off the payroll on leave without pay or during a terminal leave period. A terminal leave period is that time between the employee's last day of work and his/her last day on payroll. Longevity continues to accrue for employees absent from work and off the payroll when the absence is due to work related illness or injury covered by workers compensation or is due to military service in accordance with applicable federal law.



# Payroll

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## **MyApps**

MyApps is an online information system created to serve all State employees. MyApps can be accessed by using the following link: <https://myapps.wvsao.gov/>

Employees will have access to the following portals and information:

- Employee Self-Service – Employees can view and download Notices of Deposit/Paystubs, W-2 Forms, etc.
- Forms – Employees can download various payroll forms including payroll calendars, direct deposit forms, etc.
- UKG Time and Leave – Non-exempt (hourly) employees must enter the daily time worked for each pay period. Non-exempt (hourly) and Exempt (salaried) employees must enter leave in the UKG Time and Leave management system. Leave requests are approved by the employees' supervisors bi-weekly.

## **Payday**

Employees will be paid on a bi-weekly basis, with paydays occurring every other Friday. Employees are paid one pay period in arrears (i.e., one pay cycle behind the actual work period). BridgeValley is required by law to make deductions from employee's pay for federal and state income taxes, Social Security, and retirement contributions for full-time employees. Employees should immediately notify the Payroll Office if they believe there is a problem with their pay. Like all State agencies, all of the College payments are processed through the State Treasurer and State Auditor.

## **Payment Options**

Employees have 2 options as to how they receive their paycheck payment which include direct deposit to their bank account or through a pay card in which their paycheck will be directly deposited onto, called the West Virginia Paycard (pre-paid debit).

## **Increment Pay**

All full-time regular employees are eligible for annual experience increment pay based on their length of service. Employees who have three or more years of qualifying service as of June 30th will receive annual experience increment pay in recognition of their past service as a state employee. The annual increment is \$60 for each full year of qualifying service as approved by the West Virginia State Budget Office. Typically, the increment is paid in a lump sum at the end of July.

# Benefits

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BridgeValley provides benefit-eligible employees an opportunity to participate in a comprehensive benefits package, including retirement plans, health, life, disability, dental, vision, and medical spending accounts. All plans, programs, benefits, services, and other provisions are subject to review and change at any time. Employees will be given an overview and information regarding the benefit plans during employee orientation upon hire and annually thereafter during open enrollment periods.

## **Health Insurance Programs**

West Virginia Public Employees Insurance Agency (PEIA) offers hospital, surgical, major medical, prescription, and other medical care coverage. Employees pay a portion of the premium cost. The initial enrollment period is the month of employment and the following two months. However, new employees should enroll as soon as possible and must enroll by the end of the month for coverage to be effective the first day of the following month. Unless the employee opts to waive participation, premiums for health plans are eligible as pre-tax under Section 125 of the IRS Code at the employee's request.

## **Life Insurance**

The basic health plan under PEIA includes a \$10,000 term life insurance policy with an accidental death and dismemberment (AD&D) benefit. There is no cost to the employee for the basic life, the monthly premium is paid by the College. Employees not needing coverage under the health plan may elect life insurance coverage only.

Additional life insurance may be purchased by employees for a monthly premium based on age, tobacco use status, and the principal sum selected up to \$500,000. Dependent life insurance may also be purchased. Enrollments under both options are subject to a statement of health after the employee has been with the institution for three months or more. Health statements are not required of new employees if electing up to the guaranteed amount of \$100,000. Any request for enrollment above \$100,000 is contingent upon approval while waiting for approval above this guaranteed amount.

## **Section 125**

The Section 125 premium Conversion plan allows employees that participate in the plan to pay their health and life insurance premiums on a pre-tax basis. All employees of Section 125 participating employers are automatically enrolled in the plan at the time of employment, unless they sign paperwork waiving participation.

IRS rules govern the administration of the plan, and in exchange for the pre-tax treatment of the premiums, the IRS requires certain rules to be enforced regarding changes in benefits. Participants in the plan may only change the amount of premium they have deducted from their earnings in certain, specific situations called Qualifying Events.

The following are the qualifying events defined by the IRS:

- Marriage or divorce of the employee.
- Death of the employee's spouse or dependent.
- Birth or adoption of the employee's child.
- Commencement or termination of employment of the employee's spouse or dependent.

- A change from full-time to part-time employment status, or vice versa, by the employee or his or her spouse.
- An unpaid leave of absence taken by the employee or spouse.
- A significant change in the health coverage of the employee or spouse is attributable to the spouse's employment.
- Change in the residence of work site of the employer, spouse, or dependent.
- A dependent loses eligibility due to age.
- Employment change due to strike or lock-out.

### **Mountaineer Flexible Benefits (FBMC) Supplemental Benefits**

Various benefit plans are available to benefit eligible employees which includes:

- Dental (pre-tax)
- Vision (pre-tax)
- Hearing (pre-tax)
- Long-term Disability (pre-tax)
- Short-term Disability (pre-tax)
- Legal Insurance (post-tax)
- Flexible Spending Accounts
- Health Savings Account

The employee's portion of the monthly premium is dependent upon the plan the employee selects and may also be salary based. Premiums will be taken on a pre-tax basis for the exception of the Legal Insurance. The initial enrollment period for a new enrollee is the month of employment and the following two months. Changes in benefit elections may be made only during an open enrollment period held annually, unless the employee has a qualifying event as defined by the IRS.

### **Retirement Programs**

Participation by benefits-eligible employees in a retirement program is required by West Virginia state law. Employees must contribute six percent of their gross wages to the Teachers Insurance and Annuity Association (TIAA) Retirement program. BridgeValley matches the employee's six percent contribution by an additional six percent employer match. Vesting is immediate. Retirement income is based on age at retirement, amount of dollars accumulated, and the income option chosen.

In addition to the basic retirement plan, all BridgeValley employees, including part-time, have the option of tax sheltering additional money through a 403(b) supplemental Retirement Account or 457(b) Deferred Compensation Plan. Supplemental Retirement Accounts and Deferred Compensation Plans are available through TIAA. Supplemental plan contributions are not matched by the College.

### **Tuition Waivers**

Benefits-eligible employees and/or their IRS declared dependent desiring to qualify for a BridgeValley tuition waiver must complete a FAFSA application for student financial aid programs. Qualifying for student financial aid or failure to complete an application will limit or void access to the employee tuition waiver program. In case of an employee dependent applying for a waiver, the employee must provide a copy of her/his most recently filed federal income tax form showing the relative as a declared dependent. Employee tuition waiver applications are day stamped and awarding of waivers will be based on a first come, first served basis.

In the case of the employee, he/she must have the written endorsement of supervisor, dean, or director if a course is scheduled during employee's regular working hours or if the course is being taken for job enhancement. It is the employee's responsibility to obtain the approval. If the course is

scheduled during regular work hours, the employee must either take leave or have written authorization from the supervisor to modify the regular work schedule to make up for the lost hours.

The employee or his/her dependent is ineligible for one semester if he/she: fails a course, withdraws after class starts or receives an incomplete for any class covered by tuition waiver award. Employee or dependent must have or maintain a 2.25 cumulative grade point average (GPA) to be awarded, be benefits eligible and have been employed for over six months/not in a probationary period.

Please contact Financial Aid for more information.

### **Unemployment Compensation**

Under the West Virginia Unemployment Compensation Law, effective January 1, 1972, all employing units (an individual, partnership, association or corporation having in its employ one or more individuals performing services within West Virginia) are required to participate in Unemployment Compensation. This law permits an unemployed individual, if the eligibility requirements are met, to collect unemployment compensation.

Unemployment insurance benefits provide temporary financial assistance to workers unemployed through no fault of their own that meet West Virginia's eligibility requirements. In order to qualify for this benefit program, you must have West Virginia wages during the past 12 to 18 months prior to becoming unemployed and have earned at least a minimum amount of wages as determined by West Virginia guidelines. You must also be able to work and to be available for work each week that you are collecting benefits. Eligibility for unemployment compensation will be determined during the process of filing a claim.

### **Workers Compensation**

Employees of BridgeValley Community and Technical College are protected against job-related injuries by Encova, formerly known as BrickStreet, which administers Workers' Compensation in West Virginia, and to which BridgeValley pays premiums for all employees. Employees injured on the job must report the injury to their immediate supervisor and Human Resources within 24 hours. Should the injury require immediate medical attention, please do so as soon as possible and then report it to Human Resources. Supervisors must call the Human Resources Office as soon as they learn of an accident without waiting for the Accident/Incident Report Form to be completed. This will ensure that all Workers Compensation Claims are reported in a timely fashion. It will be the supervisor's responsibility to ensure that a BridgeValley Accident/Incident Report form is completed and submitted to Human Resources concerning all accidents even if they do not require medical treatment. The employee should secure a BI-1 West Virginia Workers' Compensation Employees' and Physicians Report of Occupational Injury or Disease which must be submitted to Encova Insurance Company.

On-the-job injuries or occupational illnesses that involve no more than three days of disability leave of absence from work will not be charged against the employee's accumulated sick leave. If on-the-job injuries or illnesses require a medical leave beyond the three-day period, the employee must use either of the following options: (1) Receive earned and accumulated sick leave benefits until they are exhausted and forfeit any benefits determined to be due under the West Virginia Workers Compensation Laws; or (2) Request leave of absence without pay, reserving for future use any earned and accumulated sick and annual leave, and receive only Workers Compensation benefits for which he/she is determined eligible.

To safeguard the employee's rights under the law, every case of accident or injury must be reported to Human Resources within twenty-four (24) hours, regardless of whether the injury or accident involves lost work time. Failure to report could result in loss of benefits. In the event of an accident or injury, the supervisor shall see to it that the proper forms are forwarded promptly to Human Resources.

## **Continuous Omnibus Budget Reconciliation Act (COBRA)**

A terminated employee and dependents that become ineligible for health insurance coverage may have the right to continue health insurance coverage under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) by paying for 102% of the full premium (employer & employee portion). The COBRA program is administered for PEIA by a third party called UMR.

### **Enrollment Process**

All terminated employees or dependents eligible for COBRA will receive a detailed notice of their COBRA rights from PEIA's third-party COBRA administrator UMR. An election to continue coverage under COBRA must be made within 60 days of the end of the group coverage. Additionally, if the employee has elected to continue coverage, they will retain the right to change coverage to the PEIA Health Insurance Plan during the annual open enrollment period. In the event the policyholder has a change in status, it is important to advise the terminating employee to complete the COBRA section on the "Change-In-Status Form." The policyholder must include the address of the dependent if different from the policyholder. If not, the dependent(s) will not receive their enrollment form. Please note that COBRA premiums are billed directly to the policyholders. The employee or dependent can contact UMR regarding COBRA coverage by dialing 1-888- 680-7342.

### **Coverage**

Policyholders and dependents can elect to continue coverage if there is a qualifying event. A qualifying event is an event that constitutes the loss of health coverage for a covered individual. Listed below are the qualifying events for employees, spouses, and dependent children.

The employee is entitled to 18 months of continued coverage for:

- Voluntary termination of employment.
- Involuntary termination of employment (except for gross misconduct); or
- Reduction in work hours to part-time status

The spouse is entitled to 36 months of continued coverage for:

- Death of spouse.
- Divorce or legal separation; or
- Your spouse (the employee) elects Medicare "as the primary carrier while an active employee

The spouse is entitled to 18 months of continued coverage for:

- Voluntary termination of spouse's employment.
- Involuntary termination of spouse's employment (except for gross misconduct); or
- Reduction in spouse's work hours to part-time status.

Dependent Children are entitled to 36 months of continued coverage for:

- Death of parent
- Parent's election of Medicare as the primary carrier while an active employee.
- Child no longer meets the eligibility requirements of a dependent child; or
- Parental divorce

Dependent Children are entitled to 18 months of continued coverage for:

- Voluntary termination of parent's employment.
- Involuntary termination of parent's employment (except for gross misconduct); or
- Reduction in parent's work hours to part-time status.

The effective date of coverage is continuous from date of termination for all participants who elect coverage, properly complete enrollment materials, and pay premiums.





# Employee Leave

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Employee Leave is applicable to all employees; however, particular types of leave programs may be applicable to specific categories of employees and not others.

All full-time employees (classified, non-classified, and faculty) are eligible for medical leave of absence without pay, parental leave, family medical leave, personal leave of absence without pay, military leave, special emergency leave with pay, disaster service volunteer leave, and witness and jury leave.

Faculty employees with less than twelve-month appointments are not eligible for sick or annual leave accumulation as described in this section. Faculty members with twelve-month administrative appointments will accumulate annual and sick leave using rules applicable to non-classified employees.

Classified and non-classified employees working on a regular and continuing basis for no less than 1950 hours within the fiscal year are eligible for leave as specified in the policy.

Classified and non-classified employees working between 1,040 hours and less than 1,950 on a regular and continuing basis during the fiscal year will accumulate leave on a pro rata basis.

## **Annual Leave**

All full-time regular employees in classified positions shall be eligible for annual leave with pay on the following basis:

- Less than 5 years service: 1.25 days accrual per month
- 5-10 years service: 1.50 days accrual per month
- 10-15 years service: 1.75 days accrual per month
- 15 or more years service: 2.00 days accrual per month

Full-time non-classified and faculty employees with a twelve-month appointment will earn annual leave at a rate of two (2.0) days per month.

Annual leave shall not be granted to casual, temporary, or part-time employees, adjunct faculty or to faculty with 9-month or 10-month appointments.

No person who is earning a higher accumulation than is authorized under this policy shall have his or her accumulated leave reduced to comply with this policy while in the current position. However, upon leaving the position, the proper accumulation rate shall apply to the employee who fills this vacant position.

**Accumulation Limits** - Accumulated leave for continuing employees may not exceed the amount earned in any twelve-month period. Employees are entitled to compensation for accumulated annual leave at termination of service, but in no case may this exceed the amount earned in any twelve-month period.

The maximum accrual may be increased for unforeseen or unusual circumstances i.e., staffing issues upon approval of the President or designee. In order to obtain an extension a request must

be sent to Human Resources to obtain proper approval. Should an extension be granted the extension may not last beyond one year of approval.

**Calculation Based on Years of Service to the State of West Virginia** - Annual leave accrual rate shall be based on years of service to the recognized agencies of the State of West Virginia.

**Crediting Years of Service** - An annual appointment period of nine months or more shall be credited for one year of service for annual accrual rate determination.

**Scheduling and Use of Annual Leave** – All employees must submit leave requests through KRONOS, the state of West Virginia's official system for time and leave management. Requests for annual leave should be made as far in advance as possible to ensure workplace coverage. Annual leave must be approved in advance by the manager. Annual leave shall be arranged to fit operating schedules; however, consideration shall be given to an employee's request. Seniority may be considered by the manager when arranging vacation schedules. An employee may not take leave before it is earned.

**Illness During Annual Leave** - Illness which occurs during scheduled annual leave is counted as annual leave.

**Transfer of Annual Leave** – Up to 15 days of annual leave may be transferred with an employee from other agencies of the West Virginia State Government to BridgeValley Community and Technical College. Certification of the balance that existed with the previous employing agency must accompany the request for transfer of annual leave by the employee. The request must be made within one year from the last day of employment with the other agency or institution.

**Unused Annual Leave Credits** - In the event of an employee's death, the accumulated annual leave payment will be credited to the employee's estate.

**Lump Sum Payment Option for Unused Annual Leave** - Upon termination of active employment through resignation, retirement, or otherwise, an employee may be paid in a lump sum amount, at his or her option, for accrued and unused annual leave. The lump sum payment shall be made by the time of what would have been the employee's next regular payday had his or her employment continued. No deduction shall be made for contributions toward retirement from lump sum payments for unused, accrued leave since no period of service credit is granted in relation thereto.

**Terminal Leave Period** - An employee is entitled to accumulated annual leave at termination of service. Leave time may not be earned during a terminal leave period.

**Annual Leave Conversion Upon Retirement** – Upon meeting certain requirements, individuals retiring from BridgeValley may be eligible to apply unused annual leave as a credit toward the premium for the West Virginia Public Employees Insurance plan. This option is not available to employees hired after July 1, 2001.

### **Sick Leave**

All full-time regular classified and non-classified staff and full-time 12-month faculty accrue sick leave at the rate of 1.50 days per month of active employment. Sick leave is accrued at 5.2 hours every two weeks. Sick leave shall not be granted to faculty working less than 12-months, casual, temporary, or part-time employees. Sick leave provides eligible employees the opportunity to take paid leave for the purposes of sickness, injury, or temporary disability, as well as the serious illness as defined by the treating physician or death of a member of an employee's immediate family. Sick leave may also

be used for employee medical appointments which are approved in advance by the supervisor. For the purpose of administering this leave policy, the immediate family is defined as: father, mother, son, daughter, brother, sister, husband or wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchildren, or others considered to be members of the household and living under the same roof.

An employee is required to notify his supervisor immediately if ill or unable to work for any reason. The notification shall be given to the immediate supervisor prior to the employee's normal starting time and should include the approximate length of absence. Following the performance counseling model, failure to report off from work shall be a basis for disciplinary action, which may include suspension, or discharge.

**Accumulation of Sick Leave** - There is no limit to the number of sick leave days an employee may accumulate while employed at the College. Sick leave may not be taken before it is earned.

**Exhaustion of Sick Leave and Available Annual Leave** - In cases where all accumulated sick leave has been used and annual leave is available, it shall be the option of the employee to:

- use any accumulated annual leave until it has expired rather than being removed from the payroll or;
- to retain the accumulated annual leave for use after return to work but be taken off the payroll immediately after the accumulated sick leave has expired.

**Transfer of Sick Leave** - Accumulated sick leave may be transferred to BridgeValley for employees coming to the College from other agencies of West Virginia State Government. Certification of the employee's sick leave balance which existed at the State agency must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one year of the last day of employment with the other State agency.

**Reinstatement of Sick Leave Upon Reemployment** - When an employee terminates employment for reasons other than retirement, all sick leave credited to that employee shall be considered ended as of the last working day with the institution and no reimbursement shall be provided for unused sick leave. If an employee resigns in good standing and is later reemployed, he/she may have his/her accumulated sick leave reinstated if the date of termination is less than one year from reemployment. However, if the employee returns to work after more than one year from the date of termination, no more than 30 days of sick leave may be reinstated.

**Sick Leave Conversion Upon Retirement** – Upon meeting certain requirements, individuals retiring from BridgeValley may be eligible to apply unused sick leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan. This option is not available to employees hired after July 1, 2001.

**Medical Leave Verification** - Sick leave for more than five (5) consecutive days may not be granted to an employee for illness without satisfactory proof of illness or injury as evidenced by a statement of the attending physician or by other proof satisfactory to the institution.

Medical leave verification or assessment is a signed statement from the treating healthcare provider to validate the illness or other cause for which sick leave or medical leave of absence may be granted. The healthcare provider signing the medical assessment must be currently and appropriately licensed. In certain circumstances, when specifically requested by the Director of Human Resources,

the document must provide information regarding the individual's medical condition, diagnosis, prognosis, and functional limitations, including duration and treatment plan, if any. Based upon the medical assessment, employability and/or accommodation determinations will be made by BridgeValley. All employee health information will be kept strictly confidential in accordance with State and Federal law.

Medical leave verification/assessment is required:

- To validate a sick leave absence of more than five consecutive days or 37.5 hours under the terms of the sick leave policy;
- To return to work following a sick leave absence of more than five consecutive days or 37.5 hours, or a medical leave of absence;
- If requested of the employee by the supervisor following a sick leave absence, regardless of duration, as a condition of returning to work;
- To apply for and sustain catastrophic leave eligibility;
- To apply for and sustain a medical leave of absence; and/or
- To assure continued access to benefit coverage while on medical leave of absence.

It is the employee's responsibility to pursue and obtain the necessary medical assessment from the treating healthcare provider, and to present the completed evaluation to BridgeValley in a timely manner. Incomplete, unacceptable, or untimely medical information may result in:

- Prohibition to charge time absent from work to accrued sick leave;
- Prohibition to return to work if one's capacity to perform essential duties is in question;
- Ineligibility for catastrophic leave;
- Disallowed or discontinued medical leave of absence;
- Discontinuation of benefit access; and/or
- Disciplinary action, up to and including termination of one's employment with BridgeValley.

### **Catastrophic Leave Bank**

BridgeValley provides a catastrophic leave bank under the provisions of the West Virginia State Code. Regular-status classified, and non-classified employees appointed to at least .53 FTE and 12-month faculty members who accrue annual leave and sick leave experiencing a catastrophic illness or injury as defined by the West Virginia Code and BridgeValley policy may request approval to receive paid leave time donated by other BridgeValley employees. Within established limits, employees may voluntarily donate accumulated sick or annual leave directly to an approved recipient or to have the donated leave designated for the Catastrophic Leave Bank. Use of donated credits may not exceed a maximum of twelve (12) continuous calendar months for any one catastrophic illness or injury.

### **Funeral Leave**

When a death occurs in the immediate family, a reasonable amount of time (maximum of 5 days) may be charged to accrued sick leave as required for the employee to arrange for and attend the funeral and related services, including travel time. "Reasonable" amount of time is determined at the discretion of the supervisor, in consultation with Human Resources, and is based upon geographic distance, workload, and similar factors. For the purpose of administering this leave policy, the immediate family is defined as: parent, child, grandparent, grandchild, brother, sister, husband, wife, stepparent, stepchild, brother-in-law, sister-in-law, or others considered to be members of the household and living under the same roof. Sick leave is not provided for an extended bereavement period or to attend to the affairs of the estate; annual leave may be requested for these purposes.

### **Jury, Witness, and Grievance Leave**

Employees who are subpoenaed or directed to serve as jurors or appear as witnesses for review proceedings of the Federal Government, the State of West Virginia, or a political subdivision thereof,

shall be entitled to work release time for such duty and for such period of required absence which overlaps regularly scheduled work time. Employees are entitled to leave with pay for the required period of absence during the regularly scheduled work time including reasonable travel time.

When attendance in court is in connection with usual official duties, under subpoena, or as directed by the Supervisor, time required, including reasonable travel time, shall not be considered as absence from duty. Likewise, time spent by BridgeValley employees as hearing officers, hearing committee members, and parties or witnesses in a grievance hearing is considered legitimate work time if it occurs during their normally scheduled work hours and is part of a service to the College. Appearing as a witness, without a subpoena, at the request of a fellow employee, and without the request of the Supervisor, does not constitute college business and annual time must be used in such instances.

An employee who is scheduled to work prior to the court or hearing start time shall initially report to work, travel time permitting. An employee who is excused from court/hearing prior to the end of the scheduled workday shall immediately report to work for the remainder of the workday.

This policy does not apply to employees who are called to testify as expert or consulting witnesses and who are paid for their witness services. Further, this policy does not apply to employees involved as parties to a personal lawsuit unrelated to work.

### **Military Leave**

An employee who is a member of the National Guard or any Reserve Component of the Armed Forces of the United States shall be entitled to and shall receive leave of absence without loss of pay, status, or efficiency rating, for all days in which engaged in drills or parades ordered by proper authority, or for field training or active service for a maximum period of thirty (30) calendar days in any one calendar year ordered or authorized under provisions of State Law. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increase, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave. The terms of this policy shall apply for 30 working days following an order into active duty under the provisions of any Selective Training and Service Act, or other such Act whereby the President of the United States may order into active duty the National Guard and the Reserve Components of the Armed Forces of the Federal Government. The maximum number of days of paid Military Leave for a single call to federal active duty is 60 days.

The Family Medical Leave Act (FMLA) provides a Military Family Leave Entitlement to eligible employees for certain qualifying exigencies and special leave entitlement for an eligible employee to care for a covered service member. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) weeks of Family Medical Leave Act (FMLA) entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active

duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **Red Cross Leave**

An employee who is a certified disaster service volunteer of the American Red Cross may be granted, with the supervisors' approval, leave with pay for up to 15 workdays per year to participate in relief services for the Red Cross. The employee is required to provide proof of Red Cross Certified Disaster Service Volunteer status to Human Resources prior to or upon requesting Red Cross Leave. The supervisor must consult with Human Resources prior to approving Red Cross Leave.

### **Pregnancy Related Illness or Disability Leave**

Disabilities which may be caused by pregnancy shall be treated the same as any other off-the-job illness or disability would be treated with sick leave entitlement. Pregnancy-related illness shall include pregnancy, miscarriage, abortion, childbirth, and recovery.

In determining whether an employee is unable to work because of a disability-related to pregnancy or childbirth, the same criteria shall be used as would be used in the case of another type of off-the-job illness or disability. As with all disabilities and in accordance with the West Virginia Pregnancy Workers' Fairness Act, reasonable accommodations will be made for limitations caused by pregnancy, childbirth, or related medical conditions.

### **Family and Medical Leave Act (FMLA)**

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. All sick leave does not have to be exhausted to request benefits under the Family and Medical Leave Act.

#### **Eligibility**

BridgeValley employees may request up to 12 weeks per year of unpaid leave pursuant to the Family and Medical Leave Act of 1993 (FMLA). In order to meet eligibility requirements, an employee must have worked for a total of 12 months and worked at least 1,250 hours during the 12-month period prior to the leave.

The employee must have worked for the College for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

## **Types of Leave Covered**

FMLA leave may be requested for the following reasons:

- The birth of a child, the placement of a child for adoption or foster care and to care for the newly placed child.
- To care for a spouse, child, or parent with a serious health condition.
- The serious health condition of the employee.
- Qualifying Exigency/Military Caregiver leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

## **Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances listed above under this policy during any 12-month period. The College will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the College will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for FMLA circumstances for military caregiver leave during a single 12-month period. For this military caregiver leave, the College will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

## **Employee Status and Benefits During Leave**

While an employee is on leave, the College will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. The employee must continue to pay his/her portion of the healthcare premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Financial Affairs Office by the 1<sup>st</sup> day of each month. If the payment is more than 30 days late, the employee's healthcare coverage may be dropped for the duration of the leave.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

## **Employee Status After Leave**

An employee who takes leave under this policy due to his/her own serious health condition will be required to provide a fitness-for-duty certification from their healthcare provider stating that the employee is able to resume the essential functions of their job before returning to work.

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The College may choose to exempt certain key employees from this requirement and not return them to the same or similar positions.

### **Use of Paid and Unpaid Leave**

Although Family and Medical Leave is unpaid, any accrued sick time and/or annual time will be utilized concurrently and at the commencement of the leave. In other words, the 12 weeks of FMLA leave would include any accrued sick and/or annual paid leave that is utilized during this period. FMLA leave will also run concurrent with any unpaid leave for which the employee may be eligible under the West Virginia Parental Leave Act. All sick leave does not have to be exhausted to request benefits under the FMLA.

An employee who is using military FMLA leave for a qualifying exigency must use all paid annual leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid annual or sick leave (as long as the reason for the absence is covered by the company's sick leave policy) prior to being eligible for unpaid leave.

An eligible employee's health insurance will be continued if the employee is receiving pay while on leave. Once the employee has exhausted all accrued sick and annual leave they will be placed on unpaid status, group medical coverage may continue with the employee paying the employee's share of the premium cost. An employee on approved FMLA who has exhausted all accrued sick and annual leave will be placed on unpaid status for the remainder of their Family and Medical Leave.

### **Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hours schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member of a 12-month period).

The College may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption, or foster care of a child, the College and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. All FMLA leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the College before taking intermittent leave or working a reduced-hour schedule. The employee must provide documentation from their treating physician that the use of intermittent or reduced-hour leave is medically necessary.

### **Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to a Human Resources representative.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for FMLA leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply



with the College's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

### **Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the Human Resources Representative will complete and provide the employee with a written response to the employee's request for FMLA leave using the Notice of Eligibility (Form WH-381).

### **Certification for the Employee's Serious Health Condition**

The College will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Certification of Health Care Provider for Employee's Serious Health Condition (WH-380E).

The College may directly contact the employee's health care provider for verification or clarification purposes using a Human Resources professional or a management official. In order to address employee privacy concerns, the regulations make it clear that in no case may the employee's direct supervisor contact the employee's health care provider. Before the College makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the College will obtain the employee's permission for clarification of individually identifiable health information. The College will not ask the health care provider for additional information beyond that contained in the medical certification form.

The College has the right to ask for a second opinion if it has reason to doubt the certification. The College will pay for the employee to get a certification from a second doctor, which the College will select. The College may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second opinion. If necessary to resolve a conflict between the original certification and the second opinion, the College will require the opinion of a third doctor. The College and the employee will mutually select the third doctor, and the College will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

### **Certification for the Family Member's Serious Health Condition**

The College will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Certification of Health Care Provider for Family Member's Serious Health Condition (WH-380F).

The same conditions/requirements that apply to contacting the employee's health care provider, resolving deficiencies in the medical certification, obtaining second and third opinions and the release of required medical information will apply with equal force and effect to the certification of a family member's serious health condition.

### **Recertification**

The College may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the College may request recertification for the serious health condition of the employee or the

employee's family member every six months in connection with an FMLA absence. The College may provide the employee's health care provider with the employee's attendance records and ask whether the need for leave is consistent with the employee's serious health condition.

### **Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the College may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **FMLA Military Qualifying Exigency/Caregiver Leave**

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- short-notice deployment,
- military events and activities,
- childcare and school activities,
- financial and legal arrangements,
- counseling,
- rest and recuperation,
- post-deployment activities, or;
- additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

- A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.
- A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."
- Under the FMLA, a "spouse" means a husband or wife as defined under the law in the state where the employee resides.
- The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members

with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(j).

“Covered active duty” means:

- “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
- “Covered active duty” for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.
- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and the leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12week maximum of FMLA leave in a 12-month period.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term “covered service member” means:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness” means:

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered

service member, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

- Outpatient status, with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

#### Certification of Qualifying Exigency for Military Family Leave

The Council will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (WH-384).

#### Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave

The Council will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service Member (WH-385).

#### **Leave of Absence without Pay - Medical**

A full-time regular employee, with satisfactory medical evidence, may request a medical leave of absence without pay. The employee must provide documentation to the College President or president designee, through established procedures, that he or she is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the President may authorize a medical leave of absence without pay for the period of disability specified by the attending physician, not to exceed one year.

The President, at his/her discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay and, shall determine if the purpose for such a leave, as requested, is proper and within sound administrative policy.

All sick and annual leave must be taken before a medical leave of absence without pay is approved.

Employees on approved medical leave of absence without pay may continue their group health insurance provided they pay the employee's share of such health insurance. (This is different from the policy for a personal leave of absence without pay.)

The employee shall be expected to report to work on the first workday following the expiration of the disability period. Failure of the employee to report promptly at the expiration of a medical leave of absence without pay, except for satisfactory reason submitted and approved in advance, shall be cause for termination of employment by the College.

Prior to returning to work employees must obtain satisfactory medical clearance to help ensure adequate protection and which shall indicate the employee's ability to perform his/her duties. Such medical clearance shall be presented in writing. This written medical documentation needs to

indicate the employee's ability to perform the job duties and include a list of any restrictions that the employee may have.

Employees who may need an extended leave beyond one year may request a personal leave of absence or may consider other options, such as applying for disability. At the expiration of a leave of absence without pay, the employee shall be reinstated without loss of any rights unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload. Failure of the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment.

### **Leave of Absence without Pay – Personal**

A full-time regular employee upon application in writing and upon written approval by the College President, or his/her designee, may be granted a continuous leave of absence without pay for a period of time not to exceed one year. The President, at his/her discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay. The President, at his/her discretion, shall determine if the purpose for such a leave, as requested, is proper and within sound administrative policy.

All annual leave must be taken before an unpaid personal leave of absence is approved. Employees may not take personal leave without pay when they have annual leave accrued, paid leave must be used first.

Employees on approved personal leave of absence without pay may continue their group health insurance provided they pay the full premium costs (both the employee's share and the employer's share) of such health insurance. (This is different from the policy for a medical leave of absence without pay.)

At the expiration of a leave of absence without pay, the employee shall be reinstated without loss of any rights unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload. Failure of the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment.

### **Declared Emergencies**

If the Governor declares a state of emergency and shuts down State operations in total or in part, BridgeValley operations will shut down accordingly. The Governor will later declare when emergency conditions no longer exist.

Full-time regular employees are eligible for regular pay for work time lost because of a declared emergency. Work time lost will be considered regular work time for pay purposes and will not require time charged to accrued leave nor will there be a requirement that the time be made up.

When operational needs require a non-exempt employee to work during a declared state of emergency, in addition to their regular pay, the employee will receive compensation in either Compensatory Time Off (CTO) or pay at the rate of time and one-half for the actual hours worked during the BridgeValley declared state of emergency. Exempt employees that work during a declared state of emergency receive CTO on an hour-for-hour basis.

### **Absence Due to Inclement Weather**

Absences from work due to weather conditions, other than during a declared closure, must be charged against accumulated annual leave, or the employee must be removed from the payroll time

in question. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same workweek at the discretion of the employee's supervisor.

# Performance Management

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## **Probationary Period**

Each full-time classified employee hired by the College shall serve an initial probationary period of six months. Classified employees will be evaluated at the end of three months and then, at the end of the six-month probationary period. At the end of the six-month probationary period, the employee shall receive a written evaluation of his or her performance. The employee's supervisor shall meet with the employee and explain the contents of the evaluation and whether the employee is being offered regular employment. Classified employees may be separated during the probationary period if they fail to meet established position expectations.

## **Performance Appraisals - Staff**

Classified and Non-Classified Employees shall receive a written annual performance review based on the performance standards or annual goals established by the supervisor/manager for their position. It is not necessary to provide a written Performance Appraisal for Non-Classified Employees who have been employed for less than six months. It is expected that they will receive regular feedback on their performance until the next appraisal cycle.

There should be periodic sessions (formal and informal) between employees and supervisors for the purpose of discussing mutual expectations and progress during the course of the year. These sessions should be conducted in a manner consistent with the principles of open communication and respect. If the employee has changed supervisors within the current performance evaluation period, a collaborative effort should be made between the current supervisor and previous supervisor to ensure that the employee is evaluated on the complete evaluation period. Feedback and input from both should be included in the performance evaluation.

## **Performance Appraisals – Faculty**

Performance Appraisals (aka, Faculty Evaluations) will be completed annually for all full-time faculty members of BridgeValley. The performance appraisals will be based on assignments as described in the letter of Appointment and subsequent appointment documents, and will focus primarily on strengths and weaknesses, on the best use of one's talents to meet the unit's needs, and on specific recommendations for improvement and professional development and in promoting continuing productivity over the course of their careers, consistent with the role and mission of the College.

# Professional Development and Training

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## **Professional Development/Training**

Staff members are encouraged to utilize educational opportunities for professional development and self-improvement. An employee, at the discretion of his/her immediate supervisor, based on operational need, may receive time off during scheduled work hours for the purpose of attending professional development activities. Work release time is subject to the prior approval of the employee's supervisor. Supervisors have discretion over requiring employees to attend specified professional development activities, which may be held throughout the year.

Faculty members have an obligation to maintain updated knowledge of their teaching field. An informed faculty improves courses, programs, and the reputation of the institution.

Professional development and service to one's profession are met by each faculty member and each department in several different ways. The following list of activities is an example of the involvement of faculty in professional development and service that each division may use in establishing its own standards:

- Conventions, workshops, and seminars
- Re-certification
- Creation or performance of artistic works
- Professional organizations
- Participation in activities, professional, promotional and others, of their discipline organized by the professional organizations.
- Professional service to the community
- Additional coursework
- Research
- Publications and scholarly works

## **Mandatory Training**

BridgeValley may identify mandatory professional development/training activities that are to be completed in a specified timeframe either on a semester and/or annual basis. The training courses that are assigned are required of all full-time staff and faculty members, however part-time employees including adjuncts may be required to complete assigned training courses as well but will be indicated if so. Some of the training courses may include but are not limited to: FERPA, Title IX, Defensive Driving, etc.

If a mandatory training course is assigned a good faith attempt should be made to complete the required course by the listed deadline. If an employee has not made a good faith effort to complete the required course assigned by the deadline, that employee may be placed on a progressive counseling track initiated by their immediate supervisor, following each step until completion of the trainings or until the end of the progressive counseling process.



# Workplace Standards

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## **Employee Rights and Responsibilities**

Employees are required to provide a full day's work each day on the job; to behave in a civil, professional manner; to treat others with respect; to comply with State and Federal laws and regulations related to individual rights, business operations and procedures, health and safety, conflict of interest, and to comply with West Virginia Council for Community and Technical College Education and BridgeValley Community and Technical College regulations, rules, policies and procedures. Employees are entitled to be treated with respect and dignity by managers and other employees and are entitled by statute and policy to file a grievance for work-related disputes free from retaliation.

## **Management Rights and Responsibilities**

Those holding supervisory or managerial roles at BridgeValley Community and Technical College are expected to treat employees with respect and dignity. Supervisors and managers are responsible for compliance with the College's policies and procedures and for communicating and applying operational-based directives. Supervisors and managers are also responsible for carrying out administrative directions and decisions. Occasionally, the College, must make decisions without prior consultation with its employees. The College maintains exclusive discretion to exercise the customary functions of management. Management rights and responsibilities include, but are not limited to, such things as:

- Determining the work force direction and objectives,
- Determining the size and composition the positions required, changed or consolidated,
- Establishing standards of performance and conduct,
- The discretion to select, hire, promote, transfer, demote, suspend, dismiss, assign, supervise, evaluate, and discipline employees,
- Scheduling of the work force, including determination of the number of shifts to be worked, and the scheduling and amount of overtime to be worked,
- Determining and modifying job descriptions and job classifications,
- Assigning duties and responsibilities to employees,
- Determining when reductions in work force are required, including hour reductions and layoffs; determining when recalls are required,
- Establishing and changing salary and wage rates in accordance with needs and requirements determined by the institution,
- Establishing a safe work environment,
- Providing the materials and equipment to do the work required,
- Establishing, changing, and abolishing policies, procedures, rules, and regulations; and
- Ensuring adherence to applicable laws and policies.

## **Dress Code**

All employees are expected to be suitably attired and groomed while at work or when representing the interest of BridgeValley. It is the responsibility of each employee to maintain standards of appearance, personal hygiene, and conduct that will complement his/her occupational responsibilities, enable the employee to safely perform his/her duties and responsibilities, and enhance the institution's professional image with the public.

Employees are expected to exercise good judgement regarding their appearance and hygiene. Employees should minimize body odor and refrain from wearing fragrances that might offend others

or affect those with allergies. Clothing should not be overly revealing and sexualized. Employees may not wear provocative clothing that may create a hostile work environment such as those with images, symbols, wording that may be offensive or insulting to others.

Based on operational needs, the supervisor will determine the appropriate dress for each department. Whether an employee meets the level of appearance and hygiene required for their job will be within the College's sole discretion. Dress and grooming codes are to be non-discriminatory. Questions and concerns should be directed to Human Resources.

### **Drug Free Workplace**

All employees of BridgeValley, including faculty, staff, administrators, and student employees, must comply with the Drug-Free Workplace Act of 1988 (Public Law 100-690 Title V, Subtitle D, 41 U.S.C. 701 et. seq.) and The Safe and Drug Free Schools and Communities Act of 1989. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace. Reporting for work under the influence of a controlled substance or alcohol is prohibited. As a condition of BridgeValley Community and Technical College employment, every employee shall abide by the terms of this policy and notify their supervisors and the Office of Human Resources of any conviction of drug or alcohol-related charges resulting from any activity occurring in the workplace or otherwise on BridgeValley premises no later than five days after such conviction. Any employee found in violation of this provision shall be subject to disciplinary action, including dismissal, and may be required to participate in a drug abuse assistance or drug rehabilitation program.

The College will maintain a workplace free of the illegal use of drugs. The unlawful manufacture, distribution, sale, dispensing, possession, or use of illegal drugs, the abuse or improper use of prescribed drugs, and the use of alcohol on the College property or as a part of any college-sponsored function is prohibited. Reporting to work or any college-sponsored function under the influence of alcohol or illegal drugs is prohibited.

Legally prescribed medications taken properly are excluded from prohibition and permitted only to the extent that such medications do not adversely affect a person's work ability, job performance, or the safety of others.

Any person who violates the policy shall be subject to disciplinary action. When reasonable suspicion exists that an independent contractor, volunteer, or any employee has reported to work under the influence of alcohol, illegal drugs, or is impaired due to abuse or misuse of controlled substances or prescribed medications, the individual may be subject to assessment and disciplinary action, or termination of the service agreement. The College will impose disciplinary sanctions on employees consistent with institutional policies, and local, state, or federal laws for violation of the standards of conduct outlined above. All persons should be aware that violations could result in termination of employment, or referral for prosecution. Sanctions may include, but are not limited to, a requirement that the person participates in a drug abuse assistance or rehabilitation program.

### **Tobacco Free Campus**

BridgeValley Community and Technical College prohibits smoking or the use of tobacco products. Smoking and tobacco use including vaping is prohibited in all buildings, facilities, and campuses of the College. Smoking, tobacco use, and vaping are also prohibited in any motor vehicle owned, leased, or otherwise operated by the College.

### **Solicitation**

Solicitation and selling of products and articles on College property, owned or leased, are prohibited; except by organizations and groups directly affiliated with and recognized by the College, and authorized by written approval of the institution's President or the President's designee. The name(s)

of BridgeValley Community and Technical College may not be used to secure funds for any purpose or through any means without the written permission of the institution's President or President's designee. Employees may not participate in the solicitation of funds by sales or donation, stated or implied, using the name of the institution or their title without the written permission of the College President or the President's designee. No employee may conduct personal for-profit business on BridgeValley's premises.

### **Reporting Unscheduled Absences**

Notification of an unscheduled absence, prior to an employee's scheduled start time, is of the utmost importance. If for any reason an employee is unable to report to work as scheduled, the employee must notify their supervisor prior to their scheduled start time with the expected duration of the absence. Failure to notify an immediate supervisor concerning an absence can result in disciplinary action up to and including termination.

Absence from work for three consecutive workdays without proper notice, explanation, and/or authorization will be deemed neglect of duty, job abandonment and considered a voluntary resignation from employment.

# Disciplinary Action

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Each employee must maintain standards of performance and conduct as outlined by the immediate supervisor and institutional policy and must comply with all applicable policies, procedures, and laws. This policy applies to classified and provides for the application of four-part progressive counseling as the method for remedying instances of inadequate work performance and/or inappropriate behavior. Non-classified employees are at-will, and their employment can be terminated at any time with or without notice or cause.

When a classified employee does not maintain the appropriate standards of performance or conduct, disciplinary action, including but not limited to, demotion, suspension, transfer, or dismissal may be taken. The supervisor will provide the employee with notice of the unacceptable performance, an explanation of the supervisor's concerns, and an opportunity for the employee to provide an explanation for the behavior in question. Notice and an opportunity to explain should usually precede major disciplinary actions such as suspension or dismissal.

Depending upon the actual and potential consequences of the offense, employee misconduct may be considered minor misconduct or gross misconduct. Minor misconduct is that which is generally deemed by the supervisor as correctable by counseling and/or instruction through progressive discipline. Gross misconduct is of substantial actual and/or potential consequences to operations or persons, typically involving flagrant or willful violation of policy, law, or standards of performance or conduct. Gross misconduct may result in any level of discipline up to and including immediate dismissal at the College President's discretion.

## **Four-Part Performance Counseling Method**

BridgeValley utilizes four-part performance counseling as the prescribed method for attempting to remedy instances of inadequate work performance that do not rise to the seriousness of the infractions set forth in the employee Code of Conduct. Four-part progressive discipline is to be applied for classified employees in instances of inadequate work performance and inappropriate behavior that are believed to be remediable (e.g., can be improved or eliminated with some effort on the part of the employee). The goal of a four-part progressive discipline is to restore the employee's work performance and/or behavior to an acceptable level.

The four components of progressive discipline are (1) oral warning; (2), two written warnings; (3) suspension without pay; and (4) termination from employment. The components are applied in the order listed.

The principles of four-part performance counseling are (1) to ensure that such counseling is provided fairly and consistently among employees (to which it applies) and across departmental lines; (2) to provide clear communication about the problem; and (3) to set forth to the employee a plan for improvement which provides the employee a reasonable opportunity to improve.

The employee's immediate supervisor is responsible for initiating four-part performance counseling for instances of inadequate work performance for which such counseling is appropriate. The employee's immediate supervisor is responsible as well for creating and maintaining appropriate documentation and records to support the application of four-part progressive counseling. Failure to utilize four-part performance counseling when needed, to apply the steps in proper order, and/or failure to create and maintain appropriate documentation may result in disciplinary action against the supervisor.

Inadequate work performance is defined as (1) work performance that does not meet minimum acceptable standards (as defined by the supervisor or manager) and (2) which can be remedied or eliminated through effort on the part of the employee. An example of inadequate work performance

is not arriving at work on time. Such tardiness does not meet minimum acceptable standards and can be remedied through effort on the part of the employee.

Supervisors have the right to recommend dismissal of an employee for gross misconduct without prior warnings or suspension. Reasons for immediate dismissal from gross misconduct include, but are not limited to the following:

- Theft of or malicious damage to or destruction of college property, the Board of Governors, or its visitors, and/or employees.
- Insubordination by refusal, by action or inaction, to abide by legitimate reasonable directions of a supervisor or administrator.
- Deliberate falsification of employment applications or other College records.
- Wrongful injury, including assault, battery, or physical abuse of employees or any persons on college property or at any College authorized function or event.
- Absence from work for three consecutive workdays without proper notification, explanation, reasonable cause, and/or authorization.
- Conduct that directly or substantially impairs the individual's fulfillment of college responsibilities, including, but not limited to, verified instances of sexual harassment, sexual assault, or discriminatory practices.
- Refusal to comply with institutional rules, local/state/federal laws.
- Neglect of duty.

No workplace performance improvement plans other than that set forth in this procedure may be used. In the context of statutory grievances, the four-part plan has withstood legal scrutiny many times and is an accepted and approved methodology.

The goal of four-part performance counseling is to restore the employee's work performance and or behavior to an acceptable level.

This policy may apply optionally to a non-classified employee at the sole discretion of the President or his/her designee. A non-classified employee is a will-and-pleasure employee whose employment appointment may be terminated at any time for any reason or for no reason. A right to four-part performance counseling for non-classified employees does not exist. The application of four-part performance counseling in the case of a non-classified employee does not waive or supersede the non-classified employee's status as a will-and-pleasure. If four-part performance counseling is utilized in the case of a non-classified employee, it may be suspended or terminated at any time as approved by the President or his/her designee.

It is best practice to administer progressive discipline for all classifications of employees, and progressive discipline may be utilized for non-classified employees but is not required before suspension or termination. Non-classified employees are at-will, and their employment can be terminated at any time with or without notice or cause. Discipline for non-classified employees will be commensurate with the offense and solely at the discretion of the College.

### **Disciplinary Procedures**

The steps in four-part performance counseling consist of the following:

Verbal Warning

- When a supervisor observes a work performance deficiency that (a) is not a deficiency requiring immediate suspension without pay or termination of employment as set forth in the procedure on workplace infractions and (b) has happened once for a more serious issue or several times for a minor issue, he/she shall discuss the problem or issue with the affected employee.
- The employee is asked to take steps to improve the workplace performance or behavior and is given a reasonable timeframe in which to demonstrate the required improvements. The timeframe varies according to the nature of the problem. (For instance, a problem such as chronically arriving late for work should be remedied immediately unless there is a compelling situation that would require a longer timeframe in which to improve).
- A verbal warning is a spoken warning. The issue should be simply and clearly discussed with the employee. No written communication should be presented to the employee at the event of a verbal warning. The employee should not be required to sign anything written in connection with the verbal warning.
- The supervisor should retain in his/her files a brief note that identifies the employee, the situation, the required improvement, the timeframe for improvement, the consequences of failure to improve, and the date on which the verbal warning was issued. This note should be retained in the event that it is necessary to go to the next step in four-part progressive discipline.
- If a period of time lapses that is no less than 6 months and no more than 1 calendar year, during which the supervisor is satisfied with the improvement made by the employee, he/she may at his/her own discretion determine the progressive counseling process to be concluded.

#### Written Warning

- If a verbal warning does not result in an acceptable level of improvement or remedy of the problem cited, the supervisor shall proceed to write and deliver to the employee a written warning.
- The written warning should state that the step of verbal warning has not produced sufficient improvement and should identify the employee, the problem, the timeframe for improvement, the consequences of failure to improve, and the date on which the written warning was presented to the employee.
- A written warning should be signed by the supervisor. An original and one copy of the written warning are provided to the employee.
- The employee should sign one copy acknowledging receipt of the written warning and return the copy signed by him/her to the supervisor. If the employee refuses to sign the written warning, the supervisor should write a note on a copy of the written warning indicating the employee refused to sign.
- A copy of the written warning with the employee's signature or the supervisor's note that the employee would not sign the written warning should be retained by the supervisor.
- The supervisor shall also send a copy of the written warning to the Human Resources Office, where documentation will be maintained in the subject employee's personnel file. The supervisor shall attach to the copy of the written warning forwarded to the Human Resources Office a copy of the note created by the supervisor at the time of the verbal warning event.
- If a period of time lapses that is no less than 6 months and no longer than 1 calendar year

during which the supervisor is satisfied with the improvement made by the employee, he/she may discuss the matter with the Chief Human Resources Officer, or designee. If he/she is in agreement with the proposal of the supervisor, the performance counseling process may be considered ended.

#### Suspension without Pay

- If a written warning does not result in an acceptable level of improvement or an acceptable remedy of the problem cited, the supervisor shall write to the employee indicating that he/she is recommending that the employee be suspended without pay for a reasonable period of time. Such communication must be recommended for approval in advance by the level of supervision or management next above the immediate supervisor. Ultimate approval for suspension without pay rests with the President or his/her designee.
- A copy of this written communication shall be sent to the human resources representative who shall obtain a decision from the President or his/her designee to approve or disapprove suspension without pay.
- A copy of the written warning issued earlier to the employee should be in the personnel file maintained in the Human Resources Office. If this was not done for whatever reason a copy of the written warning with the notes of verbal counseling attached should be forwarded immediately to the Chief Human Resources Officer.
- Suspension without pay cannot be imposed without a complete record of the preceding steps in progressive counseling being in the possession of the Chief Human Resources Officer.
- Suspension without pay must be supported by documentation submitted to the Chief Human Resources Officer. The Payroll Office shall process the request as a set number of days without compensation and without charging any type of accrued leave. No accrued leave may be taken in lieu of time without pay under the provisions of suspension without pay.
- Suspension without pay for three days (or other length of time as approved by the President or his/her designee) will be imposed on three consecutive workdays to be determined by the supervisor (subject to modification as necessary to catch the next available pay cycle).
- If after a reasonable period of time being no less than 6 months and no more than 1 calendar year, following the employee's return to work from suspension without pay the supervisor is satisfied with the improvement made by the employee, he/she may recommend that the progressive counseling process end at the conclusion of the suspension without pay phase of performance counseling.

#### Termination of Employment:

- If suspension without pay does not result in an acceptable level of improvement or remedy of the problem cited, the supervisor shall write to the employee indicating that he/she is recommending to the President that the individual's employment be terminated.
- A copy of this written communication should be sent to the Chief Human Resources Officer in order to obtain from the President or his/her designee approval or disapproval for the termination of employment.
- A copy of the communication imposing suspension without pay as well as written materials from any earlier stage of performance counseling should be in the subject employee's personnel file maintained in the Human Resources Office. If this was not done for whatever reason a copy of the communication imposing suspension without pay as well as written materials from any earlier stage of performance counseling should be forwarded immediately to the Chief Human Resources Officer.

- Termination of employment for anything other than the infractions listed in the Code of Conduct cannot be imposed without a complete record of the preceding steps in performance counseling being present in the subject employee's personnel file.
- The recommendation for termination of employment should identify the employee, the problem, the reasons that led to the decision to recommend termination, the date of the written recommendation for termination of employment and should be signed by the supervisor. The original should be submitted to the Chief Human Resources Officer, and the responsible supervisor should keep one copy.
- Termination of employment as a component of performance counseling can occur only with the written approval of the President or his/her designee as communicated by the human resources representative. Termination of employment, if approved by the President or his/her designee, becomes effective at close of business on the working day that the signed approval is received by the responsible supervisor.
- Termination of employment must be supported by documentation and submitted to the Chief Human Resources Officer prior to taking any action.

### **Guidelines for Written Warnings**

Supervisors generally should follow these guidelines when completing a written warning(s).

- State the reason(s) for the discipline, such as unsatisfactory performance, failure to maintain regular and satisfactory attendance, inappropriate conduct, etc. and quote the rule(s) of conduct violated.
- State the facts, giving specific examples, listing witnesses, dates, etc. that verify the substandard performance/behavior. Explain the impact this has had on operations.
- Describe any previous discussions or corrective actions such as a verbal warning, coaching, counseling, etc., that are relevant to the current problem or similar in nature to the current problem.
- Describe future consequences if similar behavior continues. For example "Failure to correct performance shortcomings will result in additional disciplinary action, up to and including termination of employment."

All written warnings and/or notices of suspension will remain in effect for no less than 6 months and no longer than 12 months from the date the notice was given.

This policy does not affect the College's right to terminate a non-classified employee at any time, or the right to not renew a faculty member's contract for any reason.

All subsequent external inquiries about a terminated employee should be referred to the human resources representative. A representative from the Human Resources Office is the only individual authorized to characterize the former employee or his/her work performance to any external entity.

Employees will be asked to sign any notices of Written Warning and/or Suspension without Pay to show receipt of notice. The signature of an employee does not imply agreement but simply acknowledges receipt of it. If the employee refuses to sign the document, that should be noted.



# Grievance

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## **Grievance Procedure**

The statutory grievance procedure is available to all state employees for resolution of most work-related concerns. Exceptions include pension or other retirement system issues, insurance issues, or matters not within the vested authority of the employer. Grievances are filed with the President's Office and must also be sent by the grievant to the West Virginia Public Employees Grievance Board in Charleston. Grievances must be filed within 15 days of the aggrieved incident. For additional information refer to code contained at W. Va. Code § 6C-2-1, et seq., contact the Office of Human Resources, or go to the Grievance board's website <https://pegb.wv.gov/>

Under all procedures, the employee or the employee's designated representative has the responsibility to clearly indicate that a grievance is being filed, provide an explanation of the issue including the specific policy violation, and the remedy sought for resolution of the issue. A grievance must be filed with the President's office and the West Virginia Public Employees Grievance Board in Charleston.

# Separation of Employment

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## **Voluntary Termination/Resignation**

Employees who intend to resign from their positions are expected to give their supervisors at least two weeks' advanced written notice. Faculty employees are to complete an academic term and provide thirty (30) calendar days' written notice of resignation.

The written resignation is to be forwarded by the receiving supervisor to Human Resources and the Division Head if applicable.

## **Retirement**

The Human Resources Department wants to make employee transition from work to retirement a seamless and comfortable experience and provide opportunity for employees to remain connected with BridgeValley. The Human Resources Department recommends the employee start retirement preparations at minimum of 6 months to 1 year before his/her targeted retirement date. For a suggested planning schedule and specific retirement planning and benefit provider contact information, please request the *Retirement Guide and Checklist* from the Human Resources Office.

## **Dismissal for Cause**

When it is determined by the supervisor that an employee is not meeting performance or conduct standards or fails to comply with legal or policy requirements, dismissal for just cause may occur consistent with the disciplinary procedures. Supervisors must consult Human Resources for support and guidance regarding employee discipline.

Non-classified employees are at-will employees and therefore may be dismissed at any time with or without notice or cause.

## **Automatic Termination**

Absence from work for three consecutive workdays without proper notice, explanation, and/or authorization will be deemed neglect of duty, job abandonment and considered automatic voluntary resignation from employment.

## **Separation from College Employment for Medical Reasons**

Whenever it is medically, psychologically, or psychiatrically determined that an employee can no longer perform the essential duties of the position and reasonable accommodation cannot be made, the employee may be separated from the College for medical reasons. The employee should investigate what benefit entitlements are applicable. Existing laws and policies will guide the College in protecting the employment and retention rights of disabled employees who are considered otherwise qualified within the meaning of such laws.

## **Reduction in Force**

The elimination of any full-time regular position requires the prior written approval of the President. In the event a full-time regular position is eliminated because of lack of funds or work, BridgeValley will comply with the requirements as outlined in WV Code. Managers are required to consult with the Director of Human Resources for proper layoff management of regular employees.

### **Terminating Employee Health Insurance Privileges**

Federal law adopted the Consolidated Omnibus Budget Act (COBRA). COBRA mandates employers to offer continuation of group health insurance to certain employees who lose coverage. In the case of employee terminations, the law requires the employer to notify the plan administrator within 30 days after the employee's termination of employment. The Public Employees Insurance Agency utilizes UMR, a third-party COBRA administrator. The third-party administrator UMR, not BridgeValley Community and Technical College, will notify terminating employees of their COBRA rights. The College is required to complete a PEIA health insurance termination form for every PEIA participant who leaves BridgeValley or becomes ineligible for benefits.

Health insurance for an active policyholder and any covered dependents terminates at the end of the month in which the employee voluntarily ceases employment or goes off the payroll. A policyholder who is terminated from employment involuntarily or through a reduction in force may continue health coverage for three additional months after the end of the month in which employment ends. The employer must continue to pay the employer's share of the premium during these three months. The policyholder will be responsible for paying the employee's share of the premium during these three months.

### **Terminating Employee Life Insurance Privileges**

Life insurance for an active policyholder and any covered dependents terminates at the end of the month in which the employee voluntarily ceases employment or goes off the payroll. A policyholder who is terminated from employment involuntarily or through a reduction in force may continue life coverage for three additional months after the end of the month in which employment ends. The employer must continue to pay the employer's share of the premium during these three months. The policyholder will be responsible for paying the employee's share of the premium during these three months.

Life insurance may be converted to an individual policy. Employees must apply and pay the first premium within 31 days after the termination of the life insurance coverage. Coverage under the individual policy will become effective the day after the group coverage ends.

### **Date of Termination/Separation**

The "date of termination" or "date of separation" will be recorded as the last day the employee was physically at work. Employees may not be paid any holiday or sick leave pay after the date of separation. The balance of annual leave remaining on the date of separation may be transferred to another state agency or paid as specified in the "Employee Leave" section of this Handbook.

# Employee Organizations

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West Virginia Code § 18B-6-1, et seq., entitled “Advisory Councils,” calls for the establishment of institutional and statewide advisory councils of classified and faculty employees formed to address any issues affecting the employee groups, and providing a method through which the issues and concerns of the employee organizations will be heard by the presidents, boards of governors, and the Community and Technical College Council. Each institution of higher education is to establish a Classified Staff Council and a Faculty Senate. Each group elects a representative to serve on its respective statewide Advisory Council of Classified Employees and State Advisory Council of Faculty. The Code prescribes the number of times presidents and boards of governors meet with the respective campus employee groups and the number of times the Council meets with the State advisory bodies.

## **Classified Staff Council**

Classified Staff Council is a group of employees elected by classified staff members for the purpose of representing and promoting the interests of all classified staff members. The Staff Council meets monthly to review, plan and help in staff governance. Information regarding membership, policies, procedures, etc., can be obtained directly from the Classified Staff Council.

## **The Advisory Council of Classified Employees (ACCE)**

The West Virginia State Advisory Council of Classified Employees provides a structured means for classified employees to discuss and make recommendations regarding job conditions, fringe benefits, employee-employer relations, or anything which affects their jobs. Through its elected Classified Staff Council, they also advise the President and Administration on these matters and present the ideas and suggestions of the classified employees. The Classified Staff Council is not a grievance board. It cannot take an active part in a grievance case, but its members are knowledgeable of how to file a grievance and can be of assistance in this area. Likewise, the Council is not a resource for solving the problems of employees. It concerns itself primarily with problems affecting classified employees as a whole. The Council is not in a position to make decisions and changes in policies and regulations which are under the control of the Board of Governors. The Advisory Council of Classified Employees welcomes all classified employees' suggestions. Correspondence may be sent directly to the current chairperson of the Classified Staff Council or the occupational group representative. For further information regarding ACCE, please contact your representative and/or visit their website at <http://www.wvacce.org/>

## **Faculty Senate**

The Faculty Senate is a group elected by faculty members for the purpose of representing and promoting the interests of faculty. It serves in an advisory role, reporting directly to the President of the College. Faculty Senate rules, policies, and procedures are described in detail in the BridgeValley Community and Technical College Faculty Senate Constitution and Bylaws.

The Faculty Senate has established various standing committees to carry out the functions and responsibilities of the faculty. These committees are:

- Executive Faculty Council (EFC) -- It shall be the function of this committee to provide active and effective leadership for the Faculty Senate. Facilitates the business of the Senate by considering various matters, which fall within the jurisdiction of the Senate and referring items to appropriate committees, groups, or persons for actions and recommendations.

- Academic Standards Committee (ASC)-- The Academic Standards Committee (ASC) will be responsible for reviewing proposals for new and revised academic curriculum and educational policies. The committee shall be concerned primarily with the college-wide and community impacts of the proposals.
- Faculty Evaluation Committee (FEC) -- Oversees faculty evaluation policies and procedures. The committee will make recommendations on all applications from faculty for retention, promotion, and merit increase.
- Faculty Governance Committee (FGC) – Periodically reviews the Constitution and Bylaws and the Faculty Handbook and recommends to the Senate any appropriate changes.

### **The Advisory Council of Faculty (ACF)**

The Advisory Council of Faculty (ACF) was established by the West Virginia Legislature as an advisory group of faculty representatives from State universities, four-year institutions, and community and technical colleges:

- To serve as a resource to the legislature on the essential role of faculty in the economic growth and well-being of the State; to provide advice to the Legislature in the development of State Code which pertains to Higher Education;
- To provide advice to the Higher Education Policy Commission and the Community and Technical College Council in the development of policies pertaining to Higher Education;
- To report to and advise local boards of governors and faculty constituents on issues pertaining to Higher Education.