



## PAY PLAN POLICY

**I. PURPOSE:** To establish a uniform policy for the use and application of the salary schedule for the classified service consistent with merit principles and to provide guidelines for discretionary increases.

### II. DEFINITIONS

- A. Allocation. – The assignment of a position to a class by the Director of Personnel based on the duties performed and responsibilities assigned.
- B. Appeal. – A request made to the Director or Board to reconsider a decision.
- C. Appointing Authority. – The executive or head of a department or agency who is authorized by statute to appoint employees in the classified or classified-exempt service. By written notification to the Director of Personnel, the appointing authority may delegate specific powers authorized by this rule to persons who satisfy the definition of employee.
- D. Appointment. – The act of hiring an applicant for employment.
- E. Board. – The State Personnel Board as provided for in W. VA. Code § 29-6-6.
- F. Business Necessity. – The reason or cause for any of a variety of personnel actions based upon the condition of the agency, in whole or in part, or specific program component(s) which may include, but is not limited to, lack of funds or work; abolishment of positions; material changes in mission, duties or organization; loss of budgeted, allocated or available positions; reinstatement of eligible employees returning from military duty or temporary total disability; reinstatement of an employee in compliance with a legal order; and for recall of employees previously laid off.
- G. Class or Class of Positions. – One or more positions sufficiently similar in duties, training, experience and responsibilities, as determined by specifications, that the same title, the same qualifications, and the same salary schedule as defined in this section may be equitably applied to each position in the class.
- H. Class Specification. – The official description of a class of positions for the purpose of describing the nature of work, providing examples of work performed and identifying the knowledge, skills and abilities required while stating the generally accepted minimum qualifications required for employment.
- I. Classified Employee. – An employee who occupies a position allocated to a class in the classified service.
- J. Classified-Exempt Service. – As established by statute, those positions which satisfy the definitions of “class” and “classify” but which are not covered under the Division of Personnel merit system standards or employment standards of the higher education systems.



- K. Classified Service. – Those positions which satisfy the definition for “class” and “classify” and which are covered under the Division of Personnel merit system standards.
- L. Compensation Plan. – The official schedule of pay rates, the compensation range assigned to each class of positions and the salary regulations used in pay administration in the classified service.
- M. Compensation Range. – The approved monthly and annual salary for a class which includes the minimum and maximum compensation.
- N. Demotion. – A change in the status of an employee from a position in one class to a position in a lower job class as measured by compensation range, minimum qualifications or duties, or a reduction in an employee’s pay to a lower rate in the compensation range assigned to the class. There are two (2) types of demotion:
  - 1. Demotion with Prejudice. – A disciplinary action resulting in the reduction in pay and a change in job class to a lower job class.
  - 2. Demotion without Prejudice. – A reduction in pay and/or a change in job class to a lower job class due to business necessity or as a result of an employee being selected for a vacant, posted position for which he or she applied.
- O. Director. – The Director of the Division of Personnel, as provided in West Virginia Code § 29-6-7 and § 29-6-9, who serves as the executive head of the Division of Personnel, or his or her designee.
- P. Division. – The Division of Personnel within the Department of Administration responsible for the system of personnel administration for the classified and classified-exempt service.
- Q. Exempt Employees. – Those employees exempt from all but the record keeping provisions of the federal Fair Labor Standards Act (FLSA).
- R. Incumbent. – An employee occupying a position.
- S. Market Rate. – A rate established by the Director to approximate the market midpoint compensation level as compared to compensation trends in other public and private organizations.
- T. Nonexempt Employees. – Those employees whose work is regulated by the FLSA minimum wage, overtime and record keeping provisions.
  - 1. These employees are entitled to overtime compensation for all hours worked in excess of forty (40) hours in the workweek.
  - 2. The FLSA requires employers to pay nonexempt employees at a rate at least equal to the federal minimum wage and an overtime rate of one and one-half times the employees’ regular rate for time worked in excess of forty (40) hours in a workweek. However, a public agency which is a state, a political subdivision of a state or an interstate governmental agency, may



provide compensatory time off in lieu of monetary overtime compensation.

- U. Pay Increment. – The percentage increase amounts established by the Board to implement pay practices.
- V. Permanent Employee. – Any classified employee who was hired from a register and who has completed the probationary period prescribed by the Board for the job class, or any classified exempt employee who was hired to fill a position for an unlimited period of time, notwithstanding the appointing authority’s right to terminate the employee for cause or at his or her will.
- W. Personnel Terms. – Additional terminology not defined in this section that shall be used in making determinations pertaining to the provisions of this policy (see Appendix A for additional defined terms).
- X. Promotion. – A change in the status of an employee from a position in one class to a vacant position in another class of higher rank as measured by compensation range and increased level of duties and/or responsibilities.
- Y. Reallocation. – Reassignment by the Director of a position from one class to a different class on the basis of a significant change in the kind and/or level of duties and responsibilities assigned to the position or to address a misalignment of title and duties.
- Z. Resignation. – Voluntary separation from employment, including job abandonment, by an employee.
- AA. Salary Adjustment. – A salary change resulting from a revision of the pay plan, the reassignment of a class to a different compensation range, a Board approved pay differential, a temporary classification upgrade, a general wage increase mandated by the Legislature or the Governor, or the correction of payroll errors.
- BB. Salary Advancement. – A discretionary increase in compensation granted in recognition of the quality of job performance.

### III. POLICY

- A. APPOINTMENTS. Appointments above the minimum salary established for a classification may be made at the discretion of the appointing authority and in accordance with the following standards. Compensation for employees transferring from an agency that has its own established pay plan and/or is statutorily exempted from the DOP pay plan to an agency covered under this pay plan shall be determined based upon the provisions of this section.
  - 1. When making appointments above the minimum salary, the appointing authority may pay an increment of up to 5% above the minimum salary, or special hiring rate if applicable, up to the market rate, for each six (6) months of qualifying experience or equivalent qualifying training above the minimum qualifications in the class specification as determined by the appointing authority. This applies to all class specifications except those specifically excluded by official



action of the Board. For job classes that have a range for the experience qualifications, the lower year shall be considered as the minimum qualification in determining the rate of pay.

2. When the appointing authority can substantiate severe or unusual recruitment difficulties for the job classification, the Director may authorize an appointment above the market rate of the classification, not to exceed the maximum rate for the compensation range. The rate shall be determined according to the formula of up to 5% above the minimum salary, up to the maximum salary, for each six (6) months of qualifying experience or equivalent qualifying above the minimum qualifications for the classification.
    - a. Appointing authorities must document the severe or unusual recruitment difficulties. Requests for appointment above the market rate shall be submitted in writing to the Director. The request shall include the salary rate requested, the recruitment efforts undertaken by the appointing authority, along with any additional documentation that demonstrates the severe or unusual recruiting difficulties. Such documentation may contain at a minimum the length of time positions in the job class have been vacant; the number of times the position in the job class were announced, advertised and/or posted; and the number of internal applicants and eligibles on the register(s) and contact results.
    - b. The appointing authority shall be responsible for assuring that appointments above the minimum rate for the compensation range are given in a consistent manner with due consideration to the salaries and relative qualifications of incumbent employees in the same classification to ensure internal equity. An appointing authority that creates an internal pay inequity is prohibited from using the employee(s) who benefited as a comparator for purposes of discretionary salary adjustments under this policy for a period of twelve (12) months.
  3. Reemployment at a higher salary will only be approved if the employee had a break in state service consisting of a minimum of 120 calendar days. In the case of reemployment within 120 calendar days, compensation will be determined as if the separation had not occurred as follows:
    - a. Pay on promotion or demotion based on the provisions of subsection III.B. of this policy; or,
    - b. The employee's former salary upon separation for appointment to a classification in the same compensation range. If the employee's former salary upon separation was above the minimum of the compensation range, the employee may retain that salary upon reemployment. If the employee's former salary was above the maximum of the compensation range, the employee may retain that salary.
- B. PROMOTION/REALLOCATION/LATERAL CLASS CHANGE/DEMOTION. Except for the provisions of subsection III.A. of this policy pertaining to transfer, when an employee is promoted, reallocated, receives a lateral class change, or is demoted his or her pay shall be adjusted as follows:



1. Upon promotion or reallocation, salaries shall be increased 7% for each pay increment, to a maximum of 35%, or to the minimum rate of the compensation range for the class, whichever is greater. If a position is reallocated and an appeal results in an additional reallocation of the position, the employee's salary shall only be increased by the appropriate amount for the additional pay increment(s). For example, if a position is initially reallocated to a classification one (1) pay increment higher and the employee's salary was increased 7%, if on appeal, the position is determined to be another pay increment higher, the employee's salary shall only be increased by an additional 7% for the second pay increment. An employee may agree to accept a lesser increase within the compensation range to obtain the promotion or remain in the position after a reallocation. If the salary of an employee being promoted is at or above the maximum rate of the compensation range to which the employee is being promoted, or, if his/her salary is within one (1) pay increment, as established by the Board, of the maximum rate of the compensation range to which he/she is being promoted, the employee shall receive an increase of one (1) pay increment with the promotion.
2. Additional pay increments may be granted in addition to those outlined in III.B.1, at the discretion of the appointing authority, if the employee being promoted or reallocated has qualifications exceeding the minimum required for the new classification as determined by the appointing authority. The appointing authority may grant an additional increase of up to 5% for each six (6) months of qualifying training or experience beyond that required for the new classification, not to exceed the maximum rate of the new compensation range.
3. A settlement agreement for back wages will not be certified by the Division of Personnel (DOP) for reallocation if a classification determination and corresponding personnel transaction are completed within the timeframes established by the DOP Settlement Agreements/Back Wages Policy (DOP P24).
4. Any permanent classified employee who receives a lateral class change shall be paid the same salary received prior to the change except in cases where the change is to an agency or job class for which the Board has approved, or the Legislature has authorized, a higher compensation range for the job class. Provided that an employee selected for a posted job opening possessing qualifying experience or training above the minimum required for the class may receive incremental increases, as established in III.B.2 of this policy.
5. An employee who has been demoted without prejudice or reallocated to a lower compensation range may retain his or her current salary or have his or her salary reduced at the appointing authority's discretion so long as the employee's pay rate is within the compensation range of the job class to which the employee was demoted or reallocated. Provided, an employee who is demoted shall not receive discretionary incremental increases for experience or training above the minimum qualifications in the class specification.
6. An employee who is subsequently promoted or reallocated within the next 24 months within



the same agency who did not have his/her salary reduced by at least one (1) pay increment per pay grade, shall receive a salary increase under this section only to the extent that they would have received a salary increase had they not been demoted or reallocated to a lower compensation range. For example, an employee in Agency A is demoted from compensation range 7 to compensation range 5 with no loss in pay and who is subsequently promoted to compensation range 8 within Agency A twelve (12) months later, would receive a 7% increase (the one pay increment they would have received as a result of being promoted from the original compensation range 7 position). An employee who accepts a demotion to a position in a different agency who is then subsequently promoted or reallocated within that agency, shall receive a salary increase under this section only to the extent that they would have received a salary increase had they not been demoted or reallocated to a lower compensation range. For example, an employee in Agency A in compensation range 7 applies and is hired in Agency B in compensation range 5 with no loss in pay who is subsequently promoted to compensation range 8 within Agency B twelve (12) months later, would receive a 7% increase (the one pay increment they would have received as a result of being promoted from the original compensation range 7 position). Additional pay increments may be granted in addition to those outlined in III.B.1, at the discretion of the appointing authority, if the employee being promoted or reallocated has determined to have qualifications exceeding the minimum required for the new classification. The appointing authority may grant an additional increase of up to 5% for each six (6) months of qualifying training or experience beyond that required for the new classification, not to exceed the maximum rate of the new compensation range.

7. An employee who is demoted with prejudice shall receive a reduction in pay by at least one (1) pay increment as established by the Board (currently 7%) and the employee's pay rate shall not exceed the maximum or be below the minimum of the new compensation range. The reduction may be to any pay rate within the compensation range of the job class to which the employee is demoted.

C. SALARY ADVANCEMENTS. Salary advancements are discretionary and limited to permanent employees. Salary advancement(s) shall be limited to a maximum total of 10% in any 12-month period, and shall not cause the new salary to exceed the maximum of the compensation range to which the employee's class is allocated. Provided, an employee with seven (7) years or more of total state service who has attained the maximum or above in the compensation range, or for whom a salary advancement would result in his or her salary exceeding the maximum of the compensation range for the class is eligible for a salary advancement. For the purpose of determining eligibility, the 12-month period shall be the 12-month period immediately preceding the effective date of the salary increase.

1. A salary advancement is limited to a maximum established by the Board and is subject to change, and shall not cause the new salary to exceed the maximum of the compensation range except where an employee with seven (7) years or more of total state service has attained the maximum or above the range, or for whom a salary advancement would result in his or her salary exceeding the maximum in the range for the class is eligible for a salary advancement.



2. A salary advancement shall be based on quality performance as evidenced by the Employee Performance Appraisal 3 (EPA-3) annual employee performance appraisal form for the agency's most current established performance review cycle and shall not be given to any employee whose documented performance appraisal rating is below Meets Expectations.
  3. Salary increases based on reallocation, general wage increases mandated by the Legislature, recruitment or retention incentives approved by the Board and discretionary in-range salary adjustments provided in subsection III.F. of this policy do not count toward the 10% maximum.
- D. RECRUITMENT AND RETENTION INCENTIVE. An appointing authority may recommend an in-range salary adjustment to all employees in a job classification, within the agency-defined organizational work unit, for which documented salary non-competitiveness has been established. The appointing authority shall provide documentation to include, but not be limited to, turnover rates for the last twelve (12) months, reasons for separation from employment, the number of filled and vacant positions in the job classification, any recruitment initiatives, the number of internal applicants and eligibles on the register(s) and contact results for the most recent vacancy, and tenure in class for the employees in the job classification. This request must be presented to and approved by the Board.
- E. SPECIAL PLAN OF IMPLEMENTATION. An appointing authority may request a special plan of implementation on a statewide reclassification. Any special plan of implementation request cannot exceed the maximum an employee would receive on reallocation, and discretionary incremental increases for experience or training above the minimum qualifications of the class specification are not available. Any such request is subject to approval by the Board. Provided that the Board may authorize a special plan of implementation without regard to the above limitations for agency specific reclassifications.
- F. DISCRETIONARY PAY DIFFERENTIALS. The following discretionary pay differentials are established to address circumstances which apply or can be applied to reasonably defined groups of employees. When increases are discretionary, appointing authorities have no obligation to pursue and employees have no entitlement to receive them. Such increases are subject to authorization or limitation by the Governor's Office, appointing authority, and/or the State Personnel Board. Each discretionary pay differential requires prior approval of the Director before the appointing authority implements salary adjustments under this section of the policy. Discretionary pay differentials are limited to a total maximum of 20% in any 12-month period. No discretionary pay differential shall cause the new salary to exceed the maximum of the compensation range to which the position occupied by the employee is allocated. If an employee's salary is over the maximum of the compensation range, the employee is not eligible for a discretionary pay differential. Discretionary pay differentials shall be based on an average score of 3 (Meets Expectations) or above on the most recent EPA cycle evidenced by finalized EPA 1, 2, and 3 forms in NEOGOV Perform or as specified in the Employee Performance Appraisal and Evaluation Management Policy (DOP-17) for non-January hires, reallocations, promotions and transfers. This information shall accompany any request



submitted on the Request for Approval form (see Appendix B) for Sections III.F.1., III.F.2., and III.F.6. under this section of the policy.

1. Additional duties/responsibilities. An appointing authority may submit the Request for Approval form (see Appendix B) recommending an in-range salary adjustment for an employee who has been assigned additional duties on a temporary or permanent basis beyond those expected of the position, where the employee has been in the classification for at least 12 months, where a completed Position Description Form has been reviewed by the Division prior to the request for a discretionary pay differential and where a change in classification is not warranted. The appointing authority shall document the nature and extent of the new duties and/or responsibilities in the request.
  - a. The percent adjustment recommended from the implementation date of the latest revision and going forward shall not be more than 5% of the employee's salary.
  - b. The additional duties must meet one or more of the following criteria:
    - i. Assignment of responsibility for a distinct new or additional program(s);
    - ii. Assignment of new responsibility due to agency reorganization/realignment;
    - iii. Assignment of substantial additional supervisory responsibility; or,
    - iv. Assignment of a substantial amount of additional duties and/or responsibility.
  - c. The Director shall evaluate the extent of the additional duties relative to the current duties assigned to the position.
  - d. The new duties, when evaluated separately, must be considered a substantial addition to the position, equivalent to or higher than the current classification level of the position, and must add to the variety and scope of the position.
  - e. If an employee receives an in-range salary adjustment for assuming additional duties and is subsequently reallocated within the next twelve (12) months based in part on assuming these additional duties, the appointing authority shall reduce the salary increase due for the reallocation by the percent amount of the in-range salary adjustment the employee received for assuming additional duties.
  - f. Appointing authorities recommending a temporary in-range salary adjustment for a permanent employee assigned additional duties that are temporary in nature shall:
    - i. Include a letter of understanding signed by the employee which details the terms and conditions of the assignment, including at a minimum, the reason, the date the duties



commenced, duration and temporary nature of the upgraded salary. The letter shall be included in the documentation required to process the request and the Personnel Transaction making the salary adjustment effective. A Personnel Transaction is required to discontinue the in-range salary adjustment and return the employee to the previous salary upon conclusion of the assignment. The previous salary shall include any salary increases the employee would have received irrespective of the temporary in-range adjustment.

- ii. Process the Personnel Transaction to return an employee to the appropriate salary after the duties are no longer being performed. Failure to do so will result in exclusion of that agency from participation in discretionary increases under this policy until such time as the agency comes into compliance.
  - iii. Inform the Division of any alteration or change in the assigned additional duties, and may be required to submit additional documentation as required by the Director for justification of continued salary adjustment.
2. Internal Equity. In situations in which one or more permanent, current employees are paid no less than 20% less than other permanent, current employees in the same job classification and within the same agency-defined organizational work unit, and have comparable training and experience as determined by the appointing authority based upon the minimum qualifications of and duties performed by the classification and comparable EPA-3 employment performance appraisal scores, the appointing authority may submit the Request for Approval form recommending an in-range salary adjustment of up to 20% of current salary to all eligible employees.
- a. The employees must have comparable performance levels based upon the EPA-3 for the agency's most current established performance review cycle for each employee, meaning both employees must be rated as Meets Expectations, or both employees must be rated as Exceeds Expectations, except where the employee being paid 20% less has a higher EPA-3 score, provided that the employee being paid 20% less has not had any disciplinary action taken in the last twelve (12) months;
  - b. The purpose of internal equity adjustments is to facilitate more equitable pay among similarly situated employees and not to recognize superior performance. An internal equity in-range salary adjustment is not intended to ensure employees in the same job classification receive the same salary.
  - c. The employee(s) used for comparison cannot have received a discretionary increase in the last twelve (12) months that caused the inequity, cannot be in a temporary classification upgrade status, cannot be receiving a salary adjustment for additional temporary duties, cannot be receiving a project based incentive salary adjustment and must have been in the classification a minimum of twelve (12) months.



- d. When the appointing authority requests an internal equity in-range salary adjustment for all eligible employees, it shall provide a request for and documentation to the Division for all employees in the same job classification within the agency-defined work unit, including their tenure and salary, who may also be eligible for an internal equity in-range salary adjustment.
  - e. The appointing authority shall provide any additional supporting documentation as required by the Division.
3. Professional Skills/Competency Development. Under the following conditions, an appointing authority may submit the Request for Approval form recommending an in-range salary adjustment of up to 10% of current salary for all eligible permanent employees who acquire certain formal training, education, certification or licensure, not required to meet the minimum qualifications of the job classification to which the position the employee occupies is assigned.
- a. The appointing authority must file with the Director a request for prior approval of professional skills/competencies, formal training/education, certification or licensure and related competencies of the job duties for which this type of adjustment is being requested. Failure to obtain prior approval shall result in denial.
  - b. Upon approval of the professional skills/competencies, formal training/education, certification or licensure, the appointing authority may request a discretionary pay differential under this section. The discretionary pay differential shall not exceed the maximum percentage approved by the Director based upon the Professional Skills/Competency Development Decision Tree (see Appendix C). The appointing authority shall provide a request for and documentation to the Division for all employees who have acquired the same formal training, education, certification or licensure within the one (1) year time period set forth in this section. The request shall state the recommended percentage and shall be consistent among all eligible employees. Future pay differential requests for employees who subsequently obtain the same training, education, certification or licensure are discretionary.
  - c. The formal training, education, certification or licensure must be received subsequent to appointment to the classification.
  - d. The formal training, education, certification or licensure must demonstrate the acquisition of competencies which are used in the essential duties of the job class and/or position and are critical to the ongoing operations of the agency.
  - e. An employee may receive an in-range salary adjustment under this section for which they applied and received reimbursement for employment-related educational expenses under the West Virginia Division of Personnel Education Expense Reimbursement/Leave Program



Policy (DOP-P16).

- f. The request for an in-range salary adjustment shall be submitted within one (1) year of the employee obtaining the formal training, education, certification or licensure.
  - g. No in-range salary adjustment shall be permitted under this policy for any recertification, regardless of whether the employee received an in-range salary adjustment for the original certification.
4. Competitive Salary Offer. Under the following conditions, an appointing authority may submit the Request for Approval form recommending a one-time salary adjustment to retain an employee who has submitted a formal written resignation accepted by the agency to obtain a position outside of the classified service, or with a covered agency with its own established pay plan, with substantially comparable duties for greater compensation.
- a. The appointing authority must verify that the employee is resigning to accept a bona fide written offer of employment for greater salary from a State agency exempt from the pay plan and salary regulations of the Division, or an organization outside of state government.
  - b. The amount of the salary adjustment may be up to 20% of the employee's current salary.
  - c. The appointing authority must provide a copy of the written bona fide offer of employment on the prospective employer's letterhead or from the employer's official email account, the resignation letter from the employee and the resignation acceptance letter, along with any other documents required by the Director.
  - d. The appointing authority must verify that the one-time salary adjustment would not create an inequity that would place the employee 20% or more above others in the same classification and organizational unit considered comparable as provided in subsection III.F.2. of this policy.
5. Appointment Incentive. An appointing authority may submit the Request for Approval form recommending a lump sum payment not to exceed the equivalent of two (2) months' salary to an applicant who accepts employment (i.e. original appointment, transfer, reinstatement, promotion or demotion without prejudice) in a job classification for which there is documented recruitment difficulty. The following conditions must be met prior to the authorization of the payment.
- a. The appointing authority must identify and submit to the Director the job classification(s) and geographic area(s), if applicable, eligible for an appointment incentive.
  - b. The Director shall certify that the job classification(s) and geographic area(s), if applicable, requested are those for which there is documented recruitment difficulty.



- c. The appointing authority and the Director will assure that the availability of an appointment incentive is made part of all job postings for those positions approved for incentive pay.
  - d. By formal written agreement the new employee must agree to work for the agency for a period of twelve (12) months or repay the entire amount of the appointment incentive if the agreement is not fulfilled.
6. Project-Based Incentive. Under the following conditions, an appointing authority may submit the Request for Approval form recommending a temporary in-range salary adjustment of up to 10% of current salary for a permanent employee assigned to a long-term project outside the scope of the essential functions of the employee's current position.
- a. Projects eligible for a project-based incentive must be approved in advance by the Director. Failure to provide documentation in advance shall result in denial. The appointing authority shall provide any additional supporting documentation as required by the Division.
  - b. Projects submitted for approval for a project-based incentive must include the following:
    - i. A project plan submitted to the Division which identifies the project as a collaborative effort to accomplish new work assigned or to develop a more efficient, cost-saving process for performance of ongoing work of the agency;
    - ii. A beginning date and estimated completion date for the project which will encompass a minimum of twelve (12) months;
    - iii. A staffing plan which identifies each employee on the project team by position number, classification, salary;
    - iv. Specific deliverables identified for each employee;
    - v. For interdepartmental projects, a memorandum of understanding wherein the participating agencies agree on the project scope, timeline, deliverables and conditions of incentive payments to eligible employees; and,
    - vi. A letter of understanding signed by the employee which details the terms and conditions of the assignment, including, at a minimum, the reason, duration and temporarily upgraded salary. The letter shall be included in the documentation required to process the Personnel Transaction making the salary adjustment effective. A Personnel Transaction is required to discontinue the in-range salary adjustment and return an employee to the previous salary upon conclusion of the assignment. The previous salary shall include any salary increases the employee would have received



irrespective of the temporary in-range adjustment.

- c. Failure of an agency to process the Personnel Transaction to return an employee who has received a temporary in-range salary adjustment under this section to the appropriate salary after the completion of the project will result in the exclusion of that agency from participation in discretionary increases under this policy until the agency comes into compliance with this policy.
- G. OVERTIME ADJUSTMENT. The appointing authority may seek a discretionary salary adjustment for a permanent employee who meets all requirements to be overtime exempt but who does not meet the salary threshold as prescribed under the FLSA. The salary adjustment can only be utilized if the increase would cause the employee to reach the salary threshold established by the FLSA, and still remain within the compensation range established for the classification. Overtime adjustments are limited to the requisite percentage needed to meet the FLSA threshold and may not exceed 10% in any twelve (12)month period. Any increase under this subsection will be applied toward the maximum total listed in subsections III.C. and F. of this policy. It is not required that the employee occupy the position for twelve (12) months prior to the request for an overtime adjustment. Employees in a temporary upgrade are not eligible for this salary adjustment. The appointing authority's request must include:
1. The current base salary;
  2. The percentage increase requested;
  3. The FLSA duties test analysis; and
  4. The amount of overtime the employee has worked during the previous twelve ( 12)month period.
- H. FORMS. The Director shall prescribe what documentation is required under each section of this policy and shall prescribe forms upon which each type of recommendation is to be submitted.
- I. MAXIMUM INCREASE.
1. An employee may receive no more than a total of 20% in-range salary adjustment(s) as provided in subsections III.E.. and F., in a twelve (12)month period.
  2. Employees may receive compensation above the maximum of the compensation range of the job class of the position they occupy as a result of legislative mandates or other exceptions approved by the Board.



- J. RECONSIDERATION. The appointing authority may seek a reconsideration of a decision made by the Division by submitting a written request to the Director within fifteen (15) working days of the disapproval date. Should the request result in the discretionary in-range salary adjustment being granted, there will be no retroactive payments.
  
- K. PERSONNEL TRANSACTIONS.
  - 1. Sequence of Multiple Pay Actions. When two (2) or more pay actions have the same effective date, the transactions shall be processed in the sequence that is most beneficial to the employee.
  - 2. Effective Date. Personnel Transactions under this Policy shall not be effective until all necessary approvals have been obtained. Retroactive wages pertaining to discretionary increases will not be granted under this policy.
  
- L. AUTHORITY.
  - 1. Classified Service. Upon approval of this policy, the Board assigns and authorizes the Director to interpret and apply the policy in conjunction with the Administrative Rule of the Division or any other applicable Division law, rule or policy in a manner consistent with fair and equitable pay administration.
  - 2. Classified-Exempt Service. This policy may also apply to classified-exempt positions at the discretion of the Governor's Office, a Cabinet Secretary or an agency head. When adopting this policy for classified-exempt positions, the Cabinet Secretary or agency head shall notify the Director of such intent in writing.

#### IV. REFERENCES

- A. W. Va. Code § 29-6-10 *et seq.*
- B. Division of Personnel Administrative Rule (143CSR1).
- C. Employee Performance Appraisal and Evaluation Management Policy (DOP17).
- D. Division of Personnel Settlement Agreement/Back Wages Policy (DOP P24).
- E. *Largent v. W. Va. Div. of Health and Div. of Pers.*, 192 W. Va. 239, 452 S.E.2d 42 (1994).
- F. Fair Labor Standards Act of 1938, as amended.

#### V. EFFECTIVE DATE: May 1, 1994.

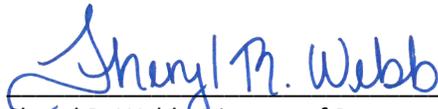


**VI. REVISIONS**

- A. Previous Revisions: December 1, 1994 (to include pilot program provisions only); August 1, 1996; January 1, 2002; July 1, 2002; August 1, 2004; July 1, 2005; July 16, 2014; July 1, 2016; July 1, 2017; December 1, 2017; and February 1, 2020.
- B. Latest Revision: July 1, 2022.

**VII. POLICY NUMBER: DOP-P12.**

Approved and issued by:

  
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Sheryl R. Webb, Director of Personnel

Date Signed: 06/10/2022



**APPENDIX A**

**DIVISION OF PERSONNEL TERMS**

1. Administrative. - Work activities relating to a principal mission or program of an agency or subcomponent thereof that supports that agency's mission or program. This involves analyzing, evaluating, modifying, and/or developing programs, policies, and procedures that facilitate the work of agencies' objectives while applying relevant analysis, theory, and principles.
2. Administrative Support. - Support services such as personnel, budget, purchasing, data processing which support or facilitate the service programs of the agency, also means work assisting an administrator through office management, clerical supervision, data collection and reporting, workflow/project tracking, etc.
3. Class Series. - A grouping of two or more classes having the same kind of work, with ascending levels of difficulty and complexity.
4. Clerical. - Typically involves a variety of office duties involving established procedures, forms and deadlines. Includes processing of routine and non-routine information and documentation, operation of computers, office equipment and various software, greeting customers/visitors or others to exchange information, handling general emails and other correspondence and routing questions received from email and other correspondence, the organization's website and/or social media platform to the appropriate person. May involve handling money and/or negotiables requiring basic math skills. May involve limited routine data entry. May involve confidential contacts/information.
5. Complex. A level within a class series where assignments consist of unusual, difficult or exceptional matters encountered in the work, which are completed by modifying approaches, methods or techniques.
6. Examples of Work. - A part of the class specification describing duties and responsibilities typically assigned to positions in the class; generally listed in order of importance on the class specification with the most important duties listed first or those most representative of positions in the class. It is not necessary that any one position in the class include all the examples of work listed and positions may include examples of work not listed on the class specification.
7. Expert. - Recognized expert by peer group or professional society certification.
8. Job Audit. - A detailed examination/review of the duties and responsibilities assigned to a position to include reviewing current and previous position description forms, organizational charts, reporting relationships and organizational setting. Audits may include a field audit where the personnel-specialist interviews the employee and the supervisor at the work site where the position is located or may be a virtual audit requiring the employee to have access to a computer and the appropriate software.



9. Lead Work/Lead Worker. - This is a level of work at which an incumbent is assigned the ongoing responsibility of scheduling and/or reviewing the work of other co-workers and guiding and training them while performing identical or similar kinds of work.
10. Manager/Managerial. - Oversees a formally designated organization unit or program that requires extensive planning, organizing and work activities of subordinate staff, controlling resources including staff, budget, equipment, and all the means used to accomplish work within the assigned area of responsibility. The employee is held accountable for establishing and meeting the objectives and goals of the unit or program.
11. Paraprofessional. - Typically performs some of the duties of a professional or a technician in a support role, which usually requires less formal training and/or experience normally required for a professional or technical status. Usually requires an Associate degree, or business/vocational training.
12. Performance Levels. -
  - a. Entry-Level. - This level can be both in a training capacity or work of limited complexity, relative to the work in the class series, with little or no latitude to vary methods or procedures. Work is usually performed under close supervision. Work is frequently of a basic and recurring nature.
  - b. Full-Performance Level. - This level can be characterized by the performance of a full range of duties relative to the work in the class series. Incumbent has some latitude for independent judgment and may vary work methods and procedures, but usually within prescribed parameters. Work is usually performed under general supervision. Work is frequently of some variety and the incumbent may set priorities.
  - c. Advanced Level. - This level is assigned to duties and responsibilities which are complex, difficult and varied, relative to the work in the class series. Work requires the development and adoption of non-standard procedures and has more impact and consequence of error than the full performance level. Work may be performed under limited supervision or under limited direction. Incumbent possesses considerable latitude to accomplish tasks; may include lead worker duties.
  - d. Expert Level. - This level is typically reserved for recognized professional classes (i.e. accountant, engineer, etc.) serving as final technical resource on complex technical and professional issues; may require national certification.
13. Position. - An authorized and identified group of duties and responsibilities assigned by the proper authority requiring the full-time or part-time employment of at least one person.
14. Position Description Form. - The document prepared by the incumbent, if applicable, the position supervisor or the employing agency and approved by the appointing authority, which describes the



officially assigned duties, responsibilities, supervisory relationships and other pertinent information relative to a position. This document is the basic source of official information in position allocation. Position description forms shall be prescribed by the Director.

15. Professional. - Work which requires the application of theories, principles and methods typically acquired through completion of a Bachelor's degree or higher or comparable experience; requires the consistent exercise of discretion and judgment in the research, analysis, interpretation and application of acquired theories, principles and methods to work product.
16. Program. - A group of related activities performed by one or more organizational units for the purpose of accomplishing a function for which the agency is responsible. A unit can be a division, a section or a workgroup. Each program has an identifiable service or output and objectives to effectively provide the service.
17. Project Coordinator. - Continually and on a recurring basis, participating in and leading any and all daily tasks required for the completion of a planned undertaking. Coordination is accomplished by organizing, planning and directing the resources and efforts of the group assigned to the project until its completion.
18. Span of Control. - The number of subordinate employees supervised. Span of control is established at two (2) or more full-time employees or the part-time equivalent. Temporary employees are not considered in the span of control.
19. Supervisor. - Formally delegated responsibility for planning, assigning, reviewing and approving the work of two (2) or more full-time or part-time equivalent employees. The supervisor's overall role is to communicate organizational needs, oversee employees' performance, provide guidance, support, identify development needs, and manage the reciprocal relationship between staff and the organization so that each is successful. Temporary employees are not included for purposes of this definition.
20. Supervisory Control (Levels of). -
  - a. Immediate or Close Supervision. - Work is well-structured and is performed using well-established guidelines and procedures. Clear, specific and detailed instructions guide the work activity; the employee has limited opportunity or authority to exercise discretion in work determinations; review occurs at the beginning, during and at the conclusion of work assignments.
  - b. General Supervision. - General guidelines/instructions are provided but the employee exercises some discretion in selecting the method of work and sources of information; only unusual or unfamiliar situations are referred to the supervisor; review typically occurs at the conclusion of assignments.



- c. Limited Supervision. - Control of work is more by advisory guidance rather than established guidelines and procedures; the employee works from general goals where precedents are absent; review occurs periodically during the project cycle
- 21. Technical. - Work requiring the practical application of scientific, engineering, mathematical, or design principles.
- 22. Trainee. - An entry-level position having a defined training period and a formal training program with established competencies to be acquired.
- 23. Unit. - A division, a section or a workgroup that contains staff.