



# Employee Handbook

**Human Resources Department**

**June 2021  
SAM-2000.1**



TO: All Employees  
Southern West Virginia Community and Technical College

FROM: Debbie C. Dingess  
Director of Human Resources

DATE: June 16, 2021

SUBJECT: **EMPLOYEE HANDBOOK**

The *Employee Handbook* is intended to be a helpful guide to issues related to employment at Southern West Virginia Community and Technical College ([Southern](#)). It is not a comprehensive manual of all policies and procedures, but will hopefully answer many basic questions and direct you to the right sources of additional information. The *Employee Handbook* contains important information for all categories of employees, including faculty. The *Faculty Handbook* applies only to faculty. The *Employee Handbook* has been updated as of June 15, 2021, and all prior versions are now deemed void.

Policies and procedures will change from time to time to accommodate changes in circumstances and applicable law. Applicable laws will always prevail over material in the *Employee Handbook*. Moreover, Southern reserves the right to revise, rescind, or replace any policies in the *Employee Handbook*. If you discover a disabled web link or any other technical error or issue in this Handbook, or if you have suggestions for additional content, please contact Human Resources.

If the Human Resources staff can be helpful to you in any way, please let us know (304-896-7408). Please visit the [Human Resources website](#) for additional information.

Nothing contained in the *Employee Handbook* is intended to be or should be construed as a contract of employment and its provisions may be changed at any time.

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# Southern West Virginia Community and Technical College Employee Handbook

## ACKNOWLEDGEMENT OF RECEIPT

Employee Name: \_\_\_\_\_

Employee Identification Number: \_\_\_\_\_

Department: \_\_\_\_\_

I have received a copy of Southern West Virginia Community and Technical College's (Southern) Employee Handbook. I understand that I must read and familiarize myself with the contents of this Handbook and that it provides information for the guidance and reference of all employees. I understand that my category of employment, (i.e. classified staff, faculty, or non-classified staff) determines my eligibility for certain benefits and the applicability of certain sections of this Employee Handbook and when I am uncertain whether a section applies to me, I will contact Human Resources.

I understand that this Handbook is not intended to create, and should not be construed as creating, a contract between Southern and me. No contractual relationship will arise unless an express written contract is signed by the President, who is the only representative authorized to enter into such a relationship, and me.

I understand that the contents of this Handbook may be changed at Southern's discretion at any time for any reason.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Upon receipt of this Handbook which includes opening the electronic version, please print this page, sign and send to Human Resources.*

# INTRODUCTION

Welcome to Southern West Virginia Community and Technical College (Southern). Southern is a diverse workplace community made up of students, faculty and staff from different cultures. The success of Southern in achieving its mission can only be assured if we all work together. Your role as a member of the classified staff, non-classified staff, or faculty is very important to the success of this mission. Copies of procedures, policies, rules, and laws cited in the *Employee Handbook* are available in the Office of Human Resources and/or on [Southern's website](#). Additional links to Community and Technical College System (CTCS) Rules, State and Federal laws, and required postings for Federal and State labor laws can be found on the Human Resources link on Southern's website under the tab "[Human Resources Required Postings](#)." If you have any questions or comments about the contents of the *Employee Handbook*, you should discuss them with your manager or the Director of Human Resources.

Employees of Southern West Virginia Community and Technical College represent Southern both on and off campus. Every employee is expected to be willing and able to represent Southern in the most positive manner with prospective, former and current students, colleagues, clients, suppliers, visitors and the communities served.

Courtesy and cooperation are essential to the successful operation of Southern. Since an employee's conduct influences the general public's opinion of the college, Southern asks that all employees serve as a proud and positive ambassador for Southern and the services we provide to the communities we serve. Community relations are everyone's responsibility, and we thank employees for doing their part!

The *Employee Handbook* is not an implied or express employment contract. The provisions of the *Employee Handbook* are guidelines rather than policies, and Southern West Virginia Community and Technical College reserves the right to depart from such guidelines where circumstances warrant. Existing policy and law will prevail over any inadvertent errors in the *Employee Handbook* text. To the extent there is a change in a law after the publication of this Handbook that conflicts with the language in this Handbook, the applicable law will apply. Guidelines outlined in the *Employee Handbook* may be changed at any time at Southern West Virginia Community and Technical College's discretion. The duration of employment for any employee is unspecified, and is at the discretion of Southern West Virginia Community and Technical College within appropriate parameters established by applicable rules, policies, and laws. This edition of the *Employee Handbook* supersedes and replaces all previous classified employee handbooks.

## MISSION STATEMENT

Southern West Virginia Community and Technical College provides accessible, affordable, quality education and training that promote success for those we serve.



# INSTITUTIONAL COMMITMENTS

As a comprehensive community and technical college, Southern is committed to providing:

1. Developmental and pre-college level education for those who lack the necessary academic background for direct entry into college-level courses.
2. Programs of study leading to the associate in arts and the associate in science degrees which can be effectively transferred and applied toward the baccalaureate degree.
3. Programs of study in career and technical fields leading to a skill-set certification, certificate degree and/or the associate in applied science degree for entry into the workforce.
4. Workforce development, continuing education and training programs that support the needs of employees and employers and serve as a mechanism for economic development.
5. Support services that assist students in achieving their education and training goals.
6. Community interest programs and activities that promote personal growth and cultural enrichment.

*Reviewed and reaffirmed February 19, 2019  
Southern WV Community and Technical College  
Board of Governors*

# VISION STATEMENT

Southern aspires to establish itself as a model of leadership, academic excellence, collaboration, and occupational training, equipping its students with the tools necessary to compete and prosper in the regional and global economies of the twenty-first century.

*Reviewed and reaffirmed February 19, 2019  
Southern WV Community and Technical College  
Board of Governors*

# OUR CORE VALUES

We will accomplish our mission by:

- Achieving excellence in education and service.
- Exhibiting integrity in all that we do.
- Collaborating and communicating actively with others.
- Being committed in word and deed.
- Imparting passion and compassion to our every task.
- Leading by encouragement and support of lifelong learning.
- Embracing change through bold actions.
- Being creative and innovative at all levels.
- Initiating opportunities for the community.
- Celebrating success.

*Reviewed and reaffirmed February 19, 2019  
Southern WV Community and Technical College  
Board of Governors*

# **SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE**

## **GENERAL PROVISIONS**

### **General Provisions**

Southern West Virginia Community and Technical College recognizes its legal and moral obligation to provide an environment in which an opportunity for employment is available to all qualified individuals without discrimination on the basis of race, gender, disability, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, pregnancy, family or marital status, or any other factor prohibited by State, Federal or local law. Southern affirms its commitment to this principle and to an affirmative action program which not only will establish and sustain the criteria of equal opportunity for employment, but which will also detect and eliminate any elements of discrimination in employment which may be found to exist within the institution. Southern also commits itself to maintaining on a nondiscriminatory basis the conditions for continuing employment and for individual advancement within the job structure of the institution.

Responsibility for administration of policies and rules in this Handbook are delegated by the President. The Director of Human Resources is responsible for the application, conformity, and coordination of the policies and procedures and the recommendation of changes when necessary. Department managers are responsible for the administration of personnel policies and procedures as they pertain to employees under their area of responsibility.

Personnel are considered to be employed only upon action of the College President. Employees are expected to understand that no one is authorized to commit the institution regarding employment, promotion, or employment status, without express written and signed approval of the President.

### **Equal Employment Opportunity and Affirmative Action**

Southern West Virginia Community and Technical College is an equal opportunity/affirmative action institution. Southern neither affiliates knowingly with, nor grants recognition to, any individual, group or organization having policies that discriminate based upon any lawfully protected class. Southern, through its Affirmative Action Plan, seeks to employ qualified personnel on an equal opportunity basis. Faculty, staff, students, and applicants are protected from retaliation for filing complaints or assisting in an investigation under Southern's Equal Employment Opportunity Policy/Affirmative Action Plan. Managers are directly responsible for equal opportunity/affirmative action matters at the unit/department level. A copy of Southern's

[Affirmative Action Plan](#) is available for review on the Human Resources web page. The Director of Human Resources serves as the Affirmative Action/Equal Opportunity Officer.

### **Equal Pay for Equal Work**

Southern West Virginia Community and Technical College is governed by the “Equal Pay Act of 1963,” as amended, and the “West Virginia Equal Pay for Equal Work for State Employees” section of the West Virginia Code ([WV Code 21-5E-3](#)). These laws govern all job classification and compensation decisions. The purpose of the Act is to ensure that both females and males performing substantially similar work receive equal pay when their jobs require equal skill, effort and responsibility as defined in the law. A provision of the Act permits institutions to pay differentials based on individual qualification, bona fide merit longevity or other reasons not based on a person’s gender.

### **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. Also, all employees must complete their portion of the Employment Eligibility Verification Form (Form I-9). Employees must provide these documents within three days of the first day of employment. Southern retains copies of the completed Form I-9 as required by the Act.

### **Hiring of Relatives**

Employees of Southern should neither initiate nor participate in institutional decisions involving a direct benefit to members of their family as described below. Such decisions include, but are not limited to, initial appointment, retention, promotion, salary and leave of absence. Part-time temporary employment and student employment on a part-time basis or payment to students in the form of scholarships shall not be interpreted as employment for these purposes.

A family member is defined as: Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin, husband, wife, step-parent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, and half-sister.

### **Orientation**

During the first days of employment, the orientation process will begin. New employees meet with a Human Resources Representative for an in-depth benefit orientation and enrollment session. The new employee will be provided with important policies relating to employment at Southern. Managers will provide employees with an introduction to procedures, programs, performance, and expectations of the position. The manager is the primary authority and best source for specific information regarding position responsibilities and performance expectations. The manager is the first person to contact concerning any questions, problems, or complaints pertaining to your duties and responsibilities or workplace conditions. If you are unable to or uncomfortable with addressing such concerns with your manager, your concerns should be brought to the attention of the Director of Human Resources.

## **Assignment of Personnel to Job Location**

Employees are assigned job responsibilities at a particular job location. Since Southern is administratively organized into a one-college concept, serving multiple counties at multiple locations, Southern administration may find it necessary to reassign personnel to another location. Such assignment will be made after assessing the needs of Southern and in consultation with the employee(s) to be affected.

It may also be necessary for personnel based at one location to work temporarily at another location. If such is the case, the individual will be eligible for appropriate travel reimbursement, and/or the use of a State vehicle. Whenever possible and appropriate, travel time will be included in the work schedule. Please see [Policy SCP-5780](#) for more details on Southern's travel regulations.

## **Probationary Period**

A six-month probation and evaluation period is provided for new classified employees or those classified employees who have been transferred or promoted within the institution. Probationary classified employees will be evaluated at the end of three months and at the end of six months. With satisfactory evaluations, at the end of the probationary period, they will be considered regular classified employees. Non-classified employees are "at-will" and the aspects of probation do not apply to the terms of their employment.

If one does not meet the standards of performance that have been previously discussed with the manager, the probationary period, at the discretion of the President, may be extended to a maximum of twelve months. The manager, working through the Human Resources Department, must request this extension from the Office of the President. To request an extension of the probationary period, a manager must identify specific deficiencies and include a planned corrective program, outlining goals and objectives within a specific time frame for achieving the desired performance. The employee will be notified of the extension and the deficiencies and improvements required. During the extended probationary period, follow-up performance appraisals are required to determine progress with goals and objectives. The schedule for follow-up performance appraisals will be included in the plan provided to the employee. Managers must conduct follow-up probationary performance appraisals at least every three months during the extended probationary period.

A newly hired classified employee may be separated during the initial or extended probationary period if he/she fails to meet established position expectations. During this time period, termination of a newly hired employee may occur following one letter of warning for misconduct or performance issues. Transferred, promoted, or demoted classified employees in a probationary period may be terminated for misconduct issues or performance issues following two letters of warning.

## **Medical Examination During Employment**

Under certain conditions such as health and safety concerns, requirements of Federal or State law, or for second opinion independent medical leave verification, Southern may require employees to undergo one or more medical examinations beyond those called for by policy, rule, State and/or Federal law. Southern will pay for any fees for the second examination not covered by the employee's health insurance. The result of medical examinations and any associated reports will be shared with the employee and will serve to further support documentation initially provided to use as a basis for making administrative decisions related to job retention, reassignment efforts, reasonable accommodations, job separation, and other personnel matters related to the affected employee(s). These types of medical examinations may only be approved by the Director of Human Resources.

## **Job Accommodation During Employment**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of Southern to comply with all Federal and State laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission ([EEOC](#)). Furthermore, it is Southern's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

**Procedures:** Southern will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to Southern. Contact Human Resources (HR) with any questions or requests for accommodation.

The HR department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

**Terms Used in This Policy:** As used in this ADA policy, the following terms have the indicated meaning:

- **Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

- Major life activities: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- Major bodily functions: Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- Substantially limiting: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.
- Direct threat: A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered, such as:

- The nature and cost of the accommodation.
  - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
  - The overall financial resources of the employer; the size, number, type and location of facilities.
  - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

### **Employee Categories/Employment Status**

Southern categorizes employees into three major types: classified, non-classified and faculty. Policies of the West Virginia Council for Community and Technical College Education define the employee categories and types of positions within each category.

#### **Classified:**

- **A Classified Employee (as defined in [WVCCTCE Title 135, Series 55, Human Resources Administration](#))** – 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 non-classified employee; provided that, any employee who was a classified employee as of January 1, 2017 retains that status unless otherwise deemed a non-classified employee.
- **Full-Time Regular Employee** – an employee in a staff 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. Length of service as a full-time regular employee



with the State of West Virginia shall be credited toward years of service with Southern and annual increment pay.

- **Part-Time Regular Employee (PTR)** – an employee in a position created to last year after year, but with less than 1,040 hours during a twelve-month period. An employee in a PTR position is not eligible for benefits, but may be covered under the classification program.
- **Temporary Classified Employee** – an employee hired into a position expected to last fewer than nine months of a twelve-month period regardless of hours worked per week. A temporary employee is not eligible for benefits, but may be covered by the classification program. Service in this capacity does not apply to any seniority or years of experience.
- **Casual Employee** – a casual employee position is created to meet specific operational needs at an institution for no more than 225 hours in a twelve-month period. Individuals in a casual employee position are not eligible for benefits and are not covered by the classification program. Service in this capacity does not apply to any seniority or years of experience.
- **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. A student employee is not eligible for benefits and is not covered by the classification program. Service in this capacity does not apply to any seniority or years of experience.

### **Non-Classified:**

- **A Non-Classified Employee (as defined in [WVCCTCE Title 135, Series 55, Human Resources Administration](#))** – 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:
  - Employee holds a direct policy-making position at the department or organization level;
  - Employee reports directly to the president or chief executive officer of the organization;
  - 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;
  - Employee in an information technology-related position which may be defined by policies or decisions adopted by a governing board;
  - 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
  - An employee in a Non-Classified position as of January 1, 2017 who may not meet criteria listed above.

Non-classified employees are “at-will” and their employment may be terminated at any time, with or without notice or cause.

## **Faculty:**

Faculty may fall into one of the following classifications:

- **Tenured** – a faculty classification pertaining to those faculty members who have attained tenure in accordance with the rules and policies for tenure at Southern.
- **Tenure Track (Probationary)** – a faculty classification pertaining to those faculty members who are employed in a “tenure track” position but have not yet attained tenure in accordance with the rules and policies for tenure at Southern.
- **Term** – a faculty classification pertaining to those faculty members who have been appointed for a specified term as defined by the institution. The appointment may be full-time (1.00 FTE or the equivalent, as determined by the institution) or part-time. While a full-time term faculty member is eligible to receive reappointment to additional terms, no single term may exceed three years. No number of term appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty.
- **Instructional Specialist** – a term faculty classification pertaining to those faculty members who have been appointed minimally on a nine-month basis and an hourly workload. The appointment is for a specified term not to exceed three years. The instructional specialist is eligible to receive reappointment to additional terms. No number of term appointments shall create any presumption of a right to appointment as a tenure-track or tenured faculty. In addition to teaching, instructional specialists will have responsibilities for various academic support activities.

## **Position (Job) Description and Classification Review**

A position description shall exist for every employee of the institution and shall be reviewed by the position’s manager during the annual performance appraisal process. Position descriptions are on file in the Human Resources Office. Every employee is entitled to obtain a copy of his/her position description. It is the responsibility of the employee to review and be familiar with the position description for his/her position.

A written Position Description Form (PDF) shall exist for every classified job title. Although an annual review of the PDF/job description is done with the performance appraisal, at least every three years the PDF shall be formally reviewed, revised if needed, signed by the employee and manager, and submitted to Human Resources. The PDF shall be revised and a request to review the classification of the position shall be made anytime a *significant* change in the duties of the position occurs. Either the employee or the manager may request a classification review by completing a “Classification Review Request” form and submitting the request with the revised PDF to the Director of Human Resources. The Classification Review Request Form can be obtained in the Human Resources Department.

A written job description shall exist for every non-classified and faculty position. The job description shall be reviewed annually during the performance appraisal/faculty evaluation and revised whenever a significant change in duties and responsibilities occurs.

### **Performance Appraisal**

Classified employees will have their job performance evaluated by their managers twice during the probationary period and at least once annually thereafter, prior to July 31<sup>st</sup>. Non-classified employees will have their job performance evaluated annually. The appraisal interview with the employee is for the purpose of clarifying job understanding and expectations, improved performance, improved communications, performance counseling, goal setting and development. Performance Appraisal guidelines and forms can be obtained in the Human Resources Department.

### **Overtime**

Classified and non-classified positions are either exempt or non-exempt from the Fair Labor Standards Act (FLSA). Faculty positions are exempt. This determination is made based on FLSA criteria. Questions regarding overtime should be directed to the Director of Human Resources.

- **Non-Exempt Employees** – are entitled to overtime compensation 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 and sick or annual leave hours do not count as hours worked for purposes of computing overtime pay. Overtime for non-exempt employees must be approved according to policy *before* the overtime is worked. For details regarding request, approval, and payment of overtime, see [SCP-2575 Overtime and Compensatory Time](#).
- **Exempt Employees** – do not receive overtime compensation. These employees meet the Fair Labor Standards Act criteria for executive, professional, or administrative positions.

### **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.

### **Compensatory and Holiday Premium Time Off**

Compensatory time off shall be allowed only to the extent authorized by Federal and State law. Compensatory time for employees must be approved according to policy *before* the compensatory time is worked. Any holiday comp time must be used within a six-month period following the holiday. When an 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. For details regarding request, approval, and use of compensatory time, see [SCP-2575 and](#)

[SCP-2575A Overtime and Compensatory Time](#). Holiday premium time off is detailed in [SCP-2360 Holidays](#).

## **Work Week and 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. The work week begins at 12:01 a.m. on Saturday and ends at 12:00 a.m. (midnight) the following Friday. The President or President's designee may establish a workweek different from this provided that record keeping requirements are met as set forth in relevant law. 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 operating need, managers have the authority to require employees to work more than their normal hours. Managers 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 advance notice of any significant schedule change. However, employees have the responsibility of reporting as assigned by their managers, even if there has not been advance notice of a significant schedule change given to the employee. It is the policy of Southern not to routinely make temporary, non-emergency changes in an employee's work schedule. For more information on work schedules and alternative work schedules, see [SCP-2234 Work Schedules](#).

Employees, with approval of their managers, may request one of the 37.5 hour per week schedules below. Operational needs of the department guide employee scheduling. For this reason, employees are not guaranteed approval of the work schedule requested.

### **Option 1**

7:00 a.m. to 5:00 p.m. with ½ hour for lunch Monday through Wednesday.

7:00 a.m. to 4:30 p.m. with ½ hour for lunch on Thursday.

### **Option 2**

7:30 a.m. to 5:30 p.m. with ½ hour for lunch Monday through Wednesday.

7:30 a.m. to 5:00 p.m. with ½ hour for lunch on Thursday.

### **Option 3**

8:00 a.m. to 6:00 p.m. with ½ hour for lunch Monday through Wednesday.

8:00 a.m. to 5:30 p.m. with ½ hour for lunch on Thursday.

### **Option 4**

Proposal of an alternate four-day work week schedule which is designed to serve operational needs of Southern. Requests for schedules under this option are typically reserved for building and grounds personnel, personnel in departments with weekend operations, and/or personnel in departments whose processes must be performed at times when the facilities are closed.

The President reserves the right to end or modify alternative work schedule arrangements at any time for any reason and will provide employees at least a fifteen (15) calendar day notice of such

schedule modification. Alternative flex time and core times may also apply to shifts other than day shift and for work week schedules other than Monday through Thursday.

The President reserves the right to modify and change established employee work week schedules at her/his discretion. Whenever possible, notification of work week schedule modifications will be provided in advance. An example of work week schedule modification is the five-day work week schedule established four times per year to provide for full employee participation in governance days.

### **College Business Operational Hours**

The core business operational hours for Southern are from 8:00 a.m. to 4:30 p.m. Monday through Thursday. Offices and facilities are open on Friday and weekends based on operational needs. The specified core business operational hours shall be included in all departmental Monday through Thursday operational schedules. Departments must have at least one regular employee scheduled during the core business operational hours specified.

### **Flex Time**

An employee may request and work other than Southern's business hours. It is the responsibility of the manager to maintain reasonable continuity in working schedules and conditions for employees and to consider feasible and innovative ways to most efficiently utilize classified employees, such as flexibility in employee scheduling, job-sharing and four-day or other compressed work weeks. Individual changes to the established institutional work week schedule must be made in writing and be approved by the manager, unit head and the President. Final approved schedules shall be sent to Human Resources. For more information on alternative work schedules, see [SCP-2234 Work Schedules](#).

### **Breaks**

A lunch or meal period will be provided when an employee works six or more hours per day. Although there is no requirement for an employee to receive any formal break periods beyond this meal period, managers may grant employee rest periods not to exceed 15 minutes per day. Additional unauthorized time away from the work site must be charged against an appropriate leave accrual. Break periods may be granted at the discretion of the manager. 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. Based upon operational needs, an employee may be required to work through a break; in such cases, the employee is not entitled to additional compensation, or alternative time off. Breaks are compensated work-release time and may not be used or accrued to make up work time, leave work early, extend lunch time or in any way alter approved work schedules.

### **Transfer and Promotion Opportunities**

Non-Faculty: All transfer and promotion applications should be submitted to the Office of Human Resources. The employee must apply for a specific vacancy as advertised. It is the employee's obligation to provide appropriate information regarding qualifications and complete

an Application for Employment for each position posted for which he/she wants to be considered. Questions concerning the transfer and promotion process should be directed to the Office of Human Resources.

Faculty promotions are available in accordance with [SCP-2686 Promotion in Rank and Tenure](#) and [2686.A Promotion in Rank and Tenure Criteria and Forms](#).

### **Reporting On-the-Job Injuries**

On-the-job injuries, regardless of the severity, are required to be **immediately** reported by the employee, if possible, and by the injured employee's manager to the Human Resources Office.

Additionally, the employee's manager, in conjunction with the employee whenever possible, must submit a written accident report form to the Director of Campus Operations no later than 24 hours after the injury occurs. All accidents and injuries must be reported, regardless of whether they result in a Worker's Compensation claim. Failure of the employee or manager to report an injury to Human Resources can result in discipline, including termination. Each employee's manager is responsible for having the appropriate forms completed and submitted immediately to the Office of Human Resources and the Campus Director's Office. [SCP-1375 Reports of Accidents and Incidents](#) and [SCP-1375.B Accident/Incident Report Form](#) are available on Southern's "[Policies](#)" web page.

Each department is required to report any occupational injury or illness. The Director of Campus Operations at each location is responsible for submitting an incident report to the Office of Human Resources.

Special rules apply to leave caused by Worker's Compensation claims. For further information, employees should contact the Office of Human Resources.

### **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 manager prior to their scheduled start time with the expected duration of the absence. Failure to notify an immediate manager concerning an absence can result in discipline to the employee, including termination.

Absence from work for three consecutive work days without proper notice, explanation, and/or authorization will be deemed neglect of duty, job abandonment and automatic resignation from employment.

### **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 or copy his or her personnel file in the presence of a Human Resource staff member. No material may be

permanently removed from the file without the express written consent of the President. If employees wish to examine their personnel files, they should notify the Office of Human Resources by phone or by filing a written appointment request at least 24 hours in advance of the desired appointment time. Personnel files may be examined only during normal Southern 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. Salaries of public (State) employees are a matter of public record and can be obtained from the West Virginia State Auditor's Office.

Records exempt from review include, but are not limited to, pre-employment reference information including letters, telephone notes, and memoranda secured from the employee's prior employers or persons who are not current employees of Southern: the report of the search committee; medical records created or received by Southern that an employee can obtain directly from his/her physician or directly from a health care provider; or other records required to be kept confidential by law or policy or deemed unlawful to copy are regarded as the property of Southern and confidential. These records are to be maintained in a separate confidential file in the Human Resources office and are not available to the employee. 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 Southern based on such waiver. The employee shall not be entitled to inspect or copy any other record exempted by [WV Code 29B-1-4](#) unless there is clear and convincing evidence of a legitimate reason sufficient to overcome the exception.

### **Ethics Statement**

All Southern West Virginia Community and Technical College employees, volunteers, and members of appointed boards, committees, and commissions shall maintain unquestionable standards of high personal integrity, truthfulness, honesty and fairness in the exercise of their official responsibilities. These persons are expressly prohibited from accepting improper personal gain as a result of their position or in connection with information received by virtue of their employment with Southern. All employees shall carry out Southern's business in a manner that benefits the public interest and the common good. They shall uphold the United States Constitution and the Constitution of the State of West Virginia. They shall impartially carry out all Federal, State, and County laws and ordinances in an effort to foster respect for all levels of government. They shall not exceed their authority, breach the law, act dishonestly, nor directly or indirectly request others to do so. They shall observe the highest standards of ethical behavior and discharge faithfully their duties and responsibilities, regardless of personal considerations, and shall avoid circumstances that create an appearance of impropriety. They shall protect the institution's assets and its reputation through professional and personal conduct that is above reproach. This means treating co-workers and all members of the public with respect, courtesy, fairness, honesty, and integrity. Any questions regarding ethical standards applicable to State employees should be addressed to the Director of Human Resources.

## **Conflict of Interest**

Full time faculty and professional staff are to render full time service to the institution. Outside activities are not restricted unless such activities or employment interfere with the adequate performance of college employment responsibilities. Faculty and professional staff must complete [SCP-2562.A External Professional Activities for Pay Report Form](#) annually in accordance with [SCP-2562 External Professional Activities of Faculty and Other Professional Staff](#).

## **Shared Governance**

Southern West Virginia Community and Technical College has established a decision-making system based on consultative governance. This system provides for participation by, and consultation with, representative constituents from Southern. Constituents of Southern include administrators, non-classified, faculty, classified staff, students, and district residents. Consultative governance is a collaborative process that involves representatives from Southern working in a climate of mutual trust and respect. These representatives gather and share information related to significant issues and work toward decisions on those issues in accordance with the mission, vision, purposes, and values of Southern. Governance-related interaction among constituent groups provides the balance of stability and change necessary for the advancement of Southern. The shared governance system operates on the principles of disclosure, responsiveness and accountability. More detail about the [Governance System](#) can be found on Southern's web page.

## **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 West Virginia Council for Community and Technical College Education and Southern West Virginia Community and Technical College regulations, rules, policies and procedures. Employees are entitled to be treated with respect and dignity by managers and other employees and are entitled by statute and policy to file a grievance for work-related disputes free from retaliation. Contact the Office of Human Resources for questions and information.

## **Open-Door Policy**

Southern supports an Open-Door Policy which means that the Director of Human Resources' and every manager's door is open to every employee. The purpose of our open-door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. Our open-door policy means that employees are free to talk with the Director of Human Resources or any manager at any time.

**Responsibilities Under an Open-Door Policy:** If any area of your work is causing you concern, you have the responsibility to address your concern with a manager or with Human Resources. Whether you have a problem, a complaint, a suggestion, or an observation,



management wants to hear from you. By listening to you, Southern is able to improve, to address complaints, and to foster employee understanding of the rationale for practices, processes, and decisions. If an employee reports harassment of any kind to any manager, the manager shall notify the Director of Human Resources immediately so that an appropriate investigation may be conducted. If the complaint involves the Director of Human Resources, it should instead be reported to the President.

**Before You Pursue the Open-Door Policy:** Most problems can and should be solved in discussion with your immediate manager; this is encouraged as your first effort to solve a problem. But, an open-door policy means that you may also discuss your issues and concerns with the next level of management and/or with Human Resources staff members. No matter how you approach your problem, complaint, or suggestion, you will find managers at all levels of the organization willing to listen and to help bring about a solution or a clarification.

**Benefits of the Open-Door Policy:** By helping to solve problems, managers benefit by gaining valuable insight into possible problems with existing methods, procedures, and approaches. While there may not be an easy answer or solution to every concern, employees have the opportunity at all times, through the open-door policy, to be heard.

Any employee or group of employees has the right, without discrimination or retaliation, to discuss with their manager (s) and/or the Director of Human Resources the terms of their employment or working conditions. If an employee reports harassment or retaliation of any kind to any manager, the manager shall notify the Director of Human Resources immediately so that an appropriate investigation may be conducted. If the complaint involves the Director of Human Resources, it should instead be reported to the President.

### **Management Rights and Responsibilities**

Managers at Southern should treat employees with respect and dignity. Managers are responsible for compliance with Southern's policies and procedures and for communicating and applying operational based directives. Managers are also responsible for carrying out administrative directions and decisions. Occasionally, Southern, just as any other large organization, has to make decisions without prior consultation with its employees. Southern must, therefore, maintain exclusive discretion to exercise the customary functions of management.

Administrative/management/supervisory rights and responsibilities include, but are not limited to, such things as:

- Determining the work force direction and objectives;
- Determining the size and composition the positions required, changed or consolidated;
- Establishing standards of performance and conduct;
- The discretion to select, hire, promote, transfer, demote, suspend, dismiss, assign, supervise, evaluate, and discipline employees;

- 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;
- Determining and modifying job descriptions and job classifications;
- Assigning duties and responsibilities to employees;
- Determining when reductions in work force are required, including hour reductions and layoffs; determining when recalls are required;
- Establishing and changing salary and wage rates in accordance with needs and requirements determined by the institution;
- Establishing a safe work environment;
- Providing the materials and equipment to do the work required;
- Establishing, changing, and abolishing policies, procedures, rules and regulations; and
- Ensuring adherence to applicable laws and policies.

### **Solicitation**

Solicitation and selling of products and articles on Southern property, owned or leased, is prohibited except by organizations and groups directly affiliated with and recognized by Southern, and authorized by written approval of the institution's President or the President's designee. The names of Southern West Virginia Community and Technical College and the West Virginia Council for Community and Technical College Education may not be used to secure funds for any purpose or through any means without the written permission of the institution's 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 institution or their title without the written permission of the College President or the President's designee. No employee may conduct personal for-profit business on Southern's premises. [SCP-1735](#), Solicitation Policy and [SCP-1735A](#), On Campus Solicitation Request Form.

Nothing in this section is intended to limit or infringe upon an employee's right to engage in concerted activity under the National Labor Relations Act ("NLRA"). To the extent any such solicitation is protected by the NLRA or any other valid State or Federal law, it is not prohibited by this policy.

### **Email as Official Method of Communications**

Southern will utilize college-issued email accounts to convey college-related, critical, and/or time sensitive information to faculty, staff, and students. In some instances, e-mail communication may be the only means by which particular information is conveyed. Employees will be assigned a college email account upon employment by Southern. Southern e-mail distribution lists will ONLY be used to disseminate information directly related to the business of Southern. Faculty, staff, and students are responsible for responding to e-mail notifications sent to their official e-mail account in a timely manner. Missed deadlines or other repercussions resulting from failed e-mail forwarding or poor mailbox maintenance will not be excused. [SCP-7000](#), *Email Established as an Official Form of Communication*.

## **College Property and Equipment**

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

Employees are responsible for securing Southern's buildings, office, room, equipment, and other keys assigned to them for work-related reasons. Costs incurred by the institution as the result of unauthorized use or the misuse of Southern property, such as, but not limited to, personal telephone calls, will be recovered from the responsible employee. Personal calls must be avoided at all times except for emergencies. An employee may not use institutional phones for personal calls.

Use of college vehicles is subject to requirements in [SCP-5780](#) – *Travel Regulations*. Employees must complete a driver safety training program before they can operate college vehicles. Travel expense reimbursement is subject to limitations and allowances in the Travel Regulations policy.

## **Computing and Telecommunications Resources**

Use of Southern West Virginia Community and Technical College's technology resources is for purposes related to the college's mission of education, research, and public service. All categories of technology service users may use technology resources only for purposes related to their studies, their instruction, the discharge of their duties as employees, their official business with Southern, and other college sanctioned activities. The use of Southern West Virginia Community and Technical College's technology resources for commercial purposes is permitted only by special arrangement with the computing center or Chief Information Officer. The recreational use of the account for purposes unrelated to institutional goals is not allowed.

Computing and Telecommunications resources include, but are not limited to:

- West Virginia Network for Educational Tele-computing (WVNET);
- Southern Office of Information Technology Systems, including hardware equipment, data, and programs;
- Southern Campus Networks;
- Southern Telecommunications and Telephone Systems;
- College-owned computers and printers;
- College-owned software.

Computer or communications equipment, data, or programs owned, leased, or otherwise provided by Southern West Virginia Community and Technical College or the West Virginia Council for Community and Technical College Education Central Office are only for authorized administrative and academic purposes. The following is specifically prohibited:

- Disruption or interference with the normal use of computers or communications related equipment, data, or programs of individuals, WVNET, or the College;

- Unethical, unauthorized, illegal or other improper use of this equipment, data, or programs;
- Attempts to breach security in any manner;
- Use of a computer account or network access for other than the purpose for which assigned;
- Unauthorized copying or unauthorized use of computer software.

See [SCP-7125 Information Technology Acceptable Usage](#) for more detailed information.

### **Private Information**

Private information protected under policy or law, such as certain financial, personnel, patient, 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 manager may result in disciplinary action and/or legal prosecution.

### **Appearance and Professional Conduct**

It is the responsibility of each employee to maintain standards of appearance, personal hygiene, and conduct which will complement his/her occupational responsibilities, enable the employee to safely perform his/her duties and responsibilities, and enhance the institution's professional image with the public. Whether an employee meets the level of appearance and hygiene required for their job will be within Southern's sole discretion. Questions and concerns should be directed to the Director of Human Resources.

### **Knowledge of Policies**

College personnel are responsible for knowing and following institutional policy. Institutional policies and procedures are available on [Southern's website](#).

### **Equal Opportunity, Harassment and Nondiscrimination Policies**

**Purpose:** Southern West Virginia Community and Technical College ("Southern" or "the College") is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Southern has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Southern values and upholds the equal dignity of all members of its community and strives to balance the

rights of the parties in the grievance process during what is often a difficult time for all those involved.

**Scope and Applicability:** The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Southern's Process A or Process B, as determined by the Title IX Coordinator.

When the Respondent is a member of the Southern community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Southern community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

#### **Definitions:**

*Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

*Complaint (formal)* means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.

*Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

*Day* means a business day when Southern is in normal operation, Monday through Thursday.

*Education program or activity* means locations, events, or circumstances where Southern exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by Southern.

*Final Determination:* A conclusion by the preponderance of evidence standard of proof that the alleged conduct occurred and whether it did or did not violate policy.

*Finding:* A conclusion by the preponderance of evidence standard of proof that the conduct did or did not occur as alleged.

*Formal Grievance Process* means “Process A,” a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

*Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

*Hearing Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within Southern’s Formal Grievance process.

*Investigator* means the person or persons charged by Southern with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

*Mandated Reporter* means an employee of Southern who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

*Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

*Official with Authority (OWA)* means an employee of Southern explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Southern.

*Parties* include the Complainant(s) and Respondent(s), collectively.

*Process A* means the Formal Grievance Process.

*Process B* means the informal alternative resolution procedures.

*Recipient* means a postsecondary education program that is a recipient of federal funding.

*Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College’s educational program.

*Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

*Resolution* means the result of an informal or Formal Grievance Process.

*Sanction* means a consequence imposed by the College on a Respondent who is found to have violated this policy.

*Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

*Student* means an individual subject to [SCP-4770](#), *Student Rights and Responsibilities*.

*Title IX Coordinator* is at least one official designated by Southern to ensure compliance with Title IX and Southern's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

*Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

**Policy on Nondiscrimination:** Southern adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education. Southern does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity or gender expression, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Southern community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the Southern community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the Southern policy on nondiscrimination.

When brought to the attention of Southern, any such discrimination will be promptly and fairly addressed and remedied by Southern according to the appropriate grievance process described below.

**Policy on Disability Discrimination and Accommodation:** Southern is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section

504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the Recipient, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Director of Disability and Adult Services has been designated as Southern's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures below. For details relating to disability accommodations in the College's resolution process, see section on Employees with Disabilities.

**Students with Disabilities:** Southern is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the College.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Director of Disability and Adult Services, who coordinates services for students with disabilities.

The Director of Disability and Adult Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s).

**Employees with Disabilities:** Pursuant to the ADA, Southern will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the College.

An employee with a disability is responsible for submitting a request for an accommodation to the Director of Human Resources and providing necessary documentation. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.



**Policy on Discriminatory Harassment:** Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Southern's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Southern's policy, though supportive measures will be offered to those impacted.

**Discriminatory Harassment:** Discriminatory harassment constitutes a form of discrimination that is prohibited by College policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

Southern does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Southern will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Southern may also impose sanctions on the Respondent through application of the appropriate grievance process.

The College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under Recipient policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms.

For assistance with Alternate Resolution and other informal resolution techniques and approaches, employees should contact the Director of Human Resources, and students should contact the Title IX Coordinator.

**Sexual Harassment:** The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of West Virginia regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Southern has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex that satisfies one or more of the following:

- Quid Pro Quo
  - an employee of the College conditions the provision of an aid, benefit, or service of the College, on an individual’s participation in unwelcome sexual conduct; and/or
- Sexual Harassment
  - unwelcome conduct determined by a reasonable person to be so severe and pervasive, and objectively offensive, that it effectively denies a person equal access to the College’s education program or activity.
- Sexual assault, defined as:
  - Sex Offense, Forcible: Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
  - Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ or another person, without the consent of the Complainant.
  - Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person’s will (non-consensually), or not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against the person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Forcibly Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sex Offenses, Non-forcible:
  - Incest: Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by West Virginia law.
  - Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16.
- Dating Violence, defined as:
  - violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Domestic Violence, defined as:
  - violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of West Virginia, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of West Virginia.

- To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
- Stalking, defined as:
  - engaging in a course of conduct, on the basis of sex, directed at a specific person, would cause a reasonable person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress.
  - For the purposes of this definition: Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - For the purposes of this definition: Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - For the purposes of this definition: Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Although consensual relationships are within the purview of individual privacy, those engaging in such relationships that occur between persons in inherently unequal and closely related positions at Southern, or between employees within the same reporting line, including those between supervisors and supervisees, must remain aware that such relationships could lead to circumstances that result in harassment or sexual or domestic misconduct.

In these specific cases of consensual relationships, the individuals shall notify their immediate supervisor or other appropriate administrator. The supervisor or administrator shall be responsible for arranging to eliminate or mitigate any conflict of interest or other legitimate occupational interest related to employment, the consequences of which might prove detrimental to Southern or to either party in the relationship. In some instances, if no suitable way to eliminate or mitigate the conflict is reasonably feasible, one or both individuals may be separated from Southern.

It is important to note that these types of consensual relationships also may result in a hostile or offensive environment affecting other employees or students. For example, others may perceive a person involved in the consensual relationship as receiving favorable treatment in employment or educational decisions and actions.

A faculty member or instructor is prohibited from engaging in a consensual relationship with a student whom the faculty member or instructor evaluates, supervises, instructs or advises.

Where there is pre-existing consensual relationship, the faculty member or instructor shall notify his or her immediate supervisor or other appropriate administrator. The supervisor or other appropriate administrator shall be responsible for arranging to eliminate or to mitigate any conflict, the consequences of which might prove detrimental to Southern or to either party in the relationship.

Southern reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

**Force, Coercion, Consent, and Incapacitation:** As used in the offenses above, the following definitions and understandings apply:

- Force
  - Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).
  - Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- Coercion
  - Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Consent
  - Consent is knowing, and voluntary, and clear permission by word or action to engage in sexual activity.
  - Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

- If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
  - For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.
  - Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.
  - Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.
  - Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
  - Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Southern’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.
- Incapacitation
    - A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.
    - It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

- Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.
- This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

**Other Civil Rights Offenses:** In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the College additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed).
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography.
- Prostituting another person.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection.
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give

consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.

- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections.
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
- Knowingly soliciting a minor for sexual activity.
- Engaging in sex trafficking.
- Creation, possession, or dissemination of child pornography.

Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;

Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;

Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;

Bullying, defined as:

- Repeated and/or severe
- Aggressive behavior
- Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
- That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.



Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

**Retaliation:** Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Southern is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for Southern or any member of Southern's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

**Mandated Reporting:** All Southern employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to the Title IX Coordinator immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Southern for a Complainant or third-party (including parents/guardians when appropriate):

**Confidential Resources:** If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with any of the following off-campus non-employees:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

**Anonymous Notice to Mandated Reporters:** At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the Recipient to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the Recipient's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

**Mandated Reporters and Formal Notice/Complaints:** All employees of the College (including student employees) are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the College.

Supportive measures may be offered as the result of such disclosures without formal College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

**When a Complainant Does Not Wish to Proceed:** If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator’s decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Southern may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Southern, and to have the incidents investigated and properly resolved through these procedures.

**Federal Timely Warning Obligations:** Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Southern must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community and post those incidents in the College's daily crime log.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

**False Allegations and Evidence:** Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under College policy.

**Amnesty for Complainants and Witnesses:** The Southern community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Southern officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Southern community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Southern maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

- **Students:** Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to the Executive Director of Student Services or designee).
  - The College maintains a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the Recipient may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.
- **Employees:** Sometimes, employees are hesitant to report harassment or discrimination they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to College officials.

- The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

**Federal Statistical Reporting Obligations:** All College employees have a duty to report the following for federal statistical reporting purposes (Clery Act) to:

- All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to Directors of Campus Operations regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

**Independence and Conflict-of-Interest:** The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the College President. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the College President or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

**Administrative Contact Information:** Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Title IX Coordinator  
P.O. Box 2900  
Mount Gay, WV 25637  
Office Number: A-205  
Email: [TitleIX@southernwv.edu](mailto:TitleIX@southernwv.edu)  
Office Phone: (304) 896-7432

Recipient has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

For complaints involving employees:

Equal Employment Opportunity Commission (EEOC)  
Web: <https://eeoc.gov/>

**Notice/Complaints of Discrimination, Harassment, and/or Retaliation:** File a complaint with, or give verbal notice to, the Title IX Coordinator. Such a report may be made at any time (including non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the Southern investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail) that contains the Complainant’s physical or digital signature, or otherwise indicates that the

Complainant is the person filing the complaint. College employees and students may use their College email address as a form of digital signature.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

**Supportive Measures:** Southern will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. Southern will act to ensure as minimal an academic impact on the parties as possible. The Recipient will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or healthcare services
- Referral to community-based service providers
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between parties



- Academic support, extension of deadlines, or other course/program-related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

**Emergency Removal:** The College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions

could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

**Promptness:** All allegations are acted upon promptly by Southern once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Southern's procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

**Privacy:** Every effort is made by the College to preserve the privacy of reports. Southern will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The College reserves the right to designate which Southern officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically later in this policy.

**Jurisdiction of the College:** This policy applies to the education program and activities of the College, to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, or in buildings owned or controlled by Southern's

recognized student organizations. The Respondent must be a member of Southern's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Southern's educational program. The recipient may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest.

Regardless of where the conduct occurred, the Recipient will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial College interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the Recipient's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Southern property and/or events.

All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers, or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

**Time Limits on Reporting:** There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

**Online Harassment and Misconduct:** The policies of Southern are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities or use College networks, technology, or equipment.

While Southern may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Southern, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the College's control (e.g., not on Southern networks, websites, or between College email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the Southern only when such speech is made in an employee's official or work-related capacity.

**Responsibilities:** The Title IX Coordinator has the primary responsibility for coordinating Southern's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The ADA/504 Coordinator oversees implementation of disability compliance and serves as Deputy Title IX Coordinator for complaints involving students.

The Director of Human Resources oversees implementation of Southern's Affirmative Action and Equal Opportunity plan, and serves as Deputy Title IX Coordinator for complaints involving employees.

### **Drug-Free Workplace Policy and Procedures**

All employees of Southern West Virginia Community and Technical College, including faculty, staff, administrators, and student employees, must comply with the Drug-Free Workplace Act of 1988 (Public Law 100-690 Title V, Subtitle D, 41 U.S.C. 701 et. seq.) 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 workplace. Reporting for work under the influence of a controlled substance or alcohol is prohibited. As a condition of Southern West Virginia Community and Technical College employment, every employee shall abide by the terms of this policy and notify their managers and the Office of Human Resources of any conviction of drug or alcohol related charges resulting from any activity occurring in the workplace or otherwise on Southern 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. [SCP-2156](#) *Drugs in the Workplace* can be found on Southern's website.

### **Smoking and Tobacco Use Policy**

Smoking and tobacco use including vaping is prohibited in all buildings, facilities, and campuses of Southern West Virginia Community and Technical College. Smoking, tobacco use and vaping are also prohibited in any motor vehicle owned, leased, or otherwise operated by Southern. [SCP-1750](#), *Tobacco and Smoke-free Campus*.

### **Firearms and Weapons**

Firearms and weapons of any kind are prohibited on college premises. Any persons who, without express written permission of the College President, enters or remains on any part of property owned, leased, or otherwise used by Southern West Virginia Community and Technical College, or any structure or conveyance thereon, carrying or possessing a firearm or other deadly weapon, who temporarily refuses to relinquish a firearm or other deadly weapon, or to leave such premises while in possession of such firearm or deadly weapon shall be guilty of a misdemeanor,

and upon conviction thereof, shall be fined not more than one thousand dollars or confined in the county jail not more than six months or both unless such person is a law enforcement officer, other person exempt by law or he or she has the express written permission of the President of the College. ([WV Code 61-7-14](#)). Violations of this rule are to be reported to the Director of Campus Operations who will contact local law enforcement.

The only exception to this rule is that employees may possess a legally-owned firearm that is out of view and locked inside a motor vehicle in the campus parking lot. [SCP-1230](#), *Firearms, Weapons, and Explosives Policy*.

### **Hazardous Materials**

A Material Safety Data Sheet is to be maintained in the workplace for any hazardous material present. Employees are encouraged to review those safety sheets. Employees who are concerned about materials which they believe may be hazardous, but which have not been identified as such, should consult with the manager before handling the material. If the concern is not satisfied, the employee may contact the Director of Campus Operations.

### **Campus Safety**

Southern West Virginia Community and Technical College is committed to the safety and health of students, employees and visitors to our campuses. The Safety Committee was established to give all campus constituents a voice in safety issues, to foster cooperative communication between management and employees, to maintain a safe campus environment, and to coordinate necessary training for college employees. Safety Committee membership includes management and employees. Goals of the committee are to reduce the incidence of injuries and illnesses at the college, to improve safety in the college environment, and to provide a means for communicating safety issues. The Director of Safety or his/her designee is responsible for developing and maintaining a written Safety Committee Program. Each campus has an appointed Crisis Management Team which is responsible for safety compliance and distribution of campus specific safety information.

Offices and classrooms at each campus location should contain an Emergency Response Flip Chart. The chart contains emergency phone numbers, instructions for response to various emergency situations and phone numbers for the campus specific Crisis Management Team members. Employees are to become familiar with the content of the flip chart and maintain the chart in an accessible place. If your workspace does not have an Emergency Response Flip Chart immediately available, contact the Director of Campus Operations.

As an additional measure of safety, each campus employs a telephone Emergency Notification/Paging System. The Director of Campus Operations is responsible for emergency announcement over the paging system. Employees are required to follow instructions and directives announced during drills and/or actual emergency situations.

More information about the Safety Committee, Crisis Management Teams, and Emergency Response Plans contact the Campus Director.

## PAYROLL

### **Paychecks**

Employees are paid bi-weekly, every other Friday. Southern 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 their managers if they believe there is a problem with their pay check. New employees will be paid one pay period in arrears.

Payroll forms, such as change of address, tax withholding, and other related forms are located on the [Human Resources](#) section of the Southern website. A calendar for payroll pay dates, can be obtained from the Office of Human Resources.

### **Direct Deposit of Checks**

All employees are strongly encouraged to have their pay checks deposited directly into their bank accounts. Direct Deposit applications are available in the Human Resources and Payroll Offices.

### **Non-Exempt Hourly Employees**

Non-exempt hourly employees must enter daily time worked of each pay-period and must enter leave in the KRONOS leave system. The leave is approved by the manager in KRONOS.

### **Exempt Salaried Employees**

Exempt salaried employees must enter bi-weekly leave in the KRONOS leave system. Bi-weekly leave records are approved by the manager.

## BENEFITS

### **Employee Benefit Plans**

Southern West Virginia Community and Technical College provides benefits-eligible employees an opportunity to participate in a comprehensive package of benefits, including health, life, disability, retirement, dental, vision, and medical spending accounts. Employees will learn more about each of these plans at the new employee orientation session. All plans, programs, benefits, services, and other provisions are subject to review and change at any time. Contact the Office of Human Resources for benefits questions or information.

## **Health Insurance Programs**

West Virginia Public Employees Insurance Agency (PEIA) offers hospital, surgical, major medical, prescription, and other medical care coverage. Employees pay a portion of the premium cost. The plan includes \$10,000 basic term life insurance at no cost to employees.

The initial enrollment period is the month of employment and the following two months. However, new employees should enroll as soon as possible and must enroll by the end of the month for coverage to be effective the first day of the following month. Unless the employee opts to waive participation, premiums for the health and life plans are pre-tax (no Federal or WV state tax or social security taxes are deducted from the premiums) under Section 125 of the IRS Code.

Guidelines allow existing employees to enroll or change coverage during the open enrollment period each year. If a qualifying event occurs, employees should contact the Office of Human Resources to change their insurance plan; otherwise employees may make changes only during the open enrollment period. Annually, employees may choose to enroll, or change coverage in one of PEIA's Preferred Provider Benefit Plans.

Employees should refer to the Summary Plan Description concerning health benefit options and coverages.

More information about PEIA, including a copy of the Summary Plan Description can be found on the [PEIA](#) website.

## **Mountaineer Flexible Benefit Plan**

Various benefit plans are available on a pre-tax basis. Contact the Office of Human Resources for details. The initial enrollment period for new enrollees is the month of employment and the following two months. Otherwise changes and enrollment may be made only during the annual open enrollment period or if a qualifying event occurs.

## **Retirement Programs**

Participation by benefits-eligible employees in a tax-sheltered 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. Southern West Virginia Community and Technical College matches the employee's six percent contribution. Vesting is immediate, and retirement benefits may begin at any age upon termination of employment. Retirement income is based on age at retirement, amount of dollars accumulated, and the income option chosen.

## **403(b) Supplemental Retirement Plans & 457(b) Deferred Compensation**

In addition to the basic group retirement plan, Southern West Virginia Community and Technical College employees 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. Contribution limits are available on the [TIAA](#) website.

### **Life Insurance Program Under PEIA**

The basic health plan under PEIA includes \$10,000 term life insurance with an accidental death and dismemberment benefit. The monthly premium is paid by Southern. Employees who do not need 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, tobacco use status, and the principal sum selected – up to \$500,000. Dependent life insurance may also be purchased. Enrollments under both options are subject to a statement of health after the employee has been with the institution for three months or more. Health statements are not required of new employees if electing up to guaranteed amount of \$100,000. Any request for enrollment above \$100,000 is contingent upon approval after submitting a statement of health, but the coverage from \$100,000 is automatically approved while waiting for approval above this guaranteed amount.

### **The Standard Insurance Company Disability Insurance**

The Standard Insurance disability policy is a long-term disability plan providing a non-taxable monthly income to age 65 in the event of total disability. The income benefit is based upon the employee's base salary and, for non-faculty employees, begins after six months of total disability. For faculty employees, benefits begin after 30 days of continuous disability. The monthly income benefit, which is offset by any income payable from employee sick leave, Social Security, Workers Compensation, and any disability benefit payable under any insurance or retirement plan sponsored by Southern West Virginia Community and Technical College, is equal to 60% of the monthly salary to a maximum of \$10,000. The minimum monthly benefit under this plan is \$100.

The premium is calculated on the base salary of the employee and 100% of the premium is paid by the employee. If employees enroll after the first full month of employment, they may be subject to a requirement for a medical exam.

Employees enrolling for the disability income benefit are also included under the "Annuity Benefit" provision of the plan. The annuity benefit provides for the monthly payment of 12% of the employee's salary into a TIAA account, in addition to the disability income payments. Participation in The Standard Insurance Company Disability Insurance program is a condition of employment for new faculty employees.

### **Social Security and Medicare**

All employees must contribute to governmental Social Security and Medicare programs. The employee's contributions are matched by Southern West Virginia Community and Technical College.

## **Unemployment Compensation**

Wages at Southern West Virginia Community and Technical College are reported quarterly to Workforce WV. For more information about this program, contact the local Workforce WV.

## **Workers Compensation**

Employees of Southern West Virginia Community and Technical College are provided protection from loss of wages and medical expenses for job-related injuries by worker's compensation insurance for which Southern pays premiums for all employees. Upon seeking medical treatment, the injured employee must secure a Form from the medical provider, which must be submitted to Encova Insurance Company.

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 use 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.

## **Identification Cards**

An Employee Identification Card is issued to each full-time and part-time regular employee by the Library on the Logan and Williamson Campuses. Employees may be required to present their identification cards when a reduced rate option on events is offered, or when accessing Southern owned facilities and services. Upon resignation or retirement from Southern, employees must return their cards to Human Resources before their final paycheck can be released.

For more information and questions about employee benefit programs and options, contact the Human Resources Office at (304) 896-7445.

# **EMPLOYEE LEAVE**

This section on Employee Leave is applicable to all employees of Southern West Virginia Community and Technical College. However, particular types of leave programs may be applicable to specific categories of employees, and not others. Please refer to [SCP-2006 Employee Leave](#) for specific allowances for employee leave.

All full-time employees (classified, non-classified, and faculty) are eligible for medical leave of absence without pay, parental leave, family medical leave, personal leave of absence without

pay, military leave, special emergency leave with pay, disaster service volunteer leave, and witness and jury leave.

Faculty employees with less than twelve-month appointments are not eligible for sick or annual leave accumulation as described in this section. However, faculty employees are eligible for leave as outlined below under “Faculty Absences” in the Sick Leave section of this Handbook.

Faculty members with twelve-month administrative appointments will accumulate annual and sick leave using rules applicable to non-classified employees. Rules outlined under “Faculty Absences” below do not apply to faculty with twelve months’ administrative appointments.

Classified and non-classified employees working on a regular and continuing basis for no less than 1950 hours within the fiscal year are eligible for leave as specified in the policy.

Classified and non-classified employees working between 1,040 hours and less than 1,950 on a regular and continuing basis during the fiscal year will accumulate leave on a pro rata basis.

**Annual Leave**

All eligible classified employees shall accumulate annual leave with pay on the following basis:

|                                |                             |
|--------------------------------|-----------------------------|
| Less than 5 years service..... | 1.25 days accrual per month |
| 5-10 years service .....       | 1.50 days accrual per month |
| 10-15 years service .....      | 1.75 days accrual per month |
| 15 or more years service ..... | 2.00 days accrual per month |

Day is equal to 7.5 hours.

Non-classified and faculty employees with a twelve-month appointment will earn annual leave at a rate of two (2.0) days per month.

Annual leave shall not be granted to casual, temporary, or part-time employees, adjunct faculty or to faculty with 9-month or 10-month appointments.

No person who is earning a higher accumulation than is authorized under this policy shall have his or her accumulated leave reduced to comply with this policy while in the current position. However, upon leaving the position, the proper accumulation rate shall apply to the employee who fills this vacant position.

**Accumulation Limits** - Accumulated 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 at 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** - Annual leave accrual rate shall be based on years of service to the recognized agencies of the State of West Virginia.

**Crediting Years of Service** - An annual appointment period of nine months or more shall be credited for one year of service for annual accrual rate determination.

**Scheduling and Use of Annual Leave** - Annual leave must be approved in advance by the manager. 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 manager when arranging vacation schedules. An employee may not take leave before it is earned.

**Illness During Annual Leave** - Illness which occurs during scheduled annual leave is counted as annual leave.

**Transfer of Annual Leave** - Up to 15 days of annual leave may be transferred with an employee from other agencies of the West Virginia State Government to Southern West Virginia Community and Technical College. Certification of the balance which existed 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 institution.

**Unused Annual Leave Credits** - In the event of an employee's death, the accumulated annual leave payment 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 be paid in a lump sum amount, at his or her option, for accrued and unused annual leave. The lump sum payment shall be made by the time of what would have been the employee's next regular payday had his or her employment continued. No deduction shall be made for contributions toward retirement from lump sum payments for unused, accrued leave since no period of service credit is granted in relation thereto.

### **Sick Leave**

**Faculty Sick Leave Absences** - A faculty member, who must miss scheduled work time (class, office, committee, or other) for illness or other reasons, is required to complete a faculty absence form. Whenever possible, the faculty absence form is to be completed in advance of the absence.

For absences due to illness lasting or expecting to last two or more consecutive weeks, the full-time faculty member must request a medical leave of absence pursuant to established medical leave procedures applicable for all employees. (See [SIP-2484](#) *Medical and Military Leaves of Absence*)

Before returning to work after a period of absence for two work weeks or more, the faculty member must obtain a "Return to Work Authorization/Medical Release" form from the treating physician.

Faculty members are strongly encouraged to enroll in disability coverage. Faculty employed after September 1999 are required to enroll in disability insurance as a condition of employment.

Faculty who miss work for thirty (30) consecutive calendar days will be removed from the payroll. At this time, wage replacement benefits from disability coverage should begin.

**Non-Faculty Sick Leave Absences** - Full-time regular classified and non-classified employees accrue 1.5 days of sick leave per month of active employment. Accumulation of sick leave is unlimited. Non-faculty employees working between 1,040 hours and 1,950 hours over at least nine months of a twelve-month period shall accumulate sick leave on a prorated basis. 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 manager.

**Transfer of Sick Leave** - Accumulated sick leave may be transferred to Southern for employees coming to Southern from other agencies of West Virginia State Government. 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 three years from the last day of employment with the other State agency.

**Reinstatement of Sick Leave Upon Reemployment** - 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 reemployed, he/she may have his/her accumulated sick leave reinstated if the date of termination is less than one year from reemployment. 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 Southern may be eligible to apply unused sick leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan. This option is not available to non-faculty employees hired after July 1, 2001. This option is not available to faculty hired after July 1, 2009. Contact the Office of Human Resources for additional information.

**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. In certain circumstances, when

specifically requested by the Director of Human Resources, 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 Southern. All employee health information will be kept strictly confidential in accordance with State and Federal law.

Medical leave verification/assessment is required:

- To validate a sick leave absence of more than four consecutive days or 37.5 hours under the terms of the sick leave policy;
- To return to work following a sick leave absence of more than four consecutive days or 37.5 hours, or a medical leave of absence;
- If requested of the employee by the manager 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 Southern in a timely manner. Incomplete, unacceptable, or untimely medical information 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;
- Ineligibility for catastrophic leave;
- Disallowed or discontinued medical leave of absence;
- Discontinuation of benefit access; and/or
- Disciplinary action, up to and including termination of one's employment with Southern.

### **Pregnancy Related Illness or Disabilities**

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. As with all disabilities and in accordance with the West Virginia Pregnant Workers' Fairness Act, reasonable accommodations will be made for limitations caused by pregnancy, childbirth, or related medical conditions.

### **Catastrophic Leave Program**

An employee eligible for leave accrual, who is experiencing a catastrophic illness or injury as defined by the West Virginia Code and Southern procedures, and who has exhausted his/her annual and sick leave, 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. Use of donated credits may not exceed a

maximum of twelve (12) continuous calendar months for any one catastrophic illness or injury. For more information, contact the Office of Human Resources.

### **Funeral Leave**

When a death occurs in the immediate family, a reasonable amount of time 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 manager, and is based upon geographic distance, work load and similar factors. Sick leave is not provided for an extended bereavement period or to attend to the affairs of the estate; annual leave may be requested for these purposes.

### **Red Cross Leave**

An employee that is a certified disaster service volunteer of the American Red Cross may be granted, with the manager's approval, leave with pay for up to 15 work days per year to participate in relief services for the Red Cross. The employee is required to provide proof of Red Cross Certified Disaster Service Volunteer status to Human Resources prior to requesting Red Cross Leave. The manager must consult with Human Resources prior to approving Red Cross Leave.

### **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 entitled to leave with pay for the required period of absence during the regularly scheduled work time including reasonable travel time. When attendance in court is in connection with usual official duties, under subpoena, or as directed by the manager, time required, including reasonable travel time, shall not be considered as absence from duty. Likewise, time spent by Southern 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 Southern. Appearing as a witness without a subpoena at the request of a fellow employee and without the request of an authorized manager does not constitute Southern business. 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 workday shall immediately report to work for the remainder of the workday. 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 in which engaged in drills or parades ordered by proper authority, or for field training or active 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 increase, 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.

As follows, any such member employee will be provided entitlements consistent with their existing employment status, as though continuous:

- Any employee on military leave, under the following provisions, will continue to receive normal salary or compensation for the time as indicated below, regardless of whether or not the employee receives other compensation from Federal sources during the same period.
- Payment of wages for up to thirty (30) working days in any calendar year to any such employee absent from the worksite for time in which he/she is engaged in drills, parades, field service or active service to the State.
- Payment of wages for up to thirty (30) working days per single call to active duty for any such employee away from the worksite under provisions of the Military Selective Service Act or any other time in which the President or other properly designated federal authority of the United States may order him/her to active service.
- The number of unused days from the first 30 working days may be added to the additional 30 working days, up to a maximum of 60 working days for a single call to active duty. However, none of the unused days from the first 30 days may be carried over and used in the next calendar year.

The Family Medical Leave Act (FMLA) provides a Military Family Leave Entitlement to eligible employees for certain qualifying exigencies and a special leave entitlement for an eligible employee to care for a covered service member. Employees seeking leave for reasons related to military services for themselves or family members are to contact the Human Resources Office.



## **Declared Emergency**

At the discretion of the President of Southern West Virginia Community and Technical College or the President's designee, in consultation with local or State public safety officials, Southern 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 inclement weather and facility shutdowns. The President or the President's designee will later declare when emergency conditions no longer exist.

Full-time regular employees are eligible for regular pay for work time lost because of a declared emergency. Work time lost will be considered regular work time for pay purposes and will not require time charged to accrued leave nor will there be a requirement that the time be made up. When operational needs require a non-exempt, regular classified or non-classified employee to work during a Southern-declared emergency period, 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 the actual hours worked during the Southern-declared emergency period. Exempt employees that work during a declared emergency period receive CTO on an hour-for-hour-basis.

Cancellation of classes due to inclement weather is not a declared emergency.

## **Absence 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 manager.

## **Emergency Leave**

Emergency leave of up to five days within any fiscal year, with pay, may be granted by the President of Southern West Virginia Community and Technical College in the event of extreme misfortune to the employee or his/her immediate family; provided that all accrued annual leave has been exhausted. Typical events which may qualify an employee for such leave include fire, flood, or other occurrences (other than personal illness or injury, or serious illness or death in the immediate family) of a nature requiring emergency attention by the employee.

## **Leave of Absence Without Pay**

A full-time regular employee, upon application in writing and with written approval by the College President, may be granted a continuous leave of absence without pay for a period of time not 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 Medical Leave Acts. All annual leave must be taken before a personal leave of absence is approved. For Leave of Absence Without Pay for medical reasons, all sick leave must also be taken before a personal leave of absence without pay will be approved. For additional information refer to [SCP-2006 Employee Leave](#). The President, at his or her discretion, may require the written approval of the manager

before accepting the written application of an employee for a leave of absence without pay and shall determine if the purpose for which such leave is requested is proper and within sound administrative policy.

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, Southern will honor an employee's rights under [WV Code Section 18B-7-3](#). 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.

### **Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) allows qualified employees to request up to 12 weeks per year of leave. The request should be made to the Office of Human Resources. All sick leave does not have to be exhausted to request benefits under the FMLA. Medical coverage may continue during this leave period with the employee paying full costs. FMLA leave can be either unpaid or paid, running concurrent with sick and/or annual leave.

Reasons for taking leave:

- To care for the employee's child after birth, or placement of a child with the employee for adoption or foster care;
- 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.

**Employee Eligibility.** Southern shall consider employees to be eligible for FMLA leave in accordance with the criteria set forth in the FMLA and regulations promulgated thereunder. The general eligibility criteria are generally described as follows:

- Must have been employed by Southern for at least 12 months; and
- Must have worked at least 1250 hours during the immediately preceding 12 months.

In addition, employees must comply with all applicable time frames for providing notice of the need for FMLA leave and certification of a serious health condition.

**Serious Health Condition.** The FMLA regulations define a serious health condition as an illness, injury, impairment or physical or mental condition that involves one of the following situations. *For FMLA purposes, Incapacity means inability to work, attend school, or perform other regular daily activities as a result of the serious health condition, treatment therefore, or recovery therefrom.*

- **Hospital Care.** Any period of incapacity (see above) or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility.
- **Absence Plus Treatment.** Any period of incapacity (see above) of **more than three consecutive calendar days**, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - Two or more visits to a health care provider, or to other medical personnel directly supervised by the health care provider or to a provider of health care services (e.g., physician therapist) under the orders of or referred by a health care provider for the treatment of the illness or injury in question; or
  - At least one visit to a health care provider for treatment of the injury or illness resulting in a regimen of supervised, continuing treatment to resolve the condition. A regimen of medication or therapy is contemplated by this scenario. The taking of over-the-counter medications or bed rest, taking fluids and other activities that can be initiated without visiting a health care provider, however, is not alone sufficient to constitute a “regimen of continuing treatment” under the FMLA.
- **Pregnancy.** Any period of incapacity (see above) as a result of pregnancy or for prenatal care.
- **Chronic Conditions Requiring Treatments.** Any period of incapacity or treatment for such incapacity due to a “chronic” serious health condition. A **chronic condition** is one that (a) requires periodic visits to a health care provider or medical personnel directly supervised by the health care provider, for treatment of the condition; (b) continues over an extended period of time; **and** (c) may cause episodic, rather than continuing, periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- **Permanent/Long Term Conditions Requiring Supervision.** A period of permanent or long-term incapacity (see above) as a result of a condition for which treatment may not be effective, that requires continual supervision of a health care provider even though the provider may not be actively treating the suffering individual. People suffering from Alzheimer’s disease, severe strokes or the terminal states of an illness may fit into this category.
- **Multiple Treatments (Non-chronic Conditions).** Any period of absence to receive or recover from multiple treatments by a health care provider (or by a provider of health care services under orders of, or referral by, a health care provider) for (a) restorative surgery after an accident or other injury; **or** (b) for a condition likely to result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention (e.g., cancer-chemotherapy; severe arthritis-physical therapy; kidney disease-dialysis).

## **Leave Request Process.**

- Employee Designated Leave
  - An eligible employee wanting to take FMLA leave must give Southern notice at least **30 days** prior to the time when leave is desired, or as soon as possible (at least one or two days in advance) when need for the leave is not known 30 days in advance. In cases where the leave is foreseeable, Southern asks that the employee give as much advance notice as possible to allow Southern to make the necessary adjustment to staffing or operations. In emergency situations, notice may be given by a representative of the employee if the employee is unable to call.
- Employer Designated Leave
  - There may be circumstances under which Southern will designate leave as FMLA leave. The Human Resources Director will determine whether or not an absence qualifies as FMLA leave. The notification to the employee will be in writing.
- Intermittent Leave
  - Under some circumstances, employees may be entitled to intermittent leave. An employee entitled to intermittent leave has a duty under FMLA to work out a schedule that does not disrupt Southern's operations.

**Physician Certification.** Southern requires a Physician Certification for FMLA leave related to the serious health condition of the employee or the family member of an employee. The required forms must be obtained from the Human Resources Department. This certification must be completed and returned to Southern within fifteen (15) days unless a medical emergency prevents it. Under such circumstances, Southern will grant a reasonable amount of time for the information to be submitted. If the employee fails to provide the certification, FMLA leave may be delayed, denied, or revoked.

**Recertification.** Depending on the circumstances of the leave, Southern may require periodic recertification of the medical condition. If there is reasonable doubt of the validity of the certification, or the circumstances described by the original certification leave have changed significantly, Southern will require the employee to obtain a second or third medical opinion (as authorized by the FMLA) at Southern's expense.

**Fitness for Duty Certification.** Southern will require all employees who are on FMLA leave for a serious health condition to submit a fitness for duty certification from their physician prior to returning to work. This certification must be submitted to the Director of Human Resources prior to the start of the first return day.

**Health Benefit Continuation.** An employee who is taking FMLA leave is entitled to have all his/her health care benefits maintained during that leave. Southern requires those employees making co-payments to continue making these payments while on leave. If an employee is more than 30 days late on making such a payment, the health insurance coverage will cease.

An employee's own insurance coverage shall continue during an approved leave of absence, subject to the terms and conditions of the plan. Dependent insurance coverage shall only continue if the employee makes the required monthly co-payment in a timely manner.

**Failure to Return to Work at Completion of Leave.** Under certain circumstances, if an employee fails without good reason to return to work at the conclusion of the FMLA leave, Southern may be entitled to recover its cost of the health care premium directly from the employee. In addition, an employee who fails to return to work at the conclusion of FMLA leave may be subject to disciplinary action up to and including discharge.

**Substitution of Paid Leave.** Southern currently provides paid leave of varying lengths, depending on the nature of the absence, insurance coverage, and individual circumstances. These policies will continue in effect and be supplemented by the provisions of the FMLA so that by combining all of the applicable periods of paid or unpaid benefits provided by Southern, eligible employees may receive up to a total of 12 weeks leave in any 12-month period. When personal or sick days are used by the employee, such paid leave will be charged towards the FMLA leave entitlement.

**Other Benefits During FMLA Leave.** Any employee taking an approved leave of absence shall not become entitled to any additional vacation or other benefits while on the leave of absence. Upon return from an approved leave of absence, an employee entitlement to vacation or other benefits shall resume from the level at which such benefits were entitled as of the last date worked prior to the leave of absence, taking into consideration any benefits taken during the leave of absence.

**Confidentiality of Medical Information.** As with all other medical information, FMLA information will be maintained by the Human Resources Department in a confidential medical file as required by Federal law.

**Disciplinary Action.** The FMLA was enacted to allow employees the ability to balance work and family life without losing their job. Southern strongly supports the purpose of this law. It is important; however, that employees do not take leave for purposes other than that which FMLA designates.

An employee providing false or misleading information in their request for FMLA will be subject to disciplinary action up to and including termination.

## **West Virginia Parental Leave Act**

The West Virginia Parental Leave Act provides that a qualified employee be entitled to up to a total of 12 weeks (480 hours) of unpaid family leave because of the birth or adoption of a child, or to care for a son, daughter, spouse, parent or dependent who has a serious health condition. Annual leave and personal leave must be taken before a parental/family leave of absence can be approved. Parental/family leave of absence provides a maximum of 12 weeks leave during any twelve-month period. Parental Leave is concurrent with, and not in addition to, FMLA leave. The key difference between parental leave and FMLA leave is that employees may qualify for parental leave after working for Southern for at least twelve (12) consecutive weeks rather than the longer eligibility period for FMLA.

The employee must provide her/his manager with written notice two (2) weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. Failure to submit a written request may be cause for denial. The employee must provide Southern with certification by the treating physician and/or documentation regarding dependency status. During the parental leave by an employee, the institution shall continue group health insurance coverage provided that the employee pays Southern the full premium cost of such group health plan.

See [SCP-2006](#) *Employee Leave* for more detail regarding employee leave or call Human Resources at (304) 896-7408.

## **HOLIDAYS**

Guidelines for Southern's observed holidays are provided in [SCP-2360](#) *Holidays*. Holidays established are intended to grant full-time regular employees the benefit of one workday of paid time off. Full time staff employed at less than 1.00 FTE receive time off on a prorated basis.

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. Half-holidays shall be counted as half-days in computing the total number of holidays. Holidays shall 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. The holiday schedule for a new fiscal year is generally approved in February or March. Proclamations of a legal holiday by the President of the United States, governor, or any other authority are generally recognized at Southern West Virginia Community and Technical College. If a recognized holiday occurs on a Saturday, Southern may observe it officially on the preceding Friday. If a recognized holiday occurs on a Sunday, Southern may observe it officially on the following Monday. Any specific adjustment regarding a day of observation will be announced by the President's Office or designated authority.

When operational needs require a full-time or part-time *non-exempt* staff member to work on any of the observed Southern 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 six 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 an observed Southern holiday, the employee will receive substitute holiday time off on an hour-for-hour worked basis.

If an observed holiday occurs on a day not included in an employee work schedule as established under his/her approved four-day work week, an alternative holiday shall be granted. When an observed holiday occurs during an employee's scheduled annual leave, the day will not be charged to annual leave.

Holidays declared due to special elections that occur on days the college is closed will not be considered holidays and no alternate time off will be provided. However, if an employee is required to work on a special election day holiday, he/she will be provided sufficient time off in order to vote.

In accordance with the law, Southern will consider granting reasonable time off to employees who may observe religious holidays not included on the list of Southern's 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 compensatory time off. Managers must consult with Human Resources prior to approving time off for religious accommodation.

To receive pay for any holiday, an employee must, at a minimum, work or be on approved paid leave for his or her full scheduled workday immediately preceding the holiday and at least one quarter hour of his or her scheduled workday immediately following the holiday or vice versa. An employee is not eligible to be paid for any holiday that occurs prior to his or her first day of work or after his or her date of separation.

## **EMPLOYEE DEVELOPMENT**

Southern West Virginia Community and Technical College encourages career development and self-improvement. Full-time regular employees are eligible for time off or adjusted work schedules to attend classes. Eligible employees may be allowed time off during work hours to attend up to one, three-hour credit, undergraduate or graduate level class per semester, provided the absence will not interfere with the unit's operation and is approved by the organizational unit administrator. The time for this one three-hour credit class does not need to be made up. If more than one approved class is taken, time away from work for the additional classes must be made up during the same week. An adjusted schedule may also be approved for the semester. During emergencies or overtime situations, the employee must work as assigned by the manager even if release time had been previously granted. Course work must be taken at Southern or any other regionally accredited institution.

In order to be granted educational release time, classified employees must have completed their probationary period.

The Director of Student Financial Assistance processes tuition waivers for eligible employees, their spouses and children taking classes at Southern. For questions about the tuition waiver program for employees and their dependents see [SCP-5065](#) *Awarding of Undergraduate Tuition and Fee Waivers* or call the Student Financial Assistance Office.

Before the semester in which classes are to be taken, the employee is required to provide his/her manager a written request for educational release time. The manager will then approve or disapprove the release. Copies of this agreement must be endorsed by the unit's executive officer and filed in the employee's personnel file in the Office of Human Resources. See [SCP-2165](#) *Educational Release Time for Classified Employees* for more information.

### **Employee Development Policy**

Employees are encouraged to utilize Southern educational and funding opportunities for career development and self-improvement. An employee, at the discretion of his/her immediate manager, based on operational need, may receive time off during scheduled work hours for the purpose of attending educational activities. Occasional in-service training may be required as a term of employment. Managers have discretion over requiring employees to attend specified training activities. See the [SCP-2624](#) *Employee Development* for more information.

## **ADDITIONAL PROGRAMS AND PRIVILEGES**

### **Library Privileges**

Employees may use library facilities, collections, and information services. Contact your campus Library for information about accessing these services.

### **Parking**

Parking permits are required at all campuses. Permits are issued by the Campus Director at each location. Parking is provided on a first come first served basis for employees and students. Persons parking on college property are required to obey safety and traffic rules and policies.

### **Incentive and Recognition Programs**

Various employee incentive and recognition programs are available at Southern. [SCP-2226-Faculty Incentive Pay Program](#) describes options for faculty to propose projects for additional pay. In January each year, the President's Office conducts a program that recognizes employee engagement and involvement in various professional activities and college initiatives. The Human Resources Unit conducts a service recognition program to show appreciation for long term dedicated employees of Southern.



# EMPLOYEE ORGANIZATIONS

West Virginia Code Chapter 18B, Article 6, entitled “Advisory Councils” calls for the establishment of institutional and statewide advisory councils of classified and faculty employees formed to address any issues affecting the employee groups, and providing a method through which the issues and concerns of the employee organizations will be heard by the Presidents, Boards of Governors, and the Community and Technical College Council. Each institution of higher education is to establish a Classified Staff Council and a Faculty Senate. Each group elects a representative to serve on its respective statewide Advisory Council of Classified Employees and State Advisory Council of Faculty. The code prescribes the number of times Presidents and Boards of Governors meet with the respective campus employee groups and the number of times the State Council and Commission meets with the State advisory bodies.

Information about Southern’s Councils and Senates can be found in the [Institutional Governance System Handbook](#) available on the web.

## **Classified Staff Council**

The Classified Staff Council is an advisory council to the President of the College and a means for all classified employees to express their opinions about job conditions, fringe benefits, employee-employer relations, or other areas that affect their jobs. The Classified Staff Council is composed of elected members from the five major occupational categories and the geographical campus locations. The Classified Employee Representative to the Southern West Virginia Community and Technical College Board of Governors, the Classified Staff Council Chair, and the Classified Employee Representative to the Advisory Council of Classified Employees (ACCE) are elected by the classified staff at large to serve in these posts. In response to the established shared governance at Southern, the Classified Staff Council may appoint classified representatives on College committees and workgroups. The Classified Staff Constitution is a policy available on Southern’s website under the policies section. ([SCP-1091](#) *Classified Staff Constitution*.)

## **Faculty Senate**

The Faculty Senate is an elected representative body of faculty. Its role is to focus on academic matters related to planning, governance, curriculum implementation, or any matter or issue of interest or concern to the faculty. The faculty elects a representative to serve on the statewide Advisory Council of Faculty. In response to the established shared governance at Southern, the Faculty Senate may appoint faculty representatives on College committees and workgroups. The Faculty Senate Constitution is available from the Faculty Senate Chair.

## **Classified Staff Counsel Sub-Committee for Professional Development**

The Classified Staff Council appoints a Professional Development Sub-Committee (PDEV) to oversee the funds provided to classified staff for training and development. Requests for staff development funds should go to the chair of the Professional Development Sub-Committee. The PDEV, Classified Staff Council, or the Office of Human Resources can provide information regarding staff development.

## **Teaching Learning Center Committee**

The committee will provide oversight of the Teaching/Learning Centers (TLC) and make recommendations for the Centers. The committee shall also provide input to other institutional governance committees and units regarding policies and procedures that promote teaching and learning. The committee shall serve as the professional development committee for faculty.

# **CLASSIFICATION AND COMPENSATION**

## **Classified Staff Classification Determination**

The Director of Human Resources is responsible for the assignment of all Southern West Virginia Community and Technical College classified positions to appropriate job titles and pay grades within the Higher Education Classification System and [Job Classification Guidelines](#). This system requires that the work performed by employees in classified positions be documented in an official position description. The position description must be updated by the appropriate manager, signed by the appropriate administrators and submitted to the Office of Human Resources when posting a vacant position or submitting a position for classification review. If significant changes occur in the essential duties or responsibilities of a classified position, it is the responsibility of the manager, through established Southern procedures, to submit the position to the Office of Human Resources for review. Questions regarding position descriptions, position reviews or job evaluation should be directed to the Office of Human Resources at (304) 896-7408.

The West Virginia Higher Education Policy Commission and the Council for Community and Technical College Education, in August 2017, approved the new market-based Higher Education Compensation Management Program. Classified employee salaries are guided by this program and with reference to the WV Higher Education [Salary Administration Guidelines](#), or by any subsequent salary schedule adopted by the Legislature, Council or Southern. Reference Legislative Rule [Series 55 Human Resources Administration](#) and [SCP-2825 Salary Administration](#). A copy of the [Classified Salary Schedule](#) is also available from the Office of Human Resources.

## **Faculty Compensation Program**

Southern West Virginia Community and Technical College needs highly talented faculty to attain the teaching and learning goals outlined in our institutional commitments in support of our mission. Our faculty compensation system is designed to attract, retain and reward individuals who can help us be a successful institution of higher learning. Details of the Faculty Compensation Program and the Faculty Salary Schedule is also available from the Office of Human Resources. Reference [SCP-2825 Salary Administration](#).

# **DISCIPLINARY ACTION**

Each employee must maintain standards of performance and conduct as outlined by their immediate manager and comply with applicable policies, procedures, and laws. Non-classified

employees are at-will, and their employment can be terminated at any time with or without notice or cause. Discipline for non-classified employees will be commiserate with the offense, and solely in the discretion of Southern.

For classified employees, progressive discipline is the approach taken to solve inappropriate employee behavior and performance. Progressive discipline is a graduated approach that gives the employee the choice (and chance) to correct inappropriate behavior and improve performance. It is flexible enough to allow the application of an appropriate level of discipline to the severity of the misconduct. Progressive discipline can start with a non-punitive discussion with the employee to modify the undesired behavior or performance problem, and advance to stronger, punitive measures. In cases of more severe or repeated infractions, more severe discipline measures, such as written warning, suspension or dismissal may be immediate. Managers must contact the Director of Human Resources for support, guidance, and consistent application of policy in regard to employee discipline.

When an employee does not maintain the appropriate standards of performance or conduct, his/her manager will coach and/or counsel him/her to resolve the problem. If the behavior or performance does not improve as expected from performance management, disciplinary action will be taken. Disciplinary action includes, but is not limited to, warning, demotion, suspension, transfer, or termination of employment. Managers must consult with the Director of Human Resources prior to disciplining an employee.

### **Progressive Discipline**

Progressive discipline for unacceptable employee behavior includes communication with the employee to indicate the behavior is not acceptable and clarify expectations. If the behavior is not corrected, or the employee demonstrates additional unacceptable related or unrelated behavior, a letter of warning will be issued to the employee. Failure of the employee to modify behaviors to an acceptable level will result in further disciplinary action, up to suspension and or termination of employment.

### **Progressive Discipline with Plan of Improvement**

Progressive discipline for unacceptable levels of performance starts with communication with the employee to clarify expectations for performance. On occasion, performance problems are the result of inappropriate behavior and will be corrected with progressive discipline described in the above paragraph. However, when an employee fails to meet the performance expectations and behavior-based improvements do not resolve the issue; the employee will receive a written warning accompanied with a Plan of Improvement.

The Plan for Improvement is to be delivered in person or by certified mail, and will specify the nature of the nonstandard work; remedial steps the employee must take; a calendar date by which the employee's work will be brought back to standard; and a notification that failure to bring the work back to standard by the date specified will result in dismissal. The plan will establish a date for follow-up review to determine if performance has improved or if further disciplinary action is required.

As discipline progresses, whether due to behavior or performance issues, more severe consequences for failure to comply are imposed. These consequences include but are not limited to suspension and dismissal/termination of employment.

### **Dismissal After Two Written Warnings**

An employee may be recommended for discharge for offenses after he/she has received two written warnings. The two-written-warnings requirement also applies to transferred or promoted employees serving their probationary periods. When dismissal after two written warning is being considered, the manager will provide the employee with an appropriate letter of notification stating that termination of employment is being recommended to the President.

### **Dismissal for Gross Misconduct**

Managers have the right to recommend dismissal of an employee for gross misconduct without prior warnings or suspension. Reasons for immediate dismissal for gross misconduct include, but are not limited to the following:

- Reporting to work under the influence of alcohol or narcotics or partaking of these substances while at work;
- Malicious destruction or theft of property of the institution, the Board of Governors, or its visitors, patrons, or employees;
- Wrongful injury to an employee;
- Refusal to comply with institutional rules;
- Neglect of duty;
- Dishonesty;
- Sleeping on duty;
- Failure to maintain established performance standards;
- Habitual absence from work without permission or proper explanation;
- Insubordination by refusal by action or inaction to abide by legitimate reasonable directions of manager or administrator;
- Demonstrated incompetence or dishonesty in performance of professional duties, including academic misconduct;
- Conduct that directly or substantially impairs the individual's fulfillment of institutional responsibilities, including but not limited to verified instances of sexual harassment, or of racial, gender-related, or other discriminatory practices;
- Failure to return at the end of a leave of absence.

### **General Disciplinary Action Provisions**

Written warnings are given to the employee with a copy placed in the employee's personnel file. A written warning must specify how long it will remain in the file. In no case can the period specified be longer than twelve months from the date the letter was written.

Written warnings and recommendations to the President for termination are to be delivered in person or via certified mail with return receipt requested. Managers will document in-person delivery of disciplinary actions.

In cases of employee suspension without pay or dismissal, prior to the effective date of suspension or termination, the employee will be provided an opportunity to meet with the President to provide explanation and reasons why the suspension/termination should not take place. The President will make the final determination regarding suspension/termination of employment.

### **Employee Response to Dismissal Notification**

If, after a pre-termination meeting with the President or her/his designee, the employee is dismissed for gross misconduct, he/she may respond by filing a written request for a hearing with the West Virginia Public Employees Grievance Board (W.V.A. Code §6C-2-1 *et seq*). A request for such a hearing does not cancel the immediate dismissal.

### **Non-classified Discipline**

Non-classified employees serve at the will and pleasure of the President. Progressive discipline may be utilized for non-classified employees but is not required before suspension or termination.

Additional information regarding disciplinary action may be obtained by contacting the Office of Human Resources.

## **GRIEVANCE PROCEDURE**

Employees may pursue resolution of work-related disputes through administrative appeal procedures, as applicable to the circumstances of the person and the event, act, or behavior challenged. The grievance procedure, eligibility criteria, and the initiation timeline are referenced below. Copies of the actual procedures and consultation are available to employees and managers by confidential contact with the Office of Human. 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. Managers must contact the Director of Human Resources immediately when a grievance is received.

### **Public Employees Grievance Board**

The statutory grievance procedure is available to all State public 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. The grievance process is initiated by the employee's request for conference or a hearing to the chief administrator within 15 working days of the grievable event. The grievant must also submit a copy of the grievance form to the [West Virginia Public Employees Grievance Board](#). A third copy must be sent to the Director of Human Resources. For additional information refer to [WV Code § 6C-2-1](#) or contact the Office of Human Resources.

# TERMINATIONS

## **Voluntary Termination/Resignation**

Classified employees who intend to resign from their positions are encouraged to give at least two weeks advance written notice.

Non-classified employees are requested to provide a 30-day notice of resignation.

Faculty employees are to complete an academic term and provide forty-five (45) calendar days' written notice of resignation before the beginning of an academic term.

The written resignation is to be provided to the President, with copies to Human Resources and the immediate manager. In order for an employee to leave with a record in good standing with Southern West Virginia Community and Technical College he/she must: (1) provide advance notice of his/her resignation, (2) return all Southern property such as keys, equipment, IDs, uniforms, documents, etc., and (3) settle any monetary or other obligations with Southern. An employee is expected to work throughout the two-week notice. Employees who do not leave Southern with a record in good standing may be ineligible for reemployment with Southern.

## **Retirement**

The Human Resources Department wants to make employee transition from work to retirement a seamless and comfortable experience and provide opportunity for employees to remain connected with Southern. Retirement planning starts with an employee's first day of employment. The Human Resources Department recommends the employee start retirement preparations several years before his/her targeted retirement date. For a suggested planning schedule and specific retirement planning and benefit provider contact information, please request the *Retirement Guide and Checklist* from the Human Resources Office.

## **Dismissal**

When it is determined by the manager that an employee is not meeting performance or conduct standards or fails to comply with legal or policy requirements, dismissal for just cause may occur consistent with the disciplinary procedures. Managers must contact the Director of Human Resources for support and guidance in regard to employee discipline.

Non-classified employees are at-will employees and therefore may be dismissed at any time with or without notice or cause.

## **Automatic Termination**

Absence from work for three consecutive workdays without proper notice, explanation, and/or authorization will be deemed neglect of duty, job abandonment and automatic resignation from employment.

## **Separation from College Employment 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 Southern for medical reasons. The employee should investigate what benefit entitlements are applicable. Existing laws and policies will guide Southern in protecting the employment and retention rights of disabled employees who are considered otherwise qualified within the meaning of such laws. The Human Resources Office will provide assistance with employee separation for medical reasons.

### **Reduction in Force**

The elimination of any full-time regular position requires the prior written approval of the President. In the event a full-time regular position is eliminated because of lack of funds or work, Southern will comply with the requirements of [WV Code 18B-7-3](#). Managers are required to consult with the Director of Human Resources for proper layoff management of regular employees. See Southern's reduction in force policies for classified employees [SCP-2700](#) *Reduction in Work Force, Classified Personnel*, and faculty personnel [SCP-2701](#) *Reduction in Work Force Due to Financial Exigency: Faculty Personnel*, on Southern's website.

### **Terminating Employee Health Insurance Privileges**

On April 7, 1987, Federal law adopted the Consolidated Omnibus Budget 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 30 days after the employee's termination of employment. The Public Employees Insurance Agency, not Southern West Virginia Community and Technical College, will notify terminating employees of his or her COBRA rights. Southern is required to complete a PEIA health insurance termination form for every PEIA participant who leaves Southern West Virginia Community and Technical College or becomes ineligible for benefits. Health insurance benefits will terminate at the end of the month after the employee's date of separation. Any employee on a nine-month contract who terminates in May, June, or July, regardless if benefits are escrowed, will be covered by insurance only to the end of the month in which they worked their last day.

### **Date of Termination/Separation**

The "date of termination" or "date of separation" will be recorded as the last day the employee was physically at work. Employees may not be paid any holiday or sick leave pay after the date of separation. The balance of annual leave remaining on the date of separation may be transferred to another agency or paid as specified in the "Employee Leave" section of this Handbook.