

Marshall University Classified Staff Council Minutes

November 21st, 2019, MSC 2E37 John Spotts Room

Members Present: Chris Atkins, Nina Barrett, Amber Bentley, Lacie Bittinger, Karena Burriss, Patty Carman, David Childers, Carol Hurula, Dena Laton, Becky Lusher, Mitzi Meade, Teresa Meddings, Missy Morrison, Denise Parks, Marcos Serrat, Samantha Stalnaker, Justin Tyler, Tony Waugh,

Members Absent:

Members Absent (Excused): Timothy Cline, Lisa Maynard, Rodney Sanders, Crystal Stewart, Eric Wallace,

Guests: Dr. Gilbert, Bruce Felder, Jaime Taylor, Mark Robinson, Meg Cyrus, Katrina Eskins, Miriah Young, Cassandra Mills

Chair Chris Atkins called the meeting to order. Parliamentarian Becky Lusher verified there was a quorum.

Dr. Taylor – Provost

- Budget
 - We've been losing enrollment numbers since around 2016, with numbers currently being down about 800 students.
 - Last year we were down about \$4 million in revenue; \$2 million each semester.
 - This year we're down almost \$1 million each semester.
 - We're looking at a potential State budget cut, which could be around \$2.2 million if it happens.
 - Much of our budget shortfalls were able to be absorbed due to good financial management. However, we're getting to the point where we will need to make cutbacks through attrition.
 - If we can manage the current budget shortfalls, which are occurring across the nation, we will come out a stronger university overall.
- Academics
 - Will be talking to Faculty Senate about a reduction of course sections.
 - They don't want to increase the class size at the entry level.
 - Would prefer to look at special topics courses that only have few students and offer less of those.
 - These options would be better than removing a degree program. Another option would be to reduce emphases.
 - Adding emphases doesn't necessarily mean you'll grow the number of majors. Rather, you wind up being mediocre at a number of things rather than really good at one thing.
 - Dr. Taylor said he would like to encourage people to get rid of some of the emphases, and get really good at one or two things.

- Also, he would like to have a rule of thumb that says you should have about 10 graduates per emphasis on average.

Are there any changes for summer school? Due to the different sessions it's sometimes difficult for a student to take more than one course during one session because so many are offered at the same or overlapping times. – Amber Bentley – Dr. Taylor said it's something he may talk to the Deans about. He added that online classes are also more desirable in the summer so students can go home. Also, offering classes at other times would improve the perceived space issues.

Mark Robinson – CFO

- There is a new W-4 deductions form coming from the IRS. It's being changed due to tax codes and formulas. It will go into effect in January.

With respect to budget cuts, it seems that lately we've been adding some positions. Will this hurt in the long run? – Tony Waugh – Dr. Taylor added that there have been some positions added in advising. Bruce added that there was 1 position added in Physical Plant as part of a restructure and was more of an internal promotion. There shouldn't be any more added.

Is the W-4 only for new hires? – Carol Hurula – It's for anyone who wants to make a change as well.

Bruce Felder – Human Resources

- Bruce spoke a little about the Travel program on campus, how well it's running, and all of the compliments it receives. He proceeded to award the John Marshall Employee of the Month award to Cassandra Mills from the Travel Program.
- The 72 employees affected by the Fair Labor Standards Act changes with regards to exempt status will receive a letter the following week. The supervisors were contacted first and have hopefully given them a heads up before they receive the letter.

Have the supervisors been notified about the employees affected? – Lacie Bittinger – No, the vice presidents, deans or dean's assistants will be notified with the names and instructions to disseminate the information.

Can you walk us through the process by which we were all just slotted into our correct places and yet now 72 individuals are being either increased in pay or now given the opportunity for overtime? – Chris Atkins – Bruce stated that the slotting was due to classification and this FLSA change has to do with exempt status, which has little to do with classification. If a position was slotted into a classification that said based on the "duties test" it should be exempt, then those are the people we're looking at to make sure they should remain exempt if they're not making at least that \$35,568.

For the time being could this mean that one person could get a raise while another person with the same position title could not get a raise? – Chris Atkins – Yes, it's possible. But we have to work to get everyone consistent within classifications. For the time being, we have to make a decision about what to do about those 72 people.

The concern from employees is that we've just been through a classification change to make sure everyone is slotted appropriately, and now there's a possibility of more change that would shift things

that have just been done. – Chris Atkins – Bruce conceded that it's a curveball, but it had nothing to do with whether the original slotting was done correctly.

Is the decision based on the starting salary of a position? Not what an individual is currently making. – Lacie Bittinger – Bruce said that's right, and it will cause some undo compression.

Will there be a collaboration of supervisors who have employees of the same title (like advisors) that are in different colleges and doing different things? – Lacie Bittinger – Bruce said they won't look at only one college and make their decision for the entire classification based upon that one conversation. They will do an evaluation of the whole classification. An advisor should have that same master job spec regardless of the college, so that's part of the consistency they want to put in place. It's possible that there will be some compression caused by the FLSA changing.

Lacy Ward – Ombudsman and Civic Engagement Coordinator

- Lacy stated that he is filling the roles of two positions: the one on campus is the Ombudsman, and the one off campus is the Civic Engagement Coordinator.
- Ombudsman
 - Quality workplace person, who is independent of the campus.
 - Doesn't report to any agency on campus.
 - Neutral and impartial: he isn't there to get a win for the worker, the manager, or the administration. Is just there to resolve conflict, answer questions, and navigate difficult issues.
 - Going to see him is confidential, and the case file will be shredded once it is closed. The only remaining identifier will be demographics such as faculty/staff, age, years worked, etc.
 - Will keep a record of the types of questions and issues dealt with, but won't keep the actual record of conversation.
 - Going to see him would be a very informal process, and you can make an appointment to talk about whatever you want to talk about.
 - This will serve as a person who you can talk to about anything.
 - The position will be able to make managers aware of the types of questions that are out there so they can raise the issues and answer questions about them.
 - There is a draft of the charter for this position, which has been shared with Staff Council. Once everyone is in agreement with it, the charter will be signed and put on the website.
 - The office is located on the 4th floor of the Engineering Complex building. Very few faculty and staff work there, so it's an added layer of confidentiality when someone wants to go visit the office.

The original Charter said classified staff, and not non-classified staff. Has that been changed to include both? – Lacie Bittinger – Yes, it will probably just say "staff" in general.

Once you're established and the Charter is final, is there a plan for how to disseminate the information and how you can help faculty and staff? – Lacie Bittinger – Yes, it will be on the website and he will make his way around to departmental meetings.

- Civic Engagement Coordinator
 - This role involves looking out for the University's interests in the City of Huntington and through interactions with City development.

Minutes

October 17th, 2019 Minutes approved as written.

Teresa Meddings – ACCE

Teresa sent the following notes from her ACCE meeting at Shepherd University.

*Disclaimer: These are a combination of my notes and draft minutes from the meeting. If you have any questions, please let me know.

ACCE Representative – Teresa Meddings

ACCE Meeting, October 25, 2019, Shepherd University

Dr. Scott Beard, Provost of Shepherd University welcomed the ACCE members to Shepherd University and the Eastern Panhandle of West Virginia.

Dr. Beard recognized that Classified Staff are on the front lines dealing with students; the ones that a student or parent usually sees first. Classified Staff can be the ones that a troubled student goes to for help. Students are dealing with issues unlike in the past such as drug addiction and lack of academic preparedness.

Below is a short synopsis of our discussion with Delegate John Doyle of Jefferson County

- Former Vice Chair of the House Finance committee.
- Helped to increase increment pay up to \$60 per year of service.
- He thinks in the upcoming legislative session there will be more attention to higher education. The Omnibus education bill took up time in the legislature the past two years.
- He is a member of the education committee.
- He does not want to eliminate the HEPC
- Points out that about every 20 years WV reorganizes higher education
- When HEPC was created, the colleges were given governance by having their own Board of Governors.
- Reviewed the history of higher education governance.
- HEPC was created as a regulatory agency.

- HEPC was to keep bigger schools from cannibalizing small schools.

Problems he sees with the HEPC:

- Most members had been a member of the prior higher education governing structure. These members felt that they should be governing which is not what the HEPC was created to do.
- Need to change the rules for the HEPC.

Advocates Outcomes Based Funding for institutions.

- Lack of a funding formula has caused institutions to be underfunded and made it hard for them to grow.
- Difficult to give raises when given only one-time funding for those salary increases.
- Legislature has passed four funding models through the years but has not implemented any of these models.
- Simplified version of performance-based funding. Outlines what the expectations and goals the state expects each institution to achieve. Set different goals based on the institution.

Question from an ACCE member regarding outcomes-based funding?

What model will be used and who will create the model?

The old model weighted each of your courses. Higher level courses got you more funding.

- Need to look at the whole package of programs offered by an institution. The institutions should perform at certain level. If the institution exceeds their set goal/expectations, they get additional funding, but not at the expense of other institutions.
 - Would like to use the funding model from Tennessee.
 - By end of the 2020 session, develop a performance funding model.

Over the past 10 years, most states have reduced higher education funding. Maryland during this time increase higher education funding but reduced tuition rates which has hurt the eastern panhandle colleges in WV like Shepherd University.

How do you judge how successful each institution is? Each institution would have their own goals. Goals will be developed by the HEPC and set by looking at peer institutions. Each institution would have its own set of peer institutions.

The Tennessee system starts by all institutions getting full funding the first year then each following year starts at 50% and then earns the remainder.

The institutions on the state border will have a higher percentage of out of state students. Need to be more creative in how we retain WV students and these out of state students.

When money is appropriated for salaries there should be more control that the money is used for salaries and not on other items.

How will data be collected for the performance funding system. Look at how Tennessee went about collecting the data. Need to talk to Tennessee to see what they did right and what they did wrong.

Accountability

ACCE feels accountability has been lost. A large amount of the reporting has been removed. Some reports that were duplicates could have been combined. The HEPC has no oversight authority. Del. Doyle wants us to give him a list of reports that we think should be required. ACCE needs to give him what data is collected in the reports.

Suggest that ACCE meet with Senate Education Chair Ellington and talk to him about our concerns.

PEIA issue was effectively postponed. Del. Doyle suggests that we talk to legislators and get them to commit to fixing PEIA. We need to have them tell us where the funding is coming from.

Delegate Doyle feels there should be changes to code that would give legislative authority before schools can be exempted going forward.

Need to develop partnerships between the two year and four-year colleges. The four years should offer their higher-level courses at the CTCs.

The move from Classified to Non-Classified

There seems to be more nepotism and favoritism. Colleges should see the value of high employee morale.

Lack of valuing employees.

Need more transparency in the executive branch of government including higher education.

Discussion regarding code and the intent written in...older members of ACCE asked the newer members to "bone-up" on code over the next couple of months.

Carol Hurula – Board of Governor's Representative

**Disclaimer: This is my interpretation of each meeting and presentation and are not verbatim conversations. Any questions or clarification, please notify me.*

BOG Meeting on October 31, 2019

Approvals:

- Approved minutes from September 12, 2019.
- Special presentation from Architect regarding new baseball athletic complex.

- Approval of real estate property/lots/parcels City of Huntington funded via Marshall Health & UP&S doing business as Marshall Health. Provide benefit to Marshall Health, SOM, Erma Byrd Center, SOP and Fairfield Landing. 711 spots. Lease land to Marshall Health. Anticipate completion of parking garage next fall. Will take 9-11 months for construction.
- Approved intent to plan MS in Cyber Forensics & Defense.
- Approved change of College for MS in Health Informatics from COHP to COB.
- Approved unamended opinion of Audited Financial Report for 2018-19.
- Approved investment earnings update. (current YTD -1.03% = -751,807)
- Reviewed the following polices with some recommended edits which were then approved. Will go out for thirty-day comment period if any edits. *Comment period ends November 30, 2019.
 - AA-5, AA-8, AA-10, AA-21, AA-37, AA-38, and AA-43
 - FA-9, FA-11, and FA-12
 - GA-13 and GA-14
- Approved resolution to consider refinancing of all or a portion of revenue bonds. Bonds to be refunded.

President's report:

- Attended groundbreaking of new baseball stadium. Received a 1 million donation from Rick Reed.
- Ceremonial tree planting to honor memory of Jeff Kovatch and Paige Muellerleile.
- Memorial Service on November 8th for Alan Gould who served MU 48 years in various roles including Interim President.
- Lacy Ward has been selected as the Ombudsman & Civic Engagement person.
- Aviation program – strong support from Yeager Airport, AEP and Tri-State Airport.
- Aircraft Maintenance program – joint program with MCTC.
- National search process for Director of Aviation program for 2020.
- November 24th will recognize 49th annual Fountain Ceremony.

Chairman's report:

- None.

The following **committee reports & updates** are scanned and attached.

Operations & Facilities Planning

Athletics

School of Medicine

Academic Affairs (colleges & units)

Student Affairs

Student Government Association

Board entered into Executive Session under authority of WV Code 6-9-A-4

After some time, the Board came back into open session.

Meeting adjourned 12:37 pm

The next Board of Governor's meeting will be December 19, 2019.

Committee Reports

Election Committee – Nina Barrett – No report.

Legislative Committee – Carol Hurula – The November special session just ended, and the December special session be December 16th and 17th.

The Revenue Secretary said there's no concrete plans on what type of budget cut, if any, should be made for fiscal year 2020. The State finished the 2019 fiscal year with a record breaking revenue. However, in July revenue was \$33 million below estimate and set off a panic. Both coal and natural gas are down in revenue. Nothing specific is being proposed but they will continue to monitor finances very carefully.

The House passed a road bond expungement bill. SB 2002 would expunge a conviction of a traffic control violation for a person who has a commercial driver's license, or a person who operated a commercial motor vehicle at the time. It would completely erase these things from their license.

The House took up for immediate consideration SB 2001, which would extend tourism development tax credits from December 2019 to December 2025.

Faculty Senate also has on their agenda today for Faculty Senate approval to invite legislators to campus on December 12th.

Personnel/Finance Committee – Lacie Bittinger – No report.

Physical Environment Committee – Crystal Stewart – No report.

Service/Staff Development Committee – Missy Morrison –

The committee has been working to put on the Thanksgiving Dinner for students the next week on Tuesday, November 26th. Donations have been given in the form of gift cards that exceed what was needed, so anything extra will help to stock the Marshall Food Pantry for students.

The committee is also taking up donations of hygiene products and hats and gloves for the annual Holiday Project.

Announcements

- Chris Atkins brought a draft of Recommendation 19-20-01 SCEC, Staff Council Executive Committee. The recommendation would be for the President to urge Human Resources to release the entire Compensation Procedures document, even if unfinished. It also outlines the timeline of statements made to Staff Council regarding the progress of the creation of the document.
 - Staff Council voted on whether or not to proceed with Recommendation 19-20-01, as read by Chris, after also adding that Human Resources has given Staff Council section 1 of 7 total sections of the Compensation Procedures document.
 - It was moved and passed to proceed with the recommendation with 16 Yay votes, and 0 Nay votes and 0 abstentions.
- Regarding the Ombudsman position, Chris had asked Council to send comments or concerns to him and a few have been expressed that he will pass on:
 - A concern that he answers to the President and not to the BOG, because if you're serving at the will of the President then it could potentially have a conflict of interest.
 - Another concern with conflict of interest is that it's supposed to be a position to represent the University's best interests in the Civic Engagement role, and yet it's not supposed to represent the University's best interests in the Ombudsman role.

Minutes taken and prepared by: Katie M. Counts
Katie M. Counts, Program Assistant, Staff Council

Minutes approved by: Chris Atkins
Chris Atkins, Chair, Staff Council

Minutes read by: Dr. Jerry Gilbert
Dr. Jerry Gilbert, University President

