



2023 Staff Handbook

Student-Centered.
Community-Focused.



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INTRODUCTION

The Mountwest Community & Technical College *Staff Handbook* includes information related to the employment of full-time and part-time classified and non-classified staff, as well as leave accruing Instructional Specialists. It is not a comprehensive manual of all policies and procedures, but is intended to answer many basic questions and to direct the staff to additional sources of information.

Policies and procedures will change from time to time to accommodate changes in circumstances and applicable law. At any given time, existing policy and law will prevail over inadvertent errors or outdated materials in the *Staff Handbook*.

The Human Resources website is an excellent source of information about employment issues and resources (<https://www.mctc.edu/hr/employee-relations/>).

HISTORY OF THE COLLEGE

Mountwest Community & Technical College was established as Marshall Community College, a college within Marshall University that provided two-year associate degrees and continuing and community education. Classes first began in the fall of 1975 with a wide range of programs.

In 1991, the College's name became Marshall Community & Technical College to better reflect the technical nature of the many programs offered. Marshall Community & Technical College became accredited for the first time as an independent institution in 2003.

By 2008, many changes, including national education and workforce trends, began to redefine community and technical college education in West Virginia. These changes led to the statewide separation of two-year colleges from their four-year parent institutions in West Virginia.

Marshall Community & Technical College became a separate institution on July 1, 2008, as a result of West Virginia House Bill 3215. This bill made the College a free-standing, independent institution no longer administratively linked to Marshall University and established a separate Institutional Board of Governors to determine, control, supervise and manage the financial, business, educational policies and affairs of the College.

The College adopted the designation "MCTC" until it was officially named Mountwest Community & Technical College by West Virginia Senate Bill 499 in 2010. Mountwest continued to offer classes on the university campus through Spring 2012. In August 2012, Mountwest opened the doors to its own 28-acre campus atop Fifth Street Hill in Huntington.

Today, Mountwest is one of only nine public institutions that form the West Virginia Community & Technical College System, and it continues to meet the educational needs of Tri-State students and employers through hands-on, high-quality learning, as it has for over four decades.

MISSION & VISION

Mission: Mountwest empowers students to learn and lead in the community and in the workforce.

Vision: Mountwest makes a positive impact on the lives of our students while providing them with the education and tools to prepare for their future. We inspire, support, and develop students to achieve goals, build positive relationships, and succeed in the workforce.

EMPLOYMENT

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

Mountwest Community & Technical College provides equal opportunities to all prospective and current members of the student body, faculty and staff on the basis of individual qualifications and merit without regard to race, color, religion, sex, sexual orientation, marital status, gender identity or expression, national origin, citizenship, age, disability, veteran status/military status, genetic information or any other characteristic protected by Law. The College prohibits any such discrimination or harassment.

This statement of nondiscrimination also applies to all programs and activities covered by Title IX, which prohibits sex discrimination in higher education. Mountwest Community & Technical College strives to provide educational opportunities for minorities and women in the undergraduate student body that reflect the interest, individual merit, and availability of such individuals. The college ensures equality of opportunity and treatment in all areas related to student admissions, instructions, employment, placement/accommodations, financial assistance programs, and other services.

Mountwest Community & Technical College also neither affiliates with nor grants recognition to any individual, group, or organization having policies that discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, gender identity or expression, national origin, citizenship, age, disability, veteran status/military status, genetic information or any other characteristic protected by law. The College prohibits any such discrimination or harassment. Information on the implementation of this statement and/or the Title IX Amendment should be addressed to:

Mountwest Community & Technical College
c/o Mesha Shamblin, Vice President – RM 415
One Mountwest Way
Huntington, West Virginia 25701
Phone: 304-710-3401

IMMIGRATION REFORM AND CONTROL ACT OF 1986

The Immigration Reform and Control Act of 1986 requires all employees, as a condition of employment, to provide original documents which establish their identity and employment eligibility. All employees must complete their portion of the USCIS Employment Eligibility Verification Form (Form I-9) within 72 hours of employment. Mountwest Community & Technical College retains copies of the completed Form I-9 for a period of years as required by the Act.

JOB ACCOMMODATION DURING EMPLOYMENT

An employee in his/her present position, who is otherwise qualified and has or acquires a permanent medical impairment or impairments causing functional restrictions or limitations that can be reasonably accommodated, will be provided such measures by Mountwest Community & Technical College if reasonable accommodation will permit the employee to meet the essential requirements of his or her particular job. For additional information or to request such accommodation, contact the Office of Human Resources.

ORIENTATION

Upon employment, a new employee orientation program is offered periodically by the Office of Human Resources. This program will familiarize classified and non-classified employees with the College history, mission, values and goals as well as helpful resources. Specific information regarding work assignments, duties and department processes will be given to new employees by their immediate supervisor.

PROBATIONARY PERIOD

In accordance with §135-55-13, "Full-time regular classified employees shall serve a six-month probationary period beginning at the original date of employment. At the end of three months and the end of the six-month probationary period, the employee shall receive a written evaluation of her/his performance and shall be informed as to whether her/his employment will continue beyond the probationary period. As with all positions, continued employment is based on adequate funding, satisfactory performance and adherence to system and institution rules and regulations." **Supervisors must complete a 3-month check-in, a 6-month probationary period report, and a probationary period checklist. Information regarding the required supervisor forms can be found on MCTC's website at <https://www.mctc.edu/hr/employee-relations/>.**

EMPLOYMENT STATUS

Full-Time Regular Employee – Any employee in a position created to last a minimum of nine months of a twelve-month period and in which such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Such an employee is eligible for all applicable benefits of a full-time regular employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE.

Part-Time Regular Employee – An employee in a position created to last less than 1,040 hours during a twelve-month period. Part-time regular positions typically continue from one fiscal year to another.

An employee in a part-time regular position is not eligible for benefits

Temporary Employee – An employee hired into a position expected to last fewer than nine months of a twelve-month period. Temporary employees may be part-time temporary or full-time temporary. A temporary employee is not eligible for benefits.

Casual Employee – A casual employee position is a position created to meet business needs for no more than 450 hours in a twelve-month period. Individuals in a casual employee position are not eligible for benefits.

Student Employee – An employee enrolled at the institution as a student and whose primary

purpose for being at the institution is to obtain an education. The employee category of “student employee” is for students who work at the institution in jobs or positions that are solely available to students enrolled at the institution, as opposed to the general public. When the student worker is no longer enrolled he/she is no longer eligible to work in the student worker position. A student employee is not eligible for benefits

Non-Classified Employee – Non-classified employees, unless otherwise established by action of the organization or institution where employed, serves at the will and pleasure of the organization, which authority may be delegated by act of the governing board or the Council. To be designated as non-classified, the employee must meet one or more of the following criteria:

- a. Employee holds a direct policy-making position at the department or organization level;
- b. Employee reports directly to the president or chief executive officer of the organization;
- c. Employee is in a position considered by the chancellor, president or designee to be critical to the organization pursuant to policies or decisions adopted by a governing board;
- d. Employee in an information technology-related position which may be defined by policies or decisions adopted by a governing board;
- e. Employee hired after July 1, 2017 in a position that meets the duties test for exempt status under the provisions of the Fair Labor Standards Act when hired or anytime thereafter; or
- f. An employee in a nonclassified position as of January 1, 2017 who may not meet criteria listed above.

Classified Employee - Any regular full-time or regular part-time employee of an organization who does not meet the duties test for exempt status under the provisions of the Fair Labor Standards Act; and is not otherwise a nonclassified employee.

Faculty Employee - Faculty employees are appointed at the discretion of the institutional president or designee to support the academic mission of the institution, via teaching, research, public service, and or academic administration. A full time faculty member is an employee appointed to render full time academic service for a full academic year under a nine-month minimum appointment for at least six (6) semester credit hours teaching per semester or the equivalent in teaching, research, public service, and/or administrative responsibilities. Mountwest’s policy is for full-time faculty members to have a load of 15 credit hours per semester, or the equivalent in teaching, research, public service, and/or administrative responsibilities.

Overtime –Positions are either exempt or non-exempt from the Fair Labor Standards Act (FLSA). This determination is made based on FLSA criteria established by the federal government. Questions regarding FLSA status and overtime should be directed to Human Resources.

ACA - Although part-time, casual, temporary and student employees are not eligible for higher education benefit programs, institutions are cautioned to monitor average hours worked per week to identify situations where eligibility for health insurance is triggered and compliance with the federal Affordable Care Act (ACA) is required. No number of ACA eligible periods of part-time, temporary, casual or student employment shall create any presumption of a right to appointment as a full-time or part time regular employee.

NON-EXEMPT EMPLOYEES

These employees are entitled to overtime compensation or compensatorytime at the rate of 1.5 times the actual hourly rate for all hours worked in excess of 40 during the work week. Hours

worked between 37.5 and 40 are compensated at the straight time hourly rate. Holidays, sick or annual leave and compensatory time hours are not hours worked. Employees should not work overtime at their own initiative, but only with their supervisor's prior approval documented in writing. Employees will be paid for overtime unless a compensatory time agreement exists.

EXEMPT EMPLOYEES

Exempt employees are not covered by the Fair Labor Standards Act (FLSA) and therefore do not qualify for overtime pay.

EQUALIZATION OF OVERTIME

If overtime is available, it is to be offered on a rotating seniority-basis within each department. Overtime will be offered to the most senior employee who is qualified to perform the overtime work. The next time overtime is available, it will be offered to the next senior employee who is qualified to perform the overtime work. The process will continue until the list is exhausted. If an employee declines to work overtime, it will be offered to the next person on this list. If all eligible employees decline, then overtime will be assigned to the least senior employee within the department who is qualified to do the work needed.

REQUIRED OVERTIME

Employees may be required to work overtime under certain circumstances. However, the work must be of reasonable duration. Also, employee health, safety, and endurance must be considered, and the direction to work must be issued under reasonable circumstances by the immediate supervisor and approved by the President or his/her designee.

COMPENSATORY AND HOLIDAY TIME OFF

Compensatory time off shall be allowed only to the extent authorized by federal and state law. Non-exempt employees will be paid for overtime and holiday pay unless a compensatory time written agreement exists. Compensatory time must be used within one year from the time it is accrued. When a classified or non-classified exempt employee is required to work on any designated institution holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.

FLEX TIME

An employee may request and work other than the College's normal hours of operation provided that he/she works the required number of hours in the respective work week with the approval of the immediate supervisor. The supervisor may approve or deny a request for flexible work hours. Based on operational need, the supervisor has the authority to require flex time only in unusual circumstances. Flex time may be granted on a fixed schedule or on a short-term basis. Requests for flex-time schedules should be submitted to the supervisor on a completed Flex Time form. The original form with the signatures of the employee, the supervisor, and the Vice President should be submitted to the Office of Human Resources.

MEAL BREAKS

When an employee works a shift of longer than six (6) hours, an unpaid meal break of 30 minutes is required, the exact timing of which is at the discretion of the supervisor. Mountwest asks that supervisors ensure that employees are taking their unpaid meal break as soon as, or earlier than the six (6) hour mark of an employee's scheduled shift. Ex. An employee works from 8am-6pm. The employee is required to have a 30-minute unpaid meal break no later than 1pm.

REST BREAKS

Employees are granted one a.m. and one p.m. rest period not to exceed 15 minutes each per day. Additional unauthorized time away from the work site must be credited against an appropriate leave accrual. Break periods shall be granted at the discretion of the supervisor. The purpose of such break periods is to provide relief from duties and absence from the work station, offering employees the opportunity to attend to personal activities (i.e., to eat a snack, to make personal calls, etc.). Rest breaks cannot be used to report to work late, to extend the meal break or to leave work early.

WORK SCHEDULES

The work week is defined as a regularly recurring period of one hundred sixty-eight hours in the form of seven consecutive twenty-four-hour periods. Work begins at 12:01 a.m. on Saturday and ends at 12:00 a.m. (midnight) the following Friday. The standard number of work hours for a full-time classified or non-classified employee is 37.5 hours during the work week. Employees are expected to be punctual and functioning in their positions consistent with their scheduled work hours. Based on operational need, supervisors have the authority to require employees to work more than their normal hours. Supervisors also have the authority to assign employees to work different shifts on a temporary or permanent basis. When practical, employees will be given 15 days advanced notice of any significant schedule change. However, employees have the responsibility of reporting as assigned by their supervisors, even if there has not been advanced notice of a significant schedule change given to the employee. It is the policy of Mountwest Community & Technical College not to routinely make temporary, non-emergency changes in an employee's work schedule.

COLLEGE BUSINESS OPERATIONAL HOURS

The official business hours of Mountwest Community & Technical College are Monday – Thursday from 8:00 a.m. – 5:00 p.m. and Friday from 8:00 a.m. – 3:00 p.m. The business hours relate to the time period when College administrative offices are open to meet daily operational needs. Each office must maintain College business hours. The President or the President's designee may implement flex time schedules and establish specific work schedules for each position.

PROCEDURES FOR REPORTING UNSCHEDULED ABSENCES

Notification of an unscheduled absence, prior to an employee's scheduled start time, is of the utmost importance. If for any reason an employee is unable to report to work as scheduled, the employee must notify their supervisor prior to their scheduled start time with the reason and expected duration of the absence. Failure to notify an immediate supervisor concerning an absence can result in discipline to the employee, including termination. It is the obligation of the employee to make certain that the immediate supervisor is notified of an absence prior to the employee's scheduled start time.

WORKPLACE SAFETY

Mountwest is committed to preventing workplace violence and to maintaining a safe environment for employees and students. Employees are expected to treat individuals with respect and without fear. Questions or concerns about Workplace Safety should be directed to the Executive Director of Environmental Health, Safety, and Facilities at 304-710-3463 or the Vice President of Human Resources at 304-710-3401. Workplace safety includes all items listed in the Environmental Health & Safety Handbook, as well as in IBOG Policy No. G-9. It includes hazards or cluttered work environments deemed unsafe by the Office of Human Resources or the Office of Public Safety. The Environmental Health & Safety Policy Handbook can be found in the Forms Gallery on the Mountwest Website.

REPORTING ON-THE-JOB INJURIES

On-the-job injuries must be reported to the Executive Director of Environmental Health, Safety, and Facilities as soon as possible after they occur. The employee must submit a written accident report form to the Executive Director of Environmental Health, Safety, and Facilities no later than 24 hours after the injury occurs. All accidents must be reported, regardless of whether or not they result in a Worker's Compensation claim. Each employee's supervisor is responsible for having the appropriate form completed and submitted immediately to the Executive Director of Environmental Health, Safety, and Facilities. Special rules apply to leave caused by Worker's Compensation claims. For further information, employees should contact the Office of Human Resources. The Accident/Incident Report form is available on the Forms gallery located at <http://www.mctc.edu/faculty-staff/forms-gallery/>.

TRANSFER AND PROMOTION OPPORTUNITIES

Employees should apply for transfers and/or promotional opportunities through the normal application process. Vacancies are posted on the Human Resources job opportunities page, <http://www.mctc.edu/job-postings/> and on the bulletin boards in the hallway of the 1st floor. Being a current employee of Mountwest does not guarantee promotion or transfer.

If an employee is currently serving in an initial probationary period, he/she will need written authorization from his/her supervisor before being allowed to apply for transfer or promotional opportunities within the College. When accepting a transfer or promotion at Mountwest, an employee is expected to provide his/her current Supervisor with a minimum two (2) week notice. A shorter notice may be provided if authorized by the current Supervisor.

The Office of Human Resources, with the approval of the President, may provide transfer or promotional opportunities in the college to internal employees without the posting of a vacancy, in compliance with Legislative Rule §135-55 and the salary administration guidelines, so long as it meets a specific need in the college and it is deemed as the most effective and appropriate method of filling a specific position. This includes lateral transfers, which may be voluntary or involuntary, and typically do not warrant a pay increase. All employment decisions are to be made in compliance with our affirmative action/statement of nondiscrimination.

ACCESS TO PERSONNEL FILES

A confidential personnel file containing pertinent employment information is maintained for each employee in the Office of Human Resources. The employee is entitled to inspect a copy of his or her personnel file in the presence of a Human Resources staff member. The employee shall not be entitled to inspect or copy any letter of reference or other similar record that he/she has previously waived the right to inspect when the information was solicited by or supplied to Mountwest based on such waiver. The employee shall not be entitled to inspect or copy any other record exempt by WV Code 29B-1-4 unless there is clear and convincing evidence of a legitimate reason sufficient to overcome the exception. If employees wish to examine their personnel file, they should notify the Office of Human Resources by phone or by submitting a written appointment request at least 24 hours in advance of the desired appointment time. Personnel files may be examined only during normal Mountwest business hours. The response of the Office of Human Resources to outside requests for employment verification is restricted to the release of the employee's name, employment dates, and job title unless prior written authorization has been received from the employee. Please see Legislative Rule §135-55-14 for more information.

NEPOTISM

Consistent with best employment practices, employees may neither initiate nor participate in institutional personnel decisions involving a direct benefit to an immediate family member or cohabitating sexual partner. Such decisions include, but are not limited to, hiring, supervision, retention, promotion, salary, and leave of absence. Family member is defined by one of the following: relationships by blood (parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin); or relations by marriage

(husband, wife, step-parent step-child, brother-in-law, sister in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, and niece.)

OUTSIDE EMPLOYMENT

A staff member's position at Mountwest Community & Technical College is expected to be his/her primary source of employment for full-time employees. Outside employment is allowed as long as staff adhere to the following guidelines: The hours of outside employment shall not coincide or conflict with the employee's College work schedule. Outside employment shall not conflict with an employee's College job responsibilities or affect his/her ability to meet the expectations of his/her College position. The WV Ethics Act prohibits full-time state employees from seeking or accepting employment from persons or businesses that the College may regulate. The WV Ethics Act also prohibits full-time state employees from seeking or accepting employment from vendors if the state employee, or his/her subordinates, exercise authority or control over a public contract with that vendor.

EMPLOYMENT OF STAFF AS ADJUNCT FACULTY

Due to concerns about compliance with the requirements of the Fair Labor Standards Act, non-exempt employees in staff positions are not eligible to accept additional employment at Mountwest as adjunct faculty. Employees in exempt positions, as defined under the Fair Labor Standards Act and designated as such by Human Resources, may be eligible for consideration as adjunct faculty and receive additional compensation for classes that are taught only after the college's normal operational hours and with the prior written approval of the employee's Vice President and the Vice President of Human Resources. An employee may be permitted to flex their schedule to accommodate class times, so long as their regular staff work hours equal 37.5 hours a week and the flex request is approved by their supervisor, Vice President, and HR. Should any extenuating circumstances arise, exceptions to this policy shall be reviewed by the Chief Academic Officer and the Vice President of Human Resources. Exceptions must be approved in advance by the President.

EXIT INTERVIEWS

Upon resignation from employment at Mountwest, staff are to contact Human Resources at 304-710-3434 to schedule an exit interview. During this interview, information will be supplied concerning the discontinuation of benefits and final payroll processing. Staff will also be asked to complete an exit interview form relating to their employment experience at the College as a way to help the College to continuously improve the workplace environment. Further, employees will be informed of returning any college property at this time.

WORKPLACE STANDARDS

EMPLOYEE RIGHTS AND RESPONSIBILITIES

Employees are required to provide a full day's work each day on the job; to behave in a civil, professional manner; to treat others with respect; to comply with state and federal laws and regulations related to individual rights, business operations and procedures, health and safety, conflict of interest, and to comply with the West Virginia Council for Community & Technical College System rules, policies, and procedures. Employees are entitled to be treated with respect and dignity by supervisors and other employees and are entitled by statute and policy to file a grievance for work-related disputes free from retaliation.

MANAGEMENT RIGHTS AND RESPONSIBILITIES

Supervisors at Mountwest should treat employees with respect and dignity. Supervisors are responsible for compliance with College policies and procedures and for communicating and applying operational based directives. Supervisors are also responsible for carrying out administrative directions and decisions.

Management rights and responsibilities include, but are not limited to, such things as:

- Determining the work force direction and objectives;
- Determining the number and type of positions required, changed or consolidated;
- Establishing standards of performance and conduct;
- Determining the people to be hired;
- Conducting employee evaluations;
- Recommending disciplinary action;
- Scheduling of the work force, including determination of the number of shifts to be worked, and the scheduling and amount of overtime to be worked if any;
- Determining when reductions in the work force are required, including hour reductions and layoffs; determining when recalls are required;
- Establishing a safe work environment;
- Providing the materials and equipment to do the work required; and
- Ensuring adherence to applicable laws and policies.

ETHICS

The WV Governmental Ethics Act declares certain activities by public employees to be unlawful. Mountwest employees will be held responsible for adhering to the requirements of the Ethics Act. The West Virginia Ethics Commission was established in July 1989 to administer the WV Governmental Ethics Act. Information related to the Ethics Act can be found at www.wvethicscommission.org. Employees are encouraged, whenever possible, to discuss concerns with his/her supervisor or Human Resources. The College will not take retaliatory actions against an employee who makes good faith reports about potential misconduct under the WV Governmental Ethics Act.

SOLICITATION

Solicitation and selling of products and articles on Mountwest property, owned or leased, is prohibited except by organizations and groups directly affiliated with and recognized by the College, and authorized by written approval of the institution's President or the President's designee. The names of Mountwest Community & Technical College and the WV Council for Community & Technical College System may not be used to secure funds for any purpose or through any means without the written permission of the President or the President's designee. Employees may not participate in the solicitation of funds by sales or donation, stated or implied, using the name of the College or their title without the written permission of the President or the President's designee.

COLLEGE PROPERTY

Mountwest Community & Technical College programs, personnel, time, titles, and property including equipment, systems, vehicles, information, supplies, and office space are to be used in conducting authorized business of the College. Use of such for personal benefit or gain may be grounds for disciplinary action.

Private information protected under policy or law, such as certain financial, personnel, donor, or student information, histories, and mailing lists, is to remain confidential. Such information may be disclosed, viewed, or copied only with proper authorization and must be disposed of in a manner that retains this confidentiality. Willful disclosure, viewing, or copying of private information without authorization from one's supervisor may result in disciplinary action and/or legal prosecution. Employees are responsible for securing the college building, office, room, equipment, and other keys assigned to them for work-related

reasons. Costs incurred by the institution as the result of the unauthorized use or the misuse of College property, such as but not limited to personal telephone calls, will be recovered from the responsible employee. Personal calls should be avoided at all times except emergencies. An employee may not use institutional phones for personal long-distance calls unless he/she is charging them to his or her home telephone number or personal credit card or securing a personal accesscode whereby charges will be charged directly to the employee.

The College disposes of large quantities of “trash” every day. Depending upon the position held, every staff member has varying levels of discretion in choosing to “throw away” College property that is not in inventories. However, no employee may take for personal use any College property. An employee is never authorized to take anything on the Mountwest campus for personal use on a basis of it “appearing” to be abandoned; this will be treated as theft. This includes items that had belonged to students or visitors to the campus.

For more information, employees should review the “Access to College Property procedure, which can be found in our institutional procedures at <http://www.mctc.edu/about-us/administration/institutional-procedures/>.

DRESS AND GROOMING STANDARDS

All employees are to be suitably attired and groomed during work hours and when representing the interests of Mountwest. The supervisor will determine the appropriate dress and grooming codes for each department or work area, according to operational need. Dress and grooming codes will be nondiscriminatory. At all times employees are to maintain a professional and safe working environment. Special attention should be given by employees in regard to perfumes and scents in the workplace, being respectful to fellow employees who may have allergies or sensitivities. Certain positions may require the use of safety protection such as gloves, hard-toe shoes, etc. Refusal to comply with dress and grooming standards is subject to progressive counseling.

HARASSMENT POLICIES

Mountwest does not tolerate harassment in the work place, or of members of the College community, and strives to provide an environment free of any form of harassment. Harassment is defined as any form of conduct that would be offensive, intimidating, or threatening to the average person and is done on the basis of religion, gender, age, sexual preference or orientation, disability, family status, or because of the recipients’ relationship with person(s) of protected class status. Harassment may be of a sexual, racial, religious, or more general nature.

Employees or students who believe they have been harassed in violation of this policy should contact the Vice President of Human Resources or the Vice President of Student Services. Any supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the harassment of another employee or student will be subject to appropriate disciplinary action depending on the circumstances, up to and including termination.

DRUG-FREE WORKPLACE POLICY AND PROCEDURES

All employees of Mountwest must comply with the Drug-Free Workplace Act of 1988 and the Safe and Drug Free Schools and Communities Act of 1989. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the work place. Reporting for work under the influence of a controlled substance or alcohol is prohibited. As a condition of employment at Mountwest, every employee shall abide by the terms of the policy and notify their supervisor and the Office of Human

Resources of any conviction of drug or alcohol related charge resulting from any activity occurring in the work place or on other College premises no later than five days after such conviction. Any employee found in violation of this provision shall be subject to disciplinary action, including dismissal, and may be required to participate in a drug abuse assistance or drug rehabilitation program.

SMOKING POLICY

In response to serious and documented health concerns, Mountwest Community & Technical College prohibits smoking or the use of tobacco products in any college building or any college vehicle including, but not limited to cigarettes, e-cigarettes, pipes, cigars, cigarillos, hookahs, water pipe smoking, or other similar devices. Additionally, in accordance with regulations of the Cabell-Huntington Health Department, smoking is not allowed within 20 feet of any entrance, exit or ventilation units where smoking is prohibited to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means.

CELL PHONE USAGE DURING WORK TIME

The use of personal cell phones during work time should be kept to a minimum. Non-emergency calls can be made during the employee's morning or afternoon breaks or during the lunch period.

SERVICE ANIMALS

A service animal is an animal that has been trained to do work or tasks for a person with a disability. Only dogs and miniature horses can be service animals under Title II and Title III of the Americans with Disabilities Act. Any employee with the need for a service animal is asked to contact Human Resources at 304-710-3434.

EMPLOYEE RELATIONS

REQUIRED POSTINGS

Various federal and state laws require employees to post specific notices regarding employee rights and privileges. Mountwest complies with these obligations by posting the required notices outside Suite 101V, at the Center for Culinary Arts and at the Maritime Academy. The postings are also available online at <https://www.mctc.edu/hr/employee-relations/>.

PERFORMANCE REVIEWS

Mountwest Community & Technical College encourages supervisors to utilize a coaching approach to performance appraisal for classified and non-classified staff. Coaching methods of appraisal involve ongoing, frequent formative discussions at least monthly with employees about individual goals, objectives, and work-related strategies. The intent of these discussions is to align employee efforts with organizational and departmental priorities. Mountwest Community & Technical College currently utilizes an annual performance evaluation system for all staff members and Instructional Specialists as a means of communicating performance.

DISCIPLINARY ACTION

The purpose of disciplinary action is to correct, not punish. All employees are expected to maintain high standards of performance and to conduct themselves in a professional and respectful manner. All employees are required to abide by applicable policies, procedures and laws. If this does not happen, disciplinary action may be taken. Progressive counseling forms can be found at: <https://www.mctc.edu/administration/forms-gallery/>. Progressive counseling is not required for non-

classified staff, but is highly encouraged. Classified staff must be counseled through the progressive counseling process unless the employee has committed an employee infraction; in which case HR and the President must sign off on any action taken. Faculty may also be counseled through the progressive counseling policy.

BULLYING IN THE WORKPLACE

Workplace Bullying, as defined by the Workplace Bullying Institute, is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. It is abuse contact that is:

- Threatening, humiliating, or intimidating, or
- Work interference – sabotage – which prevents work from getting done, or
- Verbal abuse

Bullying in the workplace will not be tolerated. Any instances of bullying should immediately be reported to the Vice President of Human Resources.

GRIEVANCE PROCEDURE

Grievances at Mountwest are governed by WV State Code §6C-2-3 . Any employee contemplating or filing a grievance is encouraged to view and read WV State Code section §6C-2-3 on the web at www.wvlegislature.gov and to view information on the WV Public Employees Grievance Board website, <https://pegb.wv.gov/Pages/default.aspx>.

CLASSIFICATION AND COMPENSATION

POSITION CLASSIFICATION

The Vice President of Human Resources is responsible for the assignment of all Mountwest classified positions to appropriate job titles and pay grades within the WV Higher Education Classification System. This system requires that the work performed by employees in classified positions be documented on an official position description form called a position/job description. The job description must be updated by the appropriate supervisor and submitted to the Office of Human Resources when posting a vacant position or submitting a position for classification review. HR expects supervisors to review job descriptions of all staff during the annual employee evaluation process. Job descriptions must be submitted to HR each June, along with an employee's evaluation. This meets the compliance of the legislative rule of Series 55. Submission of an updated job description does not constitute a request for a classification review. If significant changes occur in the essential duties or responsibilities of a classified position, it is the responsibility of the supervisor to submit the updated job description to the Office of Human Resources for review and request a job classification review. Human Resources should compare position specific job descriptions to the master class specifications provided by the Higher Education Policy Commission and determine which specification is the "best fit" for the duties, level of responsibility, and minimum requirements described in the institution's position/job description. The title of the specification that best matches the duties, level of responsibility and minimum qualifications of the position will become the official title of the job. All classification decisions are subject to review, audit and possible changes in classification by action of the Job Classification Committee (JCC), a state-wide committee of the Higher Education Policy Commission and the WV Council for Community & Technical College System.

Classification review requests are not to be submitted based on a desire for a salary increase, to reward for job performance, seniority, equity, future tasks, additional duties of the same nature and level of the job held or because an employee's pay is at or near the pay range maximum.

Questions regarding position descriptions, position reviews or job evaluation should be directed to the Vice President of Human Resources at 304-710-3401.

WORKING TITLES

The use of functional working titles, beyond adding clarity or identifying the department served, should be avoided. A working title can be used to allow the assignment of a functional working title that is different from the official classification title. In this case, the title should reasonably reflect the nature of the work performed, be distinct enough to differentiate the job and be consistent with other working titles where similar work is done in the job family or across the unit.

- A working title cannot be the same as an official job title for another position in the classification system.
- A working title cannot depict responsibility or authority not assigned to the position
- A working title may reflect a specific work function and/or location. (Example: Trades Specialist: Carpenter, Lewisburg Campus.)
- Only the official title of the position will be used to determine compensation. Assignment or change in the informal working title will not affect placement of the position in the Classification and Compensation Program structure and will not affect compensation.

POSITION REVIEW AND AUDIT

A classification review may be requested when significant changes occur in the principal duties and responsibilities of a position. Classification review requests are not to be submitted based on a desire for a salary increase, to reward for performance, seniority, equity, future tasks, additional duties of the same nature and level of the job held, or because an employee's pay is at or near the pay range maximum.

A classification review request may be initiated by the employee, supervisor, or HR by completing a position description request formally, in writing, to HR. The request for review must include the date and detailed reasons for the request. The supervisor is responsible for assigning tasks and duties to a position. Alternately, the Office of Human Resources may review any position without receiving a request.

The Office of Human Resources will be responsible for reviewing and issuing a written decision regarding job evaluations within 45 working days of the request

Job changes are determined by whether the job has changed in nature, scope, impact and complexity of the duties and not by incremental changes in job tasks. Typically, additional duties assigned with the same or similar levels of nature, scope, impact and complexity do not warrant a position reclassification. However, an increase in compensation is possible for an incumbent of a position who demonstrates high performance by successfully assuming additional duties within the same level of nature, scope, impact and complexity depending on budgetary resources and internal equity. This determination will be made by the Office of Human Resources.

Upon the completion of a review, occurring within forty-five (45) working days of the receipt of an updated position/job description, the Office of Human Resources will issue a written decision indicating whether a change has occurred. A review of a position can result in one of the following:

1. No change – the position and pay is properly classified and compensated.
2. Upgrade – the position should be reclassified to a higher paygrade
3. Downgrade – the position should be reclassified to a lower paygrade

DESK AUDITS

When reviewing position/job descriptions, the Vice President of Human Resources may elect to conduct a desk audit of the position in an effort to clarify the duties and responsibilities of the position under review. An institutional human resources representative will conduct an audit of the position, interviewing the employee and the immediate supervisor as necessary, and conferring with the department manager and any

other persons deemed as necessary in order to collect sufficient information about the position. The representative will then compare all information collected about the position to the master classification specifications and render a classification determination. Based on whether the nature of work, duties and responsibilities, required skills, or organizational level of a position have remained essentially constant, substantially decreased, or substantially increased, a position review and/or audit may result in no change in classification, reclassification to a lower-rated position, or reclassification to a higher-rated position.

COMPENSATION IN RELATION TO POSITION/JOB DESCRIPTION REVIEWS

If a position is reclassified by institutional human resources to a lower-rated position, the effective date for the new classification, and any pay rate change, will be made in accordance with the "Salary Administration Guidelines" for demotion. If a position is reclassified by institutional human resources to a higher-rated position, reflecting an upgrade of the position, potential pay adjustments will be made in accordance with the "Salary Administration Guidelines" for promotion referenced in §135-55.

SALARY INCREASES

Salary increases are normally granted in the following ways, but are contingent upon budgetary resources/funding and internal equity:

1. Recommendations for base-building salary increases are recommended by the President to the Institutional Board of Governors when funding is available for this purpose. The Institutional Board of Governors must approve of base-building salary increases and the effective date.
2. Occasionally the State of West Virginia provides funding for salary increases. The Institutional Board of Governors determines the method of distribution. The effective date is determined by the Institutional Board of Governors or by the State Budget Office when a mandatory increase is granted by the Legislature.
3. In the occurrence that additional duties assigned with the same or similar levels of nature, scope, impact and complexity of a position do not warrant a position reclassification, an increase in compensation is possible for an incumbent of a position who demonstrates high performance by successfully assuming additional duties within the same level of nature, scope, impact and complexity. The Office of Human Resources will consider and evaluate this type of increase by utilizing the "Salary Administration Guidelines" referenced in §135-55.

INCREMENT PAY

Employees are provided increment pay (payable at the end of July each year) based upon years of service with the State of West Virginia. Payments do not start for new hires until three full years of service have been accumulated as of June 30. This benefit and the amount are subject to change by action of the West Virginia Legislature. Deductions from increment pay include mandatory retirement, FICA, Medicare and applicable federal and state income taxes.

PAYROLL

PAYCHECKS

All State employees are paid biweekly. Each 14-day pay period will begin on Saturday at 12:01 a.m. and ends on the following Friday at 12:00 a.m. (midnight) with paychecks then being distributed 14 days after the close of the two-week pay period accounting for all employees being paid in arrears. (According to state requirements, all employees are paid in arrears, which means they will receive their pay the next pay period after the last day after the end of the work period.) Pay days will be every other Friday. Payment after time has been worked (arrears pay) supports full adherence to the Fair Labor Standards Act (FLSA) requirements

and state payroll requirements. It also allows for more accurate accounting of pay records and timely payment of overtime if earned. The College is required by law to make deductions from paychecks for federal and state income taxes, Social Security, and retirement (if full-time). Employees should immediately notify the Payroll Office if they believe there is a problem with their pay check.

DIRECT DEPOSIT OF CHECKS

All employees must have their pay checks deposited directly into their bank accounts. Direct Deposit applications are available in the payroll office. New employees are required to register for Direct Deposit. If it is not possible to register for Direct Deposit, the State of West Virginia will provide a pay card in which your pay check will be directly deposited into, called the WV Paycard (prepaid debit). Mountwest Community & Technical College does not have any control over these pay cards and is unable to assist with lost, stolen, or misplaced pay cards.

TIME SHEETS

Employees in positions considered to be non-exempt as determined by the Fair Labor Standards Act (FLSA) are required to clock in through UKG (Kronos), the state's time and leave management system, when reporting for work each day and also at the end of the work day. Additionally, time away from the employee's work station for the lunch break and annual and sick leave must be managed through UKG (Kronos). All time sheets must be approved by both the employee and the employee's supervisor on or before the Monday, 12:00 noon, following a completed pay period. Repetitive issues or intentional neglect or fraud of the usage of UKG (Kronos) and approval of time sheets that are not the result of a technical issue are subject to disciplinary action.

OVERTIME

Staff are either in exempt or non-exempt positions as determined by the Fair Labor Standards Act (FLSA) criteria.

Exempt Employees – do not receive overtime compensation.

Non-Exempt Employees – are entitled to overtime compensation at the rate of one and one-half (1.5) times the actual hourly rate for all actual hours worked in excess of forty (40) during one work week. Overtime hours are scheduled at the discretion of the Supervisor using operational need and seniority as the criteria for selection. An employee must have his/her supervisor's written permission prior to working overtime.

BENEFITS

Mountwest provides benefits-eligible employees an opportunity to participate in a comprehensive package of benefits, including health, life, disability, retirement, dental, vision, hearing, legal, medical expense flexible spending accounts, and dependent care flexible spending accounts. Employees will learn more about each of these plans during new employee orientation. All plans, programs, benefits, services, and other provisions are subject to review and change.

HEALTH INSURANCE

The West Virginia Public Employees Insurance Agency (PEIA) (<http://www.peia.wv.gov>) offers hospital, surgical, major medical, prescription, and other medical care coverage. Employees pay a portion of the

premium cost.

New employees should enroll as soon as possible and must enroll by the end of the month from the starting date of their benefits-eligible position to enroll for coverage with an effective date the first day of the following month. Premiums for the health and life plans are eligible as pre-tax (no federal or WV state tax or social security are deducted from the premiums) under Section 125 of the IRS Code at the employee's request.

Guidelines allow employees to enroll or change coverage during the open enrollment period each year. If a family status change occurs, employees should change their insurance plan through the methods provided by the insurance company; otherwise employees may make changes only during the annual open enrollment period.

MOUNTAINEER FLEXIBLE BENEFITS PLAN

Various benefit plans are available on a pre-tax basis, including dental, vision, hearing, and legal insurance as well as short-term and long-term disability income plans, medical expense flexible spending accounts and dependent care flexible spending account. See the HR website at <https://www.mctc.edu/hr/benefits/> for additional information.

LIFE INSURANCE

The basic, no-cost life insurance plan under PEIA (The Public Employees Insurance Agency) includes a \$10,000 term life insurance policy with an accidental death and dismemberment (AD&D) benefit. Employees not needing coverage under the health plan may elect life insurance only. Additional optional life insurance may be purchased by employees for a monthly premium based on age and the principal sum selected – up to \$500,000. Dependent life insurance may also be purchased. Employees have the month of hire, plus 2 months following, to enroll in life insurance up to \$100,000 without the submission of a health statement. Any enrollment after the initial enrollment period is subject to health statement/evidence of insurability.

SHORT-TERM DISABILITY INSURANCE

Short-term disability insurance is offered through Mountaineer Flexible Benefits at the employee's expense. In order to utilize this benefit, an employee must be considered to be disabled if, due to sickness, injury or pregnancy, unable to perform with reasonable continuity the duties of the job enabling him/her to earn more than 60 percent of his/her salary.

LONG-TERM DISABILITY INSURANCE

Long-Term Disability (LTD) insurance can help safeguard your family's lifestyle and provide some peace of mind in the event you become disabled and are unable to work. Because the State of West Virginia's retirement plan may not provide you adequate protection in the event you become disabled, you should consider enrolling in one of the two Long-Term Disability insurance plans offered by Standard Insurance Company. The monthly LTD benefit is based on your earnings from your public employer. The group insurance policy refers to these earnings as pre-disability earnings. The group policy has an actively-at-work requirement you must meet before your insurance will become effective. You may apply for coverage under either Plan 1 or Plan 2. The monthly benefit under each plan is determined as follows:

- Plan 1 - 50% of the first \$6,000 of your monthly pre-disability earnings, reduced by deductible income. The maximum monthly benefit is \$3,000.
- Plan 2 - 70% of the first \$8,571 of your monthly pre-disability earnings, reduced by deductible income.

The maximum monthly benefit is \$6,000. Both plans have a minimum monthly LTD benefit of \$100.

Standard Insurance Company underwrites this plan.

SOCIAL SECURITY

Social Security is a federal program that provides retirement income, disability benefits and health care for people 65 and older. For every dollar withheld from an employee's paycheck, the College contributes an equal amount. Detailed information about particular benefits under Social Security can be obtained by contacting the Social Security Administration.

RETIREMENT PROGRAMS

Participation by benefits-eligible employees in a retirement program is required by West Virginia state law. Employees must contribute six percent of their gross pay to the Teachers Insurance and Annuity Association (TIAA) Retirement Program (<http://www.tiaa-org>). Mountwest matches the employee's six percent contribution. Vesting is immediate. Retirement income is based on age at retirement, amount of dollars accumulated, and the income option chosen, i.e. single life or joint life.

In addition to the basic retirement plan, all Mountwest employees, including part-time, have the option of tax sheltering additional money through a 403(b) Supplemental Retirement Account or 457(b) Deferred Compensation Plan. Supplemental Retirement Accounts and Deferred Compensation Plans are available through TIAA. Supplemental plan contributions are not matched by the institution.

EMPLOYEE, SPOUSE OR DEPENDENT TUITION WAIVER PROGRAM

Full-time staff who have completed their probationary periods may apply for a Mountwest tuition waiver for themselves, a spouse or eligible dependents. The employee must have completed at least six calendar months of work prior to the beginning of the semester for which the waiver is requested. The waiver is for base tuition only.

UNEMPLOYMENT COMPENSATION

Unemployment insurance benefits provide temporary financial assistance to workers unemployed through no fault of their own that meet West Virginia's eligibility requirements. In order to qualify for this benefit program, you must have West Virginia wages during the past 12 to 18 months prior to becoming unemployed and have earned at least a minimum amount of wages as determined by West Virginia's guidelines. You must also be able to work and to be available for work each week that you are collecting benefits. Eligibility for unemployment compensation will be determined during the process of filing a claim. Individuals who are unsure if they qualify should still apply. Unemployment compensation claimants can file weekly claim certifications online, view claim information, including six weeks of payment history, and apply for direct deposit of their benefits. Appeals made to the Unemployment Compensation Division are heard and decided upon by the Board of Review.

For more information about this program, contact the local Workforce West Virginia Office in Huntington at 304-528-5525.

WORKERS COMPENSATION

Mountwest employees are protected against job-related injuries by the Brick Street Insurance Company which administers Workers Compensation in West Virginia, and to which Mountwest pays premiums for all employees. Employees injured on the job must report the injury to the Executive Director of Environmental Health, Safety, and Facilities within 24 hours. All accidents must be reported on an Accident Report Form. The time limit for filing a Workers Comp Claim for job-related injury or illness was reduced from two years to six months effective February 10, 1995.

On-the-job injuries or occupational illnesses that involve no more than three days of disability leave of absence from work will not be charged against the employee’s accumulated sick leave. If on-the-job injuries or illnesses require a medical leave beyond the three-day period, the employee must choose either of the following options: (1) Receive earned and accumulated sick leave benefits until they are exhausted and forfeit any benefits determined to be due under the West Virginia Workers Compensation Laws; or (2) Request leave of absence without pay, reserving for future use any earned and accumulated sick and annual leave, and receive only Workers Compensation benefits for which he/she is determined eligible. It is never appropriate for an employee to receive both pay from Mountwest and Workers Compensation pay for the same work day.

IDENTIFICATION CARD

An employee identification card is issued to each full-time and part-time regular employee of the College by the Information Services Help Desk as a form of identification. Employees may be required to present their identification cards when a reduced rate option on events is offered, or when accessing College owned facilities and services. Human Resources will provide all employees with written confirmation of employment that must be presented to the Help Desk at the time an employee identification card is requested. There will be a nominal fee charged to replace any lost or manipulated employee identification card. For additional information, contact Human Resources. An identification card must be turned in upon departure from employment.

PARKING

Mountwest employees are able to park in any space available in the parking areas at no charge. A number of parking spaces have been designated for individuals with disabilities. All other spaces are available on a first come, first served basis.

EMPLOYEE LEAVE

ANNUAL LEAVE

All full-time regular employees in classified positions shall be eligible for annual leave with pay on the following basis:

Years of Service	Hours Accrued per Month	Days Accrued per Month	Maximum Days Accrued per Year
1-4 years	9.375 hours accrual per month	1.25	15.00
5-9 years	11.25 hours accrual per month	1.50	18.00
10-14 years	13.125 hours accrual per month	1.75	21.00
15 or more years of service	15.0 hours accrual per month	2.00	24.00

All full-time regular employees in non-classified positions shall be eligible for annual leave with pay at the

rate of 15.0 hours per month.

Annual leave shall not be granted to casual, temporary, extra-help or part-time employees.

Annual leave is a benefit of paid days off work which employees are expected to use in a reasonable manner. Employees who have a modest number of accumulated sick leave hours are expected to restrict their use of annual leave to reasonably maintain a reserve of accumulated leave in case of an onset of illness. Monitoring this is the responsibility of the employee. Failure to do so is considered a deficiency of performance.

Annual Leave Conversion Upon Retirement – Upon meeting certain requirements, individuals retiring from Mountwest may be eligible to apply unused annual leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan, just as they can apply unused sick leave for this purpose. This option is not available to staff employees hired after July 1, 2001.

Accumulation Limits – Accumulated annual leave for continuing employees may not exceed twice the amount earned in any twelve-month period. Employees are entitled to compensation for accumulated annual leave available at the termination of service, but in no case may this exceed twice that amount earned in any twelve-month period.

CALCULATION BASED ON YEARS OF SERVICE TO THE STATE OF WEST VIRGINIA

The annual leave accrual rate shall be based on years of service to the recognized agencies of the State of West Virginia.

SCHEDULING AND USE OF ANNUAL LEAVE

Annual leave must be approved in advance by the Supervisor. Annual leave shall be arranged to fit operating schedules; however, consideration shall be given to an employee's request. Seniority may be considered by the Supervisor when arranging vacation schedules. An employee may not take leave before it is earned. Supervisors reserve the right to enact blackout dates for their department, in which leave may be denied for the department except under special circumstances as approved by the VP/Supervisor of the division.

TRANSFER OF ANNUAL LEAVE

Up to 15 days of annual leave may be transferred with an employee from another West Virginia state agency or higher education institution to Mountwest. Certification of the balance which exited with the previous employing agency must accompany the request for transfer of annual leave by the employee. The request must be made within one year from the last day of employment with the other agency or higher education institution. Please contact Human Resources for the coordination of annual leave transfers.

UNUSED ANNUAL LEAVE CREDITS

In the event of an employee's death, accumulated annual leave will be credited to the employee's estate.

LUMP SUM PAYMENT OPTION FOR UNUSED ANNUAL LEAVE

Upon termination of active employment through resignation, retirement, or otherwise, an employee may opt to be paid a lump sum amount of credited and unused annual leave or to remain on the payroll until such accrual is exhausted.

LEAVE REQUEST

All employees must submit leave requests through UKG (KRONOS), the state of West Virginia's official system for time and leave management. Requests for annual leave should be made as far in advance as possible to insure work place coverage.

SICK LEAVE

Full-time regular classified and non-classified employees accrue 1.5 days of sick leave per month of active employment. Sick leave is accrued via 5.2 hours every two weeks. Sick leave shall not be granted to casual, temporary, extra-help, or part-time employees. Sick leave may be used by an employee who is ill or injured or when a member of the immediate family is seriously ill as defined by the treating physician, or when a death occurs in the immediate family. For the purpose of administering this leave policy, the immediate family is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, step-mother, step-father, step-children, or others considered to be members of the household and living under the same roof. Sick leave may also be used for employee medical appointments which are approved in advance by the supervisor.

ACCUMULATION OF SICK LEAVE

Accumulation of sick leave is currently unlimited.

TRANSFER OF SICK LEAVE

Accumulated sick leave may be transferred to Mountwest for employees coming to the College from other West Virginia state agencies or higher education institutions. Certification of the employee's sick leave balance which existed at the state agency must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one year from the last day of employment with the other state agency.

REINSTATEMENT OF SICK LEAVE UPON RE-EMPLOYMENT

When an employee terminates employment for reasons other than retirement, all sick leave credited to that employee shall be considered ended as of the last working day with the institution and no reimbursement shall be provided for unused sick leave. If an employee resigns in good standing and is later re-employed, he/she may have his/her accumulated sick leave reinstated if the date of termination is less than one year from re-employment. However, if the employee returns to work after more than one year from the date of termination, no more than 30 days of sick leave may be reinstated.

SICK LEAVE CONVERSION UPON RETIREMENT

Upon meeting certain requirements, individuals retiring from Mountwest may be eligible to apply unused sick leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan, just as they can apply unused annual leave for this purpose. This option is not available to staff employees hired after July 1, 2001.

MEDICAL LEAVE VERIFICATION

Medical leave verification or assessment is a signed statement from the treating health care provider to validate the illness or other cause for which sick leave or medical leave of absence may be granted. The health care provider signing the medical assessment must be currently and appropriately licensed. The document must provide information regarding the individual's medical condition, diagnosis, prognosis, and functional limitations, including duration and treatment plan, if any. Based upon the medical assessment, employability and/or accommodation determinations will be made by Mountwest.

Medical leave verification/assessment is required:

- To validate a sick leave absence of more than five consecutive days;
- To return to work following a sick leave absence of more than five consecutive days, or a medical leave of absence;
- If requested of the employee by the supervisor following a sick leave absence, regardless of duration, as a condition of returning to work;
- To apply for and sustain catastrophic leave eligibility;
- To apply for and sustain a medical leave of absence; and/or
- To assure continued access to benefit coverage while on medical leave of absence.

It is the employee's responsibility to pursue and obtain the necessary medical assessment from the treating

health care provider, and to present the completed evaluation to the College in a timely manner. Incomplete, unacceptable, or untimely medical information, or a misuse of sick leave may result in:

- Prohibition to charge time absent from work to accrued sick leave;
- Prohibition to return to work if one's capacity to perform essential duties is in question;
- Disallowed or discontinued medical leave of absence;
- Discontinuation of benefit access; and/or
- Disciplinary action, up to and including termination of employment.

CATASTROPHIC LEAVE

A staff member experiencing a catastrophic illness or injury as defined by the West Virginia Code and Mountwest policy may request approval to receive paid leave time donated by other employees. Within established limits, employees may voluntarily donate accumulated sick or annual leave directly to an approved recipient or to have the donated leave designated for the Catastrophic Leave Bank.

FUNERAL LEAVE

When a death occurs in the immediate family, a reasonable amount of time (normally three to five days depending on circumstances) may be charged to accrued sick leave as required for the employee to arrange for and attend the funeral and related services, including travel time. For the purpose of administering this leave policy, the immediate family is defined as: parent, child, grandparent, grandchild, brother, sister, husband, wife, step-parent, step-child, brother-in-law, sister-in-law, or others considered to be members of the household and living under the same roof. "Reasonable" amount of time is determined at the discretion of the Supervisor.

RED CROSS LEAVE

An employee who is a certified disaster service volunteer of the American Red Cross may be granted, with the Supervisor's approval, leave with pay for up to 15 work days per year to participate in relief services for the Red Cross.

GRIEVANCE, WITNESS AND JURY LEAVE

Employees who are subpoenaed or directed to serve as jurors or appear as witnesses for review proceedings of the Federal Government, the State of West Virginia, or a political subdivision thereof, shall be entitled to work release time for such duty and for such period of required absence which overlaps regularly scheduled work time. Employees are permitted to leave with pay for the required period of absence during the regularly scheduled work time including reasonable travel time. Official documentation verifying attendance in a court is required for each day missed and must be submitted to Human Resources along with a completed leave request form.

When attendance in court is in connection with official duties, under subpoena, time required, including reasonable travel time, shall not be considered as absence from duty. Likewise, time spent by Mountwest employees as hearing officers, hearing committee members, and parties or witnesses in a grievance hearing is considered legitimate work time if it occurs during their normally scheduled work hours, and is part of a service to the College.

Appearing as a witness without a subpoena at the request of a fellow employee requires the written permission of the Vice President and annual leave time must be used. An employee who is scheduled to work prior to the court or hearing start time shall initially report to work, travel time permitting. An employee who is excused from court/hearing prior to the end of the scheduled work day shall immediately report to work for the remainder of the work day. This policy does not apply to employees who are called to testify as expert or consulting witnesses and who are paid for their witness services. Further, this policy does not apply to employees involved as parties to a personal lawsuit unrelated to work.

MILITARY LEAVE

Members of the National Guard or any reserve component of the armed forces of the United States are

entitled to and will receive a leave of absence without loss of pay, status, or efficiency rating, for all days engaged in field training or service for a maximum period of 30 working days in any one calendar year, ordered or authorized under provision of state law. The term “without loss of pay” shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from Federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increases, and experience with the institution. An employee shall be required to submit an order or statement in writing in advance from the appropriate military officer in support of the request for such military leave. The terms of this policy shall apply for 30 working days following an order into active duty under the provisions of any Selective Training and Service Act, or other such Act whereby the President of the United States may require the services of the National Guard and the reserve components of the armed forces of the government.

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) weeks of Family Medical Leave Act (FMLA) entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

CANCELLATIONS AND CAMPUS CLOSURE

All decisions on cancellations and campus closures will be authorized by the President, or his/her designee. At the discretion of the President of Mountwest or the President’s designee, in consultation with local or state public safety officials, College operations may be shut down in total or in part because of any circumstance which threatens the health or safety of employees and/or students, such as extreme inclement weather and facility shutdowns. The President or the President’s designee will later declare when emergency conditions no longer exist.

All college employees are expected to report to work as scheduled during inclement weather, unless the Governor or the Governor’s designee issues a declaration closing all affected State-owned or operated facilities. Employees should use their best judgment in determining whether or not they are able to travel to work during severe inclement weather. If travel conditions prevent certain employees from reporting to work as scheduled, they must contact their supervisor to make alternate arrangements. If a suitable arrangement is not feasible, absence from work must be charged to accumulated annual leave. Alternatively, employees and their supervisors may agree upon alternate work locations or work-from-home assignments in lieu of the requirement that the employee use annual leave. Supervisors may exercise their discretion to approve flexible schedules that allow time lost from work to be made up if such arrangement does not disrupt the operation of the department or the College.

Essential employees are required to be on site during emergency situations (i.e., severe inclement weather, utility failures, burst pipes, failed HVAC systems, etc.). Such essential employees may include, but are not limited to, campus security officers, physical plant personnel, and key facility and/or information technology personnel whose presence is required to ensure the safety and protection of institutional facilities and critical equipment and systems. Essential employees who fail to report to work as scheduled during an

emergency or inclement weather situation may face disciplinary action as outlined in the College's policies. However, under appropriate circumstances, employees who have been designated as essential, but who are not required to respond to the emergency, may be given alternative work assignments by their supervisors if so directed by the President or the President's designee.

Under no circumstances shall comparable time off (comp time) or pay calculated like holiday premium pay be provided to an employee who worked as scheduled during an inclement weather situation, whether that employee worked on campus or from home or another approved alternative location.

The Governor of West Virginia maintains the authority to close any State building. The College will comply with any directive from the Governor's Office concerning campus closures.

PREGNANCY RELATED ILLNESS OR DISABILITIES LEAVE

Disabilities which may be caused by pregnancy shall be treated the same as any other off-the-job illness or disability would be treated for sick leave entitlement. Pregnancy-related illness shall include pregnancy, miscarriage, abortion, childbirth and recovery. In determining if an employee is unable to work because of a pregnancy related illness, the same criteria shall be used as for any other disability.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act (FMLA) allows employees to request up to 12 weeks per year of unpaid leave. The request should be made to the Office of Human Resources. Employees should request FMLA as soon as they are aware that they may need to take FMLA. FMLA will run concurrently with the usage of sick and annual leave. Sick leave must be used first; and the annual leave will be used concurrently with FMLA. FMLA leave will run concurrent with paid sick or annual leave. In other words, the 12 weeks would include any paid leave that is used by the employee during this period. Medical coverage may continue during this leave period with the employee paying their portion of the insurance premiums.

Eligibility for taking FMLA leave:

- To care for the employee's child after birth, or placement of a child with the employee for adoption or foster care; or to bond with a newborn child; or
- To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job;
- For a qualifying exigency arising from an immediate family member being called to active military duty;
- To care for an immediate family member(s) who incurs serious injury or illness as a result of active military service. The service member must be undergoing medical treatment, recuperation, or therapy, outpatient status, or be on a current official military temporary disability retirement list for a serious injury or illness. Up to 26 weeks of unpaid leave in a 12-month period can be used for this purpose.

ABSENCES DUE TO INCLEMENT WEATHER

Absences from work due to weather conditions other than during a declared emergency must be charged against accumulated annual leave, or the employee must be removed from the payroll in question. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same work week at the discretion of the employee's Supervisor.

Employees encountering severe travel conditions should notify their Supervisor of their absence and discuss work conditions, leave time, and special needs. All employees designated as emergency personnel by their Supervisor will be required to report at their regular work times regardless of weather conditions, unless otherwise directed by their Supervisor.

Should an extreme weather emergency or power or water failure warrant the closing of offices and/or cancelling or altering the schedule of classes by the President or his or her designee, then public notification will be made via the Mountwest website and with local media outlets. Employees are expected to work regardless of weather conditions except as noted above in the cancellations and closure section of this handbook.

LEAVE OF ABSENCE WITHOUT PAY

A full-time regular employee, upon application in writing and withwritten approval by the President, may be granted a continuous leave of absence without pay for a periodnot to exceed one year. Leaves of absence without pay may be granted for medical reasons, personal need,or in compliance with the Parental or Family Leave Acts. All annual leave must be taken before a personalleave of absence is approved. The President, at his or her discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without payand shall determine if the purpose for which such leave is requested is proper and within sound administrative policy.

All annual leave must be taken before a personal of absence is approved. Parental/family leave of absence provides a maximum of 12 weeks leave without pay during any twelve-month period. Mountwest requires annual and sick leave to be used concurrently with FMLA/Parental Leave.

At the expiration of a leave of absence without pay, the employee shall be reinstated without loss of any rights, to the vacant position or a comparable position. During a leave of absence without pay, Mountwest will honor an employee's rights under WV Code Section 18B-7-1. Failure of the employee to report promptly at the expiration of an approved leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for termination of employment by the institution.

Employees may not routinely take leave without pay when they have annual and sick leave accrued. Paid leave must be used first.

HOLIDAYS

It is the policy of Mountwest that paid holidays are a benefit provided to active, continuing employees. This includes not only the days designated on the formal list of annual holidays, but also any days or portions of days added to the holiday schedule after the fiscal year has begun. Guidelines for College observed holidays are provided in Title 135, Series 14 – Holidays, a procedural rule of the West Virginia Council for Community & Technical College Education. Holidays established are intended to grant full-time regular employees the benefit of one work day of paid time off. One (1) full holiday is equivalent to 7.5 hours.

There are 13 paid holidays each fiscal year, including statewide primary and general election days, plus two additional half-holidays when Christmas and New Year's Day fall on Tuesday through Friday. Holidays include: Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, and Dr. Martin Luther King's Birthday. The remaining holidays are designated at the discretion of the President each year. Proclamations of a legal holiday by the President of the United States, the Governor of West Virginia, or any other authority are recognized by Mountwest. If a recognized holiday occurs on a Saturday, the College may observe it at a different time. If a recognized holiday occurs on a Sunday, the College may observe it officially at a later time. Any specific adjustment regarding a day of observation will be announced by the President or his or her designee. Holiday schedules are established and used on a fiscal year basis. Holiday schedules are distributed to all employees no later than June 30 each year. The college has the discretion to observe holidays based upon its determined need; not necessarily on the day in which it is declared, proclaimed, or recognized by the state or other issuing authority. The holiday will be observed within the same fiscal year when possible.

When operational needs require a full-time or part-time non-exempt staff member to work on any of the observed College holidays, in addition to regular pay the employee will receive compensation in either

Compensatory Time off (CTO) or pay at the rate of time and one-half for actual hours worked on the holiday. The CTO must be used within 12 months following the holiday. Employees will be paid for overtime unless a written compensatory time agreement exists. When operational needs require an exempt employee to work on any of the observed College holidays, the employee will receive substitute time off on an hour-for-hour worked basis. When an observed holiday occurs during an employee's scheduled annual leave, the day will not be charged to annual leave.

In accordance with the law, the College will consider granting reasonable time off to employees who may observe religious holidays not included on the list of College observed holidays, as long as this causes no undue operational problems and hardships within the department. Such time off requires prior supervisory approval and will be charged to accrued annual leave or earned compensatory time off.

PROFESSIONAL DEVELOPMENT AND TRAINING

PROFESSIONAL DEVELOPMENT OPPORTUNITIES

Employees are encouraged to utilize College educational opportunities for professional developmental and self-improvement. An employee, at the discretion of his/her immediate Supervisor, based on operational need, may receive time off during scheduled work hours for the purpose of attending professional development activities. Work release time is subject to the prior approval of the employee's Supervisor. Supervisors have discretion over requiring employees to attend specified professional development activities, which may be held throughout the year. The Vice President of each area is given a budget annually, and the College also has a professional development budget for key departments. The VP of each area should work with their employees on an annual basis to provide professional development activities supported by the department or professional development budget, when the funding is available.

COLLEGE CLASSES

Full-time regular employees who have completed their probationary period are eligible to take one-hour per day from their work schedules to attend work-related classes with the advance approval of their Supervisor. During emergencies, the employee must work as assigned by the Supervisor even if release time had been previously granted.

Before the semester in which classes are to be taken, the employee is required to provide his/her Supervisor a written request for release time. The Supervisor will then approve or disapprove the release and provide the employee with a written statement of the decision. Copies of this agreement must be endorsed by the division's Vice President and filed in the employee's personnel file in the Office of Human Resources.

TRAINING

Employees will be offered various training programs conducted or offered by the College. These training programs are designed to provide knowledge and skills to ensure better job performance. Release time will be given to employees to participate in training with their Supervisor's prior approval.

MANDATORY TRAINING

Mountwest Community & Technical College have identified 13 mandatory professional development/training activities that should be renewed on an annual basis. Most of the activities can be accomplished through Safe Colleges/Vector Solutions, or whichever method of training Mountwest currently uses, in short training sessions. The PDATT Committee also may provide in-person trainings for some topics in order to provide multiple options for our employees. The trainings are required of all full-time staff and faculty members, however part-time employees will have the option to complete training if there are enough licenses to be assigned:

- FERPA
- General Ethics in the Workplace
- Sexual Harassment Awareness/Prevention
- Defensive Driving
- IT Cybersecurity
- Workplace Bullying
- Workplace Violence Awareness/Prevention
- Diversity Awareness
- Title IX Requirements
- Americans with Disabilities Act
- CLERY
- Drug Free Workplace
- FMLA

The deadline for completion of the above trainings is May of each academic year. If an employee has not made a good faith effort to complete the required trainings on this list by the deadline, that employee will be placed on a progressive counseling track initiated by their immediate supervisor, following each step until completion of the trainings or until the end of the progressive counseling process.

EMPLOYEE ORGANIZATIONS

STAFF COUNCIL – The Staff Council is an advisory council to the President of the College and a means for all staff employees to have input into matters that directly affect them. The Staff Council is composed of members elected by staff members from the six major occupational categories as well as the staff employee representative to the Mountwest Institutional Board of Governors and the classified employee representative to the statewide Advisory Council of Classified Employees. WV State Code stipulates membership in the Staff Council.

COLLEGE COUNCIL – College Council is a Shared Governance Structure to ensure that college constituents have a voice and influence. The purpose of the College Council is to (1) monitor the college’s strategic plan implementation; (2) serve as a forum for deliberation on issues of college-wide interest; (3) enhance interdivisional communication; and (4) create a systemic process for reviewing and updating administrative procedures and board policies. College Council is a non-voting body that provides input and guidance to President’s Council.

The College Council includes representatives from Business Services, Operations, Academic Affairs, Faculty Council, HR, Student Services, Institutional Advancement, Marketing, and Recruiting.

DISCIPLINARY ACTION

Each employee must maintain standards of performance and conduct as outlined by the immediate Supervisor and institutional policy and to comply with applicable policies, procedures, and laws. When a classified employee does not maintain the appropriate standards of performance or conduct, disciplinary action, including but not limited to demotion, suspension, transfer, or dismissal may be taken. The Supervisor will give an employee notice of the unacceptable performance, an explanation of the Supervisor's concerns, and an opportunity for the employee to provide an explanation of the behavior in question. Notice and an opportunity to explain should usually precede major disciplinary actions such as suspension or dismissal.

Depending upon the actual and potential consequences of the offense, employee misconduct may be considered minor misconduct or gross misconduct. Minor misconduct is that which is generally deemed by the Supervisor as correctable by counseling and/or instruction through progressive discipline. Progressive discipline requires notice of concern and expectations to the employee through counseling and letter(s) of warning, with potential suspension, demotion, transfer, and termination. Gross misconduct is of substantial actual and/or potential consequence to operations or persons, typically involving flagrant or willful violation of policy, law, or standards of performance or conduct. Gross misconduct may result in any level of discipline up to and including immediate dismissal at the President's discretion.

For more information about disciplinary action, employees should refer to IBOG Policy H-10, Four-Part Progressive Counseling, and IBOG Policy H-14, Employee Infractions. These policies can be found at the end of this handbook, as well as on our website at <http://www.mctc.edu/about-us/board-of-governors/institutional-rules/>.

GRIEVANCE PROCEDURE

The statutory grievance procedure is available to all state employees for resolution of most work-related concerns. Exceptions include pension or other retirement system issues, insurance issues, or matters not within the vested authority of the employer. Grievances are filed with the President's Office and must also be sent by the grievant to the West Virginia Public Employees Grievance Board in Charleston. Grievances must be filed within 15 days of the aggrieved incident. For additional information, contact the Office of Human Resources, or go to the Grievance board's website <https://pegb.wv.gov/Pages/default.aspx>.

Under all procedures, the employee or the employee's designated representative has the responsibility to clearly indicate that a grievance is being filed, provide an explanation of the issue including the specific policy violation, and the remedy sought for resolution of the issue. A grievance must be filed with the President's Office and the West Virginia Public Employees Grievance Board in Charleston.

TERMINATIONS

VOLUNTARY TERMINATION

Employees who intend to resign from their positions are expected to give their supervisors at least two weeks

advanced written notice. In order for an employee to leave with a record in good standing with Mountwest he/she must (1) provide advance notice of his/her resignation, (2) return all College property such as keys, equipment, ID, uniforms, documents, etc., and (3) settle any monetary or other obligations with the College. An employee is expected to work through the two-week notice, unless waived by the immediate supervisor. Employees who do not leave Mountwest with a record in good standing may be ineligible for reemployment with the College.

DISMISSAL FOR CAUSE

When it is determined by the Supervisor that an employee is not meeting performance or conduct standards or fails to comply with legal or policy requirements, termination for cause may occur consistent with the disciplinary procedures.

AUTOMATIC TERMINATION

Absence from work for three consecutive work days without proper notice, explanation, and/or authorization shall be deemed gross misconduct and neglect of duty, and the employee's College employment will be terminated.

REDUCTION IN FORCE

The elimination of any full-time regular classified position requires the prior written approval of the President. In the event a full-time regular classified position is eliminated because of a lack of funds and/or work, the College will comply with the requirements of WV Code 18B-7-1. Consultation of Supervisors with the Office of Human Resources for proper layoff management is required prior to notification of layoff to any full-time regular classified employee.

SEPARATION FOR MEDICAL REASONS

Whenever it is medically, psychologically, or psychiatrically determined that an employee can no longer perform the essential duties of the position and reasonable accommodation cannot be made, the employee will be separated from the College for medical reasons. The employee should investigate what benefit entitlements are applicable. Existing laws and policies will guide the College in protecting the employment and retention rights of disabled employees who are considered otherwise qualified within the meaning of such laws.

TERMINATING EMPLOYEE HEALTH INSURANCE PRIVILEGES

On April 7, 1987, federal law adopted the Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA mandates employers to offer continuation of group health insurance to certain employees who lose coverage. In the case of employee terminations, the law requires the employer to notify the plan administrator within 20 days after the employee's termination of employment. The Public Employees Insurance Agency (PEIA), not Mountwest, will notify terminating employees of his or her COBRA rights. The College is required to complete a PEIA health insurance termination form for every PEIA participant who leaves Mountwest or becomes ineligible for benefits.

CONCLUSION

Copies of policies, rules and laws cited in this handbook are available on the Mountwest Community & Technical College website. If you have any questions or comments about the contents of the handbook, please discuss them with your Supervisor or the Human Resources staff.

RESOURCES

Board of Governors Rules: <https://www.mctc.edu/administration/board-of-governors/institutional-rules/> .

Administrative Procedures: <https://www.mctc.edu/administration/administrative-procedures/> .

Central Office: www.wvctcs.org

Federal and State Employment Law

[Employee Polygraph Protection Act](#)

[Employee Right for Workers with Disabilities/Special Minimum Wage](#)

[Equal Employment Opportunity \(EEO\)](#)

[Fair Employment – The WV Human Rights Commission](#)

[Fair Labor Standards Act \(FLSA\)](#)

[Job Safety & Health Protection – OSHA](#)

[Notice to Employees Working on Government Contracts](#)

[Notification of Employee Rights under Federal Labor Laws](#)

[Pay Transparency Nondiscrimination Provision](#)

[Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#)

[Workforce WV](#)

[WV State Code](#)

[WV Minimum Wage and Maximum Hours Law](#)

[WV Public Employees Grievance Board](#)

[WV Wage Payment and Collection Act](#)

[Your Rights under the Family and Medical Leave Act - FMLA](#)



Acknowledgement of Receipt of Handbook - 2024

The Mountwest Community & Technical College Staff Handbook is not an implied or expressed employment contract. The provisions of this handbook are guidelines rather than policies, and Mountwest reserves the right to depart from such guidelines where circumstances warrant. Existing policy and law will prevail over any inadvertent errors in the handbook. Guidelines outlined in this handbook may be changed at any time at the College's discretion. The duration of employment for any employee is unspecified, and is at the discretion of Mountwest Community & Technical College and the employee within appropriate parameters set forth by applicable rules, policies and laws.

By signing and dating this page, I knowlege that I have received a copy of the Mountwest Community & Technical College Staff Handbook and have a responsibility to familiarize myself with its provisions and that any questions I should have relating to the content of the handbook should be addressed to Human Resources.

Employee Signature

Employee Name (please print)

Date

Completed acknowledgements should be forwarded to: Human Resources