



To: All Classified Employees

From: Amy Pitzer, Chair, Advisory Council of Classified Employees

Subject: SB480

Date: March 1, 2010

Classified Employees,

I am writing to you as Chair of the Advisory Council of Classified Employees (ACCE) for the express purpose of asking for your vital support of Senate Bill 480. Senate Bill 480 includes, among other things, the higher education personnel legislation.

This legislation will enact a new system of personnel administration and will start the process of a very badly needed cultural change in the way higher education entities deal with all areas of human resources.

Many classified employees have worked collaboratively with human resources professionals, administrators, presidents, chancellors, consultants, and legislators over the last four years to get to the point of legislation. All those different categories of employees who participated in the study concluded that the system was “broken” and that virtually no “best practices” were taking place. There were many compromises along the way by the various groups, and we worked through most of the study areas to consensus, with some areas still to be studied later.

Senate Bill 480 is the result of everyone’s efforts, and the ACCE feels this is the first step in the right direction toward a fair and equitable system of classification and compensation, as well as personnel management and administration, for our employees.

The consultants hired jointly by the Higher Education Policy Commission and the Legislature's Select Committee on Higher Education Personnel, stated that "85% of the personnel laws in place have been ignored or misapplied by the institutions." This proves the accountability written into SB480 is not only necessary, it's pressing.

I am providing a brief synopsis of the parts of the bill relative to classified employees and ask that you check out the [full context of the bill](#) on the legislative web site at:

[http://www.legis.state.wv.us/bill\\_status/bills\\_text.cfm?billdoc=SB480%20sub1.htm&yr=2010&sesstype=RS&i=480](http://www.legis.state.wv.us/bill_status/bills_text.cfm?billdoc=SB480%20sub1.htm&yr=2010&sesstype=RS&i=480).

The Committee Substitute for SB480 will be on 3<sup>rd</sup> Reading in the Senate in the next day or two. The Advisory Council hopes you can support the bill, and in doing so, will contact your legislative delegation and tell them that you are a classified employee from higher education, working at this or that institution and you are asking for their vote in support of SB480.

Should you have questions or concerns about the bill, please feel free to contact me directly at [pitzer@concord.edu](mailto:pitzer@concord.edu) and I will respond as soon as I possibly can.

We would love to be able to tell the sponsors of the bill that we have endorsements of support from every institutional staff council. Should your staff council choose to do so, please send that letter or resolution of endorsement to my email address above. However, time is running out, and we would need to have those rather quickly. The session ends March 13<sup>th</sup>.

It is equally important that Governor Manchin understands how important this bill is to classified employees as well, so please go to the Governor's web site and send him an email asking for his support of Senate Education's Committee Substitute for SB 480 as it is written.

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I would also encourage you to send a note of thanks to the sponsors of the bill. They are listed on the front page of the bill. They, and their staff, have worked tirelessly, listened to and have been sensitive to all our concerns, and worked long and hard to produce proposed legislation that is Fair, Accountable, Credible, Transparent, and Systematic (FACTS), which is all we have asked for.

Please take action today to insure passage of this bill.

On Behalf of the Advisory Council of Classified Employees,  
Amy Pitzer. Chair

## **SYNOPSIS OF SB480 (relative to classified employees)**

- The HEPC shall employ a Vice Chancellor for Human Resources by August 1, 2010; and employ a Director of Training and Development by July 1, 2011, and a Director of Classification, Compensation, and Human Resources Information Systems by October 1, 2010. Both directors shall report to the Vice Chancellor for Human Resources and perform duties as assigned by the Vice Chancellor, by the chancellors, the commission, the council or by law. The bill states the minimum qualifications and duties and responsibilities for these positions. The Vice Chancellor for Human Resources will supervise the two Directors. The bill clarifies the responsibilities of the central office positions, the institutional human resources positions, and the Commission and Council, as it relates to personnel including but not limited to: maintaining consistent human resources information systems, regular review of jobs (at least once every 5 years), ensuring market studies are conducted for all classes of employees. Analyzing and determining training needs of employees and developing and formulating plans to meet specific training needs in addition to training institutions may already be providing, conducting performance reviews of personnel who administer human resources functions at each institution/organization in relation to best practices at least once every three years with the results of those evaluations to identify any areas of deficiency and target training and professional development for those HR staff.
- Promoting fairness, accountability, credibility, transparency and a systematic approach to progress (FACTS) in personnel decision-making; Reducing, or, wherever possible, eliminating arbitrary and capricious decisions affecting employees of higher education organizations; Creating a stable, self-regulating human resources system capable of evolving to meet changing needs; Providing for institutional flexibility with meaningful accountability; Adhering to federal and state laws; Adhering to duly promulgated and adopted rules; and Implementing best practices throughout the state higher education system.
- To accomplish these goals, the Legislature encourages organizations to pursue a human resources strategy which provides monetary and nonmonetary returns to employees in exchange for their providing their time, talents and efforts to meet articulated goals, objectives and priorities of the state, the commission and council, and the organization. The system should maximize the recruitment, motivation and retention of highly qualified employees, ensure satisfaction and engagement of employees with their jobs, ensure job performance and achieve desired results.
- There are numerous reports to LOCEA to insure implementation, progress and maintenance of the system is taking place, beginning as early as December 1, 2010.
- A specific report which details comparable funding for salaries of faculty, classified, and nonclassified employees as a percentage of funding for each of these classes of employees among the organizations' peers, in the state, region

or national markets, and among similar organizations within the state systems of higher education.

- The commission and council shall prepare a human resources report card summarizing the performance of organizations on key human resources measures. The report card shall be presented to the Legislative Oversight Commission on Education Accountability no later than December 1, 2011, and annually thereafter, and shall be made available to the general public. The minimum data for the report are noted in the bill. Clarifies responsibility for the data reporting.
- The commission and council jointly shall contract for an initial human resources audit of each organization to be carried out by an external vendor possessing experience and expertise in conducting these audits. The initial audit shall be completed by October 1, 2010, and shall be designed to compare current human resources practices at each organization to best practices, to identify areas of strength or deficiency, to identify functions that should be the responsibility of human resources department, but are incorrectly assigned or carried out by other offices within each organization; to assist in targeting employee training and development, to determine the degree to which organizations are adhering to state and federal laws and to provide data necessary to guide policy makers in developing personnel rules and implementing the classification and compensation system. Additionally, the commission and council jointly shall conduct a systematic human resources audit of each organization at least once within each five-year period.
- The current salary schedule (2001) will remain in state code as a “temporary” schedule until all institutions have achieved full funding. Institutions must progress 25% per year over a four-year period to achieve full funding. (100% by 2014). No discretionary salary increases may occur unless appropriate progress is being made. Only raises mandated by law (i.e. upgrades, promotions, etc.) can take place if not fully funded. Once an institution has fully funded, they can pay above the schedule. The bill calls for institutions to move toward a goal of having all categories of employees paid at an equitable percentage of their respective peers.
- By July 1, 2014, the percentage of personnel placed in the category of "nonclassified" at a higher education organization may not exceed twenty percent of the total number of classified and nonclassified employees of that organization as those terms are defined in section two, article nine-a of this chapter and who are eligible for membership in a state retirement system of the State of West Virginia or other retirement plan authorized by the state. A higher education organization which has more than twenty percent of its employees placed in the category of “nonclassified” as defined by subsection (a) of this section on July 1, 2010, shall reduce the number of nonclassified employees to no more than twenty-five percent by July 1, 2012, and to no more than twenty percent by July 1, 2014. Employees of the Commission and the chancellor for higher education and employees of the council and the chancellor for community and technical college

education are considered as one organization. Organizations may count as faculty or classified employees, respectively, administrators who retain the right to return to faculty or classified employee positions; and Coaches are excluded from calculation of the ratio.

- The commission and council shall study the following issues relating to employment practices:
  - (1) Developing a fair and rational policy based upon best human resources practices for covering reductions in force, furloughs and other issues relating to seniority including determining how employees shall be treated whose salaries are derived from funds other than state appropriations;
  - (2) Determining the advantages and disadvantages of maintaining the internal preferences for hiring, promoting and transferring classified employees;
  - (3) Collecting and analyzing data and developing recommendations on the advantages and disadvantages of outsourcing certain functions at the organization level. The data shall include, but are not limited to, the following items:
    - (A) A current database of outsourcing practices followed by each organization including procedures or rules developed to inform policy decisions;
    - (B) The total number, disaggregated by organization, of positions or services being outsourced or filled by temporary employees;
    - (C) The amount of actual cost savings, if any, that are realized or may be realized as a direct result of organizations' outsourcing decisions;
  - (4) Recommending a rational, uniform policy to determine the status of employees whose positions are funded, in whole or in part, by an external grant or contract from a federal, state, local government or private entity.

The commission and council shall complete the work and report their findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate the recommendations, to the Select Committee on Higher Education Personnel or the Legislative Oversight Commission on Education Accountability no later than January 1, 2011.