

# APPENDIX M

## Ratio of Non-Classified Employees to Retirement-Eligible Employees

May 2006

### Background

All higher education employees fall into one of three categories: (1) faculty; (2) classified employees; and (3) non-classified employees. West Virginia Code § 18B•9-2 provides:

"Nonclassified employee" means an individual who is responsible for policy formation at the department or institutional level, or reports directly to the president, or is in a position considered critical to the institution by the president pursuant to policies adopted by the governing board. The percentage of personnel placed in the category of "nonclassified" at any given institution may not exceed ten percent of the total number of employees of that institution who are eligible for membership in any state retirement system of the state of West Virginia or other retirement plan authorized by the state: Provided, That an additional ten percent of the total number of employees of that institution as defined in this subsection may be placed in the category of "nonclassified" if they are in a position considered critical to the institution by the president. Final approval of such placement shall be with the appropriate governing board.

West Virginia Code § 18B-9-2a also provides:

The Legislature finds that the doctoral institutions, as defined in section one, article eight of this chapter, have unique staffing demands for their extensive research and doctoral programs, and therefore require additional nonclassified staff. Each doctoral institution may exceed the percentage of nonclassified employees authorized in section two, article nine of this chapter by an additional five percent.

Simply put, these provisions allow 25% of West Virginia University's and Marshall University's employees and 20% of all other institutions' employees to be designated as nonclassified. Of these employees, 10% must be designated by the higher education institution's governing board (not the President or another institution official acting alone) as critical to be nonclassified,

### Methodology

Within the higher education community, there has been much debate concerning the proper ratio of classified to other employees. Read literally, the ratio would look at both classified employees and faculty on the one hand and nonclassified employees on the other hand because both classified employees and faculty members "are eligible for

membership" in the state retirement system. Having said that, it is probable that the Legislature intended for the ratio to exclude faculty.

Staff has prepared an analysis that examines the ratio from both perspectives using personnel data submitted by institutions to the Commission and Council in October and November 2005.

### Findings

When the ratio is calculated looking at only non-classified employees and classified employees, ten institutions are above the 20% (or 25% in the case of West Virginia University and Marshall University) cap allowed by law. If retirement-eligible faculty are added to the equation, the number of institutions above the 20% cap drops to two. See Table 4.

### Conclusions

Staff believes that this data should be evaluated keeping in mind the following:

It may be hard for an institution with a small number of employees (e.g., administratively-linked institutions) to meet this statutory requirement.

It is not clear whether the statute applies to the Commission and Council offices, and it probably is not reasonable to expect these offices to comply with the 20% cap. (The ratio of classified-to-nonclassified employees could be reduced slightly in these offices,)

Institutions are likely to designate more employees as nonclassified when classified salaries are significantly out of line with the market (as happens when the classified salary schedule is not adjusted regularly to reflect market conditions).

Table 4

**COMPARISON OF NON-CLASSIFIED EMPLOYEES TO  
RETIREMENT-ELIGIBLE EMPLOYEES**

Institution	Classified Employees	Non-Classified Employees	Faculty	Non-Classified to Classified Ratio	Non-Classified to Classified + Faculty Ratio
<b>HEPC</b>					
Bluefield State College	107	19	76	15.1%	9.4%
Concord University	115	25	96	17.9%	10.6%
Fairmont State University	161	86	163	34.8%	15.2%
Glenville State College	76	23	52	23.2%	15.2%
Marshall University	664	169	700	20.3%	11.0%
Potomac State College of WVU	67	19	31	22.1%	16.2%
Shepherd University	178	56	120	23.9%	15.8%
West Liberty State College	92	42	99	31.3%	18.0%
WV School of Osteopathic Medicine	101	16	43	13.7%	10.0%
WV State University	193	36	124	15.7%	10.2%
West Virginia University	2,766	475	2,193	14.7%	8.7%
WVU Institute of Technology	120	13	93	9.8%	5.8%
<b>HEPC Total</b>	<b>4,640</b>	<b>979</b>	<b>3,790</b>	<b>17.4%</b>	<b>10.4%</b>
<b>CTCS</b>					
CTC at WVU Tech	9	1	25	10.0%	2.9%
CTC of Shepherd	9	4	17	30.8%	13.3%
Eastern WV CTC	20	5	1	20.0%	19.2%
Fairmont State CTC	18	9	57	33.3%	10.7%
Marshall CTC	11	12	19	52.2%	
New River CTC	24	5	31	17.2%	8.3%
Southern WV CTC	125	29	67	18.8%	13.1%
WV Northern Community College	62	13	55	17.3%	10.0%
WV State CTC	10	6	34	37.5%	12.0%
WVU at Parkersburg	91	13	86	12.5%	6.8%
<b>CTCS Total</b>	<b>379</b>	<b>97</b>	<b>392</b>	<b>20.4%</b>	<b>11.2%</b>
<b>Central Staff</b>					
WVNET	36	9	0	20.0%	
HEPC/CTCS	34	26	0	43.3%	
<b>Central Staff Total</b>	<b>70</b>	<b>35</b>	<b>0</b>	<b>33.3%</b>	
<b>Grand Total</b>	<b>5,089</b>	<b>1,111</b>	<b>4,182</b>	<b>17.9%</b>	<b>10.7%</b>

Indicates institutions ratio in excess of WVCode §188-9-2 and §188-9-23