



**Meeting Minutes  
January 29, 2019  
Marshall University Graduate College  
Room GC319  
South Charleston, WV  
9:00 a.m.**

**MEMBERS PRESENT**

Anita Davis	Pierpont Community and Technical College
Jane Fouty (Proxy)	BridgeValley Community and Technical College
David Hays	West Virginia State University
Carol Hurula (Proxy)	Marshall University
Lisa Neel	Bluefield State College
Amy Pitzer	Concord University
Dee Preston	Mountwest Community and Technical College
Shirley Robinson	West Virginia University
Scottie Samples	WVU – Potomac State College
Barbara Sanders	West Virginia School of Osteopathic Medicine
Kelly Taber	New River Community and Technical College
Carrie Watters	West Virginia Higher Education Policy Commission

**MEMBERS ABSENT**

**(EXCUSED)** Jayne Angle – Shepherd University  
Verne Britton – West Virginia Network for Educational Telecomputing  
Michael Caplinger – WVU-Parkersburg  
Darryl Clausell – West Virginia Northern Community College  
Sheri Goff – Glenville State College  
Chris Gray – Southern WV Community and Technical College

**(UNEXCUSED)** Diane Blady – Blue Ridge Community and Technical College  
Tammy Ours – Eastern WV Comm. and Technical College  
Janene Seacrist – Comm. and Technical College System of WV  
Bob Wise – West Liberty University

**(VACANT)** WVU – Institute of Technology  
Fairmont State University

**GUESTS**

Bruce Cottrill	West Virginia Higher Education Policy Commission
Patricia Humphries	West Virginia Higher Education Policy Commission
Robert Long	Emeritus

## I. CALL TO ORDER & ESTABLISH QUORUM

Amy Pitzer, Chair, called the meeting to order at 9:00 am.

Note: Becky Miller, Fairmont State University, and Jessica Porter, WVU – Institute of Technology, have resigned as ACCE representative for their institutions. On behalf of ACCE, we wish to thank Jessica and Becky for their hard work and valuable contributions to higher education employees.

## II. MINUTES (*Anita Davis*)

Review of December minutes. Discussion. Motion to approve minutes by Shirley Robinson, seconded by Dee Preston. Vote all in favor. Motion carried.

## III. COMMITTEE REPORTS/DISCUSSION

**A. BENEFITS** A recent PEIA Taskforce article states employers want to lessen their PEIA contributions below 80%, which would raise employee PEIA annual premiums. However, state code requires employees pay no more than 20%. Supposedly, the PEIA Taskforce met on Jan. 8th, but the meeting minutes are not yet available. The PEIA Taskforce seems to have quit with no future meetings scheduled. Governor Jim Justice has promised take care of PEIA issues.

- Vacant position funding – may be listed on the budget, but there is no actual money available to fund these vacant positions.
- Auxiliary positions in higher education – again, no actual money available to fund salaries in these positions. Governor Jim Justice and other legislators seem not to understand auxiliary positions.
- SB 134 stabilizing PEIA benefits. SB 134 proposed by Ojeda to fund PEIA from gas tax increases, but Ojeda is no longer in the legislature to advance this bill.

**B. LEGISLATIVE** – See agenda item #IV, on the next page, for discussion on each proposed bill affecting higher education.

- Amy – read intent of any bills, 18B affects higher education.
- People wondering if potential teacher strike affect all other bills like the 2018 WV Legislative Session.
- Free community and technical college.
- Focus on college readiness, various bills in draft stages.
- Watch charter schools. What will be the impact on higher education, CTE vocational resources and support? Recent committee hearing had a charter school expert who could not provide answers to basic questions.
- HEPC approved CTE Foundation. No additional staff will be hired to support the CTE Foundation. The Foundation board members will complete all administrative tasks. Each institution will have to submit requests for funding to the CTE Foundation.
- House Finance Meeting – Larry Rowe – may be receptive in listening to ACCE's viewpoint.
- ACCE should meet with Sponaugle– assistant minority whip from Pendleton County.

- Carrie trying to go to as many meetings. Many meetings are happening at the same time. Watch recording 451 and 208 video archive. HEPC retired classified staff members are also assisting with the monitoring of legislative committee meetings and hearings.
- Robert – Legislators are waiting until late in session to enter bill on HEPC, probably last day of session, in order to prevent people a chance to analyze and respond to details in a bill.
- Mike Farrell – has been saying interesting stuff; seems to have reversed his position and no longer supports higher education in WV. Farrell is the current Chair of HEPC board and a Blue Ribbon Commission member.
- PROMISE SCHOLARSHIPS – 6 different bills, all over the place. One want to remove all requirements except for the one-year state residency for home school students, no GPA, no equivalency tests, in relation to remedial determination.
- Robert – no HR department tells their employees this information. If ACCE goes away, no employees will hear any of this. This is the value of ACCE members taking this information back to campus.

C. **WEB/COMMUNICATIONS** – Dave – thanked Verne’s work for continuously updating the WVACCE website. ACCE should begin planning improvements in website aesthetics, “curb appeal,” anticipating ACCE’s future changes in representing classified and non-classified employees.

D. **STUDENT ADVOCACY** – Loss of two committee members: Jessica Porter and Becky Miller. Carrie Watters volunteers for Student Advocacy Committee.

E. **RETREAT** –Becky Miller resignation. Shirley Robinson volunteers for Retreat Committee.

F. **AD-HOC BYLAWS COMMITTEE** – UPDATE MEMBERS – removal of Becky, Jessica. Need consultant on reforming ACCE bylaws.

#### IV. **2019 LEGISLATION SESSION PROPOSED BILLS of AFFECTING HIGHER EDUCATION DISCUSSION**

The dates below are the significant deadlines in this year's regular session:

- **February 12:** Last day to introduce bills in the House of Delegates. This does not apply to bills originating in committee.
- **February 18:** Last day to introduce bills in the Senate
- **February 24:** Bills are due out of committee in house of origin.
- **February 27:** Last day to consider bills on third reading in house of origin.
- **March 9 (midnight):** Session ends.

To date, only a handful of bills have completed legislative action. One of those bills that did pass the Legislature this week was a version of a bill vetoed last year by Governor Justice.

**SENATE BILLS (SB)**

- **SB 1 - Increasing Access to Career Education and Workforce Training.** Free CTC tuition bill. *Sponsors: Carmichael, Sypolt, Cline, Takubo, Boso, Clements, Swope, Smith, Ihlenfeld, Baldwin, Stollings, Weld, Plymale*
- **SB 25 - Authorizing certain higher education governing boards to eliminate faculty tenure.** Authority applies to all colleges, universities, CTCs. *Sponsors: Trump, Boso, Cline, Swope*
- **SB 306 – Establishing Family and Medical Leave Insurance Benefits Act.** Establishes insurance program for employees on FMLA leave. *Sponsors: Lindsay, Baldwin, Jeffries, Beach, Prezioso*
  - Amy – very vague and quiet on this bill. It reads weird. Insurance premiums while on FMLA leave? If insurance offered, then who pays for it? Contribution from employees' pay many not exceed 5% of their pay in a 12 month period. State code requires sick leave to keep job positions, which can run concurrently. Federal law does not require employees to take sick leave during FMLA leave. New hires not getting sick leave insurance benefit. Real actual effects of taking FMLA for extended time jeopardizes job position for an employee. However, there is no incentive not to abuse sick leave. Teacher Ominibus bill would allow them to have unused sick leave contribute to years of services. Most institutions do not understand they are not incentives for employees to hold on sick leave and vacation leave when yearly max amount or they lose days of leave.
- **SB 386 Funding of Public Employees Health Insurance Program.** Takes \$150 mil from agency budgets to newly created PEIA Rainy Day Fund. Agency assessment rate based on FTE employee; total to be paid by June 30, 2020. Rainy Day Fund used for reduce/prevent benefit cuts & reduce premium increases. *Sponsors: Carmichael (Mr. President), Prezioso [By Request of Governor]*
- **SB 395 - Authorizing PEIA establish base benefits insurance plans.** *Sponsors: Tarr, Boso, Maroney, Sypolt, Takubo*
- **SB 423 - Adding new item of appropriation to PEIA Rainy Day Fund.** \$105 million from FY19 unappropriated General Revenue balance. *Sponsors: Carmichael (Mr. President), Prezioso [By Request of Governor]*
- **SB 451 - Comprehensive education reform.** Underwood-Smith, Charter schools, salary increases, etc. From SE to Senate Committee of the Whole. *Sponsors: Rucker, Blair, Azinger, Boley, Cline, Maynard, Roberts, Trump*
  - Gov. Justice stated he did not realize not everyone would receive a 5% increase in salary.
  - Dave – Watch for the two proposed bills that are contradictory to each other. \$1,000 per year – Ominibus bill (SB 451) while a different bill has a \$2,000 raise increment.

**HOUSE BILLS (HB)**

- **HB 2032 - Permitting the carrying of concealed weapons on the campus of a state institution of higher education.** *Sponsors: Wilson, J. Kelly*
- **HB 2381 – Exempting certain contracts between the Department of Health and Human Resources and West Virginia University, Marshall University or the School for Osteopathic Medicine from state purchasing requirements.**

Removes WVSOM from current purchasing exemptions for contracts between DHHR and WVU, MU or WVSOM. *Sponsors: Hornbuckle; Rohrbach*

- **HB 2455 - Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency.** *Sponsors: Paynter, Dean, Maynard, Cooper, C. Martin, McGeehan, Linville, Campbell, Storch, R. Thompson, Cadle*
- **HB 2519 - The Campus Self Defense Act.** Prohibits CTCS/HEPC/Colleges from restricting or regulating a licensed permit holder from carrying a concealed firearm. Exceptions: 1) organized event in stadium/arena with capacity of 1500 spectators or greater; 2) daycare facility; 3) secure area used by campus police; 4) area that has adequate security measures to ensure no weapons are permitted; 5) in formal disciplinary hearing; 6) sole occupancy office (that employee may carry); 7) primary/secondary education function; 8) private function; 9) where firearms prohibited by federal law. Firearm must be concealed. College is immune from liability. *Sponsors: Butler, Maynard, Cadle, Foster, Hanna, Espinosa, Higginbotham, McGeehan, Householder, Canestraro, Swartzmiller*
- **HB 2575 - Freezing PEIA employee premiums for three years.** *Sponsor: Rodighiero*
- **HB 2584 - Relating generally to funding of Public Employees Health Insurance Program.** Takes \$150 mil from agency budgets to newly created PEIA Rainy Day Fund. Agency assessment rate based on FTE employee; total to be paid by June 30, 2020. Rainy Day Fund used for reduce/prevent benefit cuts & reduce premium increases. *Sponsors: Hanshaw (Mr. Speaker), Miley [By Request of Governor]*
- **HB 2659 - Establishing a tax on the production of natural gas to fund the public employees insurance program.** To fully fund PEIA benefits and copays at current levels. Creates special reserve account to preserve benefit levels for 5 years. *Sponsor: Bates*
- **HB 2777 – Requiring schools to offer elective vocational courses in middle schools.** *Sponsors: Campbell, Lavender-Bowe, R. Thompson, Hornbuckle, Caputo, Rohrbach, Dean, Westfall, Pack, Paynter, Robinson*

## V. HEPC LIAISON REPORT - PATRICIA HUMPHRIES & BRUCE COTTRIL

- HEPC is on standby for the legislature.
- Retirement teacher bill to hire retired teachers as higher education faculty.
- HEPC does not have any bills to present to Legislature this session.

### A. ACCE IN STATE CODE

- Barbara – code change proposal for ACCE?
- Robert – Rumor that West Liberty is pushing to change ACCE group by introducing a new bill affecting state codes. What will be HEPC/CTC position on it?
- Patricia Humphries – HEPC has been in survival mode for the past few years. Better to accomplish something without altering state code. Chapter 5 also states annual leave accrual rates
- Patricia Humphries - willing to work with ACCE to sponsor bill for classified staff to all staff. Other institutions moving to non-classified. Benefits from FSU one of the positive of moving to all staff, that the representation from employees group doubles the number expanded to give non-classified who had not had

representation before. All non-classified blows out classified pay schedule removes requirements, no grades assign, affects ability to report compensation comparative market report. No common identification of market. All institutions can just say employees are paid at market levels without providing evidence. Institutions do not know what the job description, job value and compensation of, for example, "Paygrade 5 Accountant." Institutions have no clear idea or definition of what this job as compared to a "Paygrade 4 Accountant." Transparency is out the window. Job titling is fractured, but job still needs identified. What does ACCE want?

- Amy – my opinion, no state code allowing institutions to change classified to non-classified status. BOGs should not be able to overwrite state code. Presidents see three exempt schools as power; they want that power of the three exempt schools. ACCE have no other choice of both non-classified and classified staff that has removed voice on previously classified staff.
- Patricia Humphries – Who is going to want to risk their jobs to file a grievance when employees are "will and pleasure" and can be terminated at any time, for any reason?
- Amy – if you call "due process" hearing on employee that is RIF'd (Reduction in Force) is not the same thing. Nothing holds institutions accountable.
- Robert – institutions should follow proper procedures to address issues. No campus transparency. Everybody has ideas that institutions should listen to, however, most fail to follow through on their own policies and procedures.
- Barbara – this is an election year for classified staff officers. The question is, "*Am I welcomed at ACCE as non-classified staff member?*" ACCE representative left out of bylaws/employee handbook because WVSOM did not know what to call it. Right now, we are putting it back into by-laws as electing a "staff representative" to ACCE.
- Robert – Institutions are unwilling to send representatives, which affects ACCE quorum. Picking off members one by one. External forces forcing ACCE's hand, but may be better to wait since ramifications unknown.
- Patricia Humphries - If you do not have classified employee, institutions can still send a representative to ACCE. It is not a requirement.
- Barbara – WVSOM did not want to lose staff representation on the BOG.

#### **B. REDUCTION IN FORCE (RIF) DISCUSSION**

- Bruce – recent article that all CTCs have been RIF'd in the past year. HEPC/CTC unaware of institutions that have RIF'd any employees.
- Patricia Humphries – non-exempts were physical plant, food services, etc. become contracted out, no longer employees of the institution.
- Amy – Institutions are currently in reactionary mode and may not want to bring this topic out for discussion.

#### **C. HB 2393**

- Patricia Humphries – I have not had a chance to read the bill affecting 80/20 health insurance coverage. Is it premium costs or coverage? Employees share based on salary tiers.
- Bruce – 20% of total healthcare costs.
- Patricia Humphries – concern what if WVU pulls out of PEIA would drastically affect premiums and coverage for the rest of higher education employees.
- Amy – WVU just has not found a clean way to pull out of PEIA....yet.

**D. SB 306**

Patricia Humphries – Washington State paid medical leave act to pay employee wages while on FMLA leave, not need for WV state employees, but may be good idea for small business owners or other low-wage employees. Maternity/Paternity Leave Acts is job protection along with FMLA, does not provide compensation. However, FMLA must be a medical necessity.

**E. DISCUSSION ON INSTITUTION DATA REPORTING**

- Amy – we want data that is useful to decision makers, but presidents have stripped away those reporting requirements. Can you make a list of necessary reporting as it relates to decision making that we can promote to legislators?
- Patricia Humphries – we can pull any reports from the data we currently collect from institutions. If we ask for additional data, institutions refuse to submit any more data to the HEPC/CTC. It would be helpful to see age data for retirement projections, retirement vs. voluntary resignation; however, the wvOASIS system does not have these category distinctions. Example: WVNet retirees in wvOASIS are voluntary resignation, not retirement status. Turnover rate, compensation to market would be valuable data for budget planning. If you listen to BRC, the HR report card conflicting recommendations to keep or not to keep. Employer reporting aspects in wvOASIS removed from HR. HR is no longer able to pull reports, to determine underutilization of females, minority, age distribution, retirement projections.
- Robert – The largest group for attrition is employees, ages 50 and over, for the past two years. What can we anticipate of people retiring in the next five years? This is the same issue back when we were in zero step. Higher education employees would leave for private sector because social security amount also based on last 5 years of work compensation before retirement.
- Amy – How can we verify people, truly, are paid correct market pay range? Institutions have no schedule or method to determine market range for any job position. The current system we do not know if employees are in the correct job title, correct job description. Example, WVSOM does not have a pay schedule since they are all non-classified employees.
- Patricia Humphries – institutions should address the market, qualifications and experience of employee. Compa-ratios calculated by your salary amount divided midpoint salary of the market. Market competition determines market pay levels. WV struggles with our history and culture. The midpoint is the market. Equitable pay should be around the median.
- Robert – should best practices that we bring everyone up to 50% level?
- Patricia Humphries – step 1 is to get people to minimum pay levels. Step 2 bring people to 50% level.
- Robert – we need the wage data from institutions. How long will it take to bring employees up to 50%?
- Carrie – how do you determine which employees to bring up to midpoint? If you have three employees, with varying years of experience, which employee do you advance to midpoint first? What if you have limited funding and can only fund one?
- Patricia Humphries – it does not matter of how many years of experience in bringing employees to midpoint. Should bring up the pay of the lowest paid employee.
- Barbara – reporting requirements. Nationally, department of education data statistics. What happens when a state like WV stops reporting important data?

- Amy – they still report, but no way to determine if “apples to apples, oranges to oranges” accurate data reporting.
- Amy – institutions do not want to track salary information because it will show higher wages going to administrators and faculty.
- Patricia Humphries - The information is out there, but difficult to find, can use WV checkbooks can state salary amount, but does not define salary breakdown. Data needs to be accurate, searchable (i.e. job codes), lack of transparency. We hope to obtain CUPA salary data, but CUPA wants HEPC/CTC pay for 19 institutions, *and* have each institutions to pay \$30,000 for the same salary report. CUPA wants paid 20 times for the same data for higher education wages and compensation survey. HEPC pays for CUPA and Mercer every year. If we can settle CUPA. MarketPay software product for wage comparisons.
- Amy – how do we convince legislators that doing away all data is bad?
- Patricia Humphries - trying to eliminate data fields of personnel files. Less and less red tape attractive to legislators, however, less data means wvOASIS isn't setup to produce reports on personnel data, only on budgets/expenditures
- Amy – Gov. Justice auxiliary positions, eliminate funding, total general revenue money, and special revenue funding – this does not come from state budget funds, generated from state lottery other sources.
- Patricia Humphries – special revenue funding is separate from the governor's budgets. If you have an active vacant position, so still budgeting is covering funds. They are assuming the money is actually there in the fund account. Marshall University, for example, has 114 vacant job position that are not filled, but has created 120 new positions. Some of these job duties & titles remain the same, while other positions have been revised by Marshall University with duties/responsibilities combined into new position titles. Although, the state legislature views the 114 vacancies as Marshall not spending available funds, because the 114 is still just a number “on the books.” Salary guidelines are just guidelines, if no money exist to fund pay raises, not worth it.

Chair Amy Pitzer thanked Matt Turner and Patricia Humphries for meeting with ACCE representatives.

## VI. LEGISLATIVE ACCE BROCHURE

- Jane will send brochure to Amy. ACCE will review/edit via the member LISTSERV.
- Amy – contact legislators for meetings/appointments for Feb. 12 ACCE meeting in Charleston. **Remember:**
  - **Feb. 12 last day to enter bills.**
  - **Feb. 24 last day for bills to come out of committee review.**

## VII. QUESTIONS FOR SURVEY OF EMPLOYEES

Develop survey questions for employees to provide feedback on ACCE mission and development of future plans for the group. Carol will ask Tim Melvin regarding Qualtrics and survey questions.

**VIII. CAMPUS CONCERNS****A. Progressive discipline process?**

Amy – all progressive discipline ensure due process. Federal and state law already requires due process. Institutions can terminate employee for whatever, non-discriminatory cause. Progressive discipline does not give you more rights as a non-classified. Institutions trying convince classified employees they are gaining more protections as non-classified staff.

**B. Appeal Process**

Updating job duties and responsibilities update has 45 days from announcing change in position. Point factor methodology is a best practice standard in determining job description, duties, responsibilities, KSAs, and compensation.

**C. Compensation Guidelines from the Policy Commission on HEPC website.** No career ladder. If internal applicant to senior level job, no pay adjustment = why would any internal applicant apply for senior level positions if no potential pay increase when increase in rank.**IX. UPCOMING MEETINGS**

**February 8, 2019** – WV Higher Education Policy Commission, Regional Technology Park,  
South Charleston

**February 12, 2019** – ACCE Meeting, hosted by West Virginia State University, Institute

**March 9, 2019** – Legislative Session Ends

**X. ADJOURN**

Motion to adjourn made by Dee Preston, seconded by Carrie Watters. Voting all in favor. Motion carried. Meeting adjourned at 4:25 pm.

Submitted by,  
Anita Davis, ACCE Secretary