

# FAIRMONT STATE UNIVERSITY CLASSIFIED STAFF COUNCIL BY LAWS

October 2015 Edition

## **Introduction**

The Fairmont State University Classified Employees Council was created by the West Virginia Legislature via HB 2224 under WV State Code §18B-6-6, for the purpose of providing the classified staff employees at state institutions of higher education with a means to share information and discuss issues affecting them or the efficient and effective operations of an institution. This council was formed with recognition that all matters at Fairmont State University are governed by state law, by the Fairmont State University Board of Governors, and Fairmont State University policies and procedures.

The term “Classified Staff Employees” as used herein is defined as any regular full-time or part-time employee of Fairmont State University who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by West Virginia Code §18B-9-2 or by the Higher Education Policy Commission.

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## **Article I – Name**

The name of this organization shall be the Fairmont State University Classified Employees Council, hereinafter referred to as the Classified Staff Council.

## **Article II – Authority**

Authority for the Classified Staff Council is granted by WV State Code §18B-6-6. The Classified Staff Council shall at all times conduct its affairs as defined by prevailing state law and these By Laws.

The Classified Staff Council will be a unit of Fairmont State University (hereafter referred to as the University) and will continue to be so until such time as the West Virginia Legislature withdraws recognition. The organization of the Classified Staff Council will in no way affect the right of the University employees to belong to other organized groups of their choice, nor will it preclude the functioning of such organizations.

## **Article III – Purpose**

The purpose of the Classified Staff Council is:

- A. The Classified Staff Council will serve as a representative body for the classified employees of the University and to provide a forum for discussion of classified staff concerns.
- B. The Classified Staff Council shall strive to promote, improve, and make recommendations for the good of the general welfare and working conditions of all classified personnel being aware and concerned with the subsequent effect on Fairmont State University as a whole.
- C. The Classified Staff Council will act in fostering improvement of working conditions for employees through input into staff development programs and appointment of election of classified employees to major University committees. The Classified Staff Council may consider questions, concerns and recommendations of any individual or groups of individuals within the classified personnel of Fairmont State University.
- D. The Classified Staff Council shall act in an advisory capacity and will have the responsibility of making recommendations related to concerns of the classified personnel to the Higher Education Policy Commission, Board of Governors, the President, University administration and legislature as deemed appropriate.

The Classified Staff Council will oversee all aspects of the Classified Employee Scholarship Fund established and maintained by the Classified Staff Council in conjunction with the Executive Director of Fairmont State University Foundation.

The Classified Staff Council responsibilities DO NOT include acting as a grievance board for individual cases.

#### **Article IV – Membership**

- A. Eligibility: Must be a classified employee, defined as a regular full-time or part-time employee of the University who holds a position that is assigned a particular job title and pay grade in accordance with the personnel classification system established by WV State Code §18B-9-2.
- B. The Classified Staff Council shall consist of:
  - 1. the Classified Staff Council Chair (voting);
  - 2. the Institutional Board of Governors (BOG) Classified Employee Representative (*ex officio*, voting);
  - 3. the State Advisory Council of Classified Employees (ACCE) Representative (*ex officio*, voting);
  - 4. two classified employees from the administrative/managerial sector (Equal Employment Opportunity Commission (EEOC) category 1);
  - 5. two classified employees from the professional/non-teaching sector (EEOC category 3);
  - 6. two classified employees from the secretarial/clerical sector (EEOC category 4);
  - 7. two classified employees from the paraprofessional sector (EEOC category 5);
  - 8. and two classified employees from the physical plant/maintenance sector (EEOC categories 6 and 7).
  - 9. The University BOG classified staff representative shall serve as a voting member.
- C. There shall also be one elected, non-voting alternate for each council member in EEOC categories 1, 3, 4, 5, 6/7. In the temporary or permanent absence of a Council member, the appropriate category alternate shall serve as a voting member.

- D. The retiring Chair of the Classified Staff Council may serve as advisor during the transition from one administration to another upon approval of the Council during a fiscal year.

#### **Article V - Terms of Office**

- A. The term of office for a member of Classified Staff Council shall be two years and shall begin on July 1 of each odd-numbered year.
- B. Elections of representatives will be done in the manner prescribed in Article VI of this Constitution.
- C. Transfer of a Classified Staff Council member from one EEO category to another shall not affect his/her unexpired term on the Council.
- D. Vacancies will be created by death, termination of service to the University, resignation, or four (4) unexcused absences from regularly scheduled Classified Staff Council Meetings per term.
- E. After a member has accrued three unexcused absences, the Council Chair will notify the member, in writing, that one additional absence will result in his/her removal from the Council. Vacancies will be filled according to the procedures as outlined in Article VI of this Constitution.
- F. Classified Staff Council category members, Chair, and ACCE representative have unlimited eligibility to succeed themselves. However the BOG representative is eligible to succeed herself/himself for three additional terms, not to exceed a total of eight consecutive years.

#### **Article VI – Elections**

- A. Elections shall be held each odd-numbered year in the month of April.
- B. Elected positions shall consist of:
  - 1. Staff Council Chair
  - 2. State Advisory Council Representative
  - 3. Institutional Board of Governor’s Representative
  - 4. EEOC Category Representatives
- C. The Council’s chosen designee will accept nominations and conduct the elections as described in this Constitution.

- D. All classified employees will have the opportunity to vote for their representative to the ACCE, their representative to the BOG, and the Staff Council Chair.
1. Nominations for the elected positions of representatives to the ACCE, the BOG, the Staff Council Chair, and the members of each category of Classified Staff and their alternates will be accepted by campus mail or email one week prior to the specified election date. The Council's designee will confirm that the nominee accepts the nomination. A list of nominees will be distributed to all classified staff employees at least two work days prior to the scheduled election date.
  2. Votes for nominees to the positions of ACCE Representative, BOG Representative, Staff Council Chair, and Classified Representatives will only be accepted on the specified election date and can be provided either in-person at the designated polling area or via email.
  3. If more than one candidate is nominated for the ACCE, BOG, or Staff Council Chair position, the elected person must receive the majority of the votes cast. In the event of a tie, a run-off election will be held between the tied candidates.
  4. If only one person is nominated for either the ACCE, BOG, or Staff Council Chair position, that person will be accepted to the position; a formal vote is not necessary.
- E. Only classified employees from within each EEOC job category may nominate and vote for their respective representatives and alternates.
1. Nominations for EEOC category representatives and alternates will be accepted by campus mail or email during the week prior to the specified election date.
  2. Votes for nominees to the positions of EEOC category representatives and alternates will only be accepted on the specified election date and can be provided either in-person at the designated polling area or via email.
  3. If more than one candidate is nominated for an individual category representative or alternate position, the elected person must receive the majority of the votes cast. In the event of a tie, a run-off election will be held between the tied candidates.
  4. If only one person is nominated for an individual category representative or alternate position, that person will be accepted to the position; a formal vote is not necessary.

5. The elections will be held for the ACCE representative, the BOG representative, the Classified Staff Council Chair, and the members of each category of classified staff and their alternates during the second week of April of each odd-numbered year. Nominees for Classified Staff Council Chair should have been a member of the Council for at least one year.
  6. The Council President shall request a current list of Classified Staff eligible to be nominated for Classified Staff Council Positions prior to the election held in April. This list shall be distributed to Classified Staff one week before the election.
- F. The Council's designee will conduct the final vote for each election by secret ballot. The ballots will be retained in the designee's office for a period of 60 days after elections are complete and are subject to Freedom of Information Act (FOIA).
  - G. The Executive Officers of the outgoing Classified Staff Council will certify the election results. In cases where officers are running for reelection, the Chair will appoint a Council Member as a substitute for the ineligible officer.
  - H. In the event a vacancy should occur in the positions of Classified Staff Council Chair, the representative to the ACCE, or the representative to the BOG, a special election will be held to fill the unexpired term, with nominations accepted by mail or email two weeks prior to the election from all classified employees.
  - I. In the event that a vacancy should occur in a category representative's position, the elected alternate will assume the Council position. The staff members in the affected category will be asked to nominate and elect a person for the unexpired term of that alternate.
  - J. All special elections will be held within 30 days of the occurrence of the vacancy. In the event of a tie, a run-off election will be held between the tied candidates.

## **Article VII - Officers and their Duties**

- A. The Officers of the Classified Staff Council shall be Chair, Vice Chair, and Secretary.
1. The Chair will be elected in the regular election. The Chair shall appoint a Vice Chair and a Secretary. If either office becomes vacant later, an election by members of the Council shall be held as soon as possible after notice of such vacancy is given.
- B. The Chair will:
1. preside at all regular and special meetings and enforce all regulations and policies of the Classified Staff Council,
  2. preside over the Executive Committee and be responsible for preparing the committee structure,
  3. provide the Classified Staff report, along with the ACCE Representative at scheduled BOG meetings,
  4. be responsible for the Classified Staff Council budget,
  5. call special meetings when it is deemed necessary,
  6. appoint standing committee chairs,
  7. appoint ad-hoc committees and chairs, as necessary,
  8. appoint classified employees to serve on University committees,
  9. coordinate public relations efforts for the Classified Staff Council,
- C. The Vice Chair will:
1. assume the duties of the Chair in the absence of or at the request of the Chair,
  2. record and prepare meeting minutes in the absence of the Secretary.
  3. prepare an agenda for each regular meeting at least seven working days prior to the scheduled meeting,
  4. track attendance of council members and report to Chair
  5. distribute the meeting agenda to all classified staff within five working days prior to the scheduled meeting,
- D. In the event of the absence of both the Chair and Vice Chair at a regularly scheduled meeting, a President Pro Tempore will be elected by the Classified Staff Council members present to conduct the meeting.

E. The Secretary will:

1. record and prepare minutes of Executive Committee meetings,
2. record and prepare minutes of regular meetings,
3. record and prepare minutes of special meetings,
4. provide a draft copy of the minutes to each member of Classified Staff Council via email within ten working days after the meeting,
5. have the approved minutes posted to the Council's web site and distribute a copy of the approved minutes to:
  - a. All classified employees
  - b. The President of the University
  - c. All faculty and non-classified supervisors of classified employees
  - d. All members of the University Board of Governors
6. be responsible for retaining all records of the Classified Staff Council, including fiscal records obtained from the Fairmont State Foundation Office.

F. The Classified Staff Council may relieve any Officer of the Classified Staff Council from his or her seat, except the Chair, of his/her duties by a two-thirds vote of the total body of the Classified Staff Council.

G. In the absence of the duly elected classified employee representative to the ACCE, the Chair of the Classified Staff Council shall appoint an alternate to attend the ACCE meeting. The alternate will be authorized to serve as a proxy (voting member) at the designated ACCE meeting.

H. Restrictions:

1. No agreement made by the officers or members of the Council will be considered to be the Classified Staff Council's position until it has been approved by the Classified Staff Council by a quorum vote.
2. No expenditure of funds allocated under Classified Staff Council or expenses incurred by its members will be made or reimbursed unless approved by the Classified Staff Council. In the interim between regular monthly meetings, the Executive Committee will have authority to incur or approve costs.

## **Article VIII – Meetings**

- A. Regular meetings of the Classified Staff Council shall be held once a month. The date of the next meeting will be decided at each meeting. There will be no scheduled meeting in the month of July.
- B. Council members shall be given release time from their regular duties to attend Council meetings and conduct Council business. Supervisors and managers will be notified of meeting dates and times in advance to encourage employee attendance.
- C. The Chair may authorize special meetings of the Classified Staff Council when necessary or appropriate in matters concerning classified employees.
- D. The Classified Staff Council will meet with the President of the University at least quarterly to discuss matters affecting classified employees.
- E. The Classified Staff Council will meet with the University Board of Governors at least once each fiscal year in an informal meet and greet format.
- F. A quorum at a regular meeting will be a majority of the total voting membership present at that meeting.
- G. All Council meetings will be open to the public except as provided for in Executive Session by state law. Non-members of Classified Staff Council may participate in discussions upon recognition by the Chair of the Council.

## **Article IX – Executive Committee**

- A. The Executive Committee shall be composed of the Classified Staff Council Chair, the Vice Chair, the Secretary, the ACCE representative, and the BOG representative.
- B. The Executive Committee is authorized to act for the Classified Staff Council on an emergency basis between meetings of the Council and to assist the Chair in making appointments to all committees.
- C. Any actions of the Executive Committee must be presented to the entire Classified Staff Council for approval at the next regularly scheduled meeting.

## **Article X – Committees**

- A. Unless otherwise specified, the Chair, with the assistance of the Executive Committee, shall appoint all committee members and designate a chair for

each committee from within the membership of the Council. Committee members shall receive release time to attend committee meetings.

- B. The Classified Staff Council shall have the following Standing Committees:
1. Legislative Affairs - The Legislative Affairs Committee serves to identify issues relevant to Classified Employees and the University community and bring those issues to the attention of our regional legislators with the goal of making positive changes through legislation. The Committee shall maintain and provide a key list of area legislators and key members of the Executive and Legislative branches of state government for distribution to Classified Staff Council.
  2. Election – The Election Committee, working with the Council’s designee, shall coordinate elections for the positions of Council members and alternates, Classified Staff Council Chair, BOG representative, and ACCE representative. The committee also ensures appropriate procedures are followed as outlined in the Constitution and recommends changes to Classified Staff Council.
  3. Staff Development - The Staff Development Committee shall be concerned with the promotion and coordination of development, training, and educational opportunities to heighten the professional level and effectiveness of classified employees in their assigned duties and for personal advancement. The Committee shall make recommendations to the Council. The Committee shall also coordinate the Classified Staff Council tuition waiver program.
  4. Website – The Website Committee is responsible for maintaining and updating the Council website.
  5. Special Events - The Special Events Committee is responsible for coordinating, planning, and publicizing the annual Classified Staff Employee Recognition luncheon, holiday luncheons, and other social activities.
- C. Each Committee Chair will bring all proposals in writing to the Classified Staff Council for approval prior to implementation. Each Committee Chair will report at each regular monthly Council meeting.
- D. Each member of Classified Staff Council will serve on at least one Council committee but not more than two.
- E. Committee appointments will be for the duration of the two-year Council membership term or until the Committee is dissolved by the Council.

- F. No position or agreement made by any Standing Committee or member shall be considered to be the Classified Staff Council's position until it has been approved by Classified Staff Council.
- G. The Classified Staff Council will create Ad-Hoc committees as deemed necessary. The Council Chair, with assistance from the Executive Committee, will appoint Ad-Hoc committee members and designate a Chair for each. No agreement made by any Ad-Hoc committee will be considered to be the Classified Staff Council's position until it has been approved by the Council.

### **Article XI – Procedures**

- A. Any classified staff employee may present ideas, opinions, and requests to any member of the Classified Staff Council to consider for inclusion on the agenda of the next regular meeting. The Council member will forward the information to the Vice Chair who will consult with the Chair to determine whether or not the request will be included on the agenda. The employee will receive notification of the disposition of the Council regarding the request.
- B. All formal proposals created and approved by the Classified Staff Council will be submitted to the President for his/her consideration.
- C. The Classified Staff Council reserves the right, after the President's review, to forward the proposal to the BOG and/or the ACCE.

### **Article XII – Amendments**

- A. Amendments to the Constitution may be proposed by any Council member and must be presented to the Council in the form of a motion.
- B. A notice that an amendment is being proposed must be distributed to all classified employees at least 20 working days prior to the meeting at which voting will occur.
- C. Amendments to the Constitution will be considered approved with the majority vote at the Council meeting at which it is presented.

### **Article XIII - Parliamentary Authority**

Robert's Rules of Order, as revised, shall govern the proceedings of the Classified Staff Council except where otherwise specified in this Constitution.