

Minutes of ACCE Meeting  
August 6, 2013  
West Virginia Northern Community College  
Wheeling, West Virginia

**ATTENDANCE**

**Members in attendance:**

Amy Pitzer, Concord University  
Fred Hardee, Bluefield State College  
Melanie Whittington, Bridgemont Community and Technical College  
Lacey Koontz, Eastern West Virginia Community and Technical College  
Sherry Mitchell, Fairmont State University  
Carol Hurula, Marshall University  
Chris Stevens, Mountwest Community and Technical College  
Beverly Jones, Pierpont Community and Technical College  
Kenneth Harbaugh, Shepherd University  
Teri Wells, Southern West Virginia Community and Technical College  
Carrie Watters, West Virginia Higher Education Policy Commission  
Melanie Eberhart, West Virginia Northern Community College  
Timothy Beardsley, West Virginia University at Parkersburg  
Johnna Beane, West Virginia University Robert C. Byrd Health Sciences Center  
Charleston

**Excused:**

Anne Wilmoth, Blue Ridge Community and Technical College  
Mary Alltop, Glenville State College  
Lee Ann Porterfield, Kanawha Valley Community and Technical College  
Mary M. Igo, New River Community and Technical College  
Dixie Heavener, Potomac State College of West Virginia University  
Mary Ann Edwards, West Liberty University  
Verne Britton, West Virginia Network for Educational Telecomputing (WVNET)  
William H. Porterfield, West Virginia State University  
Deborah Harvey, West Virginia School of Osteopathic Medicine  
Paul Martinelli, West Virginia University  
Barbara Boyd, West Virginia University Institute of Technology

**Unexcused:**

Janene Seacrist, Council for Community and Technical College

**Guests:**

President Martin J Olshinsky – WV Northern Community College

Margaret DeCola - Staff Concil Chair – WV Northern Community College

Jenna Derrico – Staff Council Representative – WV Northern Community College

Pat Stroud – Staff Council Representative – WV Northern Community College

Mike Harbourt – Staff Council Representative - WV Northern Community College

Peggy Carmichael – CHRO – WV Northern Community College

**CALL TO ORDER:**

Chairperson, Ms. Amy Pitzer from Concord University convened the meeting at 9:10 a.m.

**MINUTES:**

The Chairperson asked Mrs. Wells, secretary, for an update on the minutes. Mrs. Wells indicated she had provided minutes to Mr. Britton to update on the website for December, January and February. Mr. Martinelli had prepared minutes in May which have been approved. Mrs. Igo had taken minutes in April and Mrs. Wells will inquire on the status. No minutes in June due to the Leadership Retreats. Mrs. Wells will see that all minutes approved are on the web.

**Discussion of the Fox Lawson question and answer document** submitted by Amy Pitzer via email list serve to Mark Toor. Added additional comment to current question and answer list on how study was being conducted. Amy is asking for Q & A on web-site at HEPC. Communication needs to start happening at the central office to all Presidents, BOGs, and others on Fox Lawson relative market equity study. Ken agrees that Fox Lawson is the most important item currently but hopes communication addresses more than the Q & A.

**Continued discussion on Grievance Procedure** - Timeliness and timing issues.

New procedure now allows back pay up to one year from date of filing of grievance, but this must be listed as part of the grievance in order to receive. Question was asked if you forget to list this as part of grievance can you go back and add. Answer was, it's up to the institution. Back pay isn't always told to the person filing the grievance – the person has to know this at time of filing. You can also ask for interest and loss of benefits such as retirement contribution. ACCE Representatives have no obligation to be involved in a grievance. When CHROs became non-classified the employee's lost the non-bias assistance for advice to the employee. The employee has no one on the campus to ask for help. You must know the time and effort required on the front end (research) to work through issues before filing a grievance. Choose

wisely those you choose to defend. Earn the reputation that you don't file a trivial grievance. Do your homework to see if grievance is worth taking on. State code provides for four hours of reassigned time for the entire grievance process. Research alone will take four hours. Be prepared to put in time "outside of your job". Employee may not understand your choice to not represent but protect your reputation. Moral issue. When moral is being questioned, Amy doesn't know of a time when you can win. It's one's opinion. Work to resolve these type issues. If you decide to assist the employee be prepared that nothing is normally resolved at Level (1) hearing examiner.

When filling out forms. List the policy/rule or law first. Provide a copy of form and documents to the president's office, CHRO and maintain a copy. Mail to the address listed on the form. Discussion on "gray area" and treatment of coworkers and hostile environment. Sometimes you lose the battle but win the war in the end. Bring attention to the issue that the administrator can resolve and work toward resolving. Bullying? Must have good proof – preferably in form of witness, emails or in writing. Hostile work environment can't be a one-time event (that's lack of communication or blow up – emotional disagreement). Hostile has to be persuasive (progressing).

Discovery in grievance. You and the grievant and institution as respondent both have right to know. Document has to be shared that will be presented or used in grievance. You must ask for discovery. If handed to you at the beginning of hearing ask for recess to allow time to review. Administrative Law Judge frowns on institution that presents discovery at hearing.

Level (1) timeliness is important. Fifteen days from occurrence or fifteen days from when event became known. This is fifteen working days. Level (1) hearing is recorded; conference is not recorded. Always ask for hearing. Grievant and representative are present. Institution may have lawyer, CHRO, and hearing examiner. If you disagree with hearing examiner assigned go to the President and request another hearing examiner and state cause.

Hearing Examiner, date and outcome. Within ten days the conference has to take place. (Don't recommend conference) unless you think conference will work out. Remember not recorded. If level (1) hearing this has to be scheduled within fifteen days from filing of the grievance. They are allowed this additional time in order to obtain a stenographer. Level (1) both sides present witness and cross exam. This is usually very professional following legal format. Chief Administrator will make decision. President can disagree with hearing examiner and reverse decision or accept partially.

Grievance process doesn't allow all to be in the room at the same time to hear testimony (except at MU). Make a list of who is credible witness or knowledgeable of question to ask. Know what question to ask of whom. Don't highlight or make notes on evidence that you're presenting. If you make notes the other side can request and receive them. Same for you – you can request their notes. They have fifteen days to render a decision. Can proceed to

level (3) and skip level (1) and (2) if terminated, demoted, suspended without pay or loss of benefits/pay (such as reclassification).

Level (2) within ten days of receiving adverse decision. Mediator and all parties trying to resolve. Private mediator the employee pays ½ and school ½. Mediator goes back and forth between the parties (separate rooms) trying to resolve. Ten days for decision. Mediator, Administrative Law Judge, county courts, etc. Fifteen days if private arbitration – paid by the hour. Ten working days for decision granted or denied.

Level (3) within ten days from level (2) decision. Grievant files written appeal. Form signed, send copy in – keep original. More formal hearing at grievance board. Subpoena power – witness and employees are paid; no loss of time and pay. If not present – contempt of court.

ACCE members do not have an obligation to represent an employee in a grievance. You can choose to participate. You have to be willing to tell the employee when they're wrong. Check handbook and see what it tells you per the law. Website: WV State Grievance.

**Peggy Carmichael discussed WVOASIS Project.** Enterprise Resource Planning Summary hereinafter referred to as ERP. Beginning Monday budget will go live (8/12/13). January 2014 Department of Transportation will go live. Finance Procurement live in July 2014. January 2015 payroll/HR – employee leave performance, time and leave, position control, class and compensation, self-serve module.

Employee self-serve – will allow the employee to change tax withholdings, addresses, change calculation (play with check to see how changes effect bring home pay), and change PIN. There will be an announcement tab, broadcast tab and alert tab. PEIA was to be part of the ERP system but has decided not to participate. You will possibly have a home link from the ERP to PEIA.

Three Constitutional Officers; the Governor, the State Treasurer and the State Auditor. Will be able map into WVOASIS with board report.

ERP requires legal name in payroll system for W2.

WVU and MU will interface from Banner into ERP. All other institutions will be integrated. Interface is file transfer. Integration is Kronos integrated into (talking back and forth all the time).

Higher Education opted out of state system previously which required manual document for position control in the Position Information Management System (PIMS).

NEOGOV – the Human Resource module isn't able to do what the state needs. Applicant tracking system into ERP system for Human Resource Information System (HRIS). Higher Ed isn't part of the license for NEOGOV. Will be able to interface from People Admin into ERP. Mark Toor is working with Senator Plymale for the possibility of funding for all institutions not

currently on People Admin. With the new system each pay code to be identified, no longer "other HE". One W2 no longer a 1099. Will go to 26 pays in January 2015. AGI Advantage system can do performance evaluations same as People Admin. HIPA documents not able to attach to ERP. State agencies using higher education training can utilize any courses employees take and data will show on personnel file. PIM number to use training system

Delayed payroll discussed. Direct deposit and WV Pay Card.

Kronos timekeeping for non-exempt. Kronos integrated into ERP system not interface. More info on time and leave will be available.

**ACCE members reviewed By-Laws.** Discussed attendance and proxy when ACCE member not able to attend. Discussed calling into meeting and the possibility that it doesn't always work. Twenty-five members, thirteen to make quorum.

Consensus of By-Laws. Chris Stevens made motion to review, Tim Beardsley seconded motion. Motion carried. Committee to bring back recommendation on meetings and procedure. Ad Hoc Committee for By-Laws - Fred Hardee, Chris Stevens, Teri Wells, Melanie Eberhart and Carrie Watters.

**Relative Market Equity (RME).** Issue at hand is margin of error for determining RME. Mark Toor proposes to increase RME from 5% to 20% to accommodate for margin of error once for Fox Lawson market study is complete. Question is, why not wait and set it where it comes in at from the study? If market study for faculty and non-classified are at 80% that would mean that it's okay to pay classified at 60% of market. Discussed the intent of the state policy makers in wanting an equitable system. RME = calculation is based on averages.

**Met July 22<sup>nd</sup> to discuss RME.** Meeting with Senator Plymale, two CHRO's, executive ACCE members, Mary Poling and higher education staff members to discuss RME. Mark Toor suggested opening SB330 to change 5% to 20%. Senator Plymale is not in favor but instead requested house and senate to present a resolution to state intent to LOCEA. Mark Toor drafted a resolution. Comments from ACCE. Haven't heard to date on that issue. Mark Toor had a conference call with CHRO's providing more information on RME. Mark Toor intends to go back to Senator Plymale and Mary Polling to amend SB 330 in RME.

ACF plans to give report Friday to HEPC. Roy Nutter, Vice Chair ACF plans to speak concerning RME to HEPC and ask to change the percentage to match margin of error.

Discussion of the ACCE chair report to be presented to the HEPC on August 9, 2013. Discussed issues that the Advisory Council of Faculty (ACF) will include in their report on this day as indicated with the 5% differential for RME and potential issues RME may cause with recruiting faculty. ACCE notes that the information is still unknown on what the margin of error may end up being in the Fox Lawson work. Concern was expressed that choosing a number without data and information may end up resulting in a poorer differential to determine RME

than what is currently in code. ACCE recommends that the HEPC employ a consultant to provide expertise and credibility to the RME situation and assist in determining what if any changes may need to be made to the differential used in determining RME. Requests that the ACCE Chair stress the intent of “FACTS”. This issue has problems with transparency and accountability if it is made prior to the work being received or at least without an expert working with Fox Lawson to help establish a differential that is in line with the margin of error in their work. Without information, it is unknown if the margin of error will end up outside of the current language determining RME. The ACCE Chair will draft a response and put it on the list serve for feedback prior to Friday’s meeting.

**Committee Assignments:** Teri Wells named all of the committees from the previous year. Discussion was held to add Vice-Chair to each committee so that there is a person to present work and activities if the Chair is not present. If any members wish to be included on a committee, please send a request to the Chair.

**Benefits** - Bill Porterfield - Chair, Sherry Mitchell, Fred Hardee, Paul Martinelli, Janene Seacrist, Mary Igo, and Carol Hurula – Recorder. ACCE Chair named Bill Porterfield to continue as co-chair, Sherry Mitchell as a new co-chair and will request that Carol remain recorder. No other changes were made to this committee.

**Communication & Presentation** – Verne Britton – Co-Chair, Melanie Eberhart, Johnna Beane, Deb Harvey – Recorder, Mary Igo. Melanie W. would like to step down as co-chair due to commitments with the merger between Bridgemont and KVCTC. Chris Stevens joined this committee and volunteered to co-chair. Carrie Watters also joined and volunteered to be the recorder for the coming year. No other changes to the membership at this time.

**Legislative** –Amy Pitzer, Ken Harbaugh, Bob Long - Chair, Carol Hurula, Tim Beardsley, Johnna Beane, Chris Stevens, and Teri Wells. ACCE Chair named Ken as co-chair along with Carol as co-chair. Tim volunteered to be the recorder. Carrie Watters requested to be on this committee.

**Special Events** – LeeAnn Porterfield, Anne Wilmoth, Dixie Heavener, Bev Jones co-chair, Mary Igo, Teri Wells – co-Chair, Ken Harbaugh and Verne Britton. No changes to chair. ACCE Chair named Dixie as recorder.

**Student & Employee Enrichment** – Johnna Beane – co-Chair, Tim Beardsley co-chair, Melanie Whittington., Mary Alltop, MaryAnn Edwards, Barb - Recorder, Lacey Koontz, Sherry Mitchell, Teri Wells. This committee remains the same with no changes at this time.

ACCE wishes to send its gratitude and a “Thank you” to WV Northern, President Olshinsky, Peggy Carmichael, and their Classified Staff for the hospitality for today’s meeting.

Motion to adjourn made by Beverly Jones; seconded by Chris Stevens. Meeting adjourned at 2:20pm.

Respectfully Submitted:

Carol Hurula, ACCE Secretary