



**MOREHEAD STATE UNIVERSITY  
STAFF CONGRESS MINUTES  
July 11, 2016**



**MEMBERS:**

Sheila Barber	Andrea Fryman	Jimmie Martin*	Lora Pace*
Benji Bryant*	Annette Hines	Susan Maxey	Clarissa Purnell
Mica Collins	Joe Hunsucker	Jill McBride	Alan Rucker
Louise Cooper	Jarred Hunt	Paige McDaniel	Laura Rucker
Craig Dennis*	Travis Jolley*	Kerry Murphy	Gwen Sloas
Richard Fletcher*	Margaret LaFontaine	Holly Niehoff	Jessica Thompson
Joe Fraley	Misty Lilley	Scott Niles	Krista Utterback

\*Denotes member was absent.

<b>Guests:</b>	Shannon Harr, Staff Regent
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Chair Niles called the meeting to order at 1:01 p.m.

<b>Motion:</b>	To approve the minutes from the June 2016 meeting	
	<b>Proposed:</b> Vice-Chair Purnell	<b>Seconded:</b> Rep. LaFontaine
<b>Called for Vote:</b>	Motion passed.	

<b>Chair's Report</b>	Chair Niles welcomed all representatives to the first meeting of the fiscal year and let the Congress know that the Executive Council will have a standing meeting with Human Resources (Harold Nally) as an additional line of communication to discuss HR related topics as they arise. He also noted that medical insurance would be a topic that we keep on our agenda for discussion in the coming months.
<b>Vice-Chair's Report</b>	<p>Vice-Chair Purnell stated that the new members have been added to the portal although not all subcommittee assignments have been made. The portal will be completely up to date after the July meeting when all subcommittee memberships have been established.</p> <p>There was a Staff Salute submitted by J. Marshall for Melisa Patrick. The Staff Salute read:</p> <p>Melisa serves as the primary liaison for MSU and Governor's Scholars Program. We have a new campus director this year, Bryan Rich of Louisville. Melisa has worked very hard to help transition Bryan into his position here at MSU and help him negotiate the different stakeholders on our campus that have commitment to the program. We have had some</p>

	challenges given construction and new faces in some of the positions but she always is positive and diplomatic and customer service oriented in how she goes about this. She respects and values the human resources involved in managing our efforts to be a good host for the GSP Program. I nominate Melisa for a staff salute for all her hard work related to GSP.
<b>Secretary's Report</b>	Secretary Thompson reported the opening supply balance is \$2,941.00.

### Committee Reports

<b>Benefits &amp; Compensation</b>	Committee Chair Utterback stated that all employees should have received the second portion of MSU's HRA contribution on July 1. Employees completing Phase 1 of the 2016 Wellness Program should have received their additional \$150 HRA deposit on or around July 2.
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<b>Credentials &amp; Elections</b>	Committee Chair Pace was unable to attend and no report was submitted.
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<b>Sustainability Committee</b>	<p>Representative Niehoff announced that MSU has renewed our membership with the Association for the Advancement of Sustainability in Higher Education (AASHE) and that members of the campus community may visit <a href="http://www.aashe.org">http://www.aashe.org</a> to create a free account on their site to learn more about sustainability options.</p> <p>It was discussed that there is a three-way partnership between MSU, the City of Morehead, and Rowan County regarding the use of the Morehead Recycling Center. Half of the Center's income is derived from recycling cardboard products, with another quarter of their income being the result of paper recycling. Representative Niehoff thinks MSU could do a better job of supporting this income initiative and would like to encourage all employees to create a paper/cardboard recycling bin in their office or contact her for the possibility of setting up a designated paper/cardboard bin in your area.</p> <p>The Sustainability Committee will meet next week to discuss project ideas for the upcoming year. Representative Niehoff would like to see a focus on renewable energy on campus, but welcomes any suggestions from fellow employees.</p>
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<b>Staff Issues</b>	<p>Committee Chair McBride provided the following staff concerns that were submitted since the June 2016 meeting:</p> <p><b>**CONCERN (submitted 6/13/2016)**</b></p> <p>There has been talk floating around regarding the new Federal Labor law that mandates anyone who makes less than @\$47,000 and is classified as exempt to be moved to non-exempt pay status. Employees who will be affected want to know if that means they will be without a paycheck for a month as non-exempt employees must work a</p>
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month before they see a paycheck. This is going to be an even more extreme hardship on our employees than the reduction of one day's pay due to furlough we are now mustering through. Please advise staff as soon as possible what the protocol will be on how they will get paid once they are moved to non-exempt. This is going to cause a severe financial hardship on employees with a devastating impact to some families, especially staff who are one-income households.

**\*\*CONCERN (submitted 6/29/2016)\*\***

Has there been any discussion on how the new Department of Labor overtime ruling will affect current exempt employees?

**RESPONSE via email from Harold Nally, Director of Human Resources:**

**The featured change in the DOL's FLSA rules is an increase in the salary minimum to the 40th percentile of full-time salaried workers from the lowest wage Census Region. This would raise the salary threshold from \$23,660 per year (\$455 per week) to \$47,476 per year (\$913 per week). These changes take effect on December 1, 2016.**

**Currently the Human Resources Department is working through the fine details to address these changes and an extensive communication plan laying out the transition strategy will be forthcoming soon. This communication will also outline the details a "bridge the gap" payment for the missed pay check. Harold**

**\*\*CONCERN (submitted 6/13/2016)\*\*.**

I have been an employee at MSU for many years and have a few questions concerning how employees on campus are being treated by HR employees. How long does it take for an HR Representative to reply to emails? Should it take 2 weeks or longer and even never? How long does it take an HR Representative to return phone calls? Should it take 3 weeks or longer or never? Why is it when we call HR we can never get to speak with an HR Representative and are actually told they are "too busy to talk" at the moment? This is getting ridiculous. HR is supposed to be working for ALL MSU Employees, not just the ones who work in HR or the ones who call themselves HR employees. The only person who was able to speak on the phone or even answered the phone was let go and now all we get to talk to or leave messages with is a student worker. Also, when we finally did get to speak with an HR Representative this person was very rude and said they were very busy and we just needed to send an email and someone will get back which we know how that goes. Why are HR Representatives so rude to MSU Employees? When can MSU hire HR Representatives who will actually Represent MSU Employees? I have mentioned this to the HR Director Mr. Nally as others have and its obvious nothing is getting done. If we can't rely on HR who do we rely on? This is just another example of people NOT doing their jobs when employees need HR assistance. I am a staff person at this university and I am held countable to uphold my job duties and not pass off to someone

else. If I were to treat people as HR is treating employees i would probably be looking for another job. I appreciate you visiting these concerns.

**RESPONSE via email from Harold Nally, Director of Human Resources:**

**Thank you for your letter of concern regarding the quality of service you state you received from the Human Resources Department. Our goal is to deliver the best possible service to all MSU employees. Having said that, I would welcome the opportunity to fully address this employee's concern. I've spoken to Scott Niles, the new Staff Congress Chair, with a proposal to address this employee's concern. Should this employee accept an opportunity to discuss their experience in more detail, I will ask them to contact Scott Niles and the three of us can meet at a scheduled time.**

**\*\*CONCERN (submitted 6/22/2016)\*\***

UAR 324.03 states that current MSU employees who are promoted to positions on campus are limited to a 7.5% raise, or the entry level of that pay grade, whichever is greater.

There are two upcoming personnel changes that seemingly go against this UAR. One is an academic chair who is moving into an executive director position at a much larger salary. While one might argue that this is the creation of a new position, the other change is an ADS who will become a "research and contract administrator." This is an existing job on campus in research, grants and contracts. However, this person will apparently receive a raise much larger than both 7.5% and the bottom of the compensation scale.

I would like to know how this is fair to other employees on campus who have changed positions with only a 7.5% raise, and how the administration can justify this.

I feel like this sends the message to all MSU faculty and staff that certain people do not have to follow the rules, and it damages the already fragile morale among faculty and staff on campus.

I don't want to point fingers at specific people or use names, but I do think the campus deserves a straight answer. Do these job changes and salary increases violate UAR 324.03? If so, what recourse do other employees have? If they do not violate the UAR, then please clearly explain how and why they do not. Thank you for your consideration.

**RESPONSE via email from Harold Nally, Director of Human Resources:**

**UAR 324.03 may allow for exceptions for an employee to receive a greater than 7.5% raise under certain circumstances. In accordance with the Reassignment section of UAR 324.03 the President shall determine the salary.**

**UAR 324.03**

**Reassignment: A reassignment is the transfer of an employee from one position to another at the direction of MSU’s President. The transfer may be voluntary or involuntary. A reassignment may be to a position in a higher grade, lower grade, or the same grade. Employment terms such as salary, probation, contract period, etc., shall be determined by the President.**

Chair Niles spoke with HR Director Nally in person about this concern due to its sensitive nature. After discussion about the rationale and methodology HR used to research and classify the positions in question, Chair Niles felt satisfied that these changes did not go against the UAR as written.

**\*\*CONCERN (submitted 6/23/2016)\*\***

Our part time staff member did not receive a pay check on 6/15/16. She was told that it was due to MSU going ahead and changing pay in accordance with the new state statues. Since she is hourly and part time, how do the new laws affect part time employees? Also, when someone does not receive a pay check for some reason, isn't there a way to email them and let them know a head of time?

**RESPONSE via email from Harold Nally, Director of Human Resources:**

**On May 18, 2016 the U.S. Department of Labor issued new regulations on the minimum salary required to be in exempt status. That salary threshold is \$47,476, annually or \$913 per week. These regulations do not apply to Graduate Assistant positions or positions where the primary responsibilities are teaching. All part time employees making less than the new minimum salary required to be in exempt status will be switched or hired as hourly. All hourly employees are paid “after the fact” or in “arrears”.**

**Concerning what this person was told, without specific information, I cannot fully address this person’s individual claim concerning her June 15, 2016 pay check.**

**In addressing this person’s question regarding an email system to alert employees, currently, there is not an automatic mechanism to send an email to those employees that miss payroll. All departments are encouraged to be monitoring the documents used for hiring employees (i.e. Workflow, PAR, and People Admin). The departments should also be monitoring time entry (Web Advisor, Time Clock and/or email). Having said this, the designated person in each department should be aware when someone in their area may miss payroll.**

**\*\*CONCERN (submitted 6/28/2016)\*\***

There seems to be more and more positions filled at MSU with no job postings or opportunities to apply. People are simply moved into

positions. Some recent examples include the director of housing, and the assistant director of Academic Advising and Retention. Why is this happening? There seems to be no rhyme or reason why some positions are posted and others are not.

**RESPONSE via email from Harold Nally, Director of Human Resources:**

**While this employee may perceive that people are being moved into positions for “no rhyme or reason”, it is important to understand there are times when it may be the best option for a department and in the best interest of the University to exercise an alternative to requesting a full search. In the event where it is judged that continuity of personnel is critical, a department may need to place an existing employee in that vacant position to ensure service during peak or critical periods. Appeals to fill a position through a search waiver are scrutinized by the HR Department, Budget Office and the Chief Diversity Officer, and it is incumbent on the department making the request to justify such an action.**

**The Human Resources Department understands employees desire to develop their professional skills that will enable other opportunities and promotions. The HR Department is committed to ensure employees are afforded opportunities to advance.**

**Below are charts that examine staff postings, reassignments, and search waivers for the past six (6) months (January 1, 2016).**

Recruitment

Jobs posted since 1/1/2016	56
Graduate Assistant Positions	26
Staff Positions advertised	30
Of the 30 staff positions:	
Canceled, not filled	4
Currently posted	6
Filled	6
Closed, no longer accepting apps	14*
*interviewing in process	

Search Waivers

Total Staff Search Waivers since 1/1/2016	7
Breakdown by Division	

Academic Affairs	2
Admin. & Fiscal Affairs	0
Student Life	4
University Advancement	1

Reassignment (Does not automatically infer salary increase)

Total Reassigned staff employees since 1/1/2016	12
Breakdown by Division	
Admin. & Fiscal Affairs	6 @
Academic Affairs	5 #
Student Success	1
@ three (3) dislocated employees reassigned to other positions as an alternative to a layoff	
# one (1) dislocated employee reassigned to another position as an alternative to a layoff	

**\*\*CONCERN (submitted 6/28/2016)\*\***

It has been 2 years since I have had a performance evaluation. Is this something MSU no longer wants supervisors to do? How do employees know if they are doing a good job or a bad job?

**RESPONSE via email from Harold Nally, Director of Human Resources:**

**Staff employees should receive an annual performance evaluation each year. It is a major responsibility of a supervisor to provide objective feedback to their employee(s) concerning their job performance. Not only should employees receive feedback regarding their performance for the year, but the evaluation system is an essential planning tool to set goals for the coming year.**

**My advice to you if you are comfortable, is to approach your supervisor and request an evaluation. If you are not comfortable with this approach, you are more than welcome to call the Human Resources Department so that we can discuss. Harold**

**Regent's Report:** Staff Regent Harr has been appointed to the Search and Screening Advisory Committee as MSU takes steps to search for our 14<sup>th</sup> President. Staff Regent Harr pointed out that the responsibility of this committee is to identify and screen qualified candidates and recommend a small

pool to the Board of Regents for further consideration. The Board of Regents is responsible for the ultimate hiring decision. Additional information regarding meetings, forums, and search timelines may be found at <http://www.moreheadstate.edu/presidentialsearch>.

Staff Regent Harr indicated that the first Board of Regents meeting of the new fiscal year will be held on August 26, 2016. There are currently three vacant positions on the BOR; two from term expirations, and one resulting from a member resignation. Kentucky Governor Matt Bevin should be making these three new Board appointments soon.

Representative Hunsucker asked Staff Regent Harr to provide additional explanation of the prepared statement to faculty regarding PAC 26 that was read at the June 2016 BOR meeting. Staff Regent Harr explained that although multiple committees consisting of a mixture of MSU administrators, faculty, and even BOR members had been formed, they were ultimately unable to come to an agreement of how PAC 26 should be written. This inability to come to an agreement resulted in PAC 26 being tabled at the June meeting, and on the table for review in the September 2016 BOR meeting.

Members of Staff Congress asked Staff Regent Harr for his opinion on future furlough days for employees. Regent Harr responded that the BOR knows of “nothing for now that is coming down the road.” Employees should be aware that the Fall 2016 semester gets underway and the final enrollment numbers come in, additional steps may need to be taken to offset funding shortages. However, no additional cuts and/or furlough days for staff members are currently being discussed.

**Human Resources Report:** Harold Nally was unable to attend. The following information was submitted by Ms. Suzanne Hogge via email on behalf of Human Resources:

“Harold is out today and there is no one available to attend the SC meeting today. Krista Utterback said that there was an interest in the new overtime regulation so please communicate to the Congress that a campus-wide communication will be issued late this week or early next week. Below is some information you can also share and I’m sending a “changes at a glance” handout with Krista.

**Effective Date: December 1, 2016:** Effective date for MSU proposed to be October 1

#### **Exemption Requirements**

1. Minimum salary level - \$47,476 (up from \$23,660)
2. Paid on a salary basis
3. Meet the duties test (no changes to the duties test in new rule)

#### **Work to Date**

1. New Regulation Education
2. Impact Analysis: 200+ positions likely impacted
3. Policy Review: PSNE-5
4. Position description reviews
5. Meeting with highly impacted unit supervisors to discuss changes, consider options and develop management plans (Enrollment Services, Athletics, Housing, University Advancement)
6. Meeting with VPs and leaders to plan for changes in their divisions
7. Communicating and coordinating with other Kentucky institutions



## **Communication Plan**

- Campus-wide: General notification, July
- Supervisors: Early August
- Employees: No later than September 1

## **Training**

Supervisor and Employee Training: August 15 – October 1”

Chair Niles proposed questions in response to Ms. Hogge’s information, receiving the following reply:

Under Exemption Requirements, you state “Meet the duties test (no changes to the duties test in new rule).” Can you provide clarification on that? I’m not quite sure what it means.

**REPLY from Ms. Hogge:** The duties test determines if a position meets the administrative, executive or professional exemption requirement.

Also – I anticipate that the majority of questions about this will fall under two broad categories:

1. How will the change affect how I am paid? What am I to do if there is a gap in when I receive a paycheck because of the change? **REPLY from Ms. Hogge:** Payroll will change to an arrears method for employees whose positions are reclassified as nonexempt. There would be one pay period missed, but the University will offer a loan option with payback over a series of payrolls to bridge the gap.
2. How will this affect my retirement? **REPLY from Ms. Hogge:** Retirement will not be affected at all. If they are currently in KTRS, they will remain in KTRS. The minimum requirements of the position determine what retirement system they are in. Bachelors or higher with no lesser equivalency = KTRS. Less than a Bachelors or Bachelors with an equivalency (Associates + ? years of experience) = KERS.

Based on discussion during the July meeting, Chair Niles submitted the following questions to Ms. Hogge via email:

1. If an employee is on a 10 or 11-month contract, or is otherwise a contract worker, how will this affect their pay? For example, if they don’t work in the summer yet get consistent paychecks.
2. Has a loan dollar amount been established? Would that rate also include taxes? Is it a flat rate for all, or a sliding scale based on how much you make? Over many pay periods would the ‘pay back’ take place?
3. How would this affect comp time? For example, folks who work during winter session?

Any response received will be presented to the Congress.

**Cabinet Report:** VP Patrick was unable to attend and no report was submitted.

**Old Business:** No old business

**New Business:** No new business

**Announcements:**

- SOAR Session: July 12

- Tuesday, July 12: Last day for 50% credit for partial or full Summer II withdrawal.
- Thursday, July 14: Last day for 25% credit for partial or full Summer II withdrawal.
- Thursday, July 14: Summer Send-Off in Pikeville @ Pikeville City Park 6-8 p.m.
- Sunday, July 24: Summer Send-Off in Morehead @ Laughlin Lawn 3-5 p.m.
- Friday, July 29: Last day to renew a current employee reserved parking space
- Friday, July 29: Summer II ends.
- Monday, August 1: Next STAFF CONGRESS meeting (Breck 302) 1:00 p.m.
- Friday, August 12: Fidelity representative, Mike Fisher, will be on campus. Call (859) 240-0939 to schedule an appointment.
- Staff/Faculty are encouraged to participate in intramurals by joining an existing team or starting a new team.
- Office supplies from Office Max are now being delivered to the Procurement Services complex. Joe Barricks will be making on campus supply deliveries 1-2 times per week.
- The following new appointments have been made across campus:
  - Dr. Chris Miller as Interim Dean of the College of Education
  - Dr. Laurie Couch as Interim Associate VP for Academic Affairs
  - Dr. April Miller as Interim Department Chair for Early Childhood, Elementary, and Special Education
  - Dr. Tim Simpson as Interim Department Chair for Foundational & Grad Studies in Education
  - Dr. Wayne Miller as Dean of the College of Science
  - Director of Recreation & Wellness, Russ Mast, is currently assisting with the position vacated by Ricardo Nazario Colon in the Office of Student Activities, Inclusion & Leadership Development

OFFICE RELOCATIONS

- Conference and Event Services: AY 006, 009, 011, 013
- University Post Office: AY 004, 007
- Eagle Card Office: AY 030, 031
- Eagle Diversity Education Center (move time tentative): AY 317, 318, 319
- University Call Center (TBD): AY 033
- MSU Teach: LC 101, 102, 109
- Student Life (June 1): Rowan County School Central Office
- Student Activities (moving starting June 6): Rowan County School Central Office
- Admissions & Financial (last week of July): Rowan County School Central Office
- Temporary Dining Facility open second week of June

<b>Motion:</b>	To adjourn	
	<b>Proposed:</b> Rep. LaFontaine	<b>Seconded:</b> Vice-Chair Purnell
<b>Called for Vote:</b>	Passed	

Minutes submitted by: Jessica Thompson, Secretary