***Classified Staff council Meeting – July 24, 2024***

**Brent Dotson** – Welcome everyone. This is an actual staff council meeting. I wanted to extend they invitation to the whole Assembly because there is a special topic that I wanted to talk about, which is the constitutional by-laws.

To begin with I want to recognize Autumn Bender and Kim Hitt, I have asked them to fill a couple seats; we have 4 vacant seats on staff council, I they have agreed to accept the responsibility and fill 2 of those vacant seats. That being said I need Staff Council to give me a motion to accept Kim and Autumn into those positions?

**Angie Burgy** – Motion

Elizabeth Knick and Jennifer Williams – 2nd

**Kim McFee** – Who are they replacing?

**Brent** - Kim is filling for Pat Harris, who retired and Autumn is filling for Beth Wood who also retired.

**Kim McFee** – So these are just for sectors?

**Brent** – Yes. Service and Professional, non-teaching.

The other 2 seats I still have to fill are in Craft, and those are the hardest seats to fill. Unfortunately nobody in that sector wants to fill those seats and represent those individuals, so I am going to try and see inf there is a way I can use somebody else from a different sector to represent them and keep them in the loop. It is very hard to get those seats filled and it makes it hard to meet quorum with those empty seats.

**Elizabeth Knick** – So you said it was Craft? What exactly is that?

**Brent** – Craft is basically maintenance and Campus Service workers. That is the sector that I have a really hard time filling. They were enthusiastic in the beginning but that quickly fizzled out. But I am going to try and fill those seats one way or another so we can at least have some representation for them.

We actually don’t have quorum today, normally we would approve meeting minutes from the past meetings, we did not have a June meeting, we do have minutes from May that we need to approve but without quorum we cannot do that. We will therefor vote on the May meeting minutes through email and get those taken care of.

**Brent** – We will move into reports. The only thing I have to report from Cabinet is that we had a Cabinet Retreat. Dr. Jackson brought in an Improv professional who teams up with a Business Professional and they kind of showed us how we can use Improvisation in our realm of responsibilities here at the institution.

 It went over really well and we were able to use what we learned from those 2 gentlemen to work more on the strategic plan and figure out how we are going to strengthen those pillars.

That is pretty much in from Cabinet. Anyone have any questions?

**Brent** – Here is Cody with a brief update on the Board of Governors meeting.

**Cody** – We had our meeting on June 18th, the topics of discussion were; the use of institutional facilities policy being updated. 5-year program reviews. The programs continuing without specific action are: Child Development Certificate of Applied Science, Child Development Associate of Applied Science, Criminal Justice Associate of Applied Science, Multi-disciplinary studies Bachelor of Arts. Now the programs that were identified for further development are: Advanced Manufacturing Technology Associates of Applied Science and Multi-Craft Technology Associates of Applied Science. The program being discontinued is Pharmacy Technician Certificate of Applied Science.

And our next meeting is August 27, 2024.

**Brent** – Anybody have any questions for Cody?

Melissa Graham is our ACCE representative and she is in another meeting at this time, she is going to try and get here if she can, so I am going to table her report and if we have time to swing back around to it we will towards the end of the meeting.

Our Treasurer, Vanessa Chilcotte, she had some personal errands she had to run today and was going to try to make it in to give her report but unfortunately, she is not going to be able to make it. So, we will table that report until the next meeting.

**Brent** – Since we have a nice group in here today, is there any feedback on the Staff Evaluations?

(Several people were talking about not being allowed to give 4’s on the evaluation. Discussion back and forth about whether 4’s are obtainable and what the criteria for it is)

**Brent** – I understand what everyone is saying and I don’t have a definitive answer for you today but I will follow up with Administration about this. I think there is a disconnect with the training that was provided. And I don’t agree with the fact that supervisors are afraid to give 3s or 4s if warranted.

In my next meeting with the President I will address what the expectation is on this evaluation.

**Brent** – Melissa just walked in so I’m going to backtrack a little and ask if you have a brief message to give on your ACCE meeting?

**Melissa Graham**- I can say that HEPC is still working on the market study. They have had a lot of staff turnover, with the agency and they are working on it. They talked about really promoting staff council to all employees and get with HR about new employees to let them know.

**Brent –** We’ve kinda been talking about that, we just haven’t gotten anything together to talk to HR about adding things to the new hire packets. I’m not trying to make excuses but I’ve just been really busy and haven’t had time to do that yet.

**Elizabeth Knick –** I don’t know if everyone is aware of this but with Professional Development week coming up, we have to schedule HR orientation for all new employees. If you would like, if I can find the time to speak to HR to see if we can invent something about Staff Council in that session.

**Brent –** Thank you for delegating that for me.

**Elizabeth –** So that’s a yes then? No problem.

**Brent –** That is a yes, and I appreciate it very much.

**Elizabeth –** I will start working on it today.

**Brent –** That will help my very much.

**Melissa –** Since I have become ACCE rep I have only missed 1 meeting, but I have noticed that a lot of different members have Proxies where they attend the meetings or take the information to Staff Council meetings if I was unable to attend.

**Brent –** It would have to be a classified staff member because it’s a classified staff position.

If anyone is interested in being a proxy for Melissa to attend ACCE meetings and report back to her with that. You would be required to come to Staff Council meetings not necessarily to give a report, you could always give the report to Melissa and she could present it at the meetings. If you are interested just get in touch with Melissa.

If we don’t get a proxy, we will just miss the meeting if you aren’t available and won’t have any notes for that. Melissa does a good job but when she does miss a meeting she follows up with their meeting minutes and then goes ahead and reports off of those minutes.

**Brent –** We do have a Children of Classified Scholarship amount to approve, we do not have quorum so we will do that email.

So, lets go ahead and move into the Constitution and Bylaws conversation.

The main thing I wanted to talk to everybody about, as most of you are aware, I started inviting Non-classified, Non-supervisory employees to the staff council meetings, so that they had a place for their voice to be heard.

The only thing wrong with that, in my opinion, but you don’t really get the chance to participate.

Classified staff council members are voted into office by the Assembly to represent all classified staff. And we vote on things that we want to accomplish on behalf of the Assembly. The Assembly being all classified staff.

The state is moving from Classified and Non-classified to Exempt and Non-exempt. You are all aware of that right? Yes? No? Do I need to explain?

We had Dr. Jackson come into a Staff Council meeting one time a few months ago because even though classifications are still in place, Institutions are moving away from Classified staff, they are moving more towards Non-Classified staff. The HEPC, on their website, you can see what each Institution is doing individually for Classified and Non-classified. We are the only Institution in the state of West Virginia with the majority of employees labeled as Classified Staff. I believe the last time I checked, we had 87 classified staff members and the next institution closest to us, I can’t remember the name of the institution but they only had 40.

There are Institutions that have done away with Classified Staff all together. So, this prompted me to ask the question, how do we, as Classified staff move into this future? Our Constitution and Bylaws regulate what we can do and is regulated by the Legislature. So, I posed the question and Dr. Jackson put me in touch with Trish Humphreys. Does anyone know who she is? She is the Vice Chancellor for Human Resources at the HEPC. I wanted to talk to her and find out how we can keep up with the state as far as keeping Classified as well as non-classified staff together in one group to give everyone that place. I wanted to make sure it was done legally and were not breaking any rules with the Legislature. So, I had a 2-hour meeting with Trish Humphreys. It was very informative, and she clarified some things for me. When we talked about Classified and Non-Classified we also talk about Exempt and Non-Exempt right?

It’s Classified, Non-Exempt and Non-Classified, Exempt; I kept saying that in my meeting with Trish and she told me to stop. If she was right in front of me she probably would’ve slapped my hand. She said those are two totally different things, and I wasn’t getting that. And a lot of us don’t get that. Classified and Non-Classified is a state classification, Exempt and Non-Exempt is a Federal classification. Those 2 things do not go together. So, you can have Classified Non-Exempt and you can have Non-Classified Exempt those things can happen and they are not illegal.

But the one thing I do want to point out as I move forward, I want to point out the differences and the way the Legislature is moving as they define Classified and Non-Classified. In 2011, number 330, redefined a Classified employee as “a regular employee of an Organization who holds a position that is assigned a particular job and job title within the classification system established by Article 9 and dually promulgated by the adopted rules of the commission and council.” That was back in 2011 for Classified employees. Then in 2017, this is the most recent definition, they haven’t changed anything since then.

A Classified employee now means “A regular full-time or a regular part-time employee of an Organization who does not need to duties test for Exempt status under the provisions of the Fair Labors Standards Act and is not otherwise a Non-Classified employee. Pursuant to the sub-division 11 in this section, provided that any employee of an Organization who’s classified employee as of January 1, 2017 pertains to the status unless otherwise deemed a non-classified employee pursuant to the provisions of sub parts” …blah, blah.

So, you can see the evaluation where there are taking Classified staff and comparing it to the Federal Exempt and Non-Exempt.

(Someone in the back said they thought the difference was that exempt meant they were not eligible for overtime.)

**Brent –** That’s correct. If you are Exempt there is no over time. You can still be hourly but be exempt depending on the employer.

Yes, there have been people here that have been hourly but exempt from over time and everyone thought that was illegal, but it isn’t.

**Sandy Smith –** But I don’t think Classified makes you hourly**.** I’m not hourly, I’m salary.

**Brent –** It does not, that’s correct. That was the big misconception.

**Shauna Carpenter –** I’m Non-Classified and salary.

**Sandy –** I think that was the understanding, at least on this campus is that you can’t be classified and salary.

**Brent –** Right, but you can. And it’s perfectly legal at the state level. So, that’s what I’m getting at, Institutions are moving forward to Exempt status Non-Classified staff at our level that’s where I think we need to evolve Staff Council. When I was talking to Trish she was basically saying with being Non-Classified, you’re on an island and there is no representation. And since all the changes from the Governor for Classified staff, the only real difference between Classified and Non-Classified staff is a progressive disciplinary process. In other words, Non-Classified, don’t like what you’re wearing today? Have a good day.

(A couple people in the back of the room) Is that the reason they are moving more to non-classified?

**Brent –** I don’t think that’s the reason behind it, honestly. And here, if you really think about it, it doesn’t really matter if your classified or exempt, you really don’t work any more hours, normally. And even if you do you can use comp time, or flex your time. I have to stay late today so I’m going to come in later. Even though you might me exempt you’re never required to work any over time that you’re not going to get paid for.

That’s the main thing I wanted to put out there that’s really the only difference between Classified and Non-Classified is the progressive discipline. If you’re Classified, you get 2 write ups before they can fire you. That’s not the exact terminology but you all know what I mean, there has to be a paper trail, so it’s a little harder to get rid of us.

**Kim McFee –** Don’t we have to go by state code? State code says Classified and Non-Classified. Are you wanting to switch out Staff Council? Is that what you are wanting to do?

**Brent –** I want to add to it.

**Kim McFee –** But you would have to change state code to do that don’t you?

**Brent –** No we do not. I will get to that, that’s the next phase.

**Shauna Carpenter –** So like the people that are here now that are Non-Classified, that’s what you want right?

**Brent –** Yes, that’s what I’ve been doing so that those employees had a place to come and voice their opinions and be heard. But, I’ve been doing that as Non-Classified, Non-Supervisory; and that’s incorrect too.

There are Supervisors that are Classified and there are Supervisors that are Non-Classified, so what is the difference? What I am proposing, yes Classified and non-classified is still in the code, and Trish Humpreys and I were in and out and all over every one of these codes trying to make sure that what I wanted to do was legal and by the book and follow the code. The way the constitution and bylaws are written there is room for additions. In the code it does not say Classified staff only. It does not say that non-classified are not eligible, what it does say in the code is that; a non-classified staff member is an employee of an organization that meets one or more of the following criteria, holds a direct policy making position. How many non-classified members here do not meet that criteria?

(a lot of hands raised)

Brent – Reports directly to the President or Chief Executive office of the organization. How many non-classified employees report directly to the President?

(Nobody)

Brent – Is in a position considered to by the President or designee to be critical institution pursuant to policies or decisions adopted by the governing board. How many?

(No one)

Brent – Is an information technology related person. Non-classified.

That’s the only one that has any truth to it right? This is state code. Is hired after July 1, 2017 and meets a duties test for exempt status under the provisions of the Fair Labor Standards Act at the time of hire or anytime thereafter, or was in a non-classified position as of July 1, 2017, unless otherwise established by actions of the institution where employed, a non-classified employee serves at the will and pleasure of the organization which authority may be delegated by act of the Board.

That is where it gets the rest of non-classified staff. That is why I’m proposing that we change the way the Constitution and by-laws look. It is still going to follow code, we will still be in compliance but I would like to add a seat, per sector for non-classified staff. A voting seat. I think they should be voted in just like the classified staff is, and they would be a voting member of Staff Council. Nowhere in the code does it say that we can’t. We would have to add it to our by-laws.

That’s why I am talking to all of you, these are just my ideas because we have so many non-classified staff but they don’t report to the President and they don’t sit on the Cabinet, they have nowhere to go.

Sandy Smith – I think it’s important to point out, that originally, historically, non-classified staff member was a higher paid staff member. They weren’t in the same category as classified staff. They were more administration or executives.

Brent – Thank you Sandy, and that’s exactly right. When this was originally done and these by-laws have been in place, that is the way it was. It was that simple. Non-classified was your Presidents Cabinet and classified was everybody else. But now it’s not that simple anymore, and I think we should evolve the Constitution and by-laws to encompass non-classified staff to have a place to have a safe place to vote and voice their ideas and opinions.

Elizabeth Knick – I think that is only fair.

Brent – That’s why I wanted to bring this to the assembly after my meeting with Trish because she opened my eyes to a couple things, and it made me see that what I wanted to do was obtainable but I wanted to bring it to staff council and the assembly to get their blessing. I will call another assembly meeting once we move this a little farther along. As long as everybody in this room is in agreement with what I want to do, I will continue to pursue it. If anybody disagrees with it, please speak your mind and let me know so we can look for another solution.

Since I have the assembly here and I have staff council here, I don’t have quorum so we can’t vote from staff council to proceed, I’m going to ask everyone in the room, non-classified included, can I get a motion to continue with restructuring the Constitution and by-laws for staff council?

Motion from Elizabeth Knick

2nd from Kim McFee.

Brent – Thank you very much. This has been really important to me because a lot of employees have been missing out. And I think we miss a lot of input as well. It’s easier to get things done when you have everybody at the table.

I will start looking at the Constitution and By-laws, I will start using Staff Council to do that and we will start to go down through it; then I will call a special Assembly meeting once we get that started to see what it looks like. Hopefully we will get other assembly members involved. Actually, since we have the approval in this room, I’m not going to send the regular non-classified, non-supervisory invite like I normally do, I’m going to dismantle that group because I want to include others that I do not have in that group. Just look for those emails coming from communications department, you won’t get the calendar invite that you used to, so look out for those emails.

That basically concludes the meeting for today, we normally do Employee of the Month, but I don’t have quorum so we can’t vote on it. That will be done via email. The next meeting is going to be tentatively, August 22nd at 2pm. I say tentatively because the first day of classes is the 19th. So, we may not be having that meeting depending on how stressed I am. (laughter from all)

Is there anything else anybody would like to share?

(Meeting adjourned)