West Virginia School of Osteopathic Medicine

Employee Handbook

Effective as of September 2, 2022

Updated January 24, 2023

A Message from the President

Congratulations on your employment with the West Virginia School of Osteopathic Medicine (WVSOM). I would like to welcome you as a new employee and wish you a successful and enjoyable career. Each employee is important to the success of this institution, our mission, and students. At WVSOM, our mission statement guides every member of the WVSOM community to produce the best osteopathic physicians in the world.

You are joining a committed group of individuals who are passionate about fulfilling WVSOM's strategic goals and mission every day. Everyone at WVSOM strives to support our students on their way to professional lives of holistic care and compassion.

I look forward to the meaningful contributions that you will make at WVSOM as we continue our tradition of osteopathic excellence. On behalf of the entire community, welcome to WVSOM!

James Nemitz, Ph.D.
President

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Introduction

The West Virginia School of Osteopathic Medicine ("WVSOM") Employee Handbook ("Employee Handbook") is an information resource about WVSOM as well as the rights, privileges and responsibilities of a WVSOM employee. WVSOM strives to provide employees all the necessary tools, training, and assistance to meet their job responsibilities.

WVSOM is committed to fostering an educational environment that values the development of human potential, cultural and ethnic diversity, and understanding. WVSOM will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, ethnicity, color, religion, sex (including pregnancy), gender, gender identity, sexual orientation, national origin, age, marital status, veteran or military status, disability, genetic information, or other category that is protected under federal, state, or local anti-discrimination laws. WVSOM neither knowingly affiliates with nor grants recognition to any individual, group, or organization having such discriminatory policies or practices. This rule extends to all WVSOM activities related to the management of its educational, employment, financial, business, personnel management practices, and other affairs.

WVSOM will continue to provide equal opportunity measures to promote the entry of qualified minorities, women, veterans, and persons with disabilities as defined by law as faculty, staff, and students. In education, equal opportunity on a merit basis is fundamental to equality in all other forms of human behavior; therefore, commitment to this goal is required of every WVSOM employee.

All employees have a significant role in achieving WVSOM's mission, vision, and strategic plan as well as maintaining and conveying the high standards and core values inherent in the WVSOM community. The Employee Handbook is the officially sanctioned reference of employee policies and definitions. It is the responsibility of every employee to be familiar and compliant with the guidelines contained within the Employee Handbook. Violation of these guidelines may result in disciplinary action against an employee.

It is essential to note that the Employee Handbook does not create any rights or benefits for any employee and it is not a contract. Changes in material are inevitable as policies, regulations, and statutes are modified and new ones enacted. The latest version of the Employee Handbook supersedes all previous WVSOM Employee Handbooks and it may be superseded by policies and or rules developed by the WVSOM Board of Governors (BOG), the state of West Virginia, or federal regulations or laws. If there is a real or perceived conflict between the Employee Handbook and any higher authority, the higher authority takes precedence. In addition, WVSOM Institutional Policy PE-01: Employees takes precedence over the provisions in the Employee Handbook.

WVSOM reserves the right to make changes to the Employee Handbook at any time. The Employee Handbook will be updated as changes are made. It is maintained by the Office of Human Resources as defined within in the Employee Handbook. The Employee Handbook, as well as all WVSOM institutional policies and procedures, is posted on the WVSOM policy website (https://www.wvsom.edu/policies) and is also available in, or by request from, the Office of Human Resources. Questions, comments, or corrections to this document are welcomed, and should be directed to the Office of Human Resources 304-647-6264 or hr@osteo.wvsom.edu.

SECTION 1 – GOVERNANCE AND OPERATIONS

1.1 WVSOM Mission Statement

The mission of the West Virginia School of Osteopathic Medicine is to educate students from diverse backgrounds as lifelong learners in osteopathic medicine and complementary health related programs; to support and develop graduate medical education training; to advance scientific knowledge through academic, clinical, and basic science research; and to promote patient-centered, evidence based medicine. WVSOM is dedicated to serve, first and foremost, the state of West Virginia and the health care needs of its residents, emphasizing primary care in rural areas.

- WVSOM Institutional Policy GA-02: Institutional Mission Statement

1.2 WVSOM Institutional Strategic Plan

The WVSOM Institutional Strategic Plan is focused on WVSOM's mission and addresses the following five areas: Educational Excellence, Research, Community Outreach, Infrastructure and Reputation. The Institutional Strategic Plan affirms that education is the primary focus of the institution with the other areas supporting the educational mission. Research is also an area of focus of the Institutional Strategic Plan to enhance the educational and service goals of the institution. Finally, service to West Virginia and its citizens to address the health care needs of the state is a major focus of the Institutional Strategic Plan.

- WVSOM Strategic Plan

1.3 Governance

WVSOM is governed by the WVSOM Board of Governors (WVSOM BOG) and has limited oversight by the West Virginia Higher Education Policy Commission (WVHEPC). Administration of WVSOM is managed by the President, who is assisted in this task by the Senior Leadership Team.

1.3.1 WVSOM Board of Governors (WVSOM BOG)

The WVSOM BOG determines, controls, supervises, and manages the financial, business, and education policies and affairs of WVSOM. This includes, but is not limited to, the development of a master plan; approval of a WVSOM budget; review of academic programs; utilization of faculty, students, and staff in WVSOM planning; as well as the hiring, appointment, and evaluation of the WVSOM President. The WVSOM BOG consists of one elected representative from the WVSOM faculty, staff, and students, as well as nine voluntary lay members who are appointed by the Governor of the state of West Virginia. The WVSOM BOG meets six times per year, and the meetings are open to the public.

- WVSOM Board of Governors (BOG)

1.3.2 West Virginia Higher Education Policy Commission (WVHEPC)

WVHEPC consists of a ten-member board and works with West Virginia higher education institutions on accomplishing their mission and carrying out state procedures. A source of support for institutions and students, WVHEPC's work includes academic affairs, administrative services, finance and facilities, financial aid, health sciences, human resources, legal services, policy and planning, science and research, and student affairs.

- West Virginia Higher Education Policy Commission (WVHEPC)

1.3.3 WVSOM President

The President, who serves as the Chief Executive Officer of WVSOM ("President"), is appointed by the WVSOM BOG. The President reports to the WVSOM BOG and is responsible for the establishment and implementation of all WVSOM policies and goals as well as the acquisition of sufficient resources to achieve WVSOM's mission and goals. Additionally, the WVSOM BOG has delegated the responsibility of oversight and administration of personnel matters to the President. The President, per WVSOM Institutional Policy PE-01: Employees, has delegated the administration of day-to-day personnel management to the Vice Presidents within their respective department. This includes hiring, promotion, demotion, transfer, compensation and benefits administration, alternative dispute resolution, and termination of employment, as well as decisions concerning time and leave for eligible employees, in consultation with the Office of Human Resources. Decisions regarding faculty promotions and tenure are outlined within WVSOM Institutional Policy PE-02: Faculty. The President seeks input from students, faculty, and staff across WVSOM as the President governs the institution's daily operations.

- WVSOM Institutional Policy GA-01: Governance and Administration
- WVSOM Institutional Policy PE-01: Employees
- WVSOM Institutional Policy PE-02: Faculty
- WVSOM Senior Leadership

1.3.4 WVSOM Vice Presidents

WVSOM Vice Presidents report to and serve at the will and pleasure and under direction of the President. A job description will be regularly updated for each Vice President position. The job description serves as a formal account of an employee's responsibilities and is a broad and general written statement for a specific job and generally includes a summary of the position's general duties and responsibilities, as well as other information that should assist the employee in understanding the function of the position. It is not an exhaustive list of the functions performed by the position.

- The Vice President of Finance & Facilities advises the President on all fiscal, budgetary, and facilities matters for the institution as well as conducts financial planning and forecasting to assist the President in making both short-term and long-term decisions. This position oversees the preparation of the institutional budget and is responsible for the accounting, payroll, fiscal reporting, and budgetary controls of the institution along with Information Technology, Financial Aid, Risk Management, Procurement, and Security.

- The Vice President for Academic Affairs and Dean is the Chief Academic Officer of WVSOM, overseeing the institution's educational programs in accordance with the mission of the institution. This position is administratively responsible for the conduct and quality of the

osteopathic medical education program. The Vice President/Dean has the responsibility and authority to develop, organize, direct, and coordinate the entire academic program including the development and management of the academic budget having the responsibility and authority for the fiscal management of the academic program. The Vice President/Dean must be an osteopathic physician.

- The Vice President for Administration and External Relations is responsible for institutional accreditation, affiliated research and sponsored programs, external relations, government relations, media services, strategic planning, space allocation, special projects and events, and assists with legislative issues.

- The Vice President of Integrated Marketing and Chief Communications Officer is responsible for overall communications, research-based messaging, marketing, and branding activity for WVSOM. The Vice President serves as WVSOM's chief marketing and communications officer representing and promoting WVSOM, increasing its visibility and supporting the institution's mission, vision, and goals. The Vice President leads the development and implementation of WVSOM's brand vision, strategy, and public relations campaigns to attract the best students, motivate alumni and donors, and recruit high quality faculty and staff. The Vice President oversees the areas of Communications, Editorial and Design Services, and Visual Media. The Vice President provides strategic direction and coordinates marketing and communications for all academic and administrative units and serves as the spokesperson for WVSOM as directed by the President.

- The Vice President for Community Engagement & Development works at the intersection of higher education, community workforce development, community engagement, and partnerships to guide the creation, implementation, and evaluation of integrated strategies that generate improvements for students, individual citizens, families, and communities. This position develops concepts for grant development, pursues grants, and private and corporate funding for health initiatives. The Vice President oversees the WVSOM Center for Rural & Community Health, the WVSOM Grant Writer, Policy Director, and Director of Brand Development. In addition, this position works with external partners on statewide initiatives that improve the health of West Virginians.

- The Vice President of Human Resources serves as the Chief Human Resources Officer of WVSOM and is responsible for the leadership and administration of a comprehensive human resource strategy in support of the overall business plan and strategic direction of the institution, specifically in the areas of succession planning and recruitment, talent management, change management, organizational and performance management, employee training and development, classification, and compensation. This position provides strategic leadership by articulating human resource needs and plans to the executive management team, shareholders, and to the Board of Governors. The Vice President of Human Resources also serves as the Equal Opportunity and ADA Coordinator.

- The Vice President for Legal & Governmental Affairs and General Counsel provides legal counsel, preventative legal guidance, and advice and services in all matters pertaining to the practice of law on behalf of the institution. The General Counsel performs the following activities in carrying out the responsibilities of this position: performs legal research, drafts legal documents, provides legal advice, monitors and assists outside attorneys hired to represent WVSOM in litigation or to provide special expertise on complex legal matters,

develops administrative regulations and policies, provides legal analysis of policies, state and federal statutes, and other issues affecting WVSOM, participates in preparation of grant proposals, drafts and negotiates contracts with external organizations, entities, and agencies, and may represent WVSOM or its officials in legal and other proceedings. In consultation with the WVSOM Board of Governors, President, and other key stakeholders, the Vice President for Legal & Governmental Affairs and General Counsel will also develop and implement WVSOM's government relations, legislative affairs, and policy agenda.

1.3.5 Organizational Chart

An administrative organizational chart for WVSOM is maintained online. The chart illustrates WVSOM's departmental structure and the interrelationships of departments within the school. Supervisory and advisory responsibilities are identified and employees are encouraged to review this information.

- WVSOM Organizational Chart

1.3.6 Rules, Policies, and Procedures

The operation of WVSOM is mandated by a number of statutory and/or policy sources. These include, but are not limited to, federal and state laws, and WVSOM Institutional Policies and Procedures.

- WVSOM Institutional Policies, and Procedures
- WVSOM Statement on Academic Professional Ethics

1.3.7 WVSOM Boards, Committees, and Councils

WVSOM employees are encouraged to be active participants in the life of the WVSOM Community.

- WVSOM Institutional Policy GA-10 outlines WVSOM standing boards, committees, and councils.
  - **Advisory Boards, Committees, and Councils**
    The actions of advisory committees are subject to approval by the administrative officer to whom the committee reports. Therefore, the administrative officer assumes responsibility for the effect of such committee actions by acting upon them.
  - **Administrative Boards, Committees, and Councils**
    Administrative Committees or Boards (for example, the Institutional Review Board or Institutional Animal Care and Use Committee) are established in response to extramural requirements and function according to the procedures established by such external agencies. An administrative committee may serve in an advisory capacity to an administrator or administrative unit; however, in order to comply with extramural policies the actions of the administrative committees may supersede the authority of any administrative officer or unit as long as those actions fall within the defined authority of the committee.
    - WVSOM Institutional Policy GA 10: Standing Boards, Committees or Councils
- In addition to WVSOM advisory and administrative boards, committees, and councils, there are constituency groups who represent WVSOM Faculty and Staff.

- **WVSOM Staff Council**
  The WVSOM Staff Council advises the President on matters concerning the staff. The WVSOM Staff Council meets at least quarterly with the President and monthly withthe staff.

  - WVSOM Staff Council Bylaws

- **WVSOM Faculty Council**
  The WVSOM Faculty Council advises the Vice President for Academic Affairs and Dean and President in matters concerning the WVSOM Faculty. The composition, role, and authority of the WVSOM Faculty Council are described in the WVSOM Faculty Handbook.

  - WVSOM Faculty Handbook

SECTION 2 – TYPES OF EMPLOYMENT POSITIONS

WVSOM depends on the quality and talent of its employees to fulfill its mission. Employees of WVSOM are public employees of the state of West Virginia. In addition to WVSOM policies all employees are governed by state and federal laws. WVSOM endeavors to create a highly qualified, skilled, and diverse workforce. Recruitment and retention of the best and brightest faculty and staff are critical to serving and supporting the needs of our students and thus play an instrumental role in the cultural and economic health of WVSOM and the communities we serve. At each stage of the employment process the opportunity exists to select individuals who will provide effective leadership and management of WVSOM's resources.

WVSOM employs individuals in a variety of positions to meet institutional needs. This section defines the different types of employment as well as corresponding benefits.

2.1 Staff

Per West Virginia Code § 18B-9B-1 et seq., a nonclassified employee is a non-faculty regular employee of WVSOM who is in a position considered by the President or the appropriate Vice President to be critical to the institution pursuant to policies or decisions adopted by WVSOM's Board of Governors. WVSOM considers all positions to be critical to the institution; therefore, all staff positions are nonclassified.

2.1.1 Full-Time Regular Employee

Full-time regular is a designation that is used to determine benefits and payroll eligibility. A full-time regular employee is defined as any employee in a position expected to work no less than 1,040 hours during the fiscal year. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Such an employee is eligible for all applicable benefits, subject to the qualifying conditions of each benefit, and these benefits shall be prorated in relation to a 1.00 FTE.

2.1.2 Part-Time Regular Employee

Part-time regular is a designation that is used to determine benefits and payroll eligibility. A part-time regular employee is defined as any employee in a position created to last less than 1,040 hours during a consecutive twelve-month period, and are in a regular position that is less than.53FTE. Part-time regular employees have an agreement with WVSOM for ongoing assignments. An employee in a part-time regular position is not eligible for benefits.

- West Virginia Code § 18B-9B-1

2.2 Faculty

Faculty are those individuals who are appointed to tenure or non-tenure track positions and usually hold the title of Professor, Associate Professor, Assistant Professor, or Instructor. Additional information about the rights and responsibilities assigned to faculty members can be found in the WVSOM Faculty Handbook and WVSOM Institutional Policy PE-02: Faculty. Any faculty employed on a contract basis is governed by the terms of the individual contract. Additionally, all faculty positions are exempt from overtime.

- WVSOM Faculty Handbook
- WVSOM Institutional Policy PE-02: Faculty

2.3 Additional Types of Positions

2.3.1 Temporary Employee

A temporary employee is defined as any employee (faculty or staff) hired into a position expected to work less than 1,040 hours within a fiscal year. A temporary employee serves at the will and pleasure of the WVSOM President or the appropriate Vice President, which means their employment can be terminated at any time with or without cause, for any reason or no reason at all. A temporary employee is not eligible for benefits.

2.3.2 Student Worker

A WVSOM student worker serves at the will and pleasure of the WVSOM President or the appropriate Vice President, which means their employment can be terminated at any time with or without cause, for any reason or no reason at all. An individual who terminates or loses status as a WVSOM student also is deemed terminated as a student employee at the same time. A WVSOM student worker is not eligible for benefits.

2.3.3 Graduate Teaching Assistants

The purpose of the Graduate Teaching Assistant (GTA) program is to enhance educational opportunities and training for WVSOM students in a selected discipline. GTAs have a number of assigned duties in their discipline, including assisting in the planning and presentation of the discipline; tutoring students in that discipline; and other duties as assigned by the GTA Program Director. In addition, the GTA may be requested to support educational needs of programs within WVSOM that cross disciplines. A GTA is not eligible for fringe benefits.

- WVSOM Institutional Policy E-31: Graduate Teaching Assistant (GTA)

2.4 Exempt and Non-Exempt Employees

In accordance with the Fair Labor Standards Act (FLSA), employee positions are either exempt or non-exempt based on the weekly pay of the position and the duties and responsibilities performed within the position. Federal law establishes a minimum salary of $684 per week for a position to be classified as exempt, along with a review (i.e. duties test) of the responsibilities of the position.

2.4.1 Exempt Employee Positions

Staff engaged in supervisory, executive, managerial, professional jobs, and all faculty members are generally considered exempt and are not compensated for overtime. In most instances, exempt employees will be required to work additional time without receiving overtime compensation. These employees' schedules may vary from the standard work period. Exempt employees verify their time through an electronic time management system.

2.4.2 Non-Exempt Employee Positions

Staff generally considered non-exempt include clerical/secretarial, skilled crafts, service/ maintenance, and technical/paraprofessional; however, some staff positions within these categories can be classified as either exempt or non-exempt based on the duties and responsibilities of the position. The standard work week for non-exempt employees is 37.5 hours. Non-exempt employees are paid their regular hourly rate up to 37.5 hours in a standard work week and are eligible for overtime.

West Virginia Code refers to overtime as any time worked after 40 hours to be paid as time and one half of the employee's hourly rate. WVSOM has a 37.5 hour work week; therefore, overtime

for non-exempt employees would be for any hours worked exceeding 37.5 hours. Under West Virginia Code, the non-exempt employee must be paid overtime as straight time for the first 2.5 hours worked up to 40 hours. For any time worked exceeding 40 hours, the employee must be paid at time and one half of the employee's hourly rate for the remaining hours. Compensatory Time ("Comp Time") accrues at the same rate as overtime and can be earned in lieu of overtime at the request of the employee. All overtime and Comp Time must be pre-approved by the President or the appropriate Vice President. Non-exempt employees are required to complete time sheets.

Overtime pay for non-exempt employees is calculated at the rate of one and one-half times the regular hourly rate for weekly hours worked over 40 hours. Employees can calculate their overtime rate by multiplying 1.5 by their total base salary which includes any incremental pay and dividing by 1,950 hours. The payroll office is also able to provide overtime rate to staff upon request.

- US Department of Labor, Wages and the Federal Labor Standards Act Information
- West Virginia Code §5-5-2: Granting incremental salary increases based on years of service
- West Virginia Code §21-5C-3. Maximum hours; overtime compensation

SECTION 3 – HIRING PRACTICES

3.1 Equal Opportunity Employment Practices

Recruitment for all positions at WVSOM, other than that of the President, is the responsibility of and coordinated by the Office of Human Resources. Individuals serving on Search Committees provide recommendations for employment to the Office of Human Resources in writing for forwarding to the appropriate Vice President with assurances of compliance with institutional, state, and federal hiring mandates.

WVSOM, in compliance with state and federal law, is committed to recruiting, employing, compensating, and promoting the best-qualified candidate for each employment position. WVSOM does not discriminate against any employee or applicant for employment on the basis of race, ethnicity, color, religion, sex (including pregnancy), gender, gender identity, sexual orientation, national origin, age, marital status, veteran or military status, disability, genetic information, or other category that is protected under federal, state, or local anti-discrimination laws.

With regard to disability, WVSOM is committed to providing reasonable accommodations to members of the WVSOM workforce to enable them to participate as fully as possible in all aspects of the school's work, learning, programs, and other activities. An employee may request assistance or reasonable accommodation by contacting the WVSOM Equal Opportunity and ADA Coordinator, who is the Vice President of Human Resources. The school will strive to provide reasonable accommodation in the workplace for all qualified employees with disabilities.

- WVSOM Equal Opportunity Employer Statement and Position Postings

3.2 Vacancies

A list of all WVSOM vacancies shall be maintained by the Office of Human Resources. The vacancies posted are advertised internally and externally in the appropriate markets. Faculty and staff minimum salaries are determined by the Office of Human Resources using appropriate market data. Faculty promotion and tenure policies are addressed in WVSOM Institutional Policy PE-02: Faculty as well as the WVSOM Faculty Handbook.

- WVSOM Employment Opportunities Website
- WVSOM Institutional Policy PE-02: Faculty
- WVSOM Faculty Handbook

3.3 Nepotism

Employees should neither initiate nor participate in decisions involving a direct benefit to members of their immediate family. Such decisions include, but are not limited to initial appointment, retention, direct supervision, promotion, salary, reasonable accommodation, and leave requests. 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, grandchild, stepmother, stepfather, stepchildren, or others considered to be members of the employee's household and living under the same roof.

3.4 Equal Pay

WVSOM is governed by the Equal Pay Act of 1963, as amended, in making all job classification and compensation decisions. The purpose of the Act is to ensure that both females and males performing substantially similar work receive equal pay when their jobs require equal skill, effort, and responsibility as defined in the law. The Equal Pay Act permits institutions to pay differentials based on individual qualifications, bona fide merit, longevity, or other reasons not based on a person's gender.

3.5 Employment Verification

Employment verification requests received by WVSOM are typically handled by the Office of Human Resources, in conjunction with the WVSOM Payroll Office. Responses to verification requests may include release of an employee's name, employment dates, and job titles. Additional information, including salary data may be released with an employee's written authorization or as required by state or federal law.

3.6 Employee Promotions and Transfers

WVSOM employment opportunities are posted on the WVSOM website. Employees who would like to explore alternate positions within WVSOM should apply as outlined on WVSOM's Human Resources webpage. The process for faculty promotion and tenure is outlined in WVSOM Institutional Policy PE-02: Faculty and within the WVSOM Faculty Handbook. All tenure, transfer, and promotion actions are made in compliance with Equal Employment Opportunity guidelines.

For staff, a promotion is typically defined as moving from a current position to a vacant or newly created position that has been assigned different job duties, different title, and results in an appropriate salary adjustment. A promotion indicates that this new position for the current employee requires a greater degree of skill, effort, and responsibility than that of the employee's current job.

Staff transfers are generally defined as movement from one position or job title to another position or job title requiring the same degree of skill, effort, and authority. Both positions are of the same complexity in duties and responsibilities or similarly situated. This action does not involve a change in pay, or benefits. However, if an individual transitions to a position in a different department, the employee will begin a new annual leave seniority record which will be used by the departmental supervisor in scheduling vacations only (if applicable).

When accepting a promotion or transfer at WVSOM, employees should give a minimum of two weeks' notice to the employee's current supervisor. Supervisory and administrative positions who transfer or are promoted should provide a minimum of four weeks' notice to the employee's current supervisor.

A shorter, or longer, notice period for promotion or transfer may be approved for any type of position if authorized by the current supervisor or the Vice President of Human Resources. The Office of Human Resources will work with all involved departments to ensure a smooth transition.

- WVSOM Institutional Policy PE-02: Faculty
- WVSOM Faculty Handbook

3.7 Interim Supplemental Responsibilities

Compensation for interim supplemental responsibilities: defined as additional compensation through an interim upgrade or promotion due to a significant change in duties and responsibilities of an employee on a temporary basis. Such a temporary reassignment shall normally be for no less than four consecutive weeks and no more than twelve consecutive months and shall only occur when the responsibilities being undertaken by the employee are those of another position that is vacant because of the incumbent's illness or resignation or because of temporary sufficient change in the duties and responsibilities of a filled position. If the temporary reassignment of responsibilities meets the test for a temporary upgrade or promotion, the affected employee's base salary shall be adjusted upwards consistent with an upgrade or promotion under this rule. At the end of the temporary reassignment, the affected employee's base salary shall return to its original level including any salary increase which the employee would have received during the temporary reassignment.

3.8 Job Change Adjustments

Should an employee's position change significantly, the employee, supervisor, or Vice President may request a review of the position. As outlined in WVSOM Institutional Policy PE-01: Employees, upon written request, the Office of Human Resources shall review an employee's individual job description to determine whether the individual's job description, as modified to fit current duties, amounts to a fundamental change compared to the employee's previous individual job description, to determine whether the employee should be assigned to a new job title and corresponding pay.

If the Office of Human Resources determines that a significant change in duties and responsibilities has occurred such that there is a fundamental change in the position, then the Office of Human Resources may assign the employee position a new job title. A fundamental change is a change in the relative worth of the position in achieving WVSOM's objectives and is assessed by considering a number of factors, including but not limited to the duties and responsibilities, essential requirements, qualifications, experience, and skills required to perform the position. It is not sufficient that there be a mere change in the volume of work.

In determining whether a fundamental change has occurred, the Office of Human Resources shall consider the following:

1. the current job description of the incumbent in relation to the work actually being or proposed to be performed;
2. changes that have occurred to the position, considering the duties, responsibilities, essential requirements, and organizational hierarchy of the role;
3. comparable positions to ensure equity and consistency in measurement of work value within the department and across WVSOM;
4. the ongoing nature of the changes to the duties, responsibilities, and essential requirements; and
5. other factors deemed appropriate by the Office of Human Resources.

The following factors do not justify a job change adjustment:

1. the incumbent employee's performance in the position;
2. the length of service or time in the position;
3. the education beyond the minimum required education of the job title, including but not limited to obtaining additional degrees in a field not related to the employee's current job duties;

4. the knowledge, skills, and abilities of the incumbent employee that are not directly relevant to the position under review;
5. any differences in job change adjustments in other departments;
6. any temporary duties (not including interim assignments) performed in addition to the incumbent employee's regular position description duties or a one-time project (such circumstances may warrant a supplemental pay adjustment); or
7. efforts to undertake a job change adjustment to retain an incumbent employee (such circumstances may warrant a critical retention adjustment).

This section does not alter the requirements for faculty promotion and tenure as set forth in WVSOM Institutional Policy PE-02: Faculty and the WVSOM Faculty Handbook.

If the Office of Human Resources determines that a fundamental change has occurred, then the Office of Human Resources shall recommend the most appropriate job title consistent with the employee's new duties and responsibilities, if applicable, as well as the salary review to the appropriate Vice President for approval. Should the Vice President approve the recommendation, the Office of Human Resources will review with the Vice President for Finance and Facilities for funding and the President for final approval.

The effective date of a job change adjustment and any accompanying salary adjustment will follow the date of approval. Changes must occur on the first day of a future pay period. Given that employees of the state of West Virginia are paid two-weeks in arrears, changes to an employee's salary will not be realized until four weeks following the change date. This is typically outlined in the employee's official position adjustment notification letter.

Compensation and classification events are grievable. All employees have the right to grieve compensation and classification decisions to the West Virginia Public Employees Grievance Board.

- West Virginia Public Employee's Grievance Board
- WVSOM Institutional Policy PE-01: Employees
- WVSOM Institutional Policy PE-02: Faculty
- WVSOM Faculty Handbook

3.9 Staff Downgrade and Demotion

Staff are considered will and pleasure ("at will") employees and as such are free to terminate their employment at any time, with or without cause. Concerning required notice of resignation or retirement, see Section 10.22 below. Likewise, WVSOM has the right to terminate "at will" employees, or otherwise transfer, demote, or temporarily or permanently lay them off at any time, with or without cause, for any reason or no reason at all.

3.9.1 Staff Downgrade

A downgrade is a reassignment of the employee's current position resulting in a significant reduction in the existing position's duties and responsibilities or the result of an evaluation of the position. The base salary of the employee will be decreased to an appropriate salary given the duties and responsibilities of the position.

3.9.2 Staff Demotion

A demotion is the movement from a position requiring a certain level of skill effort and responsibility to a vacant or newly created position assigned to a different job title requiring a significantly lesser degree of skill, effort and responsibility. The base salary may be adjusted accordingly.

3.10 Employee Reduction in Force

WVSOM seeks to provide a positive and stable work environment. However, conditions may arise that necessitate the elimination of positions, otherwise known as a Reduction in Force (RIF). Reasons to implement a RIF include, but are not limited to, budget reductions, loss of funding, reorganization, material changes to the duties or responsibilities of a position, program change/elimination, or an emergency that curtails operations. WVSOM Institutional Policy PE-01: Employees, Section 11, outlines the RIF process.

- WVSOM Institutional Policy PE-01: Employees

3.11 Questions

Any questions concerning employment practices should be directed to the Office of Human Resources.

SECTION 4 – INTRODUCTION TO A NEW POSITION

4.1 Becoming Adjusted to a New Position

Beginning a new job requires a period of adjustment for the new employee, the supervisor(s), and the co-workers. This section of the handbook provides suggestions about how to successfully adjust in a timely manner. This is a time to learn about the requirements of the new position and how each person contributes to the duties of the department. Faculty should refer to the WVSOM Faculty Handbook for additional guidelines on adjusting to a new faculty position. Open communication between all parties is essential for a successful beginning. Should conflicts or problems arise during this period, employees are encouraged to speak with their supervisor, mentor, and/or Human Resources

4.2 Job Description

A job description is a broad and general written statement for a specific job and generally includes a summary of the position's general duties and responsibilities, as well as other information that should assist the employee in understanding the function of the position. It is not an exhaustive or all-inclusive list of the functions performed by the position and can be modified at any time.

A written job description shall exist for every position. The job description should be reviewed by the Office of Human Resources any time a significant change in the position occurs as well as prior to posting a vacancy. Job descriptions are maintained by the Office of Human Resources and are accessible to all employees.

It is the employee's responsibility to review and be familiar with the job description for their position.

4.3 Employees and Supervisors

The supervisor has the responsibility of assigning the specific duties based on the written job description to the employee, defining how they are to be accomplished and specifying timelines for completion of individual tasks. The supervisor will regularly assess an employee's performance and assist in any areas indicating a need for modification or improvement.

In order to fulfill the requirements of their position, WVSOM expects all employees to conduct themselves in a professional manner, to dress appropriately for their position and job duties, and to interact with students, faculty, co-workers, other administrators, and the general public both inside and outside the institution in an appropriate and respectful manner. It should be the goal of all employees to provide effective, timely, and courteous service.

The supervisor is the first point of contact should the employee have any questions, suggestions, concerns, or problems. The supervisor, Human Resources representatives, and/or a member of the management team will address concerns that may arise with the employee's ability to successfully fulfill the requirements of the position.

4.4 Mentoring Program

In addition to a supervisor, a new employee may also be provided the services of a mentor. This individual is typically an experienced, successful employee from within the department or elsewhere within WVSOM

and is selected to assist the new employee in becoming adjusted to the new position and to WVSOM. The mentor's function is not to supervise or evaluate, but to provide information and resources which enable the new employee's transition to be easier and more effective.

4.5 Employee Evaluation Period

At the end of the initial six months of employment at WVSOM, each staff member hired by WVSOM shall receive a written evaluation based on the performance standards or goals established by the supervisor for the position. The supervisor shall meet with the staff employee and explain the contents of the evaluation. As outlined in WVSOM Institutional Policy PE-01: Employees, employee evaluations are conducted on an annual basis thereafter.

Employees shall receive a written annual performance review based on the performance standards or annual goals established by the supervisor for the position, during the time period determined by the department, and approved by the Vice President of Human Resources. Supervisors should also provide regular, informal feedback throughout the year. Before a performance evaluation is completed, a supervisor shall solicit feedback from the employee's prior WVSOM supervisor if the employee has changed supervisors within the current performance evaluation period.

Faculty evaluations are outlined in the WVSOM Faculty Handbook and are also conducted on an annual basis.

- WVSOM Institutional Policy PE-01: Employees
- WVSOM Faculty Handbook

4.6 Mandatory Employee Trainings

All employees participate in annual trainings as determined by WVSOM. Topics may include Family Educational Rights and Privacy (FERPA), Title IX, Technology Usage and Security Practices, Privacy Awareness and Confidentiality of Institutional Data, Performance Evaluations, Discrimination, etc. Successful completion of these mandatory trainings is a condition of ongoing employment. The Office of Human Resources is responsible for coordinating and tracking employee training.

4.7 Medical Monitoring

During the employee's orientation, the new employee alongside the supervisor will complete a Medical Monitoring Questionnaire to determine whether the employee will be monitored due to the duties of their position. Through a review process in conjunction with West Virginia University's (WVU) Occupational Medicine Department, some positions at WVSOM require the incumbent to participate in the Medical Monitoring Program at no cost to the employee. This Program provides a standardized process to anticipate, recognize, evaluate, and control workplace exposures to occupational hazards such as chemical, biological, and physical agents. WVU's Occupational Medicine Department manages all WVSOM employee data related to the Medical Monitoring Program. The ultimate goal is to ensure the health and safety of all WVSOM employees by assisting with the following:

- An employee's potential exposures to occupational hazards;
- the effectiveness of exposure control devices and/or measures;
- processes and/or tasks that could result in workplace exposures to occupational hazards;

- the impact of employee exposure resulting from changes in procedures, processes, equipment or materials; and
- compliance with established occupational exposure limits.

Employees may opt out of this Program by written request to the Office of Human Resources.

Information regarding Health, Safety and Wellness Procedures, including WVSOM's Medical Monitoring Program, can be found on the Wellness Committee's website.

- WVSOM Wellness: Health, Safety, and Wellness Procedures Website

SECTION 5 – EMPLOYEE COMPENSATION

5.1 General Compensation Provisions

All WVSOM employees within faculty and staff positions are paid according to market based on the duties and responsibilities of the position.

There is no guarantee that any employee will receive salary increases (i.e. on an annual basis, merit, market adjustment, etc.). Base salary increases may be granted when money is available and approved by the WVSOM Board of Governors or when allocated by the West Virginia Legislature.

Employees are paid bi-weekly on Friday. When the payday falls on a state recognized holiday, the payday is the preceding Thursday. All employees are paid in arrears (e.g. one pay cycle behind the actual work period).

Employees are paid via direct deposit into an employee's designated checking or savings account. Employees can change direct deposit information as often as desired, but no existing account should be closed until the first transaction occurs showing the change.

State and federal laws require WVSOM to deduct state and federal income taxes, social security, and retirement premiums from each employee's wages. For the employee's convenience, optional deductions may be made for other reasons upon approval by the employee.

Employees are responsible for examining their pay stubs to verify that all amounts listed for both income and deductions are correct. Any possible error must be reported to the Office of Business Affairs/Payroll Office within ten days of the pay date. Employees are able to review their pay stubs online using "MyApps" on the West Virginia State Auditor's Office website. This information is available online to employees approximately three days prior to each payday.

- West Virginia State Auditor's Office Login

5.2 Annual Increment Pay

All full-time regular employees are eligible for annual increment pay based on their length of service. Employees with three or more years of qualifying service on the first day of July in any fiscal year will receive annual increment pay in recognition of past service as a state employee. Typically, the increment is paid in a lump sum once a year during the month of July.

An employee's annual increment pay may be reduced by certain types of unpaid leave as well as breaks in West Virginia state service. Increment pay is calculated given one's hire date and considers the total number of days of unpaid leave.

- West Virginia Code §5-5-2: Granting incremental salary increases based on years of service

5.3 Overtime Pay

5.3.1 Eligibility

All employees who meet the definition of non-exempt are to be compensated with time off or 1.5 times pay for all hours worked over 40 in a given work week. This rule applies whether the

employee was authorized to work overtime or was “suffered and permitted” to do so, as defined by the Fair Labor Standards Act. However, occasionally working a few minutes over, which is not practical to record, can be disregarded as “de minimus”. Overtime must be approved in advance by the President or the appropriate Vice President. Supervisors shall request, in writing, to the Vice President the approval for overtime prior to the overtime occurring. The written approval is then sent to the WVSOM Payroll office for processing. Employees may be required to work overtime under certain circumstances. However, the work must be of reasonable duration with employee health, safety, and endurance considered.

5.3.2 Allocation

When possible, overtime will be distributed equally among all employees within a group, department, or occupation. Overtime rosters shall be maintained based on seniority. Employees are typically offered overtime work beginning with the most senior person. If no one in order of decreasing seniority accepts the overtime, the work will be assigned to the most junior employee who is capable of doing the work.

5.3.3 Calculating Overtime Entitlements

When the normal work period is 37.5 hours, the employee will be paid the normal hourly rate up to 40 hours per week. Overtime pay is compensated at the rate of 1.5 times an employee’s hourly equivalent for the time worked in excess of 40 hours per week.

5.3.4 Compensatory Time (Comp Time)

A non-exempt employee may elect Compensatory Time Off (“Comp Time”) in lieu of overtime pay. Comp Time off is calculated at the same rate as overtime pay. A written agreement between the employee and WVSOM shall exist in this instance. This agreement may be modified at the request of either the employee or the employer at any time but under no circumstances will the employee be denied Comp Time heretofore acquired.

Comp Time must be used within one year of accrual. The use of Comp Time off shall be requested two weeks in advance of the use of the time off. Approval of the request shall be contingent upon whether it will unduly disrupt the operations of WVSOM.

Should an individual's employment be terminated, any unused Comp Time shall be reimbursed as follows: The average regular rate received by such employee during the first three years of the employee's employment or the final regular rate received by such employee, whichever is higher.

SECTION 6 –EMPLOYEE BENEFITS

6.1 Overview of Benefits

As an employee of the state of West Virginia, an extensive array of benefits is available to the employee and the employee's dependents. These benefits significantly increase the value of the employee's total compensation and provide for an enhanced working environment.

Benefits include, but are not limited to: comprehensive health insurance, life insurance, paid leave for vacation and holidays, paid sick leave, and retirement. In addition, employees have the opportunity to participate in a variety of optional health benefit plans, insurance programs, and monetary savings plans.

The information contained herein is designed to provide employees with a brief overview of the provided and optional benefits. This information is not intended to answer every possible question, but to give the employee an idea of what is available and how these programs work. WVSOM is not responsible for any action taken or harm caused to the employee because the information contained herein was too vague, incomplete, incorrect, or changed after the time this document was written or updated. Detailed information on each benefit and the necessary enrollment forms are available in the WVSOM Office of Business Affairs/Payroll Office. Proper enrollment is the responsibility of each employee.

All employee benefits are offered to WVSOM employees by the state of West Virginia and are subject to control and changes by the state of West Virginia.

6.2 Retirement

WVSOM strives to provide full-time regular employees with as many options as possible to maximize their retirement savings opportunities. Employees participate in a tax-sheltered program through TIAA and both the employee and the employer contribute six percent of the employee's gross pay (automatically deducted each pay period) into the plan. Employees choose their own investment options from a variety of accounts including mutual fund programs. Members are vested immediately.

To build even higher income for retirement years, employees can make additional contributions to the supplemental retirement plans. Supplemental tax sheltering is available up to the maximum allowed under federal tax guidelines through two additional programs.

Employees may change allocations and transfers between certain accounts when they choose. This is a defined contribution plan. Retirement benefits are based on the funds that have accumulated in the account (not the years of employment) at the time of retirement.

- TIAA

6.3 Health Insurance

The Public Employees Insurance Agency (PEIA) offers multiple health insurance plans to full-time regular employees which include benefits for hospital, surgical, major medical, prescriptions, and other medical expenses. Premiums, copayments, and out-of-pocket payment maximums are based on the employee's salary and the type of coverage chosen. For qualified employees, health insurance coverage begins on the first day of the month following employment with the completion and submission of the required forms.

Employees can make changes to their coverage during PEIA's open enrollment period and/or when they experience a qualifying event. Changes to an employee's PEIA coverage must be submitted within the time frame stipulated by PEIA.

- WV Public Employee Insurance Agency (PEIA)

6.4 Life Insurance

Life insurance is available to eligible employees and their dependents. Benefit choices include basic life insurance, optional life insurance, and optional dependent life insurance.

Basic life insurance for full-time regular employees is offered to all employees at no additional cost and is offered even if the employee does not choose health insurance through PEIA. The insurance benefit currently totals $10,000 ($20,000 in case of accidental death) for each participant, until an employee reaches a certain age. Currently, when an employee reaches the age of 65 the insurance benefit incrementally decreases as the employee ages. Employees who decline the life insurance but later decide to accept the life insurance are subject to underwriting and may be declined.

An employee may elect to be covered at the employee's expense by an additional optional amount of term life insurance. These additional amounts also double if the death is accidental. Employees may also choose to cover their spouse with additional optional life insurance coverage of $5,000 - $40,000 and/or eligible dependent children for $2,000 - $10,000 of optional coverage. The purchase of life insurance coverage is subject to approval and may require medical documentation.

6.5 Mountaineer Flexible Benefits

Mountaineer Flexible Benefits is an additional benefits program which allows tax-free deductions for supplemental insurance plans. These options are available to eligible, active employees. They may be continued upon retirement, but may not be continued if the employee resigns or is terminated. Enrollment is upon hire and then once each year during Open Enrollment (typically from April through mid-May). Once enrolled, the plan is binding for a one-year period unless the employee experiences a significant change in family status.

The options currently include:

- Dental Care
- Vision Care
- Hearing Plan
- Flexible Spending Accounts
- Legal Plan
- Long Term Income Disability Protection
- Short Term Income Disability Protection
- Health Savings Account (For Participants in PEIA Plan C)
- Health Savings Account through TIAA

- Mountaineer Flexible Benefits

6.6 Consolidated Omnibus Reconciliation Act of 1986 (COBRA)

COBRA requires that most employers sponsoring group health plans offer employees and their eligible dependents the opportunity for a temporary extension of health care coverage at group rates in certain instances where coverage would otherwise end. If an employee is covered under WVPEIA, the employee has the right to choose this continuation coverage if coverage is lost and criteria related to this act are met. The employee should contact the WVSOM Office of Business Affairs/Payroll Office on rights and obligations under this act and may also request a copy of the Statement of Rights to Continue Coverage. COBRA coverage requires the former or non-covered employee to pay the premium for continued insurance coverage. An employee may request information on the amount of premium necessary to continue coverage from the WVSOM Office of Business Affairs/Payroll Office. The employee must understand that COBRA benefits can only be offered for a limited amount of time.

6.7 State Credit Union

The State Credit Union is a West Virginia, member owned, not-for-profit, financial organization available to the employees of WVSOM and is located in Charleston, WV. The purpose of the credit union is to promote saving and to provide low cost loans and services to its members. This benefit may be continued upon retirement from WVSOM.

- West Virginia State Credit Union

6.8 Social Security

All employees must contribute to Social Security. These funds are matched by WVSOM. The benefits provided are determined by federal law.

- Social Security Administration

6.9 Workers' Compensation

Workers' Compensation Insurance helps protect employees against financial loss resulting from on-the-job injuries or death caused by certain work-related injuries. Workers' Compensation may pay claims involving medical, hospital and related bills; disability; loss of body limbs, such as an arm or leg; and some dependent benefits. WVSOM pays for Workers' Compensation Insurance for each employee.

On-the-job injuries must be reported to the Office of Human Resources as soon as possible after they occur. The employee shall submit a written incident report to the supervisor or the supervisor's designee within 24 hours after the injury occurs. All accidents must be reported, regardless of whether they result in a Workers' Compensation claim. Each supervisor is responsible for providing the forms to the Human Resources Office. Incident Report Forms and Workers' Compensation claim forms are available at the Office of Human Resources. Failure to submit an incident report form within 24 hours after the injury occurs may prevent an injured employee's ability to collect Workers' Compensation benefits. The time period to file a claim begins from the time of injury, not the time of first medical treatment. Accordingly, filing a Workers' Compensation claim form for all work-related injuries is imperative to protecting the employee's right to collect Workers' Compensation benefits.

Employees out on Workers' Compensation leave will accrue annual leave and service credit for annual leave accrual determination, but will not accrue sick leave.

- WVSOM Incident Report and WVSOM Bloodborne Pathogen Exposure Forms

6.10 Educational Assistance

WVSOM encourages employees to be lifelong learners and has developed an excellent program which provides opportunities for qualified staff to enhance professional knowledge or skills and to improve academic credentials. Staff approved for this program may receive both supplemental funding for costs and tuition plus release time without pay from work.

Requests for educational development funding will be processed by the Educational Development Committee. Supporting documentation must be provided by staff. Educational development funds are separate and distinct from professional development funds. In addition to funding from this source, some tuition waivers at local educational institutions are made available to staff each year. Guidelines and application materials for this program are available online at https://my.wvsom.edu under Faculty and Staff, on the shared access drive available to all employees, or by specific request to the Office of Human Resources.

6.11 Educational Release Time

Leave without pay for continuing education may be provided to employees under certain conditions. When these conditions are met, eligible employees may be released from work to attend classes during normal work hours. The request must be in writing with supporting documentation provided and must be approved by the immediate supervisor and the Office of Human Resources. This time shall not exceed three hours per week and shall not result in a negative impact on the quantity and quality of the work performed. If an employee takes more than three hours of academic courses per term during regular working hours, educational release time may be granted; however, the employee would be required to work the number of hours necessary to make up the hours missed beyond the 3-hour limit.

Only full-time regular employees are eligible for leave without pay to attend classes, not to exceed three hours per week.

In order to be granted educational release time, an employee must have been employed in one's current position for at least six calendar months prior to the beginning of the term in which the employee seek admission.

The employee may not be on probation or in an improvement period to be eligible for educational release time.

Employees must present evidence of completion of the course work to their supervisor at the end of each semester. Failure to provide evidence of completion may impact future approvals for educational release time.

Before the semester in which the class is to be taken, employees are required to provide their supervisor a written request for unpaid educational release time. The supervisor shall then approve or deny the release and provide for the requesting employee a written statement of the decision. All approved requests for unpaid educational release time shall be submitted to the Office of Human Resources by the

supervisor. Employees utilizing unpaid educational release time must submit this time through WVSOM's payroll system.

During emergencies or overtime work situations the employee must work as assigned regardless of previously approved educational release time.

6.12 Employee Assistance Program

Employee Assistance Programs are available to employees by referral to community providers. These programs are normally free and include confidential problem-solving resources for all faculty, staff, and eligible dependents. Services may include assessment, evaluation, limited counseling, education, and referral for issues such as stress in the workplace or at home, personal crises, emotional difficulties, parenting issues, and other life problems.

Employees seeking additional information should contact the Office of Human Resources.

6.13 Campus Parking

Employees may park in all campus spaces with the exception of those designated for visitors, patients, emergency vehicles, or those otherwise designated by WVSOM. Parking in restricted spaces may result in towing, fines, and/or loss of parking privileges.

There is no fee for employee parking on the WVSOM Main Campus; however, each employee is required to obtain a parking decal and to display it in the appropriate location on the employee's vehicle(s) at all times. New employees will be provided a decal during orientation, and may request more than one. Replacement decals are available from the WVSOM Office of Business Affairs/Maintenance Department. Statewide Campus locations may require fees for parking at their base site.

Vehicles parked in spaces designated for disabled persons must display the proper state issued disability tag or plate. Parking in these spaces without the proper tag or plate may result in towing, fines, and/or loss of parking privileges.

6.14 Health and Wellness Programs

WVSOM offers a wide range of health and wellness services to employees to promote their well-being. These services include community engagement opportunities, a fitness facility located on the WVSOM Main Campus, and other programs related to health and wellness. The mental and physical health and well-being of employees is vital to the success of WVSOM and is necessary to maintain safety and high standards of education and health care. WVSOM is committed to fostering health and wellness in the work and educational environment and ensuring accreditation standards and procedures related to health and wellness, as set by the American Osteopathic Association (AOA) Commission on Osteopathic College Accreditation (COCA), are met.

This commitment will be accomplished through the WVSOM Wellness Committee. The Assistant Dean for Student Affairs oversees the WVSOM Wellness Committee. The Assistant Dean for Student Affairs, in conjunction with the WVSOM Wellness Committee, develops plans, procedures, and regulations necessary to carry out WVSOM's wellness program and evaluate the operations of the institution at regular intervals to assure conformity with this objective.

All current employees and their significant others/spouses are eligible to gain individual access to the WVSOM Founders Activities Center (located in Lewisburg, WV) in accordance with policies and procedures specific to the Founders Activities Center as outlined in Section 6.15 of this handbook.

- WVSOM Wellness Committee and Resources

6.15 Recreational and Fitness Facilities

All current employees and their significant others/spouses are eligible to gain access to the WVSOM Founders Activities Center (located in Lewisburg, WV) in accordance with policies and procedures specific to the Founders Activities Center. The Founders Activities Center has a full-size gymnasium, indoor running track, free weights, and state-of-the-art aerobic and cardio machines.

Additionally, WVSOM has a parade ground for outdoor activities, the WVSOM Park, and the employee lounge. All of these are available at no charge, but a PROX/ID card is required for entry into the Founder's Activities Center and the employee lounge. The park is open to the public.

All employees and their guests are expected to use common courtesy at all times when using WVSOM facilities. This includes proper disposal of all trash, proper attire, and use of acceptable language. Use of the WVSOM recreational and fitness facilities is a privilege not a right and can be restricted or terminated for failure to abide by appropriate policies and procedures.

WVSOM is a state institution; therefore, the use of alcoholic beverages on campus is limited and must be approved in advance by the President. Excessive alcohol consumption by any person on the WVSOM campus or at a WVSOM sponsored event will not be tolerated.

- WVSOM Institutional Policy GA 08: Drugs, Alcohol, Testing and Treatment

6.16 Library

Employees have complimentary access to all services of the library including the public access computers. There are student conference rooms, a 24/7 study area, study rooms, and a computer lab that are designated for students, residents, and employee training. Access to these areas may be granted to employees under special circumstances. Use of these student areas is at the discretion of the Library Director and must be scheduled in advance.

6.17 WVSOM Dress Code and Employee Uniforms

It is the expectation that all employees conduct themselves in a professional manner and dress appropriately for their position which enable employees to safely perform their duties and responsibilities. In addition, employees are to interact with students, faculty, co-workers, other administrators, and the general public both inside and outside the institution in an appropriate and respectful manner. Department supervisors or directors are responsible for interpreting and enforcing appropriate attire and appearance in their areas of responsibility, which does include counseling employees who are inappropriately dressed for the position. Please note that reasonable accommodations shall be made for employees' religious beliefs and medical conditions and written documentation may be required for approving these requests. Employees should provide a professional business appearance to the public in any position. Questions regarding department dress codes shall be

made to the supervisor, department director, the appropriate Vice President, or the Office of Human Resources.

Due to the nature and responsibilities of some positions, WVSOM has found it operationally beneficial to provide a clothing allowance to specific employees. The IRS tax code (IRC Section 262) requires that the value of clothing or the reimbursement for the clothing provided by an employer to an employee to be treated as a taxable fringe benefit and is subject to income, social security, and Medicare taxes. The IRS does have an exclusion for the tax on the value of work clothing provided by the employer when the employee must wear the clothing as a condition of employment and the clothes are not suitable for everyday wear. WVSOM must specifically require the clothing as a condition of work and the clothing must not be suitable for taking the place of regular clothing. Everyday wear clothing, specifically items with the WVSOM logo that can be worn at any time, do not qualify for an exclusion and are subject to taxable income. Please note that the employee is responsible for the taxes only, not for the cost of the uniform(s). Departments should not purchase items for their employees without first discussing this with the payroll or human resources departments.

- 26 US Code § 262 - Personal, living, and family expenses

SECTION 7 – STANDARD WORK PERIODS

7.1 Standard Work Week and Work Periods

The standard work week for WVSOM begins at 12:00 a.m. each Saturday and extends until 11:59 p.m. of the following Friday. The standard number of hours for a work period for a full-time, regular employee (1.0 FTE) is 37.5 hours per workweek and 75 hours per pay period, and are prorated for employees in positions less than 1.0 FTE. The standard work day typically extends from 8:00 a.m. to 4:30 p.m. Monday through Friday, though can be adjusted to meet the needs of the department or WVSOM. Employees are generally provided with a lunch break lasting up to one hour daily. In general, all employees will work during their scheduled work period unless the supervisor has approved otherwise to meet the needs of the department and/or WVSOM.

Though WVSOM has a standard work week as stated above, WVSOM operates on a 24/7 schedule to meet the needs of our students and institution. Supervisors shall establish standard work periods for their employees that address the operational needs of WVSOM and their department (i.e. Campus Service Workers, Library employees, Maintenance, etc.).

Although not required by law, employees are generally provided with a fifteen-minute rest period during each half day.

WVSOM is the primary employer. Other employment should not interfere with an employee's ability to perform the duties of the job. Faculty and staff are responsible for notifying their supervisor of any other employment that may impact their position at WVSOM. Faculty must seek advanced approval from their supervisor, or in some instances the Dean, depending on the type of employment or work the faculty member desires to assume outside of their duties and responsibilities required by WVSOM.

- West Virginia Ethics Commission West Virginia Code §6B-2-5

7.2 Special Work Period

During WVSOM special events, including convocation, commencement, special meetings, etc., some employees may be asked or required to deviate from the standard work period, and may also be required to work more than the standard 37.5 hours per week. Under such circumstances, non-exempt employees are entitled to overtime compensation, with prior approval by the appropriate Vice President. All changes to a work period should be submitted within the timekeeping system for processing by the Payroll Office.

7.3 Flexible Work Periods

Employees may request a change in their work periods from their supervisors. All requests for a change in a work period should be made in advance. During this period, the quantity and quality of service provided must either exceed or be equal to that accomplished during the normal work period. The employee's schedule will be returned to normal should the efficiency of the office decrease or the demands placed on the department necessitate a change. Flexible work periods, including flex time, should occur within the workweek, specifically for non-exempt employees.

7.4 Absences During the Work Period

Unexpected absences must be reported to the employee's immediate supervisor as soon as possible. If the absence exceeds one day, the employee must notify the supervisor daily, unless otherwise arranged. Absences for three consecutive days without notifying the supervisor will be grounds for disciplinary action, up to and including termination of employment.

All absences must be charged to accrued annual, sick leave, or emergency leave, whichever is appropriate. If no accrued time is available, lost wages will be reflected in the paycheck. Unpaid leave must be approved by the President or designee.

All absences must be recorded on the employee's time card. WVSOM may require an excuse from a healthcare provider acceptable to WVSOM or other documented proof satisfactory to WVSOM for the duration of leave. Any absences exceeding five days must be brought to the attention of the Office of Human Resources immediately.

7.5 Time Cards

All employees are required to work a minimum of 37.5 hours each week. Employees not working 37.5 hours are expected to submit the required amount of leave time to meet this minimum requirement. Employees hold an exempt or non-exempt position based on the salary of the position as well as the duties test from the Fair Labor Standards Act (FLSA). Both exempt and non-exempt employees can work a flexible work week within the standard 37.5 work week at WVSOM with their supervisor's approval. Employees and supervisors are responsible for submitting leave and any other changes that impact the employee's time card in WVSOM's electronic time management system.

An exempt employee is salaried (meaning that the employee receives a fixed amount of pay that does not vary based on the actual hours worked.) Exempt employees are not covered by the appropriate minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), hence they are "exempt" from the overtime and minimum wage provisions of the FLSA. An exempt employee is expected to work until the job is done no matter how many hours in a work week that may take. Exempt employees must work the minimum of 37.5 hours each week but due to the nature of their position, they will frequently work more than 37.5 hours each week in order to complete their job. Exempt employees may not earn Compensatory Time Off or receive extra pay to do their regular assigned duties.

Non-exempt employees are covered by the appropriate minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). A non-exempt employee must be paid for every hour worked and is considered hourly under the FLSA. Non-exempt employees are required to maintain a time card with a true and accurate record of the hours worked each week. This record is to be maintained daily and submitted to the immediate supervisor at the end of each pay period. It is the supervisor's responsibility to ensure that an employee(s) time card is submitted and is an accurate reflection of the hours worked.

Falsifying the submission or omission of time in WVSOM's electronic time management system will result in disciplinary action up to and including immediate termination.

SECTION 8 – EMPLOYEE LEAVE

8.1 General Leave Provisions

Qualified employees of WVSOM are provided a comprehensive leave program as state employees. Employees working 1,950 hours within a twelve-month period accrue leave at the full rate. Employees working between 1,040 and 1,950 hours within a twelve-month period receive pro rata leave. Employees working under 1,040 hours within a twelve-month period receive no leave. If an employee works less than a full pay period or is on unpaid leave during a pay period, then their annual and sick leave will be accrued on a pro rata basis. Some federal and state leave provisions also apply to part-time employees.

Annual leave and sick leave do not accumulate during a terminal leave period, which is that time between the employee's last day of work and last day on payroll.

WVSOM is required to keep on file a record showing the current leave status of each leave-earning employee.

A recognized WVSOM holiday occurring during an employee's paid leave period shall not be considered as a day of leave, provided the employee is not in a terminal leave period.

Throughout this section, a day is defined as 7.5 hours, which is the standard work day of all employees unless designated otherwise by the appropriate Vice President.

The following information is a brief synopsis of the WVSOM and state of West Virginia leave program. Additional information may be obtained from the Office of Human Resources or the Office of Business Affairs/Payroll Office. New employees receive training from the Office of Business Affairs/Payroll Office during New Employee Orientation on the electronic leave management system. Any employee may request this training from the Office of Business Affairs/Payroll Office.

8.2 Sick Leave

8.2.1 Accrual

Full-time regular employees are eligible to earn sick leave immediately upon employment at a rate of 18 days per year or hours equal to 5.20 hours each pay period. Employees working between 1,040 and 1,950 hours with a twelve-month period accrue sick leave on a prorated basis. Accruals are awarded on the first day of the following pay period and accruals are prorated for any partial pay periods worked.

There is no limit to the amount of sick leave an employee can accumulate and carry forward from year to year. Sick leave may be used for an employee’s own personal illness, injury, or routine medical/dental appointments, and those of the employee’s immediate family. Immediate family is defined to include: father, mother, son, daughter, sister, brother, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepfather, stepmother, stepchildren, or others considered to be members of the household and living under the same roof.

8.2.2 Requirements for Approval

Sick leave for more than five consecutive work days requires satisfactory proof of illness or injury, as evidenced by a statement of a healthcare provider acceptable to WVSOM or by other

documented proof satisfactory to WVSOM. Failure to provide this proof of illness or injury may result in a denial of a sick leave request. An employee having an extended illness or serious injury lasting longer than two consecutive weeks shall, before returning to duty, obtain satisfactory written medical clearance indicating the employee's release to return to work and ability to perform the duties and responsibilities of the position. If there is any question as to the employee's ability to perform the job responsibilities, a medical release may be required at any time before an employee returns to work following an illness, serious injury, or other medical condition. WVSOM may require evidence from an employee for verification of an illness or other causes for which sick leave may be granted, regardless of the duration of the leave. Sick leave requests should be made through the electronic leave management system. Supervisors who have an employee that is experiencing a major health event that may require an extended leave should notify the Office of Human Resources and the Office of Business Affairs/Payroll Office as soon as possible.

8.2.3 Pregnancy Related Illness or Disability

Disabilities caused or contributed to by pregnancy, childbirth, miscarriage, abortion, and recovery shall be considered temporary disabilities. These shall be treated the same as any other illness or disability would be treated for sick leave entitlement. WVSOM may require evidence from an employee for verification of an illness or other causes for which leave is granted, regardless of the duration of the leave.

8.2.4 Sick and Annual Leave Conversion upon Retirement

Upon meeting certain requirements, individuals retiring from WVSOM may be eligible to apply unused sick leave as a credit toward the premium for PEIA, just as they can apply unused annual leave for this purpose. This option is not available to employees hired after July 1, 2001.

For employees enrolled in a PEIA insurance plan on or before July 1, 1988, the conversion factor is: two days accrued annual or sick leave equal 100% of the premium for one month of single coverage. Three days accrued annual or sick leave equal 100% of the premium for one month of family coverage.

For employees who enrolled in the PEIA insurance plan after July 1, 1988, and before July 1, 2001 with continuous employment since that time, the conversion factor is: Two days of accrued annual or sick leave results in 50% of the premium for one month of single coverage. Three days of accrued annual or sick leave equals 50% of the premium for one month of family coverage.

Individuals employed after July 1, 2001 do not have the benefit of exchanging accrued leave for payment of insurance premiums.

Enrolled before July 1, 1988	2 Days of Sick/Annual = 3 Days of Sick/Annual =	100% of Single Coverage (1 mo.) 100% of Family Coverage (1 mo.)
Enrolled after July 1, 1988 & before July 1, 2001	2 Days of Sick/Annual = 3 Days of Sick/Annual =	50% of Single Coverage (1 mo.) 50% of Family Coverage (1 mo.)
Enrolled after July 1, 2001	No Exchanged Benefit	

8.2.5 Reinstatement of Sick Leave upon Reemployment

Sick leave provisions are contingent upon continued employment. When an employee separates from WVSOM, all sick leave credited to the employee shall be considered cancelled as of the last working day with WVSOM, and no reimbursement shall be provided for unused sick leave except in the event of applicable retirement. If applicable, sick leave will be converted to insurance

coverage consistent with paragraph 8.2.4. Employees who resign in good standing and are later reemployed may have their total accumulated sick leave reinstated, provided the date of separation is one year or less from the date of reemployment. However, if the employee returns to work after more than one year from the date of separation, no more than 30 days of accumulated sick leave may be reinstated.

8.2.6 Transfer of Sick Leave

When an employee transfers from other West Virginia agencies of state government or from other West Virginia state institutions of higher education to another West Virginia institution, the employee's accumulated sick leave may be transferred. Written verification of the accumulated amount of sick leave to be transferred must be provided by the state agency or institution of higher education wherein the employee accumulated the sick leave within one year of the date of employment with WVSOM. The employee is responsible to make the request for transfer in writing to the original agency or institution with a copy to WVSOM. If transfer is not made within one year of the date of new employment, all accumulated sick leave is forfeited.

8.2.7 Sick Leave Buy Back Program

In 2008, the West Virginia Department of Administration distributed procedures for eligible state employees to surrender a portion of their unused sick leave for a taxable cash benefit. Contingent upon state funding, employees who were hired prior to July 2001 are eligible for this benefit. Payment is at a rate of 25% of the employee's usual daily rate of pay. If employees leave state employment within five years from receipt of the funds (except in cases of death or retirement), then they must pay back the funds, plus 12% interest (Title 148, Series 21).

8.2.8 Donation of Sick Leave

Employees have the ability to donate sick leave in whole day increments to employees who have been approved for catastrophic leave. Section 8.4 has a detailed description of WVSOM's Catastrophic Leave procedure.

8.2.9 Bereavement Leave

Leave eligible employees may be able to charge up to five days of sick leave as bereavement leave. Bereavement leave is intended to provide an employee with time to arrange for and attend the funeral and related services of an immediate family member, including travel time. Additional time (in excess of the five days) necessary to meet the obligations shall be charged to annual leave. Bereavement leave is not provided for estate legal obligations and/or an extended bereavement period. Annual leave may be requested for these purposes.

8.3 Annual Leave

8.3.1 General Provisions

WVSOM employees begin earning annual leave immediately upon employment. Annual leave can be used for absences from work and must be approved in advance by the employee's supervisor. Annual leave requests shall be made through the electronic leave management system. Leave requests are to be submitted to the employee's supervisor for approval prior to taking leave.

All full-time faculty and staff shall be eligible for up to 24 days leave per year accumulated at a rate of 2.0 days per month from the date of employment, prorated for any partial months worked. Annual leave for full-time nonclassified employees and faculty members accrues on the first day of each month following the month worked.

Annual leave is not granted to casual or temporary employees although benefits eligible part time employees earn annual leave on a prorated basis.

8.3.2 Accumulation Limits

WVSOM full-time regular 1.0 FTE employees can accumulate a maximum of 360 hours of annual leave accruals. Full-time regular employees who are .53 FTE to .99 FTE will have prorated maximums based on two times the employee's annual accrual amount. Part-time regular employees, those below .53 FTE, do not accrue annual leave. Employees must be paid for accrued annual leave at termination or use it as terminal leave to remain on the payroll. Any amount of accrued annual leave in excess of 360 hours is forfeited.

8.3.3 Scheduling and Use of Annual Leave

Annual leave must be pre-approved by the employee's supervisor or authorized designee of the supervisor. Annual leave shall be arranged to fit operating schedules; however, consideration shall be given to all employee requests. Seniority may be considered by the supervisor when approving annual leave requests. An employee may not take leave before it is earned.

8.3.4 Transfer of Annual Leave

Up to 15 days of annual leave may be transferred with an employee from one West Virginia State agency or institution to WVSOM. Certification of the balance which existed with the previous employing agency must accompany the request for transfer of annual leave by the employee.

8.3.5 Donation of Annual Leave

Employees have the ability to donate annual leave in whole day increments to employees who have been approved for catastrophic leave. Section 8.4 has a detailed description of WVSOM's Catastrophic Leave procedure.

8.3.6 Payment upon Separation of Employment

When an employee separates from WVSOM, accrued annual leave will be compensated. This is accomplished either by paying the employee for the value of the leave all at once (lump sum payment paid on the next eligible payroll) or by the employee remaining on the payroll using terminal leave and applying leave for each day until it has been depleted. In most cases, the employee may choose which option he or she prefers (West Virginia Code §5-5-3). In case of an employee's death, the employee's annual leave will be paid in a lump sum payment to the deceased employee's estate.

- West Virginia Code §5-5-3

8.3.7 Terminal Leave Period

A terminal leave period is defined as the time between an employee's last day of actual work and the time that the employee's accrued annual leave has expired. In cases where the employee is remaining on the payroll until the expiration of annual leave rather than taking a lump sum payment, the annual leave balance at the time of the last day of actual work is the total annual leave due the employee. During a terminal leave period, no type of leave may be accrued and no holidays are paid. Terminal leave is initiated by the last day of scheduled work, due to resignation, retirement, etc. As long as an employee remains active on the payroll, the employee's benefits, other than annual and sick leave, will continue and payment for those benefits will continue to be deducted from the employee's paycheck.

8.4 Catastrophic Leave of Absence

Catastrophic leave is a wage replacement benefit that is available to eligible employees, as defined below, for a catastrophic illness. Use of donated credits may not exceed a maximum of twelve continuous calendar months for any one catastrophic illness or injury. For additional information regarding Catastrophic Leave, please contact the Office of Human Resources.

8.4.1 Definitions

A catastrophic leave event is defined as a medically verified illness or injury which is expected to incapacitate an employee and which creates a financial hardship because the employee has exhausted all leave and other paid time off. Catastrophic illness or injury may also include an incapacitated immediate family member if this results in the eligible employee being required to take time off from work to care for the family member and the employee has exhausted all leave and other paid time off. Immediate family is defined to include: father, mother, son, daughter, sister, brother, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepfather, stepmother, stepchildren, or others considered to be members of the household and living under the same roof.

8.4.2 Requests for leave

Employees wishing to request catastrophic leave should submit a written request to the Office of Human Resources. Catastrophic leave requests require satisfactory proof of illness or injury, as evidenced by a statement of a healthcare provider acceptable to WVSOM or by other documented proof satisfactory to WVSOM. Failure to provide this proof may result in a denial of approval for the requested catastrophic leave. The President is the approval authority for all catastrophic leave requests.

Once approved, any other leave earning employee may donate sick or annual leave into a “bank” established to directly transfer these days to the affected employee. Any days donated are to be provided in full day increments in writing, to the Office of Human Resources. Donated days are used in order based on the date they were received. Leave days will accrue when an individual is on catastrophic leave. An individual’s accrued leave will be used prior to any donated leave. If all donated days are not used, the days shall be returned to the donating employee and reflected on the donating employee’s leave balance. Should the requesting employee utilize all of the leave donated in response to the first request and still requires leave and is eligible to receive it, the Office of Human Resources will send out a second request for donations. Human Resources only sends out two requests for catastrophic leave donations for any one catastrophic illness or injury. This is an elective program, therefore under no circumstances is an employee required to donate time to another employee.

8.4.3 Donations

WVSOM has established procedures for direct transfer of sick or annual leave to an employee who has requested and been approved to receive leave donations due to a catastrophic illness or injury. WVSOM recommends employees maintain a minimum of 22 days of annual/sick leave when considering donating leave to a colleague to safeguard their own leave needs. Employees who have provided WVSOM with their notice of resignation or retirement may donate leave, but their leave will only be utilized until the day of their separation from WVSOM.

All benefits will be continued for the employee while on catastrophic leave for the period donated days are available. Use of donated credits may not exceed a maximum of twelve continuous calendar months for any one catastrophic illness or injury. Direct transfer of leave or deposits into

a leave bank may be inter-institutional, enabling individuals employed in other West Virginia schools or universities to receive or donate leave days to employees in other West Virginia State institutions. Donated leave is paid at the regular rate of the receiving employee.

8.5 Special Emergency Leave with Pay

Special emergency leave with pay may be granted by the President with support from the appropriate Vice President to full-time employees in the event of extreme misfortune to the employee or the employee's immediate family. The leave should be the minimum necessary, and in no case may it exceed five days (37.5 hours) within any twelve consecutive month period. Typical events which may qualify an employee for such leave are fire, flood, pandemic, or other events of a nature requiring emergency attention by the employee (other than personal illness, injury or serious illness or a death in the employee's immediate family). Written documentation of such events may be required. This leave is completely discretionary.

8.6 Family and Medical Leave Act (FMLA)

Provisions of the Federal Family and Medical Leave Act (FMLA) provide up to twelve weeks of unpaid, job protected leave within a twelve-month period.

Some of the reasons for taking FMLA leave:

- To care for the employee's child after birth, or placement of a child with the employee for adoption or foster care;
- To care for the employee's spouse, child, or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.
- FMLA provides two military related benefits. Eligible employees may use up to twelve weeks for a spouse, child, or parent on active duty to address certain qualifying exigencies. The Act also includes a special leave entitlement that permits up to 26 weeks of leave during a single twelve-month period. This may be provided to a covered service member who has a serious injury or illness that occurred in the line of duty and renders the employee medically unfit to perform the specified job duties.

Employees are eligible for these benefits if they have worked for at least one year, for a minimum of 1,250 hours over the previous twelve months. Employees are required to formally request FMLA leave in writing thirty days in advance if possible. In all instances, written documentation supporting the illness or condition and pending return to work date must be provided. Written requests must be provided to the Office of Human Resources.

WVSOM requires the employee to use accrued paid leave while taking approved FMLA leave. An employee's annual leave does not have to be exhausted before the employee can go off the payroll, but all sick leave does. FMLA leave can run concurrent with paid sick, annual, or catastrophic leave. In other words, the twelve weeks of FMLA leave would include any paid leave that is used by the employee during this period. Medical insurance coverage may continue during this leave period if the employee continues to pay the employee's share of the insurance premiums and provides monthly medical verification from a care provider as required by WVSOM's health insurance provider. FMLA entitles an employee to the same or equivalent job upon the employee's return to work within the designated time period, and it

protects employees from retaliation. WVSOM calculates FMLA on a twelve -month rolling period from the time that leave is initially taken for a maximum of twelve weeks leave in that twelve -month period.

Additional details and required forms are available from the Office of Human Resources.

FMLA is a federally mandated program and final determination regarding the use of FMLA by WVSOM employees will be consistent with current FMLA standards and requirements.

- United States Department of Labor Family and Medical Leave Act (FMLA)

8.7 West Virginia Parental Leave Act

The West Virginia Parental Leave Act (WVPLA) authorizes eligible employees to request up to twelve weeks of unpaid parental leave per year. To be eligible to request leave under WVPLA, an employee must have worked at least twelve consecutive weeks for the State of West Virginia and the employee must be a full-time employee (benefits eligible). The WVPLA leave may be taken in addition to any available paid leave. The WVPLA entitles employees to return to the same position they previously held, when they return to work. It prohibits interference with employee rights (West Virginia Code §21-5D-1 through -9).

The basis of a WVPLA leave request is due to the birth of a child or adoption of a child by the employee or because of a planned medical treatment or care for the employee's spouse, son, daughter, parent, or dependent who has a serious health condition. The employee must provide the employee's supervisor with written notice two weeks prior to the expected birth or adoption; or for the medical treatment; or for the supervision of a dependent. The employee must provide the Office of Human Resources with certification by a healthcare provider acceptable to WVSOM and/or documented proof satisfactory to WVSOM regarding dependency status. All annual leave must be exhausted before the parental leave begins.

During an employee's WVPLA leave, group health insurance coverage shall continue during the leave period, provided the employee pays the employer the full premium cost of the health plan. WVSOM shall hold the position of the employee not to exceed the twelve-week period of the leave and the employee shall be returned to the employee's position upon medical documentation for return.

WVSOM calculates leave taken under the WVPLA on a twelve -month basis beginning on the date leave is initially taken, and leave cannot exceed twelve weeks in that twelve -month period.

WVPLA leave cannot be stacked on FMLA leave to allow 24 weeks leave in any twelve -month period.

8.8 Leave of Absence

8.8.1 Medical Leave of Absence without Pay

Any employee requesting a medical leave of absence without pay must provide the appropriate Vice President with satisfactory medical evidence, such as a statement from a healthcare provider acceptable to WVSOM or other documented proof satisfactory to WVSOM, indicating the employee is unable to work. This statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the President and the appropriate Vice President may authorize a medical leave of absence without pay only for the period of disability specified by the healthcare provider and not for more than twelve months. This leave is discretionary. When determining whether or not to approve the request, the

President must take into consideration the needs of WVSOM and the ability to compensate for the employee's absence.

An employee on a leave of absence without pay shall not accrue annual or sick leave or years of service credit for any full months in which the employee is off the payroll. The employee will also not receive holiday pay.

Group health coverage shall continue throughout the unpaid medical leave provided the employee pays their portion of the premium cost of the plan and meets all eligibility requirements as outlined by PEIA.

The employee shall be expected to report to work on the first workday following the expiration of the leave period. The employee shall provide written medical clearance indicating the employee's ability to return to work and satisfactorily perform the duties of the position.

Employees out on Workers' Compensation leave will accrue annual leave and service credit for annual leave accrual determination, but will not accrue sick leave.

8.8.2 Personal Leave of Absence without Pay

An employee, upon application in writing and upon written approval by the President and Vice President, may be granted a continuous leave of absence without pay for a period of time not to exceed twelve consecutive months, provided all accrued annual leave and accrued Compensatory Time has been exhausted. The President or designee, at the President's discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay. At the expiration of leave of absence without pay, the employee shall be reinstated without loss of any rights, unless the position is no longer available due to a reduction in staff caused by curtailment of funds or a reduced workload. Failure of an employee to report promptly at the expiration of an approved personal leave of absence without pay, except for satisfactory reasons submitted in advance, shall be cause for immediate termination of employment by the institution. During a personal leave, group health insurance coverage shall continue provided that the employee pays the employer the full premium costs of such group health plan. Employees on personal leave of absence without pay shall not accrue annual or sick leave or years of service credit or holiday pay for any and all full months in which they are off the payroll.

8.9 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 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 increase, 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 prior to beginning the leave.

Benefits of this section shall accrue for 30 working days after they report for active service to individuals ordered or called to active duty by the President of the United States (West Virginia Code §15-1F-1).

After utilizing Military Leave, an employee may elect to use their allotted paid leave of absence, accrued annual leave, or freeze annual leave to continue their military service.

- West Virginia Code §15-1F-1

8.10 Red Cross Leave

An employee who is a certified disaster service volunteer of the American Red Cross may be granted leave with pay for up to fifteen work days per year calendar year to participate in relief services for the American Red Cross. This leave must be requested in writing and approved by the employee's supervisor and the President of WVSOM prior to using the leave. (W.Va. Code §15-5-15a).

- West Virginia Code §15-5-15a

8.11 Witness and Jury Leave

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, a political subdivision thereof, the institution, or is a member of a jury, the employee shall be entitled to leave with pay for such duty and for such period of required absence. The written notice should be maintained by the employee's supervisor, and annual leave will not be charged under the provisions of this section.

When attendance in a court is in connection with an employee's usual official duties, time required going and returning shall not be considered as absence from duty. When an employee serves on a jury, or is subpoenaed in litigation related to the employee's usual duties, 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 the employee is excused by the court before the end of the regular work day. Provisions for employees who work a shift other than day shift shall be made according to WVSOM policy. Employees serving on a jury should provide a copy of jury notice to their supervisor.

8.12 Educational Leave

Leave without pay for continuing education may be provided to staff under certain conditions. Eligible employees may be released from work to attend classes during normal work hours. The request must be in writing with supporting documentation provided and must be approved by the immediate supervisor and the Office of Human Resources. This time shall not exceed three hours per week during the course of the program and shall not result in a negative impact on the quantity and quality of the work performed.

8.13 Declared Emergency

At the discretion of the President or the President's designee, in consultation with local, state, or federal public safety officials, WVSOM operations may be shut down in total or in part because of any circumstance which threatens the health or safety of employees and/or students, such as extreme inclement weather and facility shutdowns. Additionally, WVSOM Statewide Campus sites may be shut down independently of a WVSOM emergency closure. When WVSOM closes due to a declared emergency, all employees required to work shall be compensated.

All full-time regular employees are eligible for regular pay for work time lost because of a declared emergency. Work time lost will be considered regular work time for pay purposes and will not require

time charged to accrued leave nor will there be a requirement that the hours be made up. When operational needs require a non-exempt, regular employee to work during a WVSOM declared emergency, in addition to regular pay the employee will receive compensation in either Compensatory Time Off ("Comp Time") or pay at the rate of time and one-half for the actual hours worked during the declared emergency period. Exempt employees who work during a declared emergency period receive Comp Time on an hour-for-hour basis up to 7.5 hours per day. Statewide Campus employees, or any other WVSOM employee who is working, as approved by their supervisor, in an alternate location or at WVSOM during a WVSOM declared emergency closure will be compensated as stated above.

During Utility Service Disruption, Emergency Situations, and/or Inclement Weather, employees may be asked to perform their duties in alternate work locations. Employees who opt not to work in an alternate location must take annual leave. West Virginia Code §12-3-13 specifies that absences from work due to inclement weather conditions other than during a declared emergency must be charged against accumulated annual leave, accumulated Comp Time, or the employee must be removed from the payroll for the time in question. If the employee has "floating holiday" time, the holiday record may also be charged. 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.

- West Virginia Code §12-3-13

8.14 Professional Development Leave

WVSOM provides Professional Development Leave to all employees to attend conferences, meetings and other activities that will provide professional development to the employee. Professional Development Leave must be approved in advance by the employee's supervisor.

8.15 Holidays

West Virginia State law requires WVSOM to provide twelve full days, plus additional days for any statewide, primary or general election. Six of these holidays, New Year's Day, Martin Luther King Jr.'s Birthday, Independence Day, Labor Day, Thanksgiving, and Christmas are fixed by the state and taken on the appropriate date of the holiday. The six additional days are determined by the President in consultation with WVSOM administrators, faculty and staff.

If a specified holiday falls on either a Saturday or Sunday, then either the preceding Friday, or the following Monday will be observed as the legal holiday as designated by the President. In general, if a specified holiday occurs on a Saturday, it is observed on the preceding Friday. If a specified holiday occurs on Sunday it is observed on the following Monday.

When Christmas or New Year's Day occurs on Tuesday, Wednesday, Thursday, or Friday an additional one-half day for each of these holidays is granted. WVSOM considers a half-day holiday to be 3.5 hours, unless otherwise instructed.

Proclamation of additional legal holidays by the President of the United States, Governor of West Virginia, or other duly constituted authority may be observed by employees as determined and communicated by the President of WVSOM or designee. The President of WVSOM or designee may determine that any such holiday shall be observed at a future date, if operational needs of the institution require the holiday not be observed on the date proclaimed.

When a full-time regular, non-exempt employee of WVSOM is required to work on any designated board or institutional holiday, that employee shall determine whether to receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1 ½) times the number of hours actually worked. Exempt employees required to work on a designated board or institutional holiday would receive holiday float time for each hour actually worked.

A recognized institutional holiday occurring during an employee's leave period shall not be considered as a day of leave, provided the employee is not in a terminal leave period.

If WVSOM is open on any election day, and an employee's work schedule does not allow the employee to vote during normal poll hours, then employees may provide written notice to their supervisor, three days prior to the election, that the employee needs a period of time not to exceed three hours between the opening and the closing of the polls to vote. Up to three hours will be provided to the employee without penalty or deductions from the employee's usual salary or wages on account of such absence.

A complete WVSOM holiday schedule is displayed on the WVSOM website.

- WVSOM Holiday Schedule
- WVSOM Institutional Policy PE-03: Institutional Holidays and Employee Leave

SECTION 9 – CONDUCT, DISCIPLINE, AND CONFLICT RESOLUTION

9.1 Applicability

Each employee must maintain standards of performance and conduct as outlined by WVSOM policies and procedures, as well as state and federal laws. When an employee does not maintain the appropriate standards of performance or conduct, disciplinary action may be taken, including but not limited to, demotion, suspension, transfer, or termination of employment.

Disciplinary or corrective action is a process of communicating a method for corrective action with the employee to improve unacceptable behavior or performance. Disciplinary action may be taken when other approaches to changing behavior or improving performance, such as coaching and performance management, have not been successful. In cases of serious misconduct, the supervisor may choose an appropriately serious form of discipline, up to and including immediate termination of employment.

Depending upon the actual and potential consequences of the offense, employee misconduct may be considered minor misconduct or gross misconduct. Minor misconduct is that which is generally deemed by the supervisor as correctable by counseling and/or instruction through progressive discipline. Progressive discipline requires notice of concern and expectations to the employee through counseling and letter(s) of warning, with potential suspension, demotion, transfer, and termination. Gross misconduct is defined as substantial actual and/or potential consequence to operations or persons, typically involving flagrant or willful violation of policy, law, or standards of performance or conduct. Gross misconduct may result in any level of discipline up to and including immediate termination of employment.

9.2 Non-Exempt Employee Conduct, Discipline, and Termination

9.2.1 Conduct

The non-exempt employee's standards of performance and conduct will be outlined by the employee's job description, the WVSOM Employee Handbook, WVSOM policies and procedures, and the employee's supervisor. If a non-exempt employee does not observe these standards, the supervisor may counsel the employee to try to resolve the problem. If counseling is not effective, the employee may receive a series of warning letters, possibly a period of suspension and, if the conduct does not improve, termination of employment. The Office of Human Resources should be involved in and knowledgeable about the situation before the supervisor issues any form of discipline beyond counseling to the employee.

Non-exempt employees who believe they have been disciplined unjustly may use the state grievance procedure West Virginia Code § 6C-2-1, et seq. to present their case. The employee may also pursue the matter through the Office of Human Resources. Employees shall note that discussing the matter with Human Resources does not extend the time frame the employee has to file a grievance, which is 15 working days from the date of the action being grieved.

9.2.2 Methods of Discipline

Supervisors may discuss an issue with an employee prior to taking formal disciplinary action, and should document this conversation in the supervisor's file for that employee. This discussion may include identifying the issue, explaining why it is an issue (i.e. WVSOM's position), a review of any

evidence of the issue, and an opportunity for the employee to explain the employee's perspective of the issue or seek training opportunities to improve.

Progressive discipline is typically a system of penalties that provide a non-exempt employee an understanding of what is expected of them and advisement when performance and/or behavior is unacceptable and provides them with the opportunity to change their behavior or performance through corrective action prior to termination of employment. The application of these methods of discipline may be different depending on the facts and circumstances of the situation. When appropriate, progressive discipline may not be offered and immediate termination may be the only discipline offered. In addition, Section 9.2, including this subsection on progressive discipline, shall not limit, be a prerequisite on, or prohibit the ability of WVSOM to terminate the employment of a non-exempt employee for reasons permitted in WVSOM Institutional Policy PE-01: Employees. Methods of discipline may include some or all of the following actions.

a. Warnings

Warnings may be either verbal or written. Verbal warnings given to an employee should be documented by the immediate supervisor in the supervisor's file for that employee. A supervisor may give an employee written warnings about the employee's performance or conduct. Written warnings are given to the employee with a copy placed in the employee's official personnel file.

b. Suspension

A supervisor may recommend suspension without pay for a period varying from one to fifteen days, depending on the gravity of the offense and the employee's previous record. Suspension may be applied in cases of first serious offenses or repeated minor ones when, in the supervisor's judgment, proper conduct can be attained without resorting to termination of employment.

c. Termination

Termination of employment may be appropriate in cases of a flagrant or willful violation of rules, regulations, laws, standards of accepted behavior or performance, or for actions by an employee in clear violation of policy or law having significant consequences to WVSOM, a department, or others. Depending on the seriousness or repetition of the violation, termination of employment may be used without offering other methods of progressive discipline.

d. Notice and Opportunity to Respond to Disciplinary Action; Grievance Procedure

A non-exempt employee under review for disciplinary action, including termination of employment, shall receive notice of the action either in person, via email with delivery confirmation to the employee's WVSOM-issued email address, via mail with delivery confirmation to the employee's most recent mailing address on file with the Office of Human Resources, or via other method of communication appropriate under the circumstances. The notice shall include the circumstances warranting the disciplinary action under review, the opportunity of the employee to respond to the circumstances and disciplinary action under review, and the effective date of any decision on the disciplinary action under review.

A non-exempt employee wishing to grieve or appeal a disciplinary action, including termination of employment, may do so under the West Virginia Public Employees Grievance Procedure (West Virginia Code § 6C-2-1 *et seq.*). The employee may have representation of

choice to assist at any grievance hearing. A request for a grievance hearing does not cancel the disciplinary action, including termination of employment.

- West Virginia Code § 6C-2-1 *et seq.*
- WVSOM Institutional Policy PE-01: Employees

9.3 Exempt Staff Discipline

Exempt staff serve at the will and pleasure of the WVSOM President or the appropriate Vice President. Progressive discipline methods may be utilized for exempt staff but are not required before suspension or termination of employment.

Exempt staff wishing to grieve or appeal a disciplinary action, including termination of employment, may do so under the West Virginia Public Employees Grievance Procedure (West Virginia Code § 6C-2-1 *et seq.*). The employee may have representation of choice to assist at any grievance hearing. A request for a grievance hearing does not cancel the disciplinary action, including termination of employment.

- West Virginia Code § 6C-2-1 *et seq.*

9.4 Faculty Discipline

Faculty discipline is outlined within the WVSOM Faculty Handbook and WVSOM Institutional Policy PE-02: Faculty.

- WVSOM Faculty Handbook
- WVSOM Institutional Policy PE-02: Faculty

9.5 Conflict Resolution

9.5.1 General

Conflicts may arise from factors internal or external to the workplace. Fostering an atmosphere where conflict can be successfully addressed and managed is key to a productive workplace. The employee's immediate supervisor and/or Human Resources should be contacted to understand the services and processes available at WVSOM to assist employees with proactive conflict resolution

All full-time and part-time regular employees may seek a resolution of work-related disputes through the West Virginia Public Employee Grievance Board. Information concerning the grievance procedure is available to employees on the West Virginia Public Employees Grievance Board webpage or by request through the Office of Human Resources.

A grievance must be filed with the President of WVSOM or the President's designee and a copy sent to the West Virginia Public Employees Grievance Board within 15 working days of the grievable event, or within 15 working days of the date the employee learned of the grievable event, or within 15 working days of the most recent occurrence of a continuing practice giving rise to a grievance. Working days refers to days WVSOM is open for normal business.

Comprehensive information, directions for filing, grievance forms, and procedural timelines can be found on the Public Employee Grievance Board website. Exceptions to this procedure include

pension or other retirement system issues, insurance issues, or matters not within the vested authority of the employer.

9.5.2 The Grievance Process

Level One. Most grievances begin at Level One with an informal conference or a formal hearing conducted by a grievance administrator who represents the Office of the President.

Level Two. If a grievant is unsatisfied with the decision at Level One, a written appeal may be filed with the West Virginia Public Employees Grievance Board, an external, independent state agency. Level Two involves mediation, which is typically conducted by an administrative law judge.

Level Three. If mediation at Level Two is unsuccessful, a grievant may file a written appeal to Level Three, which typically involves a hearing at the West Virginia Public Employees Grievance Board in front of an administrative law judge. Grievants may be able to proceed directly to Level Three if both the President and grievant agree, or grievant may unilaterally go directly to Level Three if discharged, suspended without pay, or demoted or reclassified with a loss of pay.

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. All grievances must be filed with the WVSOM President's Office and with the Grievance Board in Charleston, West Virginia within the above set time limits.

Should no resolution be found during the Grievance Process employees have the opportunity to seek redress within the State Judicial System.

- West Virginia Public Employees Grievance Board

9.6 Prohibited Conduct

WVSOM is committed to fostering a diverse and inclusive culture by promoting diversity, inclusion, equality, and intercultural and intercommunity outreach. Accordingly, WVSOM does not discriminate on the basis of race, ethnicity, color, religion, sex (including pregnancy), gender, gender identity, sexual orientation, national origin, age, marital status, veteran or military status, disability, genetic information, or other category that is protected under federal, state, or local anti-discrimination laws, in the administration of any of its education programs or activities, or with respect to admission or employment. WVSOM prohibits discrimination, harassment, stalking, and retaliation (collectively referred to as "prohibited conduct") by or against any member of the WVSOM community.

WVSOM employees are responsible for maintaining a discrimination and harassment free work and educational environment. The Office of Human Resources is responsible for the promotion and implementation of WVSOM Institutional Policy GA-28: Discrimination in the Workplace and Educational Environment Prohibited, as well as responding to any and all complaints of violations.

9.6.1 Workplace Harassment

Harassment is conduct that creates a Hostile Environment, as defined below, and is based upon an individual's race, ethnicity, color, religion, sex (including pregnancy), gender, gender identity, sexual orientation, national origin, age, marital status, veteran or military status, disability, genetic information, or other category that is protected under federal, state, or local anti- discrimination laws. Harassment may take various forms, including, but not limited to, name- calling, graphic or written statements (including the use of social media, text messages, emails, or other similar forms), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not necessarily have to include intent to harm, be directed at a specific target, or involve repeated incidents.

A Hostile Environment is a situation where an individual is subjected to any conduct based on the reasons set forth in WVSOM Institutional Policy GA-28: Discrimination in the Workplace and Educational Environment Prohibited, and such conduct is sufficiently severe or pervasive, or so objectively offensive, so as to unreasonably interfere with an individual's educational experience, work or academic performance or deny or limit the individual's ability to participate in or benefit from WVSOM's programs, services, opportunities, or activities.

WVSOM strives to be free of all forms of harassment, as well as, bullying and retaliation of any type. Inappropriate conduct will be dealt with using WVSOM procedures, including disciplinary action which may result in immediate termination.

- WVSOM Institutional Policy GA-28: Discrimination in the Workplace and Educational Environment Prohibited
- WVSOM Discrimination or Harassment Complaint Form

9.6.2 Sexual Harassment

Sexual harassment of students, employees, or visitors occurring on or in the WVSOM campus properties is unlawful and will not be tolerated. Further, retaliation against an individual who has complained about sexual harassment or who has cooperated with an investigation of a sexual harassment complaint is unlawful and will not be tolerated. To achieve the goal of providing an educational setting and workplace free from sexual harassment, inappropriate conduct will be dealt with using WVSOM's procedures, including disciplinary action where appropriate, which may result in immediate termination.

WVSOM's definition of sexual harassment is consistent with the guidelines of the Equal Opportunity Commission, the United States Department of Education and prevailing federal and state case law. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of WVSOM conditioning the provision of an aid, benefit, or service of WVSOM on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the WVSOM's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

- 20 U.S. Code § 1092
- 34 U.S. Code 20 § 12291

9.6.3 Harassment under Title IX

WVSOM does not discriminate on the basis of sex in the education program or activity that it operates. WVSOM, as a recipient of federal financial assistance, is required by Title IX of the Education Amendments of 1972 ("Title IX") and 34 C.F.R. § 106 ("Title IX regulations") not to discriminate in such a manner. The requirement not to discriminate in WVSOM's education programs or activities extends to admission and employment, and inquiries about the application of Title IX and the Title IX regulations to WVSOM may be referred to WVSOM's Title IX Coordinator or the Assistant Secretary, Office of Civil Rights, U.S. Department of Education, or both.

WVSOM's policy on Title IX, Sexual Harassment and Discrimination, Institutional Policy GA-14, is located on the WVSOM website at https://www.wvsom.edu/policies.

WVSOM has designated and authorized Dr. Dawn Roberts, Associate Dean for Multicultural and Student Affairs, as Title IX Coordinator to coordinate WVSOM's efforts to comply with its responsibilities under Title IX, 34 C.F.R. § 106, and other federal and state sex discrimination and sexual harassment laws.

The Title IX Coordinator's contact information is as follows:
Campus office address: Room SC101E Student Center
E-mail address: droberts@osteo.wvsom.edu
Title IX report/complaint email address: TitleIX@osteo.wvsom.edu
Office telephone number: (304) 793-6591

Additional information on Title IX is available on the WVSOM website at https://www.wvsom.edu/title-ix.

9.6.4 Filing of Complaints

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

In accordance with WVSOM Institutional Policy GA-14: Title IX, Sexual Harassment, and Discrimination, a formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent (an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment) and requesting that WVSOM investigate the allegation of sexual harassment. At the time of filing a formal complaint with WVSOM, a complainant must be participating in or attempting to participate in the education program or activity of WVSOM. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by e-mail, by using the contact information listed for the Title IX Coordinator, and by any additional method designated by WVSOM. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by e-mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under the Title IX regulations, part § 106, or under § 106.45, and must comply with the requirements of the Title IX regulations, part § 106, including § 106.45(b)(1)(iii).

Any employee or student who is found to have engaged in sexual harassment of another student or employee will be subject to disciplinary action up to and including termination of employment or expulsion.

- Sexual Misconduct Form
- WVSOM Institutional Policy GA-14: Title IX, Sexual Harassment, and Discrimination
- WVSOM Institutional Policy GA-28: Discrimination in the Workplace and Educational Environment Prohibited
- WVSOM Title IX Resource Page
- WVSOM Discrimination or Harassment Complaint Form

9.6.5 Bullying

Workplace bullying refers to repeated, unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which is intended to intimidate and creates a risk to the health and safety of the employee(s).

Workplace bullying often involves an abuse or misuse of power. It is not required, however, that the "bully" be in a position of power. Bullying can occur from any direction or employee level, including a supervisor being bullied by an employee that reports to the supervisor. Bullying includes behavior that intimidates, degrades, offends, or humiliates a worker, often in front of others. Bullying behavior creates feelings of defenselessness in the target and undermines an individual's right to dignity at work.

Bullying is different from aggression. Whereas aggression may involve a single act, bullying involves repeated attacks against the target, creating an on-going pattern of behavior. "Tough" or "demanding" bosses are not necessarily bullies, as long as their primary motivation is to obtain the best performance by setting high expectations.

Employees that feel they are the target of workplace bullying must advise the Office of Human Resources or WVSOM's President. WVSOM will not tolerate any form of bullying.

9.6.6 Cyber-stalking

Cyber-stalking is the use of electronic means (such as the internet, smart phones, and other electronic devices) to stalk or harass an individual, a group of individuals, or an organization. It may include false accusations, improper monitoring, making threats, identity theft, damage to data or equipment, the solicitation of minors for sex, or gathering information in order to harass. The definition of "harassment" must meet the criterion that a reasonable person, in possession of the same information, would regard it as sufficient to cause another reasonable person distress. Cyber-stalking can take many forms, including harassment, embarrassment, and humiliation of the victim. There are a number of statutes that prohibit cyber-stalking or harassment through use of electronic devices. They include:

- West Virginia Code §61-3C-14A (Cyber-stalking);
- 18 U.S.C. §2261A (Federal Interstate Stalking Law);
- 18 U.S.C. §875(c) (Federal Interstate Communications Law);
- West Virginia Code §61-8-16 (Obscene, anonymous, harassing, repeated and threatening telephone calls); and

- 47 U.S.C. §223(a)(1)(C) (Federal Harassing Telephone Calls in Interstate Communications Law)

Any employee who feels that they are the target of cyber-stalking in any manner should notify the Office of Human Resources or WVSOM's President. WVSOM will not tolerate any form of cyber-stalking.

SECTION 10 – GENERAL PRACTICES AND PROCEDURES

10.1 Access to Employee Personnel File

All employee personnel files are maintained in an electronic filing system within the Office of Human Resources. Employees may review their personnel file with the Office of Human Resources Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m. Requests for access to the employee file should be made in writing and the employee should give the Office of Human Resources at least a 24-hour notice to schedule the review. Employees may be provided with an electronic or printed copy of their personnel file upon request. The Office of Human Resources, the employee, and the employee's supervisors all have access to the employee's personnel record. Employees may have access to and examine their personnel file with the exception of pre-employment references.

10.2 Keys

WVSOM utilizes a key and prox card system. Employees are given access to areas across campus as necessary to complete their jobs. The Office of Business Affairs provides oversight for this program. The Director of Physical Plant is responsible for the keying system of WVSOM and for the issuance of all keys. Employees may secure necessary access keys by providing an approved work order to the Physical Plant Office. Issuance of access keys to certain designated areas of the campus is restricted. Employees are prohibited from duplicating any WVSOM keys or entry cards and may not allow use of keys or entry cards issued to them by any other person. All keys and entry cards must be returned to the WVSOM Office of Human Resources or its designee on the employee's last working day.

10.3 Safety and Security

The Vice President for Finance and Facilities is the campus liaison for security services and the West Virginia State Police are responsible for providing on site safety and security of campus staff, students, and buildings. External phones are located in strategic areas throughout the campus. These phones ring automatically when removed from the receiver and connect to the Greenbrier County 911 operator. Appropriate response personnel will be immediately dispatched. The location of these phones can be found on WVSOM's website and in the Emergency Response Manual. Employees shall immediately report any suspicious person, behaviors, or circumstances to their supervisor or notify 911.

- WVSOM Emergency Response Manual

10.4 Breastfeeding on Campus

WVSOM strives to provide a family-friendly environment for its employees. With this goal in mind and in accordance with state and federal laws, any employee may breastfeed or express breastmilk on campus. Many factors contribute to the number of times a mother must lactate, including the number of feedings and the age of the child. Given that the needs of lactating mothers change with time, a flexible approach is encouraged. The WVSOM Office of Human Resources will work with lactating mothers and their supervisor to provide reasonable measures to support lactating mothers as follows:

- A clean, private area (not a bathroom) with a locking door to breastfeed or express breastmilk.
- A comfortable chair.

- A table to support a breast pump and associated equipment.
- An electrical outlet.
- A sink in the vicinity for washing hands and equipment.

The WVSOM Office of Human Resources will also work with the lactating mothers and their supervisor to provide as much break time as reasonably possible to accommodate the employee's needs. Employees are encouraged to contact Human Resources to discuss their needs as it relates to breastfeeding.

10.5 WVSOM Emergency Response Manual

WVSOM has designed a plan for administration, faculty, and staff to manage campus emergencies. While the Emergency Response Manual may not address every conceivable situation, it supplies extensive guidelines to cope with campus and community emergencies with the expectation of making the campus safe and secure for all students, staff, faculty and visitors. The Vice President for Finance and Facilities and the Campus Safety Coordinator are responsible for this program. Employees are responsible for reviewing the WVSOM Emergency Response Manual, knowing the actions they are responsible for completing, and for being familiar with the guidelines. Employees who are in an emergency situation should call 911 for assistance.

- WVSOM Safety and Security Page

10.6 Automatic External Defibrillators

Automatic External Defibrillators (AEDs) are strategically located throughout the campus in case of emergencies. The locations of these devices may be found in the Emergency Response Manual, and on the Safety and Security webpage.

- WVSOM Safety and Security Page

10.7 Public Communication

All official public communication activities engaged in by WVSOM employees and students for the purpose of promoting the school shall be authorized in advance by the President or designee.

10.8 Telephones

WVSOM telephones and issued telephone numbers should be utilized for WVSOM business purposes only. Personal phone calls should be made during breaks except in the case of emergencies. Personal long-distance calls that are made on WVSOM phones shall be reimbursed to WVSOM by the employee making the call. Payment for personal long-distance calls can be made in the Office of Business Affairs/Cashier's Office. Excessive or disruptive use of a personal cell phone is prohibited and will be addressed by the employee's supervisor or another administrator.

10.9 Computer Equipment, Data, and Programs

Computer equipment, data or program owned, leased or otherwise provided by WVSOM are for conducting authorized, non-personal business. Use for personal benefit or gain may be grounds for disciplinary action up to, and including, immediate termination.

WVSOM Institutional Policy GA-31: Acceptable Use of Information Technology Resources governs the conduct of faculty, staff, students, alumni, and guests in the use of WVSOM information technology resources. The purpose of this policy is to provide, promote, and establish the secure, ethical, and legal use of data, devices, and electronic communications for all constituents of the institution. It is governed by WVSOM policies as well as local, state, and federal laws relating to security, copyrights, and other statutes regarding electronic media.

All WVSOM researchers, employees, and those acting on WVSOM's behalf are responsible for ensuring that WVSOM activities are conducted in compliance with the requirements of United States export control laws and regulations and the rules and procedures set forth in WVSOM Institutional Policy R-07: Export Control. This applies to employees who plan on traveling internationally for work purposes, traveling for personal reasons (e.g. vacation) with WVSOM property or resources (i.e. WVSOM laptop or email account), or employees who plan on collaborating with a foreign national (even within the United States).

- WVSOM Institutional Policy GA-31: Acceptable Use of Information Technology Resources
- WVSOM Institutional Policy R-07: Export Control
- WVSOM Export Control Compliance Website

10.10 Use of State Property

An employee may use WVSOM stationery, motor vehicles, or other equipment only in conducting school business. It is a criminal offense for an employee to remove state property when leaving the service of WVSOM (i.e. retirement, resignation, or termination). Employees are to turn in all WVSOM property including keys, computers, iPads, tablets, books, office supplies, furniture, equipment, paper, and other equipment upon termination of employment. WVSOM reserves the right to request the return of institutionally issued uniforms.

State owned vehicles are to be used exclusively for business purposes and must be approved in advance by the appropriate administrator. Employees must have a valid driver's license to operate a state vehicle. It is the responsibility of the driver to follow all regulations pertaining to the use of the vehicle, to ensure that the use of the state vehicle is properly authorized and the passengers are all agents (agents are defined as individuals acting on behalf of or by direction of WVSOM) or employees of the state. The Director of Physical Plant or designee is responsible for checking out vehicles for use, maintaining records, and providing copies of regulations pertaining to the use of the vehicles.

Text messaging and the use of handheld cell phones are illegal for all drivers in West Virginia.

10.11 Protection of Private Information

Private information is confidential information protected under WVSOM policies, state law, or federal statutes. Examples include, but are not limited to: financial information, employment records, student education records, medical records, donor histories and related information, and mailing lists. All employees are responsible for protecting the privacy of such information. Protection means not disclosing, copying, or disseminating information without authorization. All paper and electronic documents containing private/confidential information must be properly maintained and disposed.

All employees are required to sign confidentiality agreements upon hire that covers employees and their access to private/confidential information. Unauthorized release or viewing of private/confidential information may result in disciplinary action up to or including prosecution under state and/or federal statutes.

10.12 Ethics

The West Virginia Ethics Act declares certain activities by public employees to be unlawful. As West Virginia public employees, are held responsible for adhering to the requirements of the Ethics Act. Employees who need advice regarding the Ethics Act should contact WVSOM's Office of General Counsel.

In addition to compliance with the West Virginia Ethics Act, WVSOM holds itself to the highest ethical standards. For this reason, WVSOM has developed a statement on Academic Professional Ethics which includes a list of all WVSOM policies that pertain to Academic Professional Ethics.

- WVSOM's Statement on Academic Professional Ethics
- West Virginia Ethics Commission
- West Virginia Ethics Act Overview

10.13 Conflicts of Interest

All WVSOM employees, whether full or part time and whether compensated or not, must carry out their WVSOM duties in compliance with the West Virginia Ethics Act and in the best interest of WVSOM. See West Virginia Code § 6B-2-5. Under the West Virginia Ethics Act, all employees must identify, reduce, and remove actual or potential conflicts of interest, as defined below.

An actual or potential conflict of interest may exist due to, but not limited to, the following situations: furnishing supplies, material, equipment, contractual services, or any other articles or things used by WVSOM or its partners or affiliates or furnished thereto. This list of situations is not meant to be exhaustive, but merely sets forth examples that are or could become actual or potential conflicts of interest. As used herein, "partners or affiliates" includes, but is not limited to, the WVSOM Foundation, Inc., the West Virginia School of Osteopathic Medicine Clinic, Inc., d/b/a Robert C. Byrd Clinic, the Mountain State Osteopathic Postdoctoral Training Institutions, Inc. (MSOPTI), and the WVSOM Alumni Association.

No WVSOM employee or any of the employee's relatives and no firm, corporation, association, partnership, sole proprietorship or other business association in which the employee or any of the employees relatives is or are an officer, director, agent, attorney, representative, employee, partner or employer, to the employee's actual knowledge, is or has entered into any kind of relationship or transaction with WVSOM or its partners or affiliates to provide supplies, material, equipment, contractual services or any other articles or things used thereby or furnished thereto, which presents an actual or potential conflict of interest with WVSOM or its partners or affiliates. This includes any entity in which the employee or the employee's relative owns, is a majority stockholder or has a majority interest. As used herein, "relatives" means spouses, brothers and sisters and their spouses, parents and grandparents and their spouses, children and their spouses, and grandchildren and their spouses.

Employees with direct purchasing authority may not have any benefits, direct or indirect, in the purchase of commodities or services. Employees may not accept or receive, directly or indirectly, from any person,

firm, or corporation, any items, or have an interest in any bid, contract or purchase, by rebate, gift or otherwise, any money or item of value, or any promise, obligation, or contract for future reward or compensation.

Conduct by an employee constituting a conflict of interest may be grounds for disciplinary action, up to and including immediate termination of employment.

WVSOM Senior Administrators have a fiduciary duty to serve the financial interests of WVSOM, as well as a duty to preserve the public trust. Thus, these individuals have a clear obligation to fulfill their responsibilities in a manner that does not give rise to an actual or potential conflict of interest. All decisions by Senior Administrators must be made solely on the basis of a desire to advance the best interests of WVSOM and the public good. Although many such perceived conflicts are and will be deemed inconsequential, every individual Senior Administrator has an ongoing responsibility to disclose any current, proposed, or pending situations that involve personal, familial, ethical, legal, or business relationships that could be perceived as a conflict of interest. Each Senior Administrator is required to avoid and disclose any actual or potential conflicts of interest as soon as the existence of the conflict is known. Senior Administrators must refrain from participating in any transactions or decisions involving WVSOM and remove themselves from a position of decision-making authority with respect to any situation in which they have any actual or potential conflict of interest. Senior Administrators must submit a signed Conflict of Interest Statement annually to the WVSOM Office of Human Resources. This process is intended to conduct conflict of interest assessments for Senior Administrators who are independently responsible for making decisions for or on behalf of WVSOM.

10.14 Concessions and Solicitation of Funds

Solicitation and the selling of products or articles on WVSOM property, owned or leased, are prohibited; except, by organizations or groups directly affiliated with and recognized by WVSOM, and authorized through written approval by the President or designee.

WVSOM campus mail and email system are services provided to faculty, staff, and retirees for official WVSOM business only; it is not to be used for personal gain, political activity, religious, or special interest purposes.

Except for solicitation to participate in official WVSOM programs and activities, no employee or other person shall solicit employee organizational membership during scheduled work time, in WVSOM work areas, or where work tasks are to be performed. Employee solicitation of membership to employee organizations must be conducted during non-work time and in non-work areas.

10.15 Political Activity by Employees

Procedures regarding political activity are based on the degree of involvement required by the office sought. At the municipal or county level, where elective offices by nature and by law require only part time attention, employees may seek and serve without adjustment to their position and without taking a leave of absence. Employees must, however, make arrangements with their supervisor to make sure all responsibilities to WVSOM are met.

If employees wish to participate in a primary or general election as a candidate for public office which is a full-time municipal or county office, or full-time or part time state or federal office, they must seek a

leave of absence without pay from WVSOM. If not elected, the employee will be reinstated after the election.

While on personal time, an employee is not prohibited from campaigning for a candidate in a municipal, county, state, or federal election. Employees are also not prohibited from contact with any elected representatives. Employees may not campaign while on work time and must make it clear that they are not representing WVSOM when campaigning for themselves or any candidate.

The West Virginia Ethics Act prohibits the use or expenditure of any public resources to solicit campaign contributions, use public resources to endorse political candidates, etc. This includes state telephones and e-mail accounts.

- West Virginia Ethics Commission
- West Virginia Ethics Act Overview

10.16 Union Membership

West Virginia state law neither compels nor prohibits joining a union. Collective bargaining and strikes at state institutions are prohibited by state statute. Union membership solicitation may be permitted at specific times and in defined locations. The Vice President of Human Resources is the contact person to schedule such meetings.

- West Virginia State Code Chapter 21: Labor

10.17 Institutional Titles

WVSOM employees may not use their institutional titles in affairs not directly related to WVSOM business unless it is made clear that the title is being used for identification only and it does not imply WVSOM involvement or endorsement.

10.18 Alcohol and Drugs

The mental and physical health and well-being of employees and students is vital to the success of WVSOM and is necessary to maintain safety and high standards of education and health care. The illegal use or abuse of drugs and/or alcohol has a clear and adverse effect on the educational environment. WVSOM has the right and obligation to provide employees and students with a safe, healthy, efficient, and effective learning and work environment free from influences of illegal chemical substances and the misuse of legal substances.

Employees, students, preceptors, patients, and the general public must be confident that safety will not be compromised by impaired WVSOM employees or students and that WVSOM employees and students will not be involved with any prohibited substances or engage in any prohibited activity. Further, to promote the responsible use of alcohol in accordance with West Virginia law, WVSOM must prohibit the dispensation or consumption of alcohol on campus and at student organization functions unless expressly authorized by the WVSOM President and only if certain criteria are met.

Per WVSOM Institutional Policy GA-08: Drugs, Alcohol, Testing and Treatment, use of alcoholic beverages on the WVSOM campus, Statewide Campus sites, or other WVSOM-owned or controlled property is

limited and must be approved in advance as outlined in the policy. Excessive alcohol consumption by any person on WVSOM property or at a WVSOM sponsored event is not tolerated.

WVSOM does not tolerate misuse of legal substances, or the manufacture, possession, use, sale, trade, distribution, dispensation, receipt, or transportation of any illegal substances, either on or off campus, as those activities are incompatible with the educational mission of WVSOM. WVSOM Institutional Policy GA-08: Drugs, Alcohol, Testing and Treatment addresses employee substance abuse and outlines drug testing of employees in certain instances.

Consistent with its mission, WVSOM will utilize educational strategies as the primary approach to substance abuse. However, all members of the WVSOM community should know that any violations of local, state, or federal laws will be subject to prosecution to the fullest extent of the law and any violations of WVSOM policies and procedures will be subject to administrative action, up to and including immediate termination.

Employees who plead guilty to, or are convicted of, any alcohol or drug related offense must notify the Office of Human Resources within 30 days of the guilty plea or conviction.

- WVSOM Institutional Policy GA-08: Drugs, Alcohol, Testing and Treatment

10.19 Tobacco

WVSOM is an example for the surrounding community and nationwide as a leader in health care education and health behaviors. Per WVSOM Institutional Policy PP-03: Campus Use and Restrictions Policy, WVSOM prohibits the use of tobacco in any form or any electronic/vapor cigarettes on the WVSOM campus and on any other property owned or controlled by WVSOM.

- WVSOM Institutional Policy PP-03: Campus Use and Restrictions Policy

10.20 Dangerous Weapons

WVSOM is committed to preventing workplace violence and maintaining a safe work environment. Per WVSOM Institutional Policy PP-03: Campus Use and Restrictions Policy, no person may possess or carry any firearm or other dangerous weapon upon the premises of WVSOM or upon those premises controlled by WVSOM, unless such person is a law enforcement officer or the individual has the express, written permission of the President. This prohibition applies whether or not a person is licensed to carry a concealed deadly weapon in accordance with the provisions of state law.

The term “dangerous weapon” includes, but is not limited to, firearms; knives other than folding pocket knives with blades three and one half (3 ½) inches long or less, or those being used for food preparation; bladed weapons such as swords, razors or arrows; ammunition; explosives or explosive devices; nunchaku; and throwing devices with sharp or pointed edges.

Violations of the policy will be grounds for discipline of the offender, including immediate suspension and/or prosecution under the appropriate state law, and impositions of penalties or sanctions up to and including suspension, expulsion or termination. Persons not authorized under the terms of this policy who are found to be in violation will be considered trespassers and will be asked to leave the premises.

- WVSOM Institutional Policy PP-03: Campus Use and Restrictions Policy

10.21 Animals on Campus

Personal animals shall not be permitted in campus buildings or state vehicles. The only exceptions are certified service animals (seeing-eye and hearing dogs which cannot be used by anyone other than the person issued to, as required by the Americans with Disabilities Act).

Individuals may bring personal animals onto the campus on occasion. Those having personal animals on the WVSOM grounds are responsible for keeping the animal contained at all times and are responsible for appropriately cleaning up any stools left by the animal.

Animals may not be left unattended in personal vehicles for extended periods of time for any reason. In the event that an animal is left unattended in a vehicle, the Lewisburg City Police Department and/or the Humane Society will be called to intervene to insure the safety and welfare of the animal.

10.22 Resignation or Retirement

Upon the successful conclusion of an employee's career with WVSOM, the employee may leave or conclude services either by resignation or retirement.

Employees who resign shall give a minimum of two weeks' (non-exempt staff) or four weeks' (exempt staff) or 90 days (faculty) notice in writing to provide time for necessary appointments and to ensure that the individual may be reconsidered for reemployment should the employee wish to return. Faculty are asked to provide as much notice as possible, however a minimum of ninety days written notice is required as outlined in their individual annual appointment. The letter should include the reason for resigning and the last date of work. Copies should be sent to the immediate supervisor and the Office of Human Resources.

Employees who retire shall give a minimum of a month's notice to enable the completion of all the transactions necessary with Social Security and Medicare (if applicable), the retirement counselor, the Human Resources Officer and the Office of Business Affairs/Payroll. It is also recommended that the employee has a personal appointment with the retirement investment counselor during the last year of employment. As a general rule, the more lead time provided, the better able the Office of Human Resources and the Office of Business Affairs/Payroll can assist with options and benefits and provide a smooth transition.

The Office of Business Affairs/Payroll provides all the necessary information and forms to complete this action whether the employee retires or resigns.

The employee shall be asked to participate in an exit interview with a Human Resources Officer and complete a checklist of all items which need to be returned to WVSOM. The exit interview is used to assist the school in determining how it may improve any working conditions or processes for future employees.

Procedure Title: WVSOM Employee Handbook

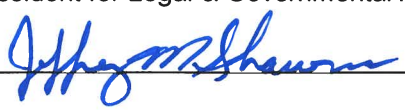
Effective Date: September 2, 2022 Time: 5:00 p.m.

APPROVED BY:

Approving Administrator – Vice President for Administration and External Relations:

Date: 02Sept2022

Vice President for Legal & Governmental Affairs and General Counsel:



Date: 09-02-2022

Updated: January 24, 2023