

# West Virginia University Staff Council Meeting Minutes

December 17, 2014

8:15 a.m.

Jerry West Lounge – Coliseum

<b>Name</b>	<b>Title</b>	<b>Department</b>	<b>Present</b>
Baldwin, Joan	Nutrition Outreach Instructor	Extension Services	Yes
Baldwin, Larry	Electrical Technician	HSC	Yes
Bise, Linda	Program Assistant II	HSC	Yes
Bolyard, Emmitt	Purchasing Assistant I	Facilities Management	Yes
Bremar, Nancy	Nutrition Outreach Instructor	Extension Services	Yes
Bright, Karen	Nutrition Outreach Instructor	Extension Services	Yes
Campolong, Linda	Housekeeper	RFL	Yes
Campolong, Ron	Trade Specialist	Facilities Management	Yes
Crabtree, Joan	Supervisor Campus Services	Facilities Management	Yes
Eddy, Pam	Grants Resources Specialist	Dept. of Medicine	Yes
Fletcher, Louise	Traffic Enforcement Officer	Transportation/Parking	Yes
Hammack, Diana	Accounting Clerk	Biology	Yes
Martin, Lisa	Project Coordinator Senior	Event Management	Yes
Martinelli, Dixie	Office Administrator	Extension Services	Yes
Martinelli, Paul	Program Manager	Extension Services	Yes
McCormick, Beth Ann	Admissions Coordinator	School of Medicine	Yes
Morris, Jim	Assistant Vice President	HR Employee Relations	Yes
Wodzinski, Amy	Program Coordinator	FIS	Yes

**Submitted By:** Janelle Squires, *Administrative Secretary, Staff Council*

## **Call to Order**

The meeting was called to order by the Chair, Lisa Martin, at 8:15 a.m. and quorum was established. The sign-in sheet was passed around for members to sign.

## **First Business**

Approval of November Minutes, with one correction of the spelling of BridgeValley, motioned by Beth Ann. Louise seconded. All in favor and motion was carried.

## **Treasurer's Report**

By Diana Hammack

Diana reported a beginning balance of \$4454.48. The monthly expenses included \$26.87 for the phone and \$96.54 at Office Depot for batteries, ink cartridges and an over-the-door hook for the Staff Council office. That leaves an ending balance of \$4331.07.

Pam motioned for approval of Treasurer's Report. Joan B. seconded. All in favor and motion was carried.

## **Chair's Report**

By Lisa Martin

Lisa reported she had received an email from the office of Associate Provost of Academic Affairs, C.B. Wilson, inquiring someone to serve on the Heebink Award Committee which is the 2014 Ethel and Gerry Heebink Award for Distinguished State Service. This award recognizes a faculty or staff member who has provided distinguished service to the state of West Virginia over an extended length of time and provides \$3,000 in professional development support. This would be a two-year appointment on the committee. Lisa asked Linda Bise if she would consider this appointment; she has agreed to serve on the committee.

A reminder that during last month's meeting, the group discussed inviting Faculty Senate to talk about Tuition Assistance. Lisa spoke with Marie Abate, Chair of their Welfare Committee, and she informed her that they haven't worked on it for over a year. Lisa asked when they resume work on it, to please include Staff Council; they will then set up a time for them to come in and update the group.

Lisa had met (Dixie and Nancy conferenced in) with Rob Alsop, Vice President of Legal Affairs and General Counsel, at his request to discuss our intentions with the new Legislative session. He informed her that their two or three consultants are no longer with us. Associate VP for State and Corporate Relations, Sarah Smith; State, Corporate & Community Relations Director of Legal Affairs, Travis Mollohan; and State, Corporate & Community Relations Specialists, Rocco Fucillo and Ron Justice, will continue to work with Rob.

Rob inquired what items Staff Council would like to present to legislators. Lisa stated that the issue of pay increases for classified staff is always at the forefront and relayed Paul's request to retain the pop tax.

Rob also informed her he will be speaking with Ted Cheatham, Director of PEIA. He will update her after their meeting.

The section of our by-laws pertaining to dismissal from Staff Council does need reviewed. In regards to the recent dismissal, Lisa had provided all the emails she had received from the person and followed protocol according to our by-laws. More discussion regarding that will follow in Old Business.

## **ACCE (Advisory Council for Classified Employees) Report**

By Paul Martinelli

Paul reports he continues to serve on the Dean/Director of Extension Search Committee. When the names of the committee members were first announced, he noticed there wasn't any classified staff. After making a few phone calls voicing his concern, they chose him to serve on the committee (although he just wanted a classified staff person) but accepted the appointment.

The Search Committee has narrowed the candidates down from a hundred to around a dozen. Paul relayed after reviewing applications, he was surprised at how many applicants referred to us as the University of West Virginia.

The Search Committee members each had a question to ask the candidates, for a total of thirteen questions. The candidates had five minutes to answer and most of them took that entire amount of time to provide an answer. For instance, they were asked how many employees report to the Dean/Director of Extension and most of them had to look it up online. He feels that when you apply for such a position, that you must do your homework first.

It was very time consuming but a great experience to serve on the committee. They had started with thirteen members. One was a superintendent of schools who came to one or two meetings; one was a cattleman, who Paul feels is very important to have since it is a pertinent part of Extension, he came to one or two meetings; and a third person who also attended a few meetings. He believes if you are on a search committee such as this and cannot commit to it, then you should excuse yourself from the appointment.

Now that they are down to the final four or five applicants, who Paul thinks are all excellent, they will be visiting the campus during their final meeting on January 7, 2015. It will be webcasted for staff and faculty to view. Joyce McConnell will make the final decision.

Paul added that during ACCE's retreat, they are to discuss conference calls for those representatives who cannot attend a meeting. For instance, at the last meeting, only 13 out of the 23 reps attended. He will be pressing the conference calls issue at the next meeting.

Trish Clay, the Higher Education Policy Commission's interim Vice Chancellor for Human Resources, stated at the last meeting that a permanent person should be named next month. She also spoke of Bridgewater in South Charleston, whom Marshall is currently prospecting.

They are also considering sending a different representative to each meeting because one person cannot attend all of them. Trish relayed per state code, you should only have at least four meetings a year but if there continues to be issues, there is that possibility they will make it more than four.

They've been discussing merit, an idea which has come from some other campuses; that is something they believe would work on the smaller campuses.

Reduction in force is another issue they are concerned with since SB 330 is still up in the air.

There are still ongoing issues with retention of ACCE representatives, mostly for the smaller schools/institutions.

He also brought copies of the annual report from the ACCE that they've provided to HEPC.

The next ACCE meeting will be held at Bridgewater College.

## **BOG (Board of Governors) Report**

By Dixie Martinelli

Dixie reported a busy month with an emergency BOG meeting regarding the due diligence for the purchasing of Mountain State University in Beckley which she believes would be very good for WVU and the state. They will be meeting on Friday, the 19<sup>th</sup> to go over the latest details.

They will have a regular board meeting and Audit Committee meeting on Friday as well with many members participating in the graduation ceremony at 1:30.

## **Committee Reports**

### **Welfare Committee**

By Linda Bise

Linda reported they met on the 8<sup>th</sup> and went over details for the Toy Drive. They also discussed bullying issues which seem to come mostly from HSC under a particular unit. The Ad-hoc committee for an ombudsperson will meet tomorrow morning before the President's Meeting.

Joan C. reported that she, along with Lisa and Jim, collected the toys from our Holiday Toy Drive and delivered them to the Salvation Army on December 12<sup>th</sup>. They chose the Salvation Army upon calling and being informed they were short on gifts from the Angel Trees. If they don't get the expected amount of gifts, they have to go out and purchase items to fulfill them so our toy drive supplemented that.

She added that they need to probably get the collection boxes out earlier than they did this year.

Larry informed the group that there was a lot of competition for donations at the HSC with different organizations putting out collection boxes.

The next meeting will be January 12, 2015. Meetings are usually the first Monday of each month but with the new year, it will be the second Monday.

### **Legislative Committee**

By Nancy Bremar

Nancy reported she has been working on our 2015 Legislative Brochure and is currently corresponding with Liz Reynolds, Associate VP for Planning & Treasury, and Jennifer Orlikoff, Faculty Senate Chair. They discussed including pictures of faculty and staff instead of locations on campus. She brought copies of the rough draft for the group to review and offer suggestions, if any.

Sarah Smith, State, Corporate & Community Relations Director of Legal Affairs, offered to look over the final draft.

Lisa will contact printing services but added that it's not easy to get items printed in-house anymore due to outsourcing.

Karen, who is experienced with desktop publishing, will create the final draft to present for printing.

### **Tuition Assistance Committee**

By Amy Wodzinski

Amy reported the Staff Council Blood Drive held on December 15<sup>th</sup> was successful with seventeen whole units and seven double reds, for a total of 24 donations.

The Tuition Assistance for Spring semester is still pending from Brian.

### **Compensation Committee**

By Linda Campolong

Linda C. inquired to Jim about the status of the meeting regarding flexibility for Facilities. Jim reported they had a meeting with management and are just finalizing guidelines for the whole university. They are planning on meeting with the Compensation Committee around the second week in January.

### **Transportation & Parking**

By Larry Baldwin

Larry reported they canceled last month's and this month's meetings.

Lisa reminded the group of the discussion last month regarding some employees being over-charged for parking. She spoke with Linda Strawser, Director of Payroll & Tax Services, about how the employees will be reimbursed. She believes by now, mostly everyone has been refunded. Some members confirmed they have been.

Joan C. stated she had received emails regarding an employee who is parking in a handicap spot, has a handicap permit, but it's not hers. She contacted Parking and was told that they have no way of knowing who it belongs to. She did contact the office of Diversity, Equity & Inclusion as well. The person can be ticketed if their permit doesn't allow them to park in that particular spot. However, you cannot directly ask ADA if they are handicapped or not.

Beth Ann added there is a registration number on the handicapped registration card that is associated to a specific person that you are allowed to report. You may also list a primary vehicle as well as a secondary vehicle.

### **Athletic Council**

By Joan Baldwin

Joan reported they had a meeting with Oliver Luck, Director of Intercollegiate Athletics. They voted on retiring some jerseys. They had a discussion regarding monies that will need to be

generated to pay the student athletes. The SMART fund will aid the funding as well as private entities.

They currently have no plans to increase prices for tickets to athletic events.

The swimming pool is not Olympic style and they are looking into that. It will also be opened to high schools for competitions.

Land has been donated by the Milan Corporation for the upcoming golf course with a driving range. That will also be opened to the high schools.

They discussed the monies donated for the updates to the coliseum and the football field. They are tax monies and will cover each update.

### **Old Business**

Larry wishes to discuss the by-laws that pertain to dismissal from Staff Council. He states that according to Article X – Term of Office, #4, “an unexcused absence will be determined by a quorum of Staff Council members.” He does not recall the group voting on what was an unexcused absence of this particular person. This person did not contact HR themselves but Larry feels that it needs discussed. Lisa provided all information that she had in regards to the absences to HR for review.

Lisa stated that Janelle sent the person an email informing them of their four (4) unexcused absences because according to the by-laws, once they have six (6) unexcused absences, it is grounds for removal from Staff Council. The person did not contact Lisa or provide her with any documentation. She had asked the person previously to let her know by any means if she cannot attend a meeting that day or even let her know the day after. The group then voted based on the unexcused absences. Larry feels like the group did not have any idea if the absences were excused or not because if the person is on university leave (sick or annual) or has a work obligation, it would be an excused absence. Lisa reiterated this person had never provided her with any information. Lisa has always stated that work comes first but if you are appointed to this council, then it is your duty to be here and if you cannot, you must notify someone.

Jim added he and Amber Tennant reviewed this situation carefully. The General Counsel also advised on it. It was determined the action was appropriately taken and supportable under the by-laws. The committee followed protocol by voting on a collective series of absences that were determined to be unexcused.

Lisa inquired why this person didn't reach out themselves. Larry stated this person had emailed him recently asking about it.

She understands this section of the by-laws certainly needs looked at.

Many members feel the proper action was taken based on the facts with the exception of the by-laws needing reviewed. Beth Ann made a motion that this case be closed and we can discuss the by-laws and vote on that another time. Nancy seconded. All in favor with one opposed. Motion carried based on majority vote.

Nancy inquired if Jim and someone from General Counsel could look at that part of the by-laws and offer advice on the language. Jim said he could do that.

Larry asked if our by-laws were written by state legislators/state code. Amber stated it is not but there are references to Staff Council writing by-laws but does not include specific language of what should be written in the by-laws.

Lisa asked Larry if he would like to work with Jim and Amber on this part of the by-laws. Larry stated he would. Joan B. offered to help as well.

Lisa stated if they have time to work on that, they can look at it during next month's meeting and possibly take a vote in March.

Larry wanted to inform the group that a trades worker at the HSC was recently fired for sexual misconduct. This person allowed Larry to bring the termination letter to show it to Staff Council for those who wish to read it. This person was then placed on university leave for several weeks and given time to prove that these incidents did not occur.

Larry attended this person's third meeting with HR. They handed him a letter and he had asked who the accusers are because it wasn't true. The HR reps explained that was confidential. The letter explained that the office of Diversity, Equity & Inclusion had investigated it and found substantial evidence. The person did not have legal counsel.

Larry feels this just another example of the difference between disciplinary actions for faculty and for staff. They didn't offer an attorney for this person but if an incident involves a supervisor or administrator, an attorney is offered on their behalf.

Lisa stated she learned recently that at one time, it was written in state code that we had allowance for an attorney on behalf of classified staff. She asked legal to check on that to find out why it is no longer there.

Lisa inquired if an ombudsperson (that they currently have an ad-hoc committee for) would be a representative for someone. Jim indicated they would not defend or represent but rather be a source of support and an avenue for guidance on what steps to take when filing a grievance.

Ron added that they have found helpful information via the Institute of Labor Studies through WVU Extension.

With regards to Larry stating that the person was not given the names of the accusers, Amber added that the accused person is handed a written statement that outlines each accusation and who made the accusation.

Jim stated the steps HR takes are as follows:

- They receive a complaint
- The individual is asked to provide it in writing
- The letter is converted to a detailed document by HR
- The office of Diversity, Equity & Inclusion gives it to the accused and they are given usually ten (10) days to respond
- The office of Diversity, Equity & Inclusion conducts an investigation by interviewing witnesses and search for evidence to either confirm or refute the charge(s)

- They reach a conclusion and issue a finding: either the charge is substantiated by the evidence or not substantiated by the evidence
- If substantiated, they refer the matter to the manager and Employee Relations for appropriate action based on the circumstances
- If not substantiated, they send the plaintiff and accused employee a summary letter that states the case is closed with no evidence to support the claim

Jim added the accused employee has ample time to respond to the charges before they proceed with these steps. They also have the right to file a grievance if they feel it was an injustice.

Larry feels the same crime but different rules for faculty in comparison with staff isn't fair. Karen added that there certainly are different rules for each constituent. There are certain guidelines that classified staff have to adhere to per the Fair Labor Standards Act and faculty have their own guidelines to follow.

Beth Ann added that physicians also work for WVU Healthcare which is a separate entity. Physicians are contracted; it would take an act of congress to have them terminated. They are primarily physicians and a state employee secondary as a professor. If they were just a faculty member that would be different with its own set of rules.

Lisa inquired to Larry what action is on the table and what he wants Council to do. Larry wants to take this topic to the President's Meeting and ask that the policy be looked at.

Linda C. asked if there were any updates for the forthcoming 26 week pay schedule; Lisa has no new updates and ENEWS has just sent communication regarding the 40 hour work week survey results.

Jim added that on the particular ENEWS headline, you can click on the "more information" and give further comments.

The 26 week pay period is being implemented by OASIS and the current plan is to implement that on April 1. Linda C. asked if HEPC was on board with it; Jim relayed that they have not formally asked but were informally made aware of it last June/July.

Ron inquired if ACCE has discussed it. Paul stated they have some concern that if it's implemented here, it will then be state-wide.

Nancy suggests that they have two systems: one for 40 hour work week and one for a 37.5 work week and let people choose. Amber added a big issue would be the leave system.

### **New Business**

Larry asked Jim if there are any policies that allow a five day leave to possibly be evaluated or seek help for disgruntled employees who are having episodes at work. Amber stated each case is analyzed on the merits of the situation. If they feel the employee is a risk to themselves or other employees, then they can take action to remove them from the workplace and require a mandatory evaluation. However, they must have strong grounds to take such action.

Larry inquired if there are a certain number of incidences by a person or a length of time before they consider doing that. Amber advised if he is having such a strong concern, to call them and discuss it.

Jim stated they could also strongly suggest an employee seek the FSAP (Faculty and Staff Assistance Program) program. The employee doesn't have to as their right and HR isn't aware if they attend or not because of confidentiality.

Lisa added that if Larry feels the situation is overlooked, to call Jim or Amber as that is why they're here.

Nancy wanted to inform everyone that the Legislative session will be webcasted this year.

The President's Meeting and Holiday Luncheon is tomorrow, December 18 at 11:30 a.m. at Blaney House. Topics on the agenda are as follows:

- Difference between disciplinary actions for classified staff and faculty
- Workplace bullying policy

Beth Ann motioned to adjourn. Diana seconded. All in favor and meeting adjourned at approximately 11:35 a.m.