

**Pierpont Community & Technical College Board of Governors
Meeting of September 30, 2008**

Call to Order

1. Opening Comments
2. Last Call for Public Comment Sign Up

Committee of the Whole

- | | |
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| 1. Information on Action Taken (Executive Committee) Regarding Board of Governors Policy 25: Salary | Tab 1 Action Item |
| 2. Pay raises effective November 1, 2008 | Tab 2 Action Item |

Public Comment

Possible Executive Session

Pierpont Community & Technical College Board of Governors
Policy #25
Revised August 27, 2007 and June 15, 2006, originally adopted November 29, 2004

TITLE: SALARY POLICY

SECTION 1. GENERAL

- 1.1 SCOPE: These salary policies shall be in effect and shall govern the assignment of salaries for employees of Pierpont Community & Technical College.
- 1.2 AUTHORITY: West Virginia Code § 18B-1-6; §18B-2A-4.
- 1.3 Effective Date: November 29, 2004

SECTION 2. PROCEDURES FOR ESTABLISHING SALARY POOLS

- 2.1 Each year, or from time to time as deemed appropriate, the President shall present to the Board a plan for the distribution of general salary increases to employees. This plan shall address increases for all employees other than the President.
- 2.2 The general salary increase plan shall be developed after state-wide salary mandates have been accounted for. Statewide salary mandates shall include salary increases for faculty promoted in rank, as well as required incremental funding of the classified employee "entry rate," if applicable.
- 2.3 After the cost of state-wide salary mandates has been separately accounted for, the President's general salary increase plan shall be submitted to the Board for approval.
 - 2.3.1 The plan shall reflect separately the total projected costs of aggregate salary increases for faculty, for non-classified employees, and for classified employees.
 - 2.3.2 The plan shall reflect the aggregate percentage increase in salary to be paid to faculty, non-classified, and classified employees.
 - 2.3.3 The increase in salary for each of the three groups of employees shall be comparable, but not necessarily equivalent. If the increases are not comparable, the President shall present a justification with the proposal.

2.4 The Board shall act, in response to the plan submitted, to establish the aggregate dollars to be allocated each year for general salary increases for each of the three groups of employees. The aggregate increase in dollars shall be distributed in accordance with Sections 3, 4 and 5 of this Policy.

SECTION 3. FACULTY SALARY POLICY

The total dollars for this increase in aggregate faculty salaries shall be distributed among faculty as follows:

3.1 The Distribution of Faculty New Pay Monies Each Fiscal Year

3.1.1 Salary Inequities Distributions: Twenty-five percent (25%) of the total faculty salary pool shall be distributed to address salary inequities until such time that a lower percentage is sufficient to bring all faculty to 90% of their target salary. Of this amount, a minimum of 80% (or 20%) will be used to fund the salary equity model with the balance restricted for special cases at the discretion of the President. The salary equity model is based on median data from the College and University Professional Association for Human Resources (CUPA), taking into account discipline and rank. Time in rank and possession of a terminal degree affect the actual target salary as follows:

- The CUPA peer group will be all Bachelor and Masters Institutions.
- No terminal degree - 10% reduction in CUPA base for rank and discipline. This does not apply to C&TC faculty.
- Zero time in rank - 10% reduction in CUPA base for rank and discipline
- Maximum credit for time in rank – 9 years
- Maximum target salary – 110% of CUPA base

The equity adjustments will have two components, fixed and variable. The maximum possible variable percentage will be no greater than the fixed percentage and will be determined based on dollars available. The variable percentage for each individual will be determined by the difference between their OCR score and the minimal acceptable OCR score. To be eligible for an equity adjustment in any given year, a faculty member must be eligible for a merit increase.

3.1.1.1 For the purpose of accelerating approach to target salary, an additional amount of money may be made available by the Board. These dollars will be dispersed as described in 3.1.1.

3.1.2 Merit Pay Allocations: The remaining salary increase pool after Section 3.1.1 is implemented shall be distributed on the basis of merit pay. The procedures for determining merit will be those developed by the faculty in the respective schools and colleges and approved by the President.

Graduated Rankings of Recipients. The merit raise will have two components, fixed and variable. The maximum possible variable percentage will be no greater than the fixed percentage and will be determined based on dollars available. The variable percentage for each individual will be determined by the difference between their OCR score and the minimal acceptable OCR score. The percentage of the variable component pool available to each School or College will equal the School or College's percentage of the total salary pool. Those rated below a minimal acceptable level as determined by the President in consultation with the Faculty Assembly will not receive a merit increase.

SECTION 4. CLASSIFIED STAFF SALARY POLICY

4.1 Salaries of classified employees shall be set consistent with Article 9, Chapter 18B of the Code of West Virginia and Series 8, as amended by the Higher Education Policy Commission and Community and Technical College Council.

4.2 In computing the salary increases for all classified employees, the target salary under the salary schedule set forth in Section 3, Article 9, Chapter 18B of the Code of West Virginia, as amended, shall be identified. The gaps between the target and current salary shall be established. Salaries of all classified employees shall be increased in equal proportions toward eliminating all gaps; however no raises will be given if the employee's overall job performance evaluation is "unsatisfactory." Beginning January 1, 2007, no raises will be given if the employee's overall job performance evaluation is "needs improvement" or "unsatisfactory."

SECTION 5. NON-CLASSIFIED SALARY POLICY

The total dollars for the annual increase in aggregate non-classified salaries shall be distributed among non-classified staff as follows:

- 5.1 Salary Inequities Distributions: The President may distribute a portion of the non-classified salary increase pool at his/her discretion to address salary inequities.
- 5.2 Merit Pay Recipients: The remaining portion of the non-classified staff salary pool shall be distributed on the basis of merit pay.
 - 5.2.1 Each non-classified employee shall be evaluated at least once each year, to include the Annual Evaluation. The Annual Evaluation will include, but need not be limited to, the Fairmont State Non-Classified Employee Performance Evaluation.
 - 5.2.2 No employee who receives an overall rating of "unsatisfactory" on the Annual Evaluation form will be eligible for merit pay. Beginning January 1, 2007, no raises will be given if the employee's overall job performance evaluation is "needs improvement" or "unsatisfactory."
 - 5.3.3 Graduated Rankings of Recipients. Merit recipients will be ranked at level A, B, or C. Those ranked B shall receive a percentage increase in base salary 50% higher than those rated C. Those ranked A shall receive a percentage increase in base salary 100% higher than those rated C.

SECTION 6. THE PRESIDENT'S SALARY

No provision herein shall be deemed to apply in any manner to the salary of the Pierpont Community & Technical College President, whose remuneration shall be set, from time to time, at the will and pleasure of the Board and with the approval of the Community College Council.



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Chancellor James Skidmore
Community and Technical College System of West Virginia
1018 Kanawha Blvd. East
Suite 700
Charleston, WV 25301

September 18, 2008

Dear Chancellor Skidmore,


We are writing on behalf of the newly established Board of Governors of Pierpont Community & Technical College to request that you grant us Emergency Status to suspend BOG Policy 25: Salary for the 2008-2009 fiscal year. The policy currently calls for faculty and non-classified staff salaries to be distributed based on equity and merit considerations, with no flexibility for across-the-board increases.

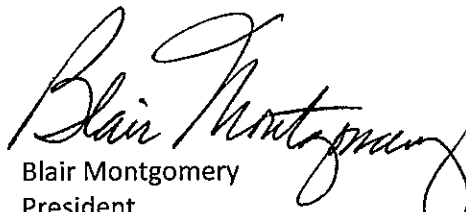
We would like to be able to make across-the-board raises this year in light of the high jump in the cost of living.

Our BOG was not named until August 2008 and did not meet for their first official business meeting until September 9th. The faculty and staff had been hoping for pay raises effective October 1, 2008. We are now aiming for November 1, 2008. The requirement for a 30-day public comment period would delay the implementation of raises thus harming our faculty and staff.

Our Board has called a special meeting to discuss Policy 25 on September 30. If granted emergency status, the Board of Governors plans to suspend the policy for this year in order to have flexibility in how raises are awarded, and would then work diligently toward a permanent action regarding this policy.

Thank you for your consideration of this request.

Sincerely,

James Griffin
Chair, Pierpont BOG


Blair Montgomery
President

**TITLE 135
PROCEDURAL RULE
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION**

**SERIES 4
RULES AND ADMINISTRATIVE PROCEDURES**

§135-4-1. General.

1.1. Scope. -- Rule establishing process for adoption, amendment, or repeal of rules and posting and publication of rules and administrative procedures by state institutions of higher education.

1.2. Authority. -- W. Va. Code §18B-1-6(c)(3).

1.3. Filing Date. -- January 23, 2006.

1.4. Effective Date. -- February 23, 2006.

1.5. Repeals and replaces previous Series 4 dated October 31, 2001.

§135-4-2. Definitions.

2.1. "Rule" means any regulation, guideline, directive, standard, statement of policy or interpretation of general application and future effect that also has institution-wide effect or affects the rights, privileges or interests of employees, students or citizens. The following are not rules:

2.2.1. Regulations, guidelines or policies established for individual units, divisions, departments or schools of the institution that deal solely with the internal management or responsibilities of a single unit, division, department or school; or

2.2.2. Academic curricular policies that do not constitute a mission change for the institution.

2.2. "Administrative Procedure" means any regulation, guideline, directive, standard or statement of policy or interpretation of future effect that does not qualify as a "rule."

§135-4-3. Application.

3.1. This rule shall apply to the adoption, amendment, or repeal of any rule by a governing board of any public higher education institution under the Council for Community and Technical College Education's jurisdiction, as well as to the posting and publication of rules and administrative procedures.

3.2. A governing board may not delegate responsibility for approving a rule to the President.

3.3. The Chancellor shall periodically provide institutions with examples of topics that should be dealt with only through the rule-making process. If the governing board or President of an institution is unsure whether the rulemaking process must be used, the governing board or President shall seek guidance from the Chancellor or his/her designee.

3.4. Each institution's governing board shall adopt a rule that outlines the rulemaking process at that institution.

3.5. No rule shall be adopted, amended, or repealed by a governing board without the provisions in this rule and its own rule on rules being met.

§135-4-4. Rulemaking Process.

4.1. Consultation. Institution officers are encouraged to consult with interested groups before presenting a proposed rule to the governing board for consideration.

4.2. Approval of Proposed Notice and Rulemaking. If a President or governing board determines that a rule concerning a subject matter under the governing board's jurisdiction should be adopted, amended, or repealed, the

President or governing board may approve a notice of proposed rulemaking. A notice of proposed rulemaking shall include:

4.2.1. A brief description of the subject matter of the rule, an explanation of how comments will be received, the deadline for receiving comments, and contact information for the person who has been designated to receive comments; and

4.2.2. A copy of the proposed rule if adoption or amendment is proposed or a copy of the current rule if repeal is proposed.

4.3. Notice of Proposed Rulemaking. Notices of proposed rulemaking shall be provided directly to the Chancellor, those persons representing students, faculty, and classified employees at the institution, and other interested parties. In addition, notices of proposed rulemaking shall be posted prominently at a location or locations identified in the institution's rule on rules, as well as on the institution's website, and copies shall be made available at no cost to any requester.

4.4. Comment Period. Except for emergency rules, a notice of proposed rulemaking must provide for a public comment period of at least thirty days during which written comments will be received before final adoption of the rule. A President or governing board may also provide for a public hearing.

4.5 Approval of Final Rule.

4.5.1. If a governing board originally approved a notice of proposed rulemaking at a previous meeting and no comments are received during the comment period, a proposed rule need not be re-approved by the governing board if the board provides so at the time it approves the proposed rule.

4.5.2. If written comments are received or a hearing held during the comment period, the governing board shall summarize the comments received and/or made and make a determination concerning each issue raised. The governing board may amend a proposed rule as a result of the comments or evidence received. All written

comments and evidence received and determinations made by the governing board shall be made available in the manner set out in Sec. 4.3 of this rule at least ten (10) days prior to the meeting in which the governing board gives final approval to the rule and be carefully preserved by the institution and open for public inspection and copying for a period of at least five years from the date of final board action.

4.5.3. The institution shall furnish the Chancellor or his/her designee with a copy of the final rule within thirty (30) days of the governing board's formal adoption of the final rule.

4.5.4. Any rule adopted by a governing board shall not be effective until approved by the Chancellor or his/her designee. The Chancellor or his/her designee shall notify the governing board of any specific or general objections to the rule and allow the governing board to address the objections. If the governing board disagrees with the objections, it may protest the Chancellor's decision to the Council. If the Chancellor or his/her designee has not provided any objections to a rule within thirty (30) days of receipt of its final version it shall be deemed approved. Approval by the Chancellor or Council may not be withheld unless the rule is inconsistent with state or federal law or the policies and mission of the Council.

§135-4-5. Posting and Publication of Approved Rules.

5.1. Approved rules shall be posted prominently at a location or locations identified in the institution's rule on rules, as well as on the institution's website, and copies shall be made available at no cost to any requester.

5.2. Approved rules shall be enumerated in a manner that makes them easily identifiable.

5.3. No later than October 1 of each year, each institutional governing board shall file with the Council a list of all institutional rules that were in effect on the first day of July of that year, as well as a list of institutional rules repealed during the preceding year.

5.3.1. For each rule listed, the governing board shall identify the most recent date on which each rule was adopted, amended or repealed.

5.3.2. The list shall include a statement by the chair of the governing board certifying that the governing board complied with the provisions of W. Va. Code §18B-1-6 and this rule when each rule was adopted.

§135-4-6. Emergency Rules.

6.1. In the case of an emergency, a governing board may adopt, amend, or repeal a rule without first following the procedure set out in this rule.

6.2. For the purpose of this section, an emergency exists when the adoption, amendment, or repeal of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare, or is necessary to comply with a time limitation established by state or federal law or regulation or a directive or rule of the Council, or to prevent substantial harm to the public interest, or to deal with financial exigency. The facts constituting an emergency shall be communicated in writing in advance to the Chancellor, who shall disapprove the action of the governing board if the Chancellor, or his/her designees, disagrees that an emergency existed.

6.3. Any emergency rule shall remain in effect no longer than three (3) months and shall expire unless a final rule has been approved under the normal process set out in this rule.

§135-4-7. Administrative Procedures.

7.1. This rule contains no restrictions on the adoption, amendment or repeal of administrative procedures. A governing board, however, is free to impose restrictions on this process.

7.2. The institution shall post administrative procedures prominently at places where those subject to the administrative procedures are likely to see them.

§135-4-8. Enforceability.

8.1. Any institution rule that fits within the definition contained in section 2.1 of this rule, but which has not previously been adopted by a formal vote of the governing board, must be adopted, amended or repealed by the governing board on or before July 1, 2006, or it shall be void and may not be enforced.

8.2. Any institution rule adopted, amended or repealed after the effective date of this rule in a manner inconsistent with the provisions of this rule shall be void and may not be enforced.

8.3. Any institution rule or policy statement not posted in a manner consistent with the provisions of this rule may not be enforced.

**Pierpont Community & Technical College Board of Governors
Meeting of September 30, 2008**

ITEM: Pay raises effective November 1, 2008

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: *Resolved*, that the Pierpont Community & Technical College Board of Governors approve a pay raise that will provide approximately the following:

- Faculty – 2.5% across the board increase with an additional 0.5% increase to be split between equity and merit
- Classified Staff – Mercer scale adjustment or 3.0% across the board whichever is greater
- Non-Classified Staff – 3.0% across the board increase
- Adjunct Faculty – 3.0% across the board increase

Note: casual and student employees are not included at this time.

STAFF MEMBER: Blair Montgomery

BACKGROUND: With cost of living increase for 2008 at approximately five percent and with limited dollars for pay raises in the current fiscal year, the purpose of the this plan is to help employees keep pace with inflation.

While the amounts for equity and merit will not be large, they are included in the current plan to reinforce the value of including equity and merit components to an overall salary plan and to recognize the hard work that employees already performed to complete their merit-based portfolios.