



**PIERPONT COMMUNITY &
TECHNICAL COLLEGE**

HUMAN RESOURCES POLICY MANUAL

SEPTEMBER 2021

PIERPONT COMMUNITY & TECHNICAL COLLEGE
HUMAN RESOURCES POLICY MANUAL

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I. INTRODUCTION

A. ORGANIZATIONAL PHILOSOPHY

In the 21st century, the world is changing more rapidly than ever before. All of us at Pierpont: faculty, staff, and administration, are here to serve as our desire is to facilitate human potential. Our focus expands not only to students seeking job training and degree-seeking students who intend to transfer to a four-year university, but also to students who want self-enrichment, and professional development. On average, Pierpont serves about 2,000 students each semester, and we are well-positioned to meet industry expectations and demands of a skilled workforce in North Central West Virginia. With purpose and clarity, a collaborative learning culture, and a focus on results, the faculty, staff, and administration of Pierpont commit to our students' success.

B. MISSION AND VISION

The Mission of Pierpont Community & Technical College is: **To provide accessible, responsive, comprehensive education that works.**

Pierpont's Vision: **Empowering individuals to transform their lives through education.**

Pierpont is: **Education that Works!**

C. COLLEGE POLICIES, PROCEDURES, AND BENEFITS

Pierpont Community & Technical College's policies and procedures are continuously reviewed and updated as needed. College benefits plans are administered by the state of West Virginia are defined in their legal documents, such as insurance contracts, official plan documents and trust agreements. If questions arise about the nature and extent of plan benefits or if this Policies and Procedures Manual conflicts with the formal plan documents, the formal plan documents will govern. Plan documents are available for inspection online at wv.peia.org.

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II. GENERAL POLICIES

A. ETHICAL STANDARDS

The Board of Governors Policy #7 Ethics is incorporated into this Manual by reference.

B. AT-WILL EMPLOYMENT

Pierpont Community & Technical College is an ‘at-will employer’ for nonclassified staff, which means that the College or the employee can terminate the employment relationship with or without reason at any time, with or without notice.

C. EMPLOYMENT AUTHORIZATION

The Immigration Reform and Control Act of 1986, as amended, requires that employees be authorized for employment in the United States. Therefore, only individuals lawfully authorized for employment in the United States will be employed by Pierpont Community & Technical College. In connection with this Act, the College must collect certain information and review certain documentation concerning the employment authorization of individuals hired. (Form I-9). This information and documentation will be used only for legal compliance. If your United States employment authorization changes or terminates after your hire date, please inform your manager or the Human Resources Department immediately.

D. OPEN DOOR POLICY

Pierpont Community & Technical College encourages each employee to feel free to discuss ideas and concerns with his/her manager or any other member of the College’s management team, including the President. A candid discussion is generally the most effective path for implementing ideas and solving problems. Pierpont Community & Technical College’s open-door policy includes the following:

- Offering open door management whereby any employee has access to anyone in the College’s management.
- Promoting candor and trust in all business communications and relationships.
- Encouraging the discussion of any topic, concern, or issue with any management staff.
- Providing timely and clear explanations of policy and practices to avoid misunderstandings.
- Providing objective, sensitive and prompt actions to resolve issues or disputes, and ensuring that adequate and timely feedback is provided to the originator.

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Promptly attending to the resolution of formal grievances and resolving them in a way that preserves the necessary interests of the College and the employee while remaining consistent with Pierpont Community & Technical College's expressed values and ensuring that no retribution is taken against the initiator of a grievance

- Providing timely and clear explanations of policy and practices to avoid misunderstandings.
 - Providing objective, sensitive and prompt actions to resolve issues or disputes, and ensuring that adequate and timely feedback is provided to the originator.
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III. GENERAL INFORMATION

A. EMPLOYEES WITH DISABILITIES

Pierpont Community & Technical College is firmly committed to complying with the Americans with Disabilities Act (ADA) and other federal and state legislation designed to ensure equal employment opportunities to persons with disabilities. Pierpont Community & Technical College prohibits discrimination on the basis of disability in regard to all employment practices or terms, conditions and privileges of employment. Consistent with this policy and applicable law, Pierpont Community & Technical College will make reasonable accommodation for the known physical or mental limitations of qualified applicants or employees, unless doing so would cause an undue hardship on business operations. Employees who feel that their disability requires a reasonable accommodation should contact Human Resources and inform them of the request and suggest reasonable accommodation options.

Policy

Purpose

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 Pierpont Community & Technical College (“Pierpont”) 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 the College 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

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

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Pierpont 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 Pierpont. Contact human resources (HR) with any questions or requests for accommodation.

All employees are required to comply with the company's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.

Individuals who are currently using illegal drugs are excluded from coverage under the College ADA policy.

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.

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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 include:

- 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 College, 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.*

B. PROBATIONARY PERIOD

A three-month and six-month probation and evaluation period is provided for new classified employees. HR will initiate the online performance evaluations for the supervisor at the

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appropriate time. If an employee meets the standards of performance at the end of the six-month probationary period, he/she will be considered a regular classified employee.

If an employee does not meet the standards of performance that have been previously discussed with the supervisor, the probationary period may be extended an additional six months. The supervisor will make this six-month extension recommendation in the online provisional evaluation process. The supervisor must identify specific deficiencies and include a planned 13 Revised 8/2019 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. If the initial probationary period is extended, the supervisor will be responsible for completing an additional six-month evaluation. HR will initiate this evaluation for the supervisor at the appropriate time. At the discretion of the President, the probationary period may be extended to a maximum of twelve months.

During the initial or extended probationary period, employees are ineligible for the tuition waiver program.

A 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.

Non-classified employees are “will and pleasure” and the aspects of probation do not apply to the terms of their employment.

C. VOLUNTARY TERMINATION

Employees who intend to resign from their positions are expected to give their supervisors at least two weeks advanced written notice. In order for an employee to leave with a record in good standing with Pierpont Community & Technical College he/she must: (1) provide advance notice of his/her resignation, (2) return all College property such as keys, equipment, IDs, uniforms, documents, etc., and (3) settle any monetary or other obligations with the College. An employee is expected to work throughout the two-week notice, unless waived by the immediate supervisor. Employees who do not leave Pierpont Community & Technical College with a record in good standing may be ineligible for reemployment with the College.

D. AUTOMATIC TERMINATION

Absence from work for three consecutive workdays without proper notice, explanation, and/or authorization shall be deemed job abandonment and considered a resignation of the employee from the College.

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E. REDUCTION IN FORCE

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

The Board of Governors Policy# 59 Furloughs and Reductions in Force is incorporated into this Manual by reference.

F. POLITICAL CONTRIBUTIONS

Pierpont Community & Technical College respects and encourages employee participation in political activities, but not on behalf of, or as a representative of the College, or on College time. Any contributions must be made personally and not with Pierpont funds.

G. PROPRIETARY INFORMATION/CONFIDENTIALITY

Divulging confidential information is grounds for termination. In the course of work at Pierpont Community & Technical College, you may have access to proprietary data of a student or other employees. It is each employee's duty to protect such data from unauthorized copying, use or disclosure.

Data may be in various forms, such as documents; photographic films or prints; magnetic disks or tapes; computer printouts; or the data may be interpretive results derived from analysis, investigative or study effort. Regardless of the form of data, the employee shall ensure that all data, or derivatives thereof, are appropriately protected.

H. DRUG-FREE WORKPLACE

The Board of Governors Policy #39 Drug Free Workplace is incorporated into this Manual by reference.

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I. EMPLOYEE ASSISTANCE PROGRAM

Policy

Pierpont Community & Technical College will provide confidential and voluntary assistance through its employee assistance program (EAP) to all employees and their family members who may be faced with challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, child care problems, etc. For the welfare of employees as well as for effective business operations, Pierpont encourages its employees to take advantage of this valuable benefit.

Procedures

Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends by contacting:

EAP REACH

1.800.950.3434

Meetings with EAP counselors

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation.

There is no charge for employees or their families to use the services of the EAP. The EAP counselors will make every effort to coordinate referrals for ongoing treatment with the employee's health insurance coverage as well as with his or her ability to pay.

EAP visits during work hours

In most cases an EAP visit that is urgent or cannot be scheduled outside of work will be treated similar to other doctor's appointments. Refer to College paid time off and call-in procedures.

Referrals for employee performance or behavior issues

When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems impacting work performance, the supervisor should counsel the employee in consultation with human resources with an end toward resolving the situation. If the circumstances warrant, the employee may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where continued employment at Pierpont may be contingent on the employee's calling the EAP for assistance. EAP Referral Form is attached.

Voluntary participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following College policies and procedures or

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from meeting required standards for satisfactory job performance except where specific accommodations are required by law.

Confidentiality

All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent on calling the EAP, the EAP counselor will only verify whether the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment. Information given to the EAP counselor may be released to Pierpont only if requested by the employee in writing. All counselors are guided by a professional code of ethics.

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IV. HARASSMENT

The Board of Governors Policy#9 Sexual Harassment is incorporated into this Manual by reference and in addition to sexual harassment applies to all prohibited forms of discriminatory harassment under federal, state, and local laws including but not limited to race, color, creed, religion, sex, sexual preference, gender identity, age, marital status, political belief or affiliation, veteran status, and genetic information.

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V. EMPLOYMENT POLICIES

A. CONDITION OF EMPLOYMENT

College guidelines exist to protect the rights of all employees. At Pierpont each employee is held to a standard of appropriate job performance, reasonable behavior, steady attendance, and consideration of the best interest of the College and its customers, visitors and fellow employees

Employees are expected to be:

- On time and alert when scheduled to be at work.
- Careful and conscientious in performance of duties.
- Thoughtful and considerate of other people.
- Courteous and helpful when dealing with students and with other employees.

B. EQUAL EMPLOYMENT OPPORTUNITY

Pierpont Community & Technical College's Equal Employment Opportunity policy applies to all aspects of employment, including recruiting, hiring, training, transfer, promotion, job benefits, and educational assistance. The College takes affirmative action to provide equal employment opportunity for all employees and applicants for employment. Employees are hired, trained, promoted, and compensated on the basis of personal competence, performance, and their potential for advancement without regard for their gender, age, race, color, national origin, religion, citizenship, disability, or based on any other classification protected under federal, state or local law.

C. RECRUITMENT AND SELECTION POLICY

Pierpont Community & Technical College's goal in recruitment and selection is to hire and retain the most qualified individuals. Managers are encouraged to first consider applicants from within their department or others from within the College who express interest in the position and who meet the qualifications.

If the position remains unfilled after campus-wide recruitment, the Office of Human Resources assists departments by coordinating all aspects of the employment process to present hiring departments and/or hiring committees with qualified applicants from a variety of sources external to the College. The recruitment process, application review, reference and background checking, and the selection and hiring processes for all Staff positions are subject to pertinent Federal and State laws and regulations.

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Employment decisions are based on qualifications and are made without regard to race, color, national or ethnic origin, sex, gender, sexual preference, disability, veteran status, or age except where a specific characteristic is considered a “bona fide occupational qualification” for a specific position.

Applicants are required to read and agree with the Pierpont mission, vision, and values to continue the application process.

In addition, applicants must be eighteen (18) years of age; must meet the minimum educational/occupational requirements as outlined in the job description of the respective position(s) for which they apply; must successfully pass any job-related assessments for which they apply; must possess a current license or certificate or have a degree in a specific field if the same is considered a qualification for the position for which they apply; and must be eligible for employment under the Immigration and Naturalization laws of the United States.

Applicants shall be required to supply the names and addresses of references, such as former employers, educators, and business acquaintances, as requested by the College. An applicant's references will be checked. A criminal background check will be performed when required by law or regulation, and may be performed at the discretion of the College.

If the background, medical, or any other subsequent investigation discloses any misrepresentation on the application form or other information indicating that the individual is not suited for employment with the College, the applicant shall be refused employment, or if already employed, may be terminated.

During the recruitment, hiring, and selection process, no statement shall be made promising permanent or guaranteed employment; and no document should be called a contract unless, in fact, a written employment agreement is to be used.

No supervisor may extend an offer of employment without prior approval of the Human Resources department.

Recruitment Process

Job Posting Procedures:

- Once the necessary approvals are obtained, Human Resources will either prepare a job posting based on the information provided or review the recommended job posting as submitted by the hiring manager. In either event, Human Resources reserves the right to edit job postings to comply with College policies and procedures.

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Selection Process

Candidate Pre-screening:

Referrals to the department for a specific job interview are based on consultation with the hiring manager and on the results of the screening and interview processes. It is the objective of the Office of Human Resources to refer pre-screened candidates for a vacancy. Pre-employment assessment tests may be required of candidates to be interviewed. Human Resources will notify all applicants interviewed for a specific vacancy of the outcome of the selection process.

Pre-Interview Checklist:

- Familiarize yourself with the duties and requirements of the position you are filling.
- Make sure you can answer general questions about the College and the benefits provided.
- Formulate questions that will focus on job-related issues such as asking the candidates how they would deal with real life, job-related situations.
- Write down and organize the questions in the order you will be asking them.
- Review applicant's resume and/or application.
- Obtain an employment and community guide for exempt level, out of area candidates.
- **Interview Guidelines:**
 - Once the list of job-related questions is created, use it for all applicants for the same position. Some follow up questions may be asked of individual candidates based upon the answers given by the candidate.
 - Put the applicant at ease with introductory and welcoming remarks.
 - Ask open-ended questions which require behavioral descriptions rather than simply "yes" or "no" answers (i.e., have them describe a work situation in which they handled stress well rather than just asking if they can "handle stress well").
 - Listen; the candidate should do the majority of the talking.
 - Stay away from questions that have more to do with personal lifestyle than job experience. Phrase the question so that the answer will describe on-the-job qualities instead of personal qualities. If the question is not related to performance on the job, it should not be asked.

Department Hiring Process

Once You Have Selected A Candidate...

1. Reference Checks

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It is strongly recommended that reference checks and criminal background checks are conducted prior to extending an offer of employment. Human Resources has access to recruiting consultants are available to provide assistance to hiring managers in obtaining references.

Internal Candidate Reference Checks

- When considering a current College employee as a final candidate for a campus position, the hiring manager should advise the employee prior to contacting the candidate's supervisor to obtain information regarding the employee's work performance.
- Hiring managers are also encouraged to contact the Office of Human Resources for the purpose of obtaining information regarding the employee's performance record as contained in the personnel file. This information may be reviewed with a representative from the Office of Human Resources upon request.

2. Notify Human Resources of Hiring Decision

When a candidate has been selected, the hiring manager should notify Human Resources of the decision prior to making the offer of employment. This step will ensure that an Employment Application is on file and that all details such as salary, starting date, eligibility of benefits, and other pertinent issues are finalized prior to employment.

3. Initiate Pre-Employment Checks

Upon finalizing the employment offer, you may make the employment offer contingent upon the candidate successfully completing several pre-employment checks.

4. Send Job Offer Letter

After the candidate accepts the employment offer, the department sends an "Offer Letter" to the candidate. This letter should outline the details of the offer including salary, start date, and pre-employment drug/background testing requirements.

After the Candidate Has Been Approved for Hire...

1. Complete New Hire Paperwork

Before the candidate begins employment, the following forms must be completed and submitted to the Office of Human Resources, 200 Advanced Technology Center. **A candidate may not begin working until these forms have been completed.**

1. Employment Application
2. Personnel Action Form
3. Employment Eligibility Verification (Form I-9)
4. Federal Tax Withholding (W-4)

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5. State Tax Withholding
6. Direct Deposit Form

2. Notify Human Resources of necessary candidate notification emails.

All candidates interviewed but not selected for a specific opening should be notified of the outcome of the search by the department. Notification emails will routinely be provided by the Office of Human Resources, unless the hiring department chooses to notify non-selected candidates.

3. Orientation will be scheduled by HR following submission of PAF.

D. Employee Performance Evaluations

A written performance evaluation for each employee will be completed, at a minimum, annually. Also, an employee or manager may request that an evaluation be conducted to document his or her performance at the conclusion or termination of an employee's involvement in a major project or the transfer of an employee to a new manager.

In addition to the formal performance evaluation process, frequent informal feedback should be given to every employee. This feedback should be provided in terms of actual accomplishments, level of quality, cost and time efficiency, communication, teamwork and job knowledge.

The performance evaluation form is to be used to assist with performance, growth and communications, and must be signed by the employee and the evaluator before being forwarded to Pierpont Community & Technical College's Human Resources representative.

E. Promotions/Advancements

Advancements are defined as changes in position within a continuum of responsibilities. It represents an increase in the degree, not the kind, of responsibility.

Promotions are defined as changes in position that alter/increase the type and level of responsibilities. A promotion sometimes is an upgrade from one labor category to a higher one. Faculty promotions and advancements are delineated in the Faculty Handbook.

It is Pierpont Community & Technical College's policy to:

- Fill job openings by the promotion of Pierpont Community & Technical College's employees whenever it is in the mutual best interest of the employee and the College;
- Offer a promotional opportunity only to employees who meet the qualifications stated in the position description, and whose performance and accomplishments establish his/her potential as the best person for the job;

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- Acknowledge professional growth, and the increased contribution resulting from it, by advancing employees along their chosen career path; and
- Review the salary of the advanced or promoted employees and make appropriate adjustments immediately upon a change in status. There is no guarantee of a salary increase in conjunction with advancement or promotion.

F. FLEXIBLE WORK SCHEDULE

All full-time non-exempt employees must account for 37.5 hours worked in a week, unless approved for an alternate schedule. Pierpont Community & Technical College 'normal business hours' are from 8:00 a.m. to 4:00 p.m. All employees have one-half hour available for lunch.

In some circumstances, with prior approval of the supervisor, work performed by exempt employees at their homes may be permitted if it is chargeable time and presence in the office or work site is not required. Circumstances may include inclement weather, illness, or cases where a specific assignment necessitates work at home to meet program or task deadlines. Faculty schedules by their very nature already flex depending upon class load and schedules.

Pierpont Community & Technical College's flexible work schedule policy allows flexibility in the employee's work schedule if:

- All hours worked are properly recorded on the timesheet and all requirements of Pierpont Community & Technical College's timekeeping policy are met.
- All full-time employees are, by plan, present in the office between the hours of 8:00 a.m. to 4:00 p.m.
- All employees that work hours from home must be available by phone and e-mail contact by coworkers on site, and Pierpont Community & Technical College's customers and during work hours. [See *Telecommuting Policy*]

Employees not working normal business hours declare their planned work hours and obtain the supervisor's approval prior to changing their work schedule. An employee's presence may be required during the office hours and, therefore, this policy may not be applicable. All Pierpont Community & Technical College's employees should recognize that the need for collaboration with project teammates and/or with students might constrain the freedom of an employee to unilaterally choose work hours or telecommute. The needs of the project and the student come first.

G. TELECOMMUTING POLICY AND GUIDELINES

Policy Statement

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Pierpont Community & Technical College (PCTC) affirms its commitment to develop, maintain and support a comprehensive policy of equal opportunity in employment practices. To that end, Pierpont will actively support telecommuting and flexible work schedules at the sole discretion of the organization where it is reasonable and practical to do so and where operational needs will not be adversely affected. The duties and responsibilities of the classified or non-classified and instructional position must be suitable for a telecommuting arrangement. Telecommuting is a privilege and not an entitlement of any employee and may be terminated at any time.

Determinations of eligible positions and approvals/denials/rescissions/modifications of individual requests to telecommute will be made without regard to protected characteristics as specified in Commission Rule, *Title 133, Procedural Rule, Series 40 – Equal Opportunity and Affirmative Action*.

Definition of Telecommuting

Telecommuting is defined as working at home or at another off-site secure location where employees may maintain a consistent electronic link (via mobile phone, internet-based meeting and communications platform, computer, virtual private network, fax, etc.) to the employee's primary work location or principal place of employment. Telecommuting is a cooperative arrangement between Pierpont and an employee, based upon the needs of the position, work group, department, and agency. This policy does not apply to situations where a supervisor, or a division director with final approval by the President to occasionally allows an employee to work at home on a temporary, as-needed basis. A division director is defined as a Vice President/Chief Information Office.

Goals and Objectives

Pierpont is committed to equal opportunity for staff. To that end, Pierpont may create working arrangements, in accordance with managerial interests, whereby it can widen its recruitment pool of prospective candidates and retain the valuable skills of existing employees.

Eligibility

Employees will be selected to telework based on the suitability of their job responsibilities to the arrangement, an evaluation of the likelihood of their being successful teleworkers, and an evaluation of their supervisors' ability to manage remote workers. Each Vice President/Chief Information Officer will make his or her own selections about who will be eligible for telecommuting.

To be eligible for consideration for a telecommuting arrangement, an employee must have an up to-date job description on file in Human Resources and have no record of performance problems or disciplinary actions within the preceding two (2) years. In the case of a new hire, the division Vice President/Chief Information Officer or designee will conduct a thorough reference check with

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past employers to determine whether the new employee meets the requirements for the telecommuting arrangement. Annual reauthorization of any telecommuting arrangement is dependent upon a positive performance evaluation of the telecommuting employee by his or her supervisor. The President shall have final approval of all telecommuting arrangements, and he or she may rescind a telecommuting arrangement upon reasonable notice to the telecommuting employee and his or her supervisor.

Pierpont Community & Technical College is developing a training program. Once the training program is finalized, both the employee and his or her manager shall complete a training course designed to prepare them for the teleworking experience. All teleworkers must sign acknowledgment of receipt of the Telecommuting Work Standards/Performance set forth below.

Employee Qualities Appropriate for Telecommuting

An employee is considered a good candidate for telecommuting if his/her essential duties and responsibilities can be performed remotely and if s/he meets the following, non-exclusive criteria:

- a. Self-motivated, proven ability or potential to perform and be highly productive;
- b. In good standing (no disciplinary or corrective actions or warnings within the prior two years);
- c. Comprehensive job knowledge;
- d. Ability to establish clear objectives and work assignments;
- e. Ability to work independently and productively on their own;
- f. Flexible, dependable and trustworthy;
- g. Organized and accountable; and
- h. Have good written and verbal communication skills.

Determining Positions Appropriate for Telecommuting

Supervisors, in consultation with the Division of Human Resources, shall determine positions suitable for telecommuting by analyzing the duties and responsibilities and applying the following criteria:

- a. Positions requiring autonomy where work can be performed with equipment that can be kept securely at the alternate work site;

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- b. Clearly defined tasks and objectives;
- c. Work or projects requiring little face-to-face communication or service to the public;
- d. Work or projects requiring high level of concentration; or
- e. Work or projects where the supervisor and employee can establish measurable assignments, tasks, and activities.

Procedure

Employees wishing to telecommute must review the telecommuting policy and work standards, then seek and receive requisite approvals, beginning with the employee's Vice President/Chief Information Officer. The supervisor must review the duties and responsibilities and consult with the Division of Human Resources to ensure that the position is suitable for telecommuting. Prior to approval, the supervisor and employee shall jointly establish tasks, timelines, and due dates for work during the telecommuting period. The supervisor and the employee shall establish a regular schedule of meetings to ensure that the arrangement is working for both the employee and the agency. Additionally, if a hybrid or "fixed-day" telecommuting arrangement is requested or necessary, the supervisor shall establish a regular schedule for in-office and remote location telecommuting. Once approved, the Telecommuting Agreement shall be maintained by the Division of Human Resources.

Approvals

The employee's supervisor and division director must support the telecommuting arrangement and the President shall have final approval. If, at any time, the supervisor, division director or President determines that an employee's telecommuting arrangement is not working to the benefit of the division, or for the operational good of the college, the supervisor, division director or President may rescind an employee's telecommuting arrangement and require that employee to return to the main office to work.

Any change in the approved job assignment, remote work location or work schedule must be reviewed and approved by the dean/supervisor, division director, and/or President before implementation.

Where possible, supervisors will provide advance notice of rescission or changes to an employee's telecommuting agreement; however, advance notice is not required. **Telecommuting agreements may be rescinded at any time.**

Job Responsibilities

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Employee job responsibilities, performance standards, and daily work schedule will be mutually agreed upon by the supervisor and the employee in advance, but in no event shall an employee under a telecommuting arrangement devote less than his/her regularly scheduled working hours to work duties during the course of a workweek. To be clear, the amount of time a full-time employee is expected to work per day (7.5 hours) or per pay period (75 hours) will not change as a result of participation in the telecommuting program.

As with all employees of Pierpont, regardless of work location, work schedules must be in compliance with the Fair Labor Standards Act and West Virginia wage and hour law, and under no circumstances shall employees work or accrue overtime without pre-approval from their supervisors. The telecommuting employee shall continue to follow the Pierpont's standards of professionalism in terms of job responsibilities, work output, professional appearance and customer service. In the event that business conditions require the employee's presence at the central work location during the employee's regularly scheduled workday, the employee shall report to the central work location. The telecommuting employee shall be available for in-person staff meetings or other meetings deemed necessary by his or her supervisor, division director or the President.

Telecommuting employees must work a regular, defined schedule agreed upon with their supervisor and should treat their remote work location as an office setting. Telecommuting employees shall be available for interaction with fellow Pierpont staff and college constituents during the workday. Telecommuting employees shall adhere to the college guidelines for appropriate work attire when attending virtual meetings or interacting with the public.

Supervisor Contact

Once a telecommuting arrangement has been approved, the employee is responsible for maintaining regular contact with his/her supervisor, and the employee must be available by virtual meeting technology (Zoom, Microsoft Teams, Webex, etc.), telephone and email during core hours. Telecommuting employees will be provided necessary computer hardware, webcams and other equipment to be readily and regularly available for video teleconferences with their supervisors via this technology. The supervisor or designee shall be the employee's primary contact within the central work location. It is expected that the supervisor and the employee will work collaboratively, and the supervisor shall stay apprised of events or information obtained during the working day. The employee shall return calls and e-mail from his or her supervisor within the same business day or no later than 24 hours after receipt thereof. Although it is the responsibility of the telecommuting employee to maintain regular contact with his/her supervisor, it is the responsibility of the supervisor to ensure appropriate oversight of the employee's remotely performed work duties. The degree of appropriate oversight of a telecommuting employee shall be a consideration of the supervisor's performance evaluation.

Travel

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When working in an approved telecommuting arrangement, the employee is considered to have two primary work locations *for purposes of travel reimbursement*. In no event shall a telecommuting employee be permitted to claim mileage reimbursement for travel between the alternate work location and the central office. Business-related travel to remote locations that would otherwise be reimbursed from the point of the central office shall be reimbursed from the point of the central office or the alternate work location, whichever is closer to the remote location.

Workers' Compensation and Other Liability

As required by State statutes, Pierpont may have workers' compensation liability for the telecommuting employee's job-related injuries and illnesses while performing work functions during regularly scheduled work time in the designated work area of the home.

Pierpont assumes no liability for any activity, damage, or injury which is not directly associated with or resulting from the official job duties for which the college has no ability to exercise control or for injuries occurring in the employee's home workspace outside the agreed-upon work hours, unless the employee was working overtime that had been pre-approved by his or her supervisor.

Pierpont assumes no liability for the employee's personal property or for any loss, destruction, or injury that may occur in or to the employee's home or to the designated work area of the home, including any personal injury or property damage to any family members or invitees to the telecommuting employee's home, including the designated work area of the home.

Workspace and Office Supplies

The employee shall designate a workspace within the remote work location for placement and installation of Pierpont equipment to be used while teleworking.

- a. The designated workspace shall be maintained by the employee in a clean, professional, and safe condition, free from hazards and other dangers to the employee and his or her assigned equipment. The workspace must not contain materials, decorations, images, etc., that would be deemed inappropriate for a professional office setting, as these may be visible during video teleconferences and virtual meetings.
- b. Any Pierpont materials and equipment taken home by the telecommuting employee shall be kept in the designated work area and not made accessible to others. **Pierpont equipment and materials located at an alternative work location may not be used for personal activities or by other members of the teleworking employee's household for any purpose.**
- c. As liability may extend to accidents which could occur in the alternative work location, Pierpont retains the right to make on-site inspections of this work area, at a mutually agreed upon time, to ensure that safe work conditions exist.

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- d. The telecommuting employee shall not remove from the Pierpont's main office any Pierpont-owned furniture, such as desks, desk chairs, filing cabinets, bookcases, etc.

- e. The telecommuting employee may take his or her computer, monitors, mice, and related computer peripherals to the approved remote work location after his or her telecommuting arrangement has been approved in accordance with this policy and after the employee's supervisor has made an inventory of the equipment the employee is taking to the remote work location. The supervisor shall itemize the inventory on a property/equipment loan agreement form for approval. A copy of agreement form shall be sent to the Vice President of Administrative services for entry in OASIS and to Pierpont's Chief Information Technology Officer. The employee shall return any such equipment to Pierpont's main office upon request of his or her supervisor, division director or the President.

- f. Office supplies will be provided by the Pierpont as reasonably needed and as approved by the telecommuting employee's supervisor and division director. Pierpont will not reimburse the telecommuting employee for out-of-pocket expenses for office supplies or other materials unless such purchase was first approved in writing by the employee's supervisor and division director.

Computer Equipment and Software

- a. Any hardware or software purchased by Pierpont remains the property of Pierpont and shall be returned to the college should the alternative work arrangement be terminated or upon request by the employee's supervisor, division director or the President.

- b. Software owned by Pierpont may not be duplicated except as formally authorized by policy.

- c. Employees using Pierpont software must adhere to the manufacturer's licensing agreements.

- d. Pierpont equipment and software located at an alternative work location may not be used for the employee's personal activities or by other members of the teleworking employee's household for any purpose.

Compensation, Benefits, Leave and Taxes

An employee's compensation, benefits, employee status, and work responsibilities shall not change as a result of the telecommuting arrangement.

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Telecommuting is not intended to be used as a replacement for sick leave, family medical leave, workers compensation leave or any other type of leave. Teleworking is not a substitute for dependent care. During the telecommuting employee's regularly scheduled workday, he or she will not be available to provide dependent care, unless he or she first takes the appropriate leave.

It shall be the employee's responsibility to determine any income tax implications of maintaining a home office area. Pierpont will not provide tax guidance, nor will Pierpont assume any additional tax liabilities. Employees are encouraged to consult with a qualified tax professional to discuss income tax implications.

Confidential Information

Restricted access materials (such as payroll, personnel files, financial information, or any information deemed by Pierpont as confidential) may not be taken out of the office, copied, or compromised in any way. Employees working at alternate sites shall take all precautions necessary to secure sensitive information and prevent unauthorized access to agency records, documents, and information. Violation of this provision of this policy could result in disciplinary action, up to and including termination.

H. EMPLOYMENT SEPARATION

All employees who leave the College must participate in an Exit Interview, conducted by a Human Resources representative, and return all College property by their last day of employment.

Employees who leave the College are eligible for a temporary extension of health benefits at group rates as provided by COBRA. The College is responsible for paying a percentage of the previous employee's health, dental, and vision coverage, if applicable, under the COBRA requirements. The employee is responsible for the full cost of the extension of coverage, plus a two percent administrative fee. More information on COBRA benefits can be obtained from the Human Resources Department.

I. 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 Resources staff member. The employee shall not be entitled to inspect or copy any letter of reference or other similar record that he/she has previously waived the right to inspect when the information was solicited by or supplied to Pierpont Community & Technical College based on such waiver. The employee shall not be entitled to inspect or copy any other record exempt by WV Code 29B-1-4 unless there is clear and convincing evidence of a legitimate reason sufficient to overcome exception.

Pierpont Community & Technical College maintains up-to-date personnel files on all employees. It is important to provide the Human Resources Department with any changes in personal

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information as it is used for benefit administration, continued insurance notices under COBRA, notification in case of emergency, etc. Pierpont Community & Technical College respects each employee's right to have the information in their records treated confidentially. Changes to the following personal information should be made in writing and sent to the Human Resources department:

- Home address
- Telephone number
- Marital status
- Number of dependents
- Military status
- Professional status

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 Resources staff member. The employee shall not be entitled to inspect or copy any letter of reference or other similar record that he/she has previously waived the right to inspect when the information was solicited by or supplied to Pierpont Community & Technical College based on such waiver. The employee shall not be entitled to inspect or copy any other record exempt by WV Code 29B-1-4 unless there is clear and convincing evidence of a legitimate reason sufficient to overcome exception.

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 Pierpont Community & Technical College 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 state employees are a matter of public record.

J. RELEASE OF EMPLOYEE PERSONAL INFORMATION

Pierpont Community & Technical College will not provide salary information, performance-related or other confidential information about current or previous employees without the written authorization from the employee, or where required to do so under a federal, state, or local law, subpoena, or court order.

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K. EMPLOYMENT OF RELATIVES

The Board of Governors Policy#41 Institutional Employment and Family Relationships is incorporated into this Manual by reference.

L. OUTSIDE EMPLOYMENT

Pierpont Community & Technical College does not limit an employee's activity during non-working hours unless those activities interfere with or are in conflict with the performance of his/her job or create a conflict of interest.

M. GRIEVANCE PROCEDURE

The statutory grievance procedure is available to all state employees for resolution of most work-related concerns. Exceptions include pension or other retirement system issues, insurance issues, or matters not within the vested authority of the employer.

Grievances are filed with the President's office and must also be sent by the grievant to the Grievance Board in Charleston. Grievances must be filed within 15 days of the aggrieved incident. For additional information refer to W.Va. Code 6C-2-1 et seq., contact the office of Human Resources, or go to the Grievance Board's website [http:// pegboard.state.wv.us/](http://pegboard.state.wv.us/)

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. Grievance must be filed with the President's office and with the Grievance Board in Charleston.

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VI. PERSONAL CONDUCT POLICY

The orderly and efficient operation of Pierpont Community & Technical College requires that employees maintain proper standards of personal conduct. All Pierpont Community & Technical College's employees should have the self-discipline to follow these common sense rules.

While every situation cannot be anticipated, the following acts of misconduct are specifically impermissible, and may result in disciplinary action, up to and including immediate discharge. In all instances, Management will determine the appropriate discipline to be imposed. Any reference to College property will include the job sites in which employees are assigned to work.

Discipline is administered in progressive steps, including one or more of the following:

- counseling session
- written warning
- suspension without pay, and
- discharge

The severity of any disciplinary action is determined by the nature of the offense and the past record of the employee. Serious offenses may require more severe action initially; the most serious offenses mandate immediate suspension pending similar nature to previous actions to warrant progressive discipline. Human Resources is available to consult with supervisors regarding disciplinary actions of any kind, but supervisors are *required* to consult and review the discipline with their supervisor and with Human Resources prior to taking any action involving suspension or discharge.

The following examples of progressive discipline under this policy are general in nature and are not all-inclusive or binding. These examples should guide consistent application of this policy.

First step – Counseling

Examples:

- Absenteeism in early stages
- Inadvertent failure to properly report time or absence.
- Failure to reach or maintain performance standards.
- Unauthorized or extended break.
- Somewhat inappropriate dress or behavior.
- Excessive personal telephone calls or excessive personal use of business equipment.

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- Excessive tardiness, failure to report to your supervisor, or absence from work without proper permission or notification.

A Counseling session is a meeting between the supervisor and the employee to discuss any difficulty the employee is having meeting standards of behavior, performance, or attendance. The private meeting should concentrate on identifying problems and formulating solutions and follow-up action. The supervisor should note the date, time, content and discussion and action taken for his own file.

Written Warning

Used for the first incident of a more serious problem, or where prior verbal counseling efforts were unsuccessful.

Examples:

- Smoking in a prohibited, but not hazardous area.
- Violation of less serious safety or sanitation rules.
- Work negligence or lack of cooperation.
- Continued absenteeism, lateness.
- Continued failure to reach or maintain performance standards.
- Lack of courtesy to students, visitors, or co-workers.

The Disciplinary Report must include the specifics of the incident, including dates, times, etc. and the specific reason for which the employee is cited. It may also refer to prior discipline and indicate what action may result from further violation. The supervisor should present the report to the employee, let him review it, comment on it, and sign it. The employee should receive a copy.

Suspension

1) Used to address continuing problems as described above where previous action has been ineffective or used for the first incident of an even more serious problem.

Examples:

- "Horseplay"

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- Vile language or indecent conduct
- Work negligence or carelessness
- Gambling on premises

The duration of a suspension may vary depending on the relative seriousness of the incident and the employee's prior record. The suspension days off should commence as soon after the incident as possible, but the needs and convenience of the College may be considered.

Discharge/Suspension Pending Investigation

Discharge is the most serious form of discipline. It may be used immediately for more serious violations, or as a last resort when all prior progressive disciplinary steps have failed. In order to provide the time necessary to assess the appropriateness of discharge, suspension pending investigation may be used.

Examples:

Without limiting Pierpont Community & Technical College's right to discharge an employee at any time, with or without cause, and depending upon the circumstances, the following incidents are usually considered "dischargeable offenses", subject to immediate termination (This list is by way of example only and is not intended to be all-inclusive):

- Supplying false or misleading information when applying for employment, or at any time during your employment.
- Refusal or failure to perform assigned work, to follow a supervisor's instructions, or any act of insubordination.
- Altering, destroying, willfully misplacing, discarding or falsifying Pierpont Community & Technical College's records.
- Failure to maintain the confidentiality of Pierpont Community & Technical College's or student's information, including, but not limited to, documents, reports, records, files, correspondence and communications.
- Theft or unlawful possession of stolen, lost, or mislaid property of Pierpont Community & Technical College or its employees. Destruction or defacing of Pierpont Community & Technical College's or fellow employee's property. Theft or unauthorized removal of machinery, tools, equipment, records, or other College property. Theft or unauthorized removal of student's, visitor's or other employee's property.
- The possession of weapons, firearms, ammunition or explosives on College property.
- Engaging in any unethical conduct.

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- Committing or aiding and/or abetting in any illegal, immoral or indecent conduct, or soliciting persons for these purposes.
 - Possession, use, distribution or being under the influence of illegal drugs or other intoxicants at any time while conducting Pierpont Community & Technical College business or while on Pierpont Community & Technical College property.
 - Reporting unfit for work
 - Deliberately, or through gross negligence, causing injury to another person. Engaging in physical violence against another person or yourself.
 - Charged with and convicted of a crime which would diminish trust in the employee's future performance. A plea of nolo contendere or other plea arrangement will be considered the same as a conviction for these purposes.
 - Soliciting or receiving cash, gifts, special accommodations, favors or other gratuities related to employment.
 - Harassment of a serious nature, or a continued pattern of harassment of other employees, customers, or visitors.
 - Excessive tardiness, failure to report to your supervisor, or absence from work without proper permission or notification.
 - Uttering, publishing, or distributing false, vicious, or malicious statements concerning Pierpont Community & Technical College or any of its employees. Engaging in activity that puts Pierpont in a negative light.
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VII. COMPENSATION POLICIES

A. EMPLOYMENT CLASSIFICATION

All employees are classified as either exempt or non-exempt as defined under the Fair Labor Standards Act.

Exempt Personnel—Exempt employees are compensated for accomplishing their job responsibilities that may not be directly measurable in hours. These responsibilities may require working beyond the regular workday or workweek for which no additional compensation will be authorized.

Non-Exempt Personnel—The positions classified as non-exempt are compensated based on the hours worked and, therefore, time worked in excess of 40 hours per week must be compensated as overtime.

B. PAY PERIOD

Employees are paid on a bi-weekly basis. Employees will receive their pay on Fridays, unless the payday falls on a holiday, in which case, employees will be paid on the last working day prior to the holiday.

C. DIRECT DEPOSIT

All new employees are encouraged to complete paperwork to have their pay direct deposited into the financial accounts of their choice. Employees may have their pay deposited in up to a total of two checking and/or savings accounts.

D. PAYROLL DEDUCTIONS

Your earnings and payroll deductions are shown on the pay stub, which is available to employees online. Examples of deductions, required or requested, are as shown in the following table:

Required by Federal And State Law	Authorized by Employee
Federal Income Tax	Health Insurance—pretax
Medicare Insurance	Dental Insurance—pretax
Social Security Tax	Flex Med and Dependent Care Accts—pretax
State Income Tax	401A/IRA/ Deferred Comp Retirement Plan—pretax

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Required by Federal And State Law	Authorized by Employee
Garnishments	Short-term/ Long-term Disability Insurance
Any other deduction required by law or court order.	Voluntary Life Insurance
	Voluntary AD&D Insurance
	Other Voluntary Benefits

Questions about your pay should be directed to Payroll, your manager/supervisor or the Human Resources Department.

E. OVERTIME PAY-NONEXEMPT EMPLOYEES

All non-exempt employees are eligible for overtime pay for all hours worked in excess of 40 hours per week. To be compensated for overtime, non-exempt employees must be scheduled to work and have both prior authorization and subsequent approval by their supervisor. Non-exempt personnel will be compensated at the rate of time-and-a-half their regular rate for all hours worked beyond 40 hours in any work week. Pierpont Community & Technical College’s work week begins at 12:01 a.m. on Saturday.

F. EMPLOYEE SALARIES

The Board of Governors Policy #25 Salary Policy is incorporated into this Manual by reference.

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VIII. LEAVE COVERAGE POLICIES

A. ANNUAL LEAVE

Employee Accrual

All full-time employees in classified, non-classified, and 12-month faculty positions shall be eligible for annual leave with pay on the following basis:

Less than 5 years' service (classified) 1.25 days accrual per month

5 but less than 10 years' service (classified) 1.50 days accrual per month

10 but less than 15 years' service (classified) 1.75 days accrual per month

15 or more years' service (classified) 2.00 days accrual per month

Non-Classified and 12-month faculty 2.00 days accrual per month

NOTE: Full-time regular employees working between 1,040 hours and 1,950 hours over at least nine (9) months of a twelve (12) month period shall accumulate annual leave on a prorated basis. *Full-time faculty on nine, ten, or eleven-month appointments do not accrue annual leave.*

Annual leave shall not be granted to casual (225 hr) or part-time (1,039 hr) employees.

Accumulation Limits

Accumulated annual leave for continuing employees may not exceed twice the amount earned in any twelve (12) month period. An employee is entitled to compensation for accumulated leave at termination of service, but in no case may this exceed twice the amount earned in any twelve (12) month period.

Calculation Based Upon 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 (9) months or more shall be credited for one year of service for annual accrual rate determination.

Illness During Annual Leave

Illness which occurs during scheduled annual leave is counted as annual leave.

Scheduling and Use of Annual Leave

Annual leave must be approved in advance by the supervisor. Annual leave shall be arranged to fit operating schedules; however, consideration shall be given to an employee's request.

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Seniority may not be considered by the supervisor when arranging vacation schedules. An employee may not take leave before it is earned.

Transfer of Annual Leave

Up to fifteen (15) days of accumulated annual leave may be transferred from other agencies of the West Virginia State Government to institutions of Higher Education. Certification of the employee's annual leave balance, which existed at the state agency, must accompany the request for transfer and bear the signature of an officer of that agency.

Unused Annual Leave Credits

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

Lump Sum Payments Option for Unused Leave

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

Leave Request/Timesheet Documentation

Hourly employees must submit leave requests as-well-as reflecting on their time sheets that they have used sick or annual leave that day.

B. FAMILY AND MEDICAL LEAVE POLICY

ELIGIBILITY FOR FAMILY AND MEDICAL LEAVE

Employees who have been employed by the College for at least 12 months (or 52 weeks) and who have worked at least 1,250 hours during the preceding 12 months may take up to 12 weeks of unpaid leave during any 12-month period, measured from a rolling one-year period backwards from the first date of leave, for the following reasons:

- Birth or adoption of a child or placement of a child with the team member for foster care (provided that leave for this reason may be taken only during the first 12 months following the birth, adoption or placement of the child);
- In order to care for team member's spouse, child or parent who has a serious health condition; or
- A serious health condition which renders the team member unable to perform the functions of his/her position.

Any leave taken pursuant to this policy shall count toward the team member's 12-week total.

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LEAVE FOR BIRTH, ADOPTION, OR PLACEMENT OF A CHILD

Where leave is requested for the birth, adoption or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless the College and the employee jointly agree.

LEAVE FOR SERIOUS HEALTH CONDITION

Where leave is requested due to a serious health condition of the employee, spouse, child or parent, the leave may be taken intermittently or on a reduced-hours basis only if such an arrangement is medically necessary. If intermittent or reduced-hours leave is required, the College may, in its sole discretion, temporarily transfer the employee to another position with equivalent pay and benefits if that position will better accommodate such leave. Requests for leave due to a serious health condition must be supported by a certification from the health care provider, and the College reserves the right to require a second medical opinion at the College's expense. If the first and second opinions differ, the College may, at its own expense, require a third opinion from a health care provider jointly approved by the College and the team member, and this third opinion shall be binding.

For purposes of family or medical leave, a "serious health condition" means an illness, injury, impairment, or other physical or mental condition that involves:

- a period of incapacity or treatment related to in-patient care in a hospital or other medical care facility and any subsequent treatment;
- a period of incapacity that involves continuing treatment by a health care provider, which involves a period of incapacity of more than three consecutive calendar days accompanied by subsequent treatment by a health care provider;
- any period of incapacity due to pregnancy or for prenatal care;
- any period of incapacity or treatment for a chronic serious health condition, which requires periodic visits for treatment by a health care provider due to episodic rather than continuing incapacity (e.g., asthma, diabetes, epilepsy, etc.);
- a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's Disease, severe stroke, or terminal stages of a disease);
- any period of absence to receive multiple treatments by a health care provider which, without that treatment, would result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

A serious health condition generally does not include routine physical examinations, eye examinations, dental examinations, common colds or flu, cosmetic surgery, earaches, upset stomach, minor ulcers, and routine headaches.

BENEFITS DURING LEAVE

During family or medical leave, the employee will continue to accrue employment benefits such as PTO. For purposes of retirement plan vesting or eligibility, any period of family or medical leave will be treated as uninterrupted service.

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During family or medical leave, the College will continue to pay its portion of the health insurance premiums for a covered employee, and the employee must continue to pay his/her share of the premium. **If the employee does not return to work after the expiration of leave, he or she will be required to reimburse the College for any health insurance premiums paid by the College during leave.**

Employees covered by voluntary benefits (i.e., optional life or other insurance programs) must also continue to pay their premiums for this coverage during family or medical leave or any other approved leave to avoid a loss or lapse in coverage.

The HR Representative or their designee will advise each employee who takes family or medical leave or any other type of approved leave of the exact amount of their portion of benefit premiums/costs for which they are enrolled and responsible for paying and when payments must be made.

Payment for an employee's portion of benefit premiums/costs while off work, such as, but not limited to, voluntary benefits (i.e., AFLAC), health, dental, vision, and any other benefits premiums must be paid and received timely. Failure to pay or reimburse Pierpont for benefit costs or premiums the College pays on an employee's behalf may result in loss of coverage. Loss of coverage would make the employee eligible for COBRA as may be applicable.

Employees who exceed 12 weeks of FMLA and have paid their portion of benefit premiums/costs while off work would also qualify and have the ability to transition to COBRA for appropriate and eligible benefit coverage.

Payments/Reimbursements for benefit costs/premiums should be sent to:

Pierpont Community & Technical College
c/o Benefits Coordinator
500 Galliher Drive,
Fairmont WV 26554

USE OF VACATION AND SICK DAYS DURING LEAVE

Employees are required to use their paid time off, including sick time and annual leave, during any period of family or medical leave, as well as any other extended leave that may be made available to them by the College (with the exception of leave required under an approved Worker's Compensation claim). NOTE: When paid time off days are used during a family or medical leave, they will be paid according to the College's policies regarding such benefits.

REQUESTS FOR LEAVE AND CONCURRENT USE

Requests for family or medical leave must be submitted in writing at least 30 days before the leave is to commence, or as soon as possible if 30 days' notice is not practicable under the circumstances. Request forms are available from your immediate supervisor or the HR Representative or their designee.

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Requests for family or medical leave due to a serious health condition must be supported by a certification from the health care provider. Certification forms are also available from your immediate supervisor or the HR Representative or their designee.

As appropriate, FMLA will run concurrently with other leave entitlements provided under federal, state and local law (i.e., workers' compensation, disability, etc.).

CONTACT DURING LEAVE

Employees on family or medical leave may be required contact the College as often as every two weeks (on or before the regular payday) regarding their current status and intent to return to work. This contact may be by telephone to their immediate supervisor.

In addition, employees must promptly notify their immediate supervisor if: (1) they no longer intend to return to work at the expiration of leave, (2) they wish to return to work at the expiration of leave but may be unable to do so, (3) the circumstances described in the original certification have changed significantly, or (4) they desire an extension of leave (but not to exceed a total of 12 weeks). Such notification must be given in writing to the College's Human Resource Office.

RETURN FROM LEAVE

An employee who returns to work from a family or medical leave on or before the first business day following the expiration of the leave is entitled to return to his/her position or a position equivalent in pay and status, unless the team member's employment would otherwise have been terminated regardless of the team member's family or medical leave. However, where the family or medical leave was due to the team member's own serious health condition, the returning team member must provide written certification from the health care provider that the team member is able to resume the duties of his/her position.

LIMITATIONS ON LEAVE

Family or medical leave is granted solely for the purposes set forth in this policy. Use of family or medical leave for other purposes is strictly prohibited.

SERVICE MEMBER FAMILY AND MEDICAL LEAVE ABSENCE

As of January 28, 2008, the federal Family and Medical Leave Act (FMLA) now entitles eligible team members to take leave for a covered family member's service in the Armed Forces ("Service member FMLA"). This policy supplements the FMLA policy and provided general notice of team member rights to such leave. Except as mentioned below, a team member's rights and obligations to Service member FMLA leave are governed by our existing FMLA policy.

EMPLOYEE ENTITLEMENT TO SERVICE MEMBER FMLA

Service member FMLA provides eligible team members unpaid leave for anyone, or for a combination of, the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or
- to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or

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- illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

DURATION OF SERVICE MEMBER FMLA

- When leave is due to a "Qualifying Exigency": An eligible team member may take up to 12 workweeks of leave during any 12-month period.
- When leave is to care for an injured or ill service member. An eligible team member may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.
- Service member FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

C. SICK LEAVE

All full-time employees in classified, non-classified, and 12-month faculty positions accumulate sick leave at the rate of 1.5 days per month of active employment. An employee out sick for more than three (3) consecutive days is required to provide satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. The original should be sent to the immediate supervisor and a copy should be attached to the Request for Leave form sent to Payroll/HR

Accumulation of Sick Leave

Sick leave is accumulated without limit. 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. An employee may use sick leave if ill or injured or when in need of medical attention. An employee may use sick leave for a member of the immediate family who is ill, injured, or in need of medical attention. Immediate family is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchildren, or others considered to be member of the household and living under the same roof.

Sick Leave for more than Three (3) Consecutive Days

Requires satisfactory proof of illness or injury, as evidenced by a statement of the attending physician or by other proof satisfactory to the institution. An employee having an extended illness or serious injury shall, before returning to duty, obtain satisfactory medical clearance to help ensure adequate protection and shall indicate the employee's ability to perform her/ his duties. Such medical clearance shall be in writing.

Transfer of Sick Leave

Accumulated sick leave may be transferred to Pierpont Community & Technical College for employees coming to Pierpont Community & Technical College from other agencies of West Virginia State Government. Certification of the employee's sick leave balance which existed at the state agency must

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accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one year from the last day of employment with the other state agency.

Reinstatement of Sick Leave Upon 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 Pierpont Community & Technical College may be eligible to apply unused sick leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan, just as they can apply unused annual leave for this purpose. This option is not available to employees hired after July 1, 2001.

Medical Leave Verification

Medical leave verification/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 current and appropriately licensed. The document must provide information regarding the individual's medical condition, diagnosis, prognosis, functional limitations, including duration and treatment plan, if any. Based upon the medical assessment, employability and/or accommodation determinations will be made by Pierpont Community & Technical College.

Medical leave verification/assessment Is required

- To validate a sick leave absence of more than three (3) consecutive days under the terms of the sick leave policy;
- To return to work following a sick leave absence of more than five (5) consecutive days, or a medical leave of absence;
- If requested of the employee by the supervisor following a sick leave absence, regardless of duration, as a condition of returning to work;
- To apply for and sustain catastrophic leave eligibility;
- To apply for and sustain a medical leave of absence; and/or
- To assure continued access to benefit coverage while on medical leave of absence.

It is the employee's responsibility to pursue and obtain the necessary medical assessment from the treating health care provider, and present the completed evaluation to the College in a timely manner. Provision of incomplete, unacceptable, or untimely medical information may result in:

- Prohibition to charge time absent from work to accrued sick leave;

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- 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 Pierpont Community & Technical College.

For additional information, contact the office of Human Resources (304) 367-4692.

D. EMERGENCY LEAVE

Emergency leave of up to five (5) days within any fiscal year, with pay, may be granted by the President of Pierpont Community & Technical College or designee 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.

E. 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 father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchildren, aunt, uncle, niece, nephew or others considered to be members of the household and living under the same roof. "Reasonable" amount of time is determined at the discretion of the supervisor, and is based upon geographic distance, workload and similar factors.

F. CATASTROPHIC LEAVE

A classified, non-classified, or 12-month faculty employee experiencing a catastrophic illness or injury as defined by the West Virginia Code and Pierpont Community & Technical College policy may request approval to receive paid leave time donated by other employees. Within established limits, employees may voluntarily donate accumulated sick or annual leave directly to an approved recipient. For information, contact the office of Human Resources. Upon approval of catastrophic leave, an employee's status will immediately be changed to hourly and arrears payment will be in effect upon returning to work.

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G. MEDICAL LEAVE OF ABSENCE WITHOUT PAY

An employee requesting a medical leave of absence without pay must provide the Benefits office satisfactory medical evidence, such as a statement from the attending physician that he/she is unable to work. If the evidence is satisfactory, the medical leave of absence may be authorized without pay only for the period of disability specified by the attending physician. The employee is expected to report to work on the first workday following expiration of the disability period. Failure to do so, except for satisfactory reasons submitted in advance, is reason for termination of employment by the institution. An employee, prior to return to duty, needs to obtain satisfactory written medical clearance to help ensure adequate protection and the medical clearance also needs to indicate the employee's ability to perform his/her duties. A medical leave of absence without pay may be granted for no more than 12 months (the FMLA 12-week leave will be included in a medical leave without pay). An employee must exhaust all sick leave but may choose to maintain accumulated annual leave. If both sick and annual leave are exhausted, the employee will be changed to hourly upon return to work until 10 days of sick and 10 days of annual leave have accrued. In addition, the employee will need to submit a request that he/she be returned to salaried to the office of Human Resources. An employee must pay the employee portion of health insurance and other benefits (disability, life insurances, etc.) during the leave of absence. Also, an employee enrolled in the short-term disability plan sponsored by the institution must contact the Benefits office for claim forms.

H. WITNESS AND JURY LEAVE

Upon application in writing, an employee of Pierpont Community & Technical College may be granted leave as indicated hereinafter in this section provided the employee is not a party to the action. Annual leave will not be charged under the provisions of this section.

When, in obedience to a subpoena or direction by proper authority, an employee appears as a witness for the Federal Government, the State of West Virginia, or a political subdivision thereof, the employee shall be entitled to leave with pay for such duty and for such period of required absence.

When attendance in a court is in connection with an employee's usual official duties, time required in going and returning shall not be considered as absence from duty.

When an employee serves upon a jury or is subpoenaed in litigation, the employee shall be entitled to leave with pay for such duty and for such period of required absence.

The employee shall report to work if he/she is excused by the court before the end of his/her regular workday. Provisions for employees who work a shift other than day shift shall be made according to institutional policy.

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I. PERSONAL LEAVE OF ABSENCE WITHOUT PAY

An employee must provide a written request to the Benefits office. Upon written approval, the employee may be granted a continuous leave of absence without pay for a period of time not to exceed 12 consecutive months provided all accrued annual leave has been exhausted. The President or the President's designee, at his/her discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay. The institution shall continue group health insurance coverage provided the employee pays the employer the full premium cost (employee and employer share).

J. MILITARY LEAVE

An employee who is a member of the National Guard or any reserve component of the armed forces of the United States shall be entitled to and shall 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 ordered or authorized under provisions of state law in any one (1) calendar year. The term "without loss of pay" shall mean that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that such employee may receive other compensation from federal sources during the same period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increases, and experience with the institution. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave.

Benefits of this section shall accrue to individuals ordered or called to active duty by the President of the United States for 30 working days after they report for active service.

K. PARENTAL LEAVE

A full-time employee who has worked at least 12 consecutive weeks for the state may request up to 12 weeks unpaid parental leave. The request may be due to birth or adoption by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent or dependent that has a serious health condition. The employee must provide his/her supervisor 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 the Benefits office with certification by the treating physician and/or documentation regarding dependent status. All annual leave must be exhausted before the parental leave begins. No more than a total of 12 weeks of parental leave may be taken in any 12 consecutive month period. The institution shall continue group health insurance coverage provided that the employee pays the full premium cost (both the employer and employee share) of the health insurance.

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L. 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 supervisor.

N. HOLIDAYS

The Board of Governors Policy #4 Holidays is incorporated into this Manual by reference.