

Fairmont State University Board of Governors
POLICY NO. 63

TITLE: DESIGNATION/STATUS OF EMPLOYEES

EFFECTIVE DATE: On passage by the Board, February 15, 2018

GENERAL:

The purpose of this policy is to define the status of Fairmont State University employees as either Faculty or Staff.

Prior to legislation enacted by the Legislature in spring 2017 via HB2542, amendments to §18B, regular employees in public higher education institutions in West Virginia held one of three designations or statuses: Faculty, Classified Staff or Non-Classified Staff. While the recent legislation had no impact on faculty status, it did serve to broaden the definition of nonclassified status, resulting in changes to both classified and non-classified status. In response to those changes, this policy establishes that henceforth all non-faculty positions will be in nonclassified status and referred to as Staff.

AUTHORITY: WV Code 18B Section 9A-2; Title 133 WVHEPC, Series 9

DESIGNATIONS/STATUSES:

FACULTY POSITIONS (FACULTY STATUS)

This category includes all full-time and part-time positions with formal academic appointments and such other positions as may be determined by the President. In general, employees in this category are primarily engaged in teaching, research, professional activity and service work having a direct relationship to academic programs in the teaching or allied departments. (WV HEPC Title 133, Series 9.)

STAFF

“Non-classified employee” means a non-faculty regular employee of the University who meets one or more of the following criteria:

- Holds a direct policy-making position at the department or organization level including but not limited to executive, administrative, college, school and academic support departments;
- Reports directly to the president or designated/acting chief executive officer of the University;

- Is in an information technology-related position as outlined by title, working title or job description;
- Is hired after July 1, 2017, and meets the duties test for exempt status under the provisions of the Fair Labor Standards Act at the time of hire or anytime thereafter; or was in a non-classified position as of January 1, 2017;
- Is designated by the President or designee to be critical to the accomplishment of the mission of the university

Fairmont State University considers all positions critical to the accomplishment of the mission of the institution. Therefore, all staff positions are non-classified as critical and may fall under another non-classified criterion as well.

While critical to daily operations, a non-classified employee may or may not be deemed essential for operational or service purposes. An essential employee is required to report for duty in emergencies or other special situations as identified by the President or his/her designee. Supervisors are required to notify employees annually or as circumstances change if they or their positions are identified as essential.

AT-WILL EMPLOYEES

This status includes full-time and part-time administrative officers, deans (faculty members may serve in administrative roles, with the administrative portion of their duties being at-will), heads of major divisions or departments, information technology-related staff and nonacademic staff officers and/or administrators.

The inclusion OR exclusion of a specific position or employee within this category is determined by the President or her/his designee, based on the level of duties and responsibilities assigned to the position and consistent with the provisions of applicable policies and WV Code §18-B-9A2. Such appointments, so determined, are considered “at-will employment” and, as such, serve at the discretion of the President.

ALL OTHER EMPLOYEES (STAFF)

All regular full-time and part-time positions not covered in the definitions of “at-will” above shall be included in this category. Employees in this category are primarily engaged in nonteaching support and service activities of the University. Such employees are subject to progressive discipline as outlined in BOG policy 64.