

**West Virginia University  
Research Corporation**

**Employee Reference Guide  
September 2023**

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## **ORGANIZATION DESCRIPTION**

West Virginia University ("WVU") was founded in 1867 and is located in Morgantown, West Virginia. It is one of only 76 public universities that serve their state as a land-grant institution. WVU is ranked as a Research University (Highest Research Activity)—R1— by the Carnegie Classification of Institutions of Higher Education. Offering 190 bachelors, masters, doctoral and professional degree programs, through 14 colleges and schools, plus an Honors College and Extension Services support throughout its 55 counties, WVU is West Virginia's only comprehensive doctoral-granting institution, and the State's major research and development center.

The WVU Office of Research and Economic Development provides leadership to nurture and facilitate research and scholarly activities to the benefit of the citizens of the state, region, and nation. The office focuses on activities that strengthen WVU's research program, foster faculty development, enhance the student experience, and provide leadership for the university's contribution to expansion and diversification of West Virginia's economy.

Research is dynamic by nature, requiring responsiveness to changing charges, defined deliverables, and timetables. In 1985, the West Virginia University Research Corporation ("WVURC") was legislatively established as a not-for-profit corporate affiliate of WVU to facilitate the financial and practical research efforts of the university. Although supportive of the research and economic development missions of the university, the WVURC is not part of the State public higher education system.

Historically, the WVURC has provided financial flexibility to meet the needs of the research environment restricted by public sector regulation. The WVURC is responsible for growing the WVU research enterprise and managing intellectual properties for the university that will lead to commercialization and business development. The technology transfer role includes evaluation, protection through patenting, copyrighting, trademarking, etc., of intellectual properties developed by WVU faculty, staff and students. The WVURC is also responsible for marketing, licensing, and forming spin-off companies from these intellectual properties. As part of its economic development role, the WVURC is also responsible for the management of property and contractual matters relative to the WVU Research Park.

In 1996, the WVU Research Task Force recommended WVU "develop a more aggressive and coordinated infrastructure to enable expanding WVU's research capacity" including a business plan that would allow researchers to hire support personnel outside the State system. In 2000, the WVURC Board of Directors approved development of a research-oriented human resources system. This program was implemented January 1, 2005. There are no requirements or rights of conversion between the two systems. In the event a current employee of either system is offered and accepts employment through the other, the individual must terminate employment and begin anew.

The Research Corporation strives to cultivate research at WVU through human, academic, and financial support systems. In order to effectively attain its goals, the WVURC and its employees will:

- be collaborative in focus, actions, & partnerships
- be technically competent & develop professionally
- be responsive to its duties, yet minimally restrictive to its clients & the community
- communicate in an open, consistent & timely manner, and disseminate & apply new knowledge in entrepreneurial activities & economic development

The WVURC Human Resources office exists to provide a flexible, supportive and compliant infrastructure to complement and enhance the options available for management and development of employees in support of WVU research efforts. Human Resources services cover a wide range of employee and business needs, including classification, compensation, employment, equal opportunity, employee relations, payroll, tax, benefits and retirement information and reporting. It is your source for HR-related reference documents, forms and consultation services. Please contact us for assistance.

## ***PREFACE***

This Guide is designed to acquaint you with the WVURC and provide you with information about working conditions, employee benefits, expectations, and some of the policies affecting your employment.

You should read, understand, and comply with all provisions of the Guide. The Guide describes many of your responsibilities as an employee and outlines the programs we have developed to benefit our employees. One of our objectives at the WVURC is to provide a work environment that is conducive to both personal and professional growth.

The WVURC provides employment services to promote the research and economic development missions of its affiliate university. This requires flexibility and responsiveness to the development objectives and sponsored activities. WVURC employees work within and on behalf of West Virginia University. All WVURC employees are employees' at-will. Employees are free to terminate their employment with the corporation at any time, with or without reason. Likewise, the WVURC has the right to terminate and manage your employment, at the discretion of the corporation.

The contents of this Guide are for your information and reference and are not intended to serve as an express or implied contract of employment. No employee guide can anticipate every circumstance or question about every one of our policies. Further, the WVURC must retain flexibility in its policies and practices to enable adjustment to new situations or business opportunities. Therefore, the WVURC may add, modify, or cancel existing policies at any time. We will notify you of any changes to the Guide as they occur.

You should consult the WVU Human Resources office if you do not understand or if you need additional clarification of any statements, policies or procedures included in this Guide.

Unless otherwise stated, the provisions of this Guide apply to all WVURC employees.

## **EMPLOYMENT WITH THE WVURC**

### ***Nature of Employment***

The WVURC provides employment services to promote the research and economic development missions of its affiliate university. This requires flexibility and responsiveness to the development objectives and sponsored activities. WVURC employees work within and on behalf of West Virginia University.

Employment with the WVURC is voluntarily entered into, and you are free to resign at will at any time, with or without notice or cause. Similarly, the WVURC may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. No oral statements or promises, whether express or implied, will create an express or implied contract or employment.

The policies in this Guide do not create an express or implied contract or employment. The policies should not be construed to constitute contractual obligations of any kind or a contract of employment between the WVURC and any employee. The provisions of the Guide have been developed at the discretion of management and, except for the policy of employment-at-will, may be amended or cancelled at any time, at the sole discretion of the WVURC.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Chief Executive Officer of WVURC.

### ***Employee Relations***

We believe that the employment package offered to WVURC employees is competitive with those offered by other employers in this area and in this industry. If you have concerns about work conditions, you are strongly encouraged to voice these concerns openly and directly to your supervisor. If these matters are unresolved, or you have concerns regarding your benefits or wages, you are to contact the WVURC Human Resources Office.

Our experience has shown that when employees deal openly and directly with management, the work environment can be excellent, communications can be clear, and attitudes can be positive. The WVURC is committed to its employees and will respond to employee concerns. Likewise, the WVURC seeks input from employees and periodically will ask you about your concerns and suggestions.

### ***Employer Responsibilities & Rights***

The West Virginia University Research Corporation is responsible to the needs and expectations of its stakeholders to support the research mission of the State's land grant institution, WVU, as well as to leverage these activities for the economic development of the State of West Virginia. To these ends, some of the rights the WVURC has include, but are not limited to:

- the right to select, train, promote, terminate, evaluate, supervise and discipline our employees;
- to set work schedules and hours, and determine optional benefit packages;
- to establish, terminate, or modify procedures and policies, assign duties, set and evaluate work standards; and

- to exercise any and all other normal functions of management to stay competitive in our operations.

In addition, the WVURC sets standards which we observe for all of our employees in our objective to provide a work environment that is conducive to personal and professional growth.

### ***Pay Transparency Nondiscrimination Provision***

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c)



## ***Supervisor Responsibilities***

The WVURC is a not-for-profit corporation, separate from, but functioning in support of the WVU research and economic development enterprise. As such, WVURC employees may be supervised by third party collaborators of the WVURC. These individuals are considered agents of the WVURC for purposes of employee supervision. As such, these supervisors are responsible to know and comply with the regulations, policies and procedures of the WVURC human resources function.

## ***Equal Employment Opportunity Commitment***

The WVURC is committed to equality of opportunity in all aspects of employment. In order to provide equal employment and advancement options to all individuals, employment decisions at the WVURC will be based on merit, qualifications, and abilities. The WVURC does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, marital status, familial status, gender identity, sexual orientation, national origin, age, mental or physical disability, veteran status, or genetic information. The WVURC is also committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability, or any other characteristic protected by applicable law. This policy applies to equal pay and other forms of compensation (or changes in compensation); as well as job assignments, classifications, position descriptions, and availability of all leave types.

If you have a question or concern about any type of discrimination in the workplace, you are encouraged to bring the issue to the attention of your supervisor or the WVURC Human Resources Office. At the WVURC, be assured that you can raise concerns and make reports without fear of reprisal. Further, any WVURC employee found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

WVURC employees have an obligation to report all perceived instances of discrimination and/or harassment to their supervisor or another member of management. The WVURC will not take adverse action against an employee because of a good faith complaint of discrimination or harassment, participation in an investigation of such a complaint, or similar attempts to protect or enforce rights under applicable federal and state law.

This policy is neither exhaustive nor exclusive. The WVURC is committed to taking all other actions necessary to ensure equal employment opportunities in accordance with all applicable federal, state, and local laws.

## ***Reasonable Accommodations***

The WVURC is committed to complying fully with the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), and the West Virginia Human Rights Act and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Our hiring procedures provide persons with disabilities meaningful employment opportunities. When requested, we will make job applications available in alternative, accessible formats, as well as provide assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

We will make reasonable accommodations for qualified individuals with known disabilities, if the disability affects and accommodation will enable the satisfactory performance of essential job functions, unless doing so would result in an undue hardship. This policy covers all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. We make all employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

## ***Medical Examinations***

To help ensure that you are able to perform your duties, the WVURC may require medical examinations of some employees.

After we make an offer to an applicant entering a designated job, a medical examination will be performed at our expense by a health professional of our choice. The offer of employment and assignment to duties is contingent upon satisfactorily completing the exam. We require post-offer medical examinations only for positions that have bona fide job-related physical requirements. An examination will be given to any person who enters the position but only after being given a conditional job offer. Medical records are kept separate and confidential.

Current employees may be required to take medical examinations to determine their fitness for work. If an exam is needed, it will be scheduled at a reasonable time and interval and at our expense.

We consider information about medical conditions or history to be highly confidential and keep it separate from other personnel information. Access to this information is limited only to persons who have a legitimate need to know.

## ***Affirmative Action***

In addition to our commitment to provide equal employment opportunities to all qualified individuals, we have established an affirmative action program to promote opportunities for eligible individuals employed by the WVURC. The WVURC Affirmative Action Plans are available for review by appointment with five (5) days advance notice at the WVURC HR Office.

The WVURC is an AA/EOE/Minorities/Females/Vet/Disability/E-verify compliant employer.

## ***Employee Responsibilities & Rights***

### ***Immigration/Employment Eligibility***

The WVURC is committed to employing only United States citizens and aliens who are legally authorized to work in the United States. We also do not unlawfully discriminate on the basis of citizenship or national origin.

In order for us to comply with the Immigration Reform and Control Act of 1986, all new employees, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and provide documentation that establishes their identity and eligibility for employment. The Form I-9 must be completed prior to starting employment. Former employees who are subsequently rehired must also complete an I-9 and provide appropriate documentation if 1) they have not completed an I-9

with the WVURC within the past three years, or 2) their previous I-9 is no longer valid or was not retained.

If you have questions or want more information on immigration law issues, you are encouraged to contact the WVURC Human Resources office. At the WVURC you can raise questions or complaints about immigration law compliance without fear of reprisal.

### **Business Ethics/Conduct**

We expect WVURC employees to be professional, honest and ethical in their conduct. It affects our reputation and success. The WVURC requires employees to carefully follow all laws and regulations and have the highest standards of conduct and personal integrity. Our continued success depends on our customers' trust. Employees owe a duty to the WVURC, our customers, and stakeholders to act in ways that will earn the continued trust and confidence of the public.

As an organization, the WVURC will comply with all applicable laws and regulations. We expect all officials, agents, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to not do anything that is illegal, dishonest, or unethical.

Employees are required to notify the WVURC Human Resources Office in writing of his or her conviction for any violation of a criminal statute not later than five (5) calendar days after such conviction.

If you use good judgment and follow high ethical principles, you will make the right decisions.

However, if you are not sure if an action is ethical or proper, you should discuss the matter openly with

your supervisor. If necessary, you may also contact the WVURC Human Resources Office for advice and consultation.

It is the responsibility of every WVURC employee to comply with our policy of business ethics and conduct.

### **Conflicts of Interest**

As an employee of the WVURC, you have the obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. In this Policy, the WVURC is establishing the framework within which we wish to operate. These guidelines are intended to provide a general direction so that you can get further clarification on areas that affect you:

#### ***Existence of a Conflict of Interest***

- A Conflict of Interest occurs when there is a divergence between a WVURC Employee's private, personal relationships or interests and their professional obligations to WVU or WVURC such that a reasonable observer might question whether the individual's professional actions or decisions are determined by or substantially altered by considerations of personal benefit, gain, or advantage.
- Whether a Conflict of Interest or the appearance of a Conflict of Interest exists depends on the situation, not on the character or actions of the individual. The determination of the existence of a Conflict of Interest or the appearance of a Conflict of Interest is done objectively on a case-by-case basis. Because the appearance of a Conflict of Interest can be as damaging or detrimental as an actual Conflict of Interest, apparent Conflicts

of Interest are treated the same as actual Conflicts of Interest. As a result, any appearance of a Conflict of Interest must also be disclosed and reviewed

### ***Conflicts of Interest in Research.***

- A Conflict of Interest in Research may exist where a Significant Financial Interest for Research could directly affect or reasonably appear to affect the design, conduct, or reporting of research or other activity sponsored by an outside entity.
- ***Disclosure Requirements.*** All Investigators of any WVURC or WVU research project must disclose any Significant Financial Interests for Research (as defined below) to the Conflict of Interest Office or its successor in accordance with the relevant rolling deadlines set by the Conflict of Interest Office. All Investigators must submit a Conflict of Interest in Research Disclosure at least annually.
  - All Investigators must submit a Conflict of Interest in Research Disclosure regardless of whether or not he or she has a Significant Financial Interest for Research to report.
  - All Investigators must submit and certify the disclosure as accurate and complete.
  - All Investigators must update their disclosure within thirty (30) days of the development of a new Significant Financial Interest for Research.
  - If an Investigator has not previously submitted an annual Conflict of Interest in Research Disclosure, the Investigator must submit a Conflict of Interest in Research Disclosure prior to submitting a research proposal seeking external funds or otherwise participating in any research activity regardless of the source of funding.
- ***Significant Financial Interest for Research.*** “Significant Financial Interest for Research” means a financial interest consisting of one or more of the following interests of an Investigator or Family Member of the Investigator that reasonably appears related to the Investigator’s operational responsibilities:
  - With regard to any publicly traded entity, the value of any remuneration received from the entity in the 12 months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, that when aggregated exceeds Five Thousand Dollars (\$5,000.00).
  - With regard to any non-publicly traded entity, the value of any remuneration received from the entity during the 12 months preceding the disclosure, that when aggregated exceeds Five Thousand Dollars (\$5,000.00), or when the Investigator or Family Member holds any equity interest in the entity.
  - Any intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.
  - For an Investigator who applies for or receives funding through a Public Health Service grant, cooperative agreement, or contract, any reimbursed or sponsored travel (i.e., paid on behalf of the Investigator rather than being reimbursed) that reasonably appears related to their institutional responsibilities. Excluded is travel that is reimbursed or sponsored by a Federal, state, or local government

agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, or a medical center or a research institute that is affiliated with an institution of higher education.

- The term Significant Financial Interest for Research does not include the following types of financial interests: salary, royalties, or other remuneration paid by the WVURC to the Investigator or family member if the Investigator is currently employed or otherwise appointed by the WVURC; income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency; or income from service on advisory committees or review panels for a Federal, state, or local government agency.

➤ ***Review of Conflict of Interest in Research.***

- Conflict of Interest in Research Disclosures submitted by Investigators shall be reviewed by the Conflict of Interest Office. This Office shall determine if an Investigator has a Conflict of Interest in Research or the appearance of a Conflict of Interest in Research. If a Conflict is identified, the Office may determine that the Conflict can be managed through an appropriate Management Plan. If the Office determines that the Conflict cannot be managed, then it shall recommend steps to resolve the Conflict.
- An Investigator's Conflict of Interest in Research Disclosure will be reviewed and managed by the Conflict of Interest Office.
- An Investigator may request a review by the Conflict of Interest Committee of the decision of the Conflict of Interest Office. The Committee may then review the Investigator's Conflict of Interest Disclosure and make a final determination on whether a Conflict exists, whether such a Conflict can be managed, or whether the proposed Management Plan is appropriate. If the Committee determines that the Conflict cannot be managed, then it shall recommend steps to resolve the Conflict. The decision of the Committee is final.

***Institutional Conflicts of Interest***

- ***Disclosure Requirements.*** WVURC Employees within the Office of Tech Transfer or employees with affiliation to Vantage Ventures must annually disclose Significant Financial Interests for Institutional Conflicts of Interest to the Conflict of Interest Office by July 31 each year.
  - Each WVURC Employee within the Office of Tech Transfer and Vantage Ventures must submit an Institutional Conflict of Interest Disclosure regardless of whether or not the individual has a Significant Financial Interest for Institutional Conflicts of Interest to report.
  - Each WVURC Employee within the Office of Tech Transfer and Vantage Ventures must sign and certify the annual disclosure as accurate and complete.

- Each WVURC Employee within the Office of Tech Transfer and Vantage Ventures must update their annual disclosure within thirty (30) days of the development of a new Significant Financial Interest.
  - Each WVURC Employee within the Office of Tech Transfer and Vantage Ventures must complete an initial disclosure form within sixty (60) days upon commencing employment.
- **Review of Disclosure Forms.** Institutional Conflict of Interest Disclosures submitted by WVURC Employees shall be reviewed annually, and on an ad hoc basis as necessary, by the Conflict of Interest Office to determine if an individual has an Institutional Conflict of Interest or the appearance of an Institutional Conflict of Interest. If a Conflict is identified, the reviewing body may determine that the Conflict can be managed through an appropriate Management Plan. If the reviewing body determines that the Conflict cannot be managed, then it shall recommend steps to resolve the Conflict.

### **Conflicts of Commitment**

A full-time WVURC Employee's primary commitment of time and intellectual effort must be to the research and service missions of the WVURC.

- A full-time WVURC Employee's attempts to balance their primary commitment to the WVURC with external, non-University/WVURC activities can result in a real or apparent conflict regarding commitment of time and effort. When external activities exceed reasonable time limits or become primary professional responsibilities, then a Conflict of Commitment exists.
  - Any WVURC Employee who fails to abide by the requirements within this Policy shall be subject to appropriate disciplinary action, including warning, suspension, termination, or other disciplinary action as may be appropriate.
- Furthermore, although conduct may not violate this Policy, it may still be prohibited by WVURC under a different rule, policy, or standard of behavior. Accordingly, in such cases, WVURC reserves the right to take any necessary action.

### **Outside Consulting Arrangements**

- **Applicability.** Full-time WVURC Employees may engage in Consulting Arrangements outside of their employment responsibilities to the University on subjects that are within their area of professional expertise. The provisions of this Section do not apply to part-time Employees, who are not required to seek approval for Consulting Arrangements or other employment that they conduct outside of their part-time employment with the University.
- **Definition of Consulting Arrangements.** For the purposes of this Policy, "Consulting Arrangement" means any outside employment, arrangement, or contract where a full-time WVURC Employee provides their expertise to a non-University or non-WVURC third party as an independent contractor and in which the expertise is, directly or indirectly, related to the Employee's employment or job duties with WVURC.
- However, for full-time employees during their appointment term, such outside Consulting Arrangements must, at minimum, meet the following requirements:

- it must further develop the individual professionally or serve the community, state, or nation in an area related to the individual's assignment or professional expertise;
  - it must not constitute a Conflict of Commitment with the individual's WVURC responsibilities, nor interfere with the individual's research and service to the WVURC; and
  - it must not be in conflict with the mission and objectives of the WVURC.
- Professional services provided by full-time WVURC Employees that are appropriately considered as part of the individual's institutional duties do not constitute outside Consulting Arrangements and thus are not subject to the provisions of this Section.
  - As an example, participation in a federal agency grant review committee, if considered part of your institutional duties, does not constitute an outside Consulting Arrangement.
- **Part-Time Employment.** All full-time WVURC Employees during their yearly appointment term, are permitted to engage in part-time employment unrelated to their institutional duties outside of their normal WVURC working hours, e.g. weeknights, weekends, holidays, so long as the Employee continues to dedicate their primary responsibilities to the WVURC and the part-time employment does not create a Conflict of Interest or Commitment or the Appearance of a Conflict of Interest or Commitment that cannot be managed.
- **Volunteering.** All full-time WVURC Employees, during their appointment term, are permitted to engage in volunteering outside of their normal University working hours, e.g. weeknights, weekends, holidays, so long as the Employee continues to dedicate their primary responsibilities to the University and the volunteering does not create a Conflict of Interest or Commitment or the Appearance of a Conflict of Interest or Commitment that cannot be managed.
- If the Employee is unsure whether such part-time employment or volunteering constitutes a Conflict, Employees are encouraged to raise this issue with their supervisor.
- **Guidelines for Outside Consulting Arrangements.** The following types of outside activities are prohibited for full-time WVURC Employees:
  - An individual cannot, as part of an outside Consulting Arrangement, endorse a commercial product or service.
  - If an individual's compensation is fully funded by a federal grant requiring the individual to commit 100% of their reported effort to the grant, that individual cannot participate in outside Consulting Arrangements, unless the individual uses pre-approved paid time off (PTO) or the work is performed outside the individual's normal WVURC working hours.
- WVURC Employees engaging in outside Consulting Arrangements are not permitted to use the University or WVURC name, logo, or marks. However, WVURC Employees may use the University or WVURC name to convey biographical information.
- An individual cannot use WVURC or University resources to advertise or endorse their personal Consulting Arrangements.

➤ **Approval of New Outside Consulting Arrangements.**

- Prior to agreeing to any outside Consulting Arrangement, an individual must submit a [Consulting Arrangement Approval Form](#) to their Director, Dean, or Vice President, as appropriate (collectively hereinafter referred to as “Department Leader”).
- The individual must fully complete the required Form and provide other reasonable information to the Department leader upon request. At minimum, the Form must include a description of the Consulting Arrangement, entity with whom the arrangement resides, and the anticipated time commitment for the arrangement. The individual must certify that the information contained within the Form is complete and accurate.
- Upon review, the Department Leader shall determine if the request is appropriate, does not constitute a Conflict of Commitment or create a Conflict of Interest, and abides by the guidelines provided within this Policy.
- Should a Department Leader deny a request for an outside Consulting Arrangement, the individual may request that decision be reviewed or appealed to a designee of the Secretary of the WVURC.

➤ **Annual Disclosure of Outside Consulting Arrangements.**

- All WVURC Employees who have engaged in outside Consulting Arrangements within the past fiscal year (i.e., July 1 to June 30) must submit a [Consulting Arrangement Annual Disclosure Form](#) to the individual’s Department Leader by August 31 each year. The individual must sign and certify the Form as accurate and complete. This Form must, at minimum, summarize all Consulting Arrangements that the individual has participated in within the last calendar year providing for each arrangement individually, a brief description of the arrangement, the entity whom the arrangement is with, and the total time committed within the term of their yearly appointment.
  - a. Compliance with this Policy does not relieve any WVURC Employee of their obligation to comply with all other professional disclosure requirements.

**WVURC-Affiliated Sponsored Agreements**

- WVURC-Affiliated Sponsored Consulting Arrangements may only be entered into with the approval and permission of a Department Leader. The agreements must be reduced to writing and signed by the appropriate Official.
- WVURC Employees are permitted to commit their time to the third party under these arrangements. Providing services under these arrangements is considered part of the Employee’s employment responsibilities to the WVURC. However, the Employee should ensure that their time commitment is consistent with the terms of the written agreement.



## **Non-Disclosure**

In the course of your work, you may receive or have access to intellectual property, trade secrets and practices. It is vital to the interests and success of the WVURC and WVU that we protect our confidential business information, intellectual property, and trade secrets. Such confidential information includes, but is not limited to, the following examples:

- computer processes
- computer programs and codes
- customer lists
- customer preferences
- financial information
- marketing strategies
- new materials research
- program/process development
- proprietary production processes
- pending projects and proposals
- research and development strategies
- scientific data
- scientific formulae
- scientific prototypes
- technological data
- technological prototypes
- other information identified as confidential, proprietary, intellectual property, or a trade secret

You are required to sign a non-disclosure agreement as a condition of your employment. You are responsible for maintaining the confidentiality of information as outlined above, and the WVURC strictly prohibits the release or disclosure of such without the prior express written permission of an authorized representative. Because we consider security breaches very serious, improper use or disclose of such without proper consent will result in disciplinary action, up to and including termination of employment. Further, the WVURC reserves the right to take appropriate legal action to prevent and remedy unauthorized release and/or disclosure of protected information, including circumstances after your WVURC employment ends.

## ***Whistleblower Policy***

As a WVURC employee, you have an obligation to report, observed or suspected inappropriate activities covered by this policy. The allegation of suspected illegal or inappropriate activities will be promptly, thoroughly, and discreetly investigated, protecting the whistleblower's identity to the extent that such confidentiality would not impede a thorough investigation. All information obtained will be handled on a "need to know" basis.

If you believe that you have been (1) subjected to or affected by a retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, you should report such conduct to your supervisor.

If you perceive that reporting such conduct to the appropriate supervisor is for any reason inappropriate, unacceptable or will be ineffectual, or if the report to the supervisor has been made and the retaliatory conduct has continued, please report directly to the WVURC Director of Human Resources.

### ***Intellectual Property Policy***

As determined by the Office of Technology Transfer, WVURC and/or West Virginia University shall retain all rights, title, and interest in any and all intellectual property generated, created, or developed in facilities operated or controlled by WVURC and/or West Virginia University, supported by funds administered by WVURC and/or West Virginia University, or performed in the course of regular employment duties unless exempted by written permission from WVURC. This policy is subject to any applicable laws, regulations or agreements with research sponsors which govern the rights concerning inventions made in connection with sponsored research.

### ***Outside Employment***

WVURC employees may hold outside jobs as long as they can satisfactorily perform their WVURC job and there is no interference with our scheduling demands.

All employees will be held to the same standards of performance and scheduling expectations, regardless of any outside job. If we determine that outside work is impacting your performance or the ability to meet our requirements, which may change over time, you will be asked to terminate the outside job in order to stay employed at the WVURC.

We prohibit outside employment that constitutes a conflict of interest. You may not receive any income or material gain from individuals outside the WVURC for materials produced or services rendered while performing your job.

### ***Workplace Considerations***

The WVURC is a not-for-profit corporation, separate from, but functioning in support of the WVU research enterprise. The WVURC provides resources for its employees use through third party sources, primarily WVU. As such, employees of the WVURC work within the WVU environment, represent, and support the university. Although not employees of the State or its higher education system, WVURC employees utilize the facilities, services and equipment of WVU. Therefore, WVURC employees are responsible to know and comply with WVU workplace policies relative to behavior and use of facilities, equipment, and services.

WVURC employees are provided technology resources for the support of the corporate mission, management, informational and operational needs. Accordingly, you should limit your personal use, if any, to non-working time, and use these systems for business-related purposes during work hours. The WVURC reserves the right to monitor all systems used by its employees to assure proper utilization. Inspection of systems and files may occur at any time, with or without notice to affected employees, at the discretion of the WVURC. Employee use of these systems constitutes consent to monitoring. Employees have no right to privacy when using work-issued computer, voice mail, electronic mail, and internet services. Improper use of work-issued systems or equipment can result in discipline, up to and including termination of employment.

## ***Employment of Relatives and Personal Relationships in the Workplace***

By definition, a relative is considered any person who is related to, who resides with, or has an intimate relationship with a WVURC employee. Generally, relatives include those who are related by blood, law, or marriage as a spouse, parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, niece, or first cousin.

An employee may not initiate or participate in an institutional or institutional affiliate, employment decision involving a direct benefit to a relative, nor may they accept a direct benefit from a relative at the institution or institutional affiliate. Such employment decisions include, but are not limited to, hiring, retention, transfer, promotion, appointment to an interim or acting position, salary, performance reviews, disciplinary action, assignment of resources, and leave requests.

A supervisory employee, prior to any offer of employment to an internal or external applicant, must complete and provide a signed statement to the Division of Talent & Culture, Talent Strategy Unit, certifying that he/she is not hiring a relative.

Deans/directors and their business officers are responsible for monitoring changes in reporting lines of authority to ensure compliance by the colleges and departments with this procedure. When there is a change in circumstances during the course of employment that may create a conflict with this procedure, the potential conflict of interest should be reported immediately to the Dean/Director and Employee Relations/HR Partner for the creation and coordination of a management plan.

Any employee with knowledge of a potential conflict related to the employment of relatives should report the situation to their Department/College Leader and/or Employee Relations/HR Partner for further review and resolution.

## ***Workplace Violence***

The WVURC prohibits employees from threatening, intimidating, provoking, interfering, using abusive or profane language, fighting, and/or engaging in any conduct that might result in harm or injury to themselves, other employees, supervisors, management, and other third parties.

The WVURC strictly prohibits the possession of firearms and other lethal weapons of any type on the WVURC's premises or in employee assigned work locations at all times.

The WVURC will not tolerate acts or threats of violence and encourages you to immediately report all acts or threats of violence whether made by a co-worker or a third-party of every kind to your immediate supervisor or another member of management.

The WVURC will promptly investigate complaints of violence or threats of violence and will not take adverse action against any employee based upon a good faith report of, or participation in review of such a complaint.

## **YOUR EMPLOYMENT**

### ***Employment Types***

Understanding the types of employment through the WVURC is important because your classification is one of the factors that determine your employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

The WVURC provides employment services to promote the research and economic development missions of its affiliate university. This requires flexibility and responsiveness to the development objectives and sponsored activities, including the function and schedules of positions. Changes in a position may alter the exemption designation and/or the employment category of a position. If this occurs, the affected employee(s) will be notified in writing.

Depending on your position, you are designated as either *NONEXEMPT* or *EXEMPT* from federal and state wage and hour laws. *NONEXEMPT* employees are entitled to overtime pay under the specific provisions of federal and state laws. *EXEMPT* employees are excluded from specific provisions of federal and state wage and hour laws. Your exemption classification may be changed only with written notification by WVURC HR.

In addition to the Exempt and Nonexempt designation, you also belong to one of the following employment categories:

*FULL-TIME* employees are employees who are not in a temporary position AND who are regularly scheduled to work 30 hours or more per week. Full-time employees are paid on a salaried basis. Full-time employees are eligible for all WVURC benefit programs, subject to the terms, conditions, and limitations of each benefit program.

*PART-TIME* employees are employees who are not in a temporary position AND who are regularly scheduled to work less than 30 hours per week. Part-time employees are paid on an hourly basis. Part-time employees in positions with intermittent, need-based work schedules are considered to be on leave of absence when not working., While part-time employees receive all legally mandated benefits (such as Social Security and workers' compensation insurance), and access to the Tax Deferred Annuity retirement plan, they are ineligible for all other optional WVURC insurance, benefit plans, and holiday pay.

## ***Job Descriptions***

The WVURC makes every effort to create and maintain accurate job descriptions for all positions within the corporation. Each description includes sections for a general overview of the position purpose; essential duties and responsibilities; supervisory responsibilities; qualifications (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required); physical demands; and work environment.

We use the job descriptions to help new employees understand their job duties and to set standards for employee performance evaluations. Job descriptions are also used to identify the requirements of each position, establish hiring criteria, and establish a basis for making reasonable accommodations for individuals with disabilities.

The WVURC Human Resources Office and the hiring supervisor prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. You can also be helpful by making sure that your job description accurately reflects the work you do.

We would like you to remember that job descriptions do not necessarily cover every task or duty that you might be assigned, and that additional responsibilities may be assigned as necessary. You can contact the WVURC Human Resources Office if you have any questions or concerns about your job description.

## ***Employment Applications & Reference Checks***

### ***Employment Applications***

The WVURC relies on the accuracy of the information provided on the employment application, as well as the accuracy of other data presented during the hiring process and employment. If there are any misrepresentations, falsification, or material omissions in any of this information, we may exclude that applicant from further consideration. If the person was already hired, it could result in termination of employment.

When we process an employment application, we shall obtain a background check consistent with the Fair Credit Reporting Act. If we take an adverse employment action based in whole or in part on the consumer credit report, a copy of the report and a summary of your rights under the Fair Credit Reporting Act will be provided as well as any other documents required by law.

You will first be notified by a pre-adverse communication which gives you an opportunity to respond to the charges. Our decision will be based on the consumer credit report and any information you provide. If the decision is not to offer you employment, you will receive an adverse communication.

The WVURC is E-Verify Compliant. E-Verify is an internet-based system operated by the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) which verifies the employment eligibility of employees, regardless of citizenship. Based on the information provided by the employee on his or her Form I-9, E-Verify checks this information electronically against records contained in DHS and Social Security Administration (SSA) databases.

## ***Reference Checks***

To help select the person for the job, the criminal background information services company contracted by the WVURC performs various background checks relative to job candidates. These checks may include education and employment verifications, motor vehicle and criminal records, credit reports, or other historical information as is determined relevant to employment in the position sought with the WVURC. In addition, at least three (3) professional reference checks will be conducted by the WVURC.

The WVURC Human Resources Office will respond in writing when we receive a written request for a reference check. We will confirm only employment dates, salary information, and the positions held. WVURC will not release any employment data without an employee or former employee's written authorization and signed release.

## **Personnel Files & Personnel Data Changes**

### ***Personnel Files***

At the WVURC we maintain a personnel file on each employee that includes the job application and related hiring documents, training records, performance documentation, salary history, and other employment records.

Personnel files are the property of the WVURC. Because this information is highly confidential, and we respect your privacy, only persons with a legitimate business reason will be allowed access to personnel files. If you wish to see your employment records, contact the WVURC Human Resources Office. With reasonable advance notice, you may review your own documents in our offices and in the presence of a person authorized by WVURC.

### ***Personnel Data Changes***

To help us keep records and benefit program information accurate, please notify the WVURC of any changes to your personal information. The information we need includes your mailing address, telephone numbers, your marital status, changes to your dependent information, who to contact in case of an emergency, educational accomplishments, and other possibly relevant information. Please contact the WVURC Human Resources Office to make changes, or if you have questions regarding the required information.

### ***Performance Evaluation***

The best communications about job performance happen on an informal, day-to-day basis. You and your supervisor are strongly encouraged to talk about performance regularly. In addition, the WVURC wants to ensure that you and your supervisor have scheduled formal performance evaluations. These discussions give you both the opportunity to discuss job responsibilities and goals, encourage and recognize strengths, identify and correct any weaknesses, develop plans for dealing with any obstacles, and plan for the future.

The performance of all WVURC employees is evaluated on an annual basis consistent with appraisal guidelines and schedule. WVURC employees may be eligible for merit-based pay adjustments based on numerous factors, including the information documented by the formal performance evaluation process.

### ***Salary Administration***

The WVURC strives to pay employees market wages based upon the functional classification, geographic location, and level of competency required of the position as defined by the US DOL. The salary administration program at the WVURC was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor markets. Because we believe that recruiting and retaining talented employees is critical to our success, we are committed to paying our employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in other organizations in the area.

Compensation for every position is determined by several factors including job analysis and evaluation, the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers. We periodically review our salary administration program and restructure it as necessary. Market- and/or competency-based adjustments may be warranted based upon one's employment functions, as determined by a classification review. In addition, employees may be awarded merit-based pay adjustments, bonus or incentive pay, in conjunction with superior performance as documented by our performance evaluation process. If you have a question about the WVURC classification or salary administration programs or practices, you should contact the WVURC Human Resources Office.

## **EMPLOYEE BENEFITS**

The WVURC provides a wide range of benefit programs to eligible employees. Certain legally required programs (such as Social Security, Workers' Compensation, and unemployment insurance) cover all employees in the manner required by law.

Your eligibility for each benefit program depends on a variety of factors, including your employee classification. To better understand exactly which benefit programs you are eligible for, contact the WVURC Human Resources Office. You will find details about many of these programs elsewhere in the Guide and on our website. In some cases, a policy may also refer you to other sources, such as the Summary Plan Document for that benefit.

The WVURC will pursue benefit options within its fiscal and operational abilities. When changes occur in the WVURC benefit package, employees will receive official notification. The following benefit programs are currently available to eligible employees, subject to terms and conditions of each program:

- 403(b) Savings Plans
- Credit Union Membership
- Dental Insurance
- Dependent Care FSA
- Family Leave
- Holidays
- Jury Duty Leave
- Life(Basic)/AD&D Insurance
- Long-Term Disability
- Medical Insurance
- Military Leave
- Paid Time Off (PTO)
- Parking Payroll Deduction
- Prescription Drug Insurance
- Short-Term Disability
- Vision Care Insurance
- Voluntary Life Insurance
- Voting Time Off

While some of the benefit programs we offer may require you contribute to the cost, many programs are fully paid by WVURC.

## ***Health Insurance***

The WVURC health insurance plans offer employees and their dependents access to medical, dental, vision care and prescription insurance benefits. Regular full-time employees are eligible to participate in the health insurance plans, subject to the terms and conditions of the agreement between WVURC and the insurance carriers.

Regular full-time employees are eligible for enrollment on the first day of the month following their hire date. Typically, employees can only change their benefit status during Open Enrollment. However, if



a qualifying event such as marriage, divorce, loss of coverage, child birth or adoption occurs, a coverage change can occur if completed paperwork is filed by the employee within 30 days of the qualifying event. Otherwise, coverage may be canceled prior to Open Enrollment if “Hardship Status” is established. “Hardship Status” requires the employee to prove that their insurance premiums constitute a loss of 30% or more of the total household income; or that the household is declaring bankruptcy.

If you change to an employment classification that would cause you to lose your health insurance plan eligibility, you and your covered dependents may qualify to continue your health care benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) Policy in this Guide for more information. The insurer’s official plan documents constitute and set forth the entire plan, no statement within this Guide will create or modify, expressly or implied, any benefits provided through your employment package.

You will find details of the health insurance plan in the Summary Plan Description (SPD). When you become eligible, you will receive an SPD and rate information prior to the enrollment date. For questions about health insurance, contact the WVURC Human Resources Office for additional information.

## ***Workers' Compensation Insurance***

The WVURC provides Workers' Compensation insurance to our employees. The Workers' Compensation program covers injuries or illnesses sustained in the course of employment that require medical, surgical, or hospital treatment. Subject to the applicable legal requirements, this program provides benefits after a short waiting period or, in the event of hospitalization, immediately.

It is critical that you inform your supervisor immediately about any work-related injury or illness, regardless of how minor it might appear at the time. Supervisors are responsible to report the situation to the WVURC Human Resources Office. Immediate reporting ensures that, if eligible, you will qualify for workers' compensation benefits as quickly as possible and also lets us investigate the matter promptly.

Workers' compensation is intended to cover only work-related injuries and illnesses. Because of this, neither the WVURC nor our insurance carrier will be liable for the payment of workers' compensation benefits for injuries that might occur during employees' voluntary participation in off-duty recreational, social, or athletic activities that we may sponsor.

## ***Short-Term Disability***

WVURC provides short-term disability (STD) benefits to eligible employees who are unable to work because of a qualifying disability resulting from an injury or illness. Regular full-time employees are eligible to participate in the STD plan subject to the terms and conditions of the agreement between WVURC and its insurance carrier.

If the disability condition arises from pregnancy or a pregnancy-related illness, it will be treated the same as any other illness that prevents an employee from working. If the disability is covered by workers' compensation, the STD benefits will be offset so that the combined benefits do not exceed the maximum level.

You will find details about the STD benefits plan including benefit amounts and schedule, limitations, restrictions, and exclusions in the Summary Plan Description. If you have questions about STD benefits, contact the WVURC Human Resources Office for more information.

## ***Long-Term Disability***

WVURC provides long-term disability (LTD) benefits to eligible employees who have an illness or injury which results in a long-term absence. Our LTD plan is designed to ensure a continuing income in the event an eligible employee becomes disabled and unable to work.

Regular full-time employees are eligible to participate in the LTD plan subject to the terms and conditions of the agreement between WVURC and its insurance carrier.

You will find details about the LTD benefits plan including benefit amounts, limitations, and restrictions in the Summary Plan Description. And if you have questions, the WVURC Human Resources Office can provide more information.

## ***Life Insurance***

Life insurance offers you important financial protection. The WVURC provides a basic life insurance plan for eligible employees. The basic life insurance plan includes Accidental Death and Dismemberment (AD&D) insurance, which provides benefits if a serious injury or death results from an accident. WVURC also provides voluntary life as a way to have more life insurance coverage for yourself, spouse, and dependents. Regular full-time employees are eligible to participate in the life insurance plan and are subject to the terms and conditions of the agreement between WVURC and its insurance carrier.

You will find details about the basic life insurance plan including benefit amounts in the Summary Plan Description. If you have questions, contact the WVURC Human Resources Office for more information.

## ***403(b) Savings Plan***

The WVURC has established 403(b) savings plans to provide employees with the potential for future financial security for their retirement.

Salaried employees are eligible to participate in the Defined Contribution Plan subject to all terms and conditions of the plan. Within the limits of this 403(b) savings plan, employees may elect the amount of wages contributed, and direct the investment of their plan account. This allows you to tailor your own retirement package to meet your individual needs. The minimum WVURC employee 403(b) plan contribution is 3% of wages; plus, employees may choose to contribute additional percentage increments to a maximum total of 6% of wages. The WVURC also provides matching contributions to your account.

All WVURC employees are eligible to participate in the Tax Deferred Annuity Plan subject to all terms and conditions of the plan. You may join the plan as a new employee or during open enrollment periods. Within the limits of this 403(b) savings plan, employees may elect the amount of wages contributed, and direct the investment of their plan account. This allows you to tailor your own retirement package to meet your individual needs. The WVURC does not provide matching contributions to this plan.

Because your contribution to a 403(b) plan is automatically deducted from your pay before federal and state tax withholdings are calculated, you save tax dollars now by having your current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to 403(b) distributions. Complete details of the 403(b) savings plans are described in the Summary Plan Description. You can contact the WVURC Human Resources Office for more information about the 403(b) plans.

## ***Benefits Continuation (COBRA)***

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under our health plan when a "qualifying event" occurs that would normally result in the loss of eligibility. "Qualifying events" include resignation, termination of employment, or death of an employee; a reduction in an employee's hours; employee's leave of absence; employee's divorce or legal separation; and when a dependent child no longer meets the eligibility requirements as a dependent.

Under COBRA, the employee or beneficiary pays the full cost of coverage at WVURC's group rates plus an administration fee. When you become eligible for WVURC health insurance, we will also give you a written notice describing the rights granted under COBRA. Because the COBRA notice contains important information about your rights and your obligations, please read it carefully.

### ***Dependent Care Flexible Spending Account (FSA)***

WVURC offers a Dependent Care Flexible Spending Account, which allows employees to use pretax dollars to pay for eligible expenses related to care for a child, disabled spouse, elderly parent, or other dependent who is physically or mentally incapable to self-care.

You will find details about the FSA, in the Summary Plan Description. If you have questions, contact the WVURC Human Resources Office for more information.

### ***Paid Leave Options***

#### ***Holidays***

The WVURC gives holiday time off to all active, full-time, benefits-eligible employees on the following holidays:

Federal Primary & General Election Days

New Year's Day

Martin Luther King, Jr. Day

Spring Holiday (Friday before Easter holiday)

Memorial Day

Independence Day

Labor Day

Thanksgiving Holiday (the day before through the day after Thanksgiving)

Winter Holiday (the day before through the day after the Christmas holiday)

Generally, a recognized holiday that falls on a Saturday will be observed on the preceding Friday; and, a recognized holiday that falls on a Sunday will be observed on the following Monday. These holidays are subject to change in number and date identified. Change to the holiday schedule is at the discretion of the WVURC administration and will be communicated to WVURC employees through the WVURC Human Resources Office if this occurs.

We provide holiday time-off with pay to benefit-eligible employees immediately upon assignment to a regular full-time classification. Eligible employees on a leave of absence without pay are ineligible for paid holiday time off. Eligible employees must be on payroll the day before and the day after the holiday to receive pay for the holiday. If you are eligible for paid holidays, your holiday pay will be calculated on your straight-time pay rate as of that holiday multiplied by the number of hours per day for your full-time equivalency. Employees eligible for paid holiday time off may not receive PTO compensation for the same time period.

If eligible nonexempt employees work on a recognized holiday, the employees will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

### ***Paid Time Off (PTO)***

The WVURC provides Paid Time Off (PTO) to eligible full-time employees. Incumbents of part-time, non-benefits-eligible positions are not eligible for PTO. PTO is an all-purpose time-off policy. You can use PTO for leisure activities, illness or injury, and personal business. PTO combines traditional vacation and sick leave plans into one flexible, paid time-off program. Regular full-time employees are eligible to earn and use PTO as described in this policy.

After you are hired into a full-time regular position with the WVURC, you begin to earn PTO the first of the month following your month of hire. PTO accruals are credited to your account at the end of each eligible pay cycle. Eligible employees earn PTO on a prorated basis according to their full-time equivalency (FTE). PTO accruals may not be used until after they are earned and authorized. The amount of PTO you receive each year depends on how long, and in what government reporting category you are employed.

Eligible employees accrue PTO according to the following schedule:

<b><i>West Virginia University Research Corporation Employee Paid Time Off Accrual Rates</i></b>			
<i>Employee Eligibility</i>	<i>Accrual Rate</i>	<i>Annual Maximum Granted to 1.00 FTE Employees</i>	
<b><i>Full-time Employee</i></b> <i>[Defined as <math>\geq 30</math> hpw in a 40 hour work week]</i>	<b><i>Hours Accrued/ Bi-weekly Pay Cycle</i></b> <i>[Prorated by FTE]</i>	<b><i>Paid Time Off in Days/Year</i></b> <i>[Prorated by FTE]</i>	<b><i>Paid Time Off in Weeks/Year</i></b> <i>[Prorated by FTE]</i>
FT Employee w/ 0-35 mo (0 yr.)	4.616	15	3
FT Employee w/ 36-95 mo (3 yr.)	6	19.5	3.9
FT Employee w/ 96-179 mo (8 yr.)	7.385	24	4.8
FT Employee w/ $\geq 180$ mo (15 yr.)	8.308	27	5.4

WVURC employees in an EEOC "Officers and Leaders" job classification, earn 7.385 hours of PTO per pay cycle beginning the first of the month following the month they are hired into such a position, regardless of length of service.

We calculate the length of your eligible service on the basis of a "benefit year." A "benefit year" is the 12-month period that begins when you start earning PTO. Your benefit years require continuous active employment and may be extended for any significant leave of absence except military leave of absence, (Military leaves do not affect the benefit year calculation). See the leave of absence policies in this Guide for information on how each leave affects PTO accruals.

PTO is to be charged for all eligible employee absences from work. Exempt employees are required to report time away from the workplace if absent a half day or more of the scheduled workday. PTO will be deducted for any time that non-exempt employees are absent from the workplace. Employees are paid for PTO at their base pay rate as of the time of the absence. The WVURC will not include PTO hours for purposes of calculating overtime pay for non-exempt employees. If an employee does not have PTO hours available to cover an absence, they will be removed from the payroll for an equivalent time period.

To schedule planned PTO, you are to first request advance approval from your supervisor. Each request will be reviewed based on a number of factors, including our business needs and staffing requirements. If a request for planned PTO is not approved, the employee is expected to report to work as scheduled.

If you need to be absent from work unexpectedly, you should tell your supervisor before the scheduled start of your workday. You must also contact your supervisor prior to each additional day of unexpected absence. Available PTO will be charged for such absences from work, if PTO is not available, the employee will be removed from payroll for the time absent.

Eligible employees are to submit PTO and leave without pay situations to the WVURC Human Resources Office through the corporate intranet within seven (7) days following the pay period in which absence occurs. Failure to report time off work is considered fraud.

Each employee will now have a personal cap based on their PTO accrual rate. This policy change should allow employees more freedom in choosing when they want to take their leave throughout the year.

If your employment terminates, any unused PTO that has been accumulated through the last day of work will be paid out in your final paycheck at your base pay rate. If you return to Research Corporation at any time after separating employment, your PTO accrual will reflect your years of service.

## ***Bereavement Leave***

When a death occurs in an employee's immediate family, the WVURC will allow bereavement leave up to three (3) days off with pay to attend or make funeral arrangements.

*Additional Time Off with Bereavement* – The WVURC understands the deep impact that death can have on an individual or a family, therefore additional time off may be granted under the paid time off (PTO) program. Additional time off may be granted based upon the circumstances such as distance, the employee's responsibility for the funeral arrangements or for the estate of the deceased. If the employee's PTO account is exhausted, unpaid time off (UTO) may be granted by the supervisor.

## ***Time Off to Vote***

The WVURC encourages you to fulfill your civic responsibilities by voting in elections. For this reason, primary and general election days are observed as holidays. If you are required to work on an election date, we generally expect that you will be able to vote either before or after work hours. However, if

you cannot vote during your nonworking hours because of your scheduled work hours, we will grant up to three (3) hours of paid time off to vote.

In order to accommodate your absence, you should request the time off from your supervisor at least three (3) working days prior to an election day.

To qualify for the time off, you must provide your voter's receipt with a posted time to your supervisor on the first working day after the election.

## ***Jury Duty***

We encourage you, as a good citizen, to fulfill your civic responsibilities by serving jury duty when required. If you are called to serve, notify your supervisor immediately so your work assignment can be covered. Whenever the court schedule permits, you are expected to report for work. If you are called for jury duty, you will be paid your regular straight time rate of pay for hours actually spent on jury duty you would normally have worked that day. You may be asked to provide documentation showing the time you spent on jury duty and fees paid. Jury duty hours do not count as hours worked toward the calculation of overtime.

## ***Flexible Work Schedules***

Your supervisor and your respective dean/director may permit a formal flexible work arrangement, depending upon operational needs. All formal work arrangements should be an agreement between the supervisor and employee and should be documented on a Flexible Work Arrangement Form for a period of up to one year. Supervisors can get more information and request a Flexible Work Arrangement form by contacting WVU Employee Relations at 304-293-5700, or by contacting your HR Partner at 304-293-8704.

Informal flexible work arrangements (work arrangements that deviate from an employee's typical work schedule on a short term, ad hoc basis) should also depend on operational need and require prior supervisor approval. Additionally, these types of flexible work schedules should only flex the hours within the given week.

- EXAMPLE: If a WVURC employee needs to leave 2.5 hours early on a Friday to attend a family event, he/she should make up those hours during preceding days of that given week (with prior supervisor approval).

## ***Operational Closures***

WVURC operations will close when West Virginia University (WVU) operations are closed. University closure notices are promulgated through the WVU Alert and E-News systems as well as local media outlets.

During operational closures, WVURC employees scheduled to work are not required to report to work or to charge accrued leave for time absent from work. Eligible employees will receive time off with pay calculated at their straight-time pay rate for scheduled hours during the closure period. Employees eligible for operational closure pay may not receive PTO compensation for the same time period.

In the event of a closure, some essential services may continue to work. Those employees should report to work as they are able. If eligible nonexempt employees work during an operational closure, the employees will receive pay plus wages at their straight-time rate for the hours worked during the closure. Paid time off for operational closures will not be counted as hours worked for the purposes of determining overtime. Exempt employees who work during an operational closure will be provided compensatory time off (CTO) in lieu of wage payments, equal to actual hours worked during a closure. It is the responsibility of the employing department to track employee time due and used.

## **Leave without Pay**

### ***Military Leave***

WVURC is supportive of the national and local import of the uniformed services, and of its employees' contributions to these efforts. Therefore, eligible employees when engaged in voluntary or involuntary, active or inactive duty by order of a competent authority will be facilitated in accordance with this policy and applicable procedures in these efforts. Discrimination and/or retaliation on the basis of membership in the uniformed services is prohibited

Unless militarily restricted, the employee is required to provide advanced verbal or written notice of the request for military leave, and a copy of the orders, to their dean or director with a copy to the Human Resources Department – Employee Relations unit. The employee is to provide as much notice as possible to facilitate operational coverage.

Employees on authorized military leave will be provided entitlements consistent with their existing employment status, as though continuous for: seniority credit, health plans, and wage maintenance. Eligible employees will receive wage maintenance for time spent under inactive and active duty orders for up to sixty (60) working days per single call to active duty.

Employees occupying a regular position at the time military leave began, are entitled to return to the same job, or one of similar seniority, status and pay for which they are qualified provided the employee is honorably discharged and complies with established procedures relative to reemployment.

### ***Personal Leave***

WVURC will consider a request from an eligible employee to take an unpaid personal leave of absence to fulfill personal obligations. All WVURC employees are eligible to request a personal leave of not more than 10 calendar days within a twelve-month period.

In order to give your personal leave request adequate consideration, requests should be submitted in writing to your supervisor as far in advance as possible. Each request will be given individual consideration in consultation with the WVURC Human Resources Office. The decision to approve a personal leave will be based on a number of business factors such as anticipated workload needs and staffing considerations during the proposed absence.

Benefit accruals such as PTO or holiday benefits, will be suspended during a personal leave and will resume when you return to active employment.



Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will continue during the leave of absence. The employee will remain responsible for their share of the premium costs.

When a personal leave ends, every reasonable effort will be made to return you to the same position if it is available. However, WVURC cannot guarantee reinstatement in all cases.

Persons employed in positions with intermittent, need-based work schedules are considered to be on leave of absence when not working.

If an employee does not report to work promptly at the end of a personal leave, it will be accepted as a resignation.

## ***Medical Leave***

WVURC provides unpaid medical leaves of absence to eligible employees who become temporarily unable to work due to a serious health condition or disability. In order to receive medical leave, you must specifically request it. If you think you will need a medical leave, submit your request in writing to the Human Resources Office at least 30 days in advance of the date the leave would start. This will help us plan for your possible absence, including processing of proper paperwork and coordination with the employing unit. If it is an unexpected situation, the employee should make the request as soon as the circumstances are known.

A health care provider's statement will be required to verify the need for medical leave and the start and expected end dates. Documentation from the health care provider must be received within five (5) business days of the initial date of absence and for each extension period. If such documentation is not received, return to work with possible performance management up to and including termination could occur. You are responsible for telling us about any subsequent changes to that information. Before you can return to work, we will require verification from a health care provider stating that you are fit to return.

Medical leaves can be taken due to an employee's own serious health condition or for a member of the immediate family who is ill, injured, or in need of medical attention. Immediate Family Member is defined as a parent, spouse, or child. Medical leaves are normally for the period of the restriction. A medical leave of absence may not exceed six months. Before beginning an unpaid medical leave, you must first use any available accrued paid time off. Benefit accruals, such as PTO or holiday benefits, will be suspended when you are taken off payroll, and will resume when you return to active employment.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will continue during the medical leave. The employee will remain responsible for their share of the premium costs.

If you incur a work-related injury, you are eligible for a medical leave for the period of disability in accordance with the laws covering worker's compensation absences.

To help us plan for your return from leave, at minimum, a two-week notice is requested before your expected return date. When you return from medical leave, every reasonable effort will be made to return you to the same position if it is available. However, WVURC cannot guarantee reinstatement in all cases.

If an employee does not report to work promptly at the end of a medical leave, it will be accepted as a resignation.

## ***Family Medical Leave***

WVURC shall comply with the provisions of the federal Family Medical Leave Act, which provisions shall run concurrently with any other applicable leave programs.

WVURC provides up to 12 weeks of family medical leave within a 12-month period to eligible employees who need time off from work duties to address a personal serious health condition, or to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child. Family leave may also be requested to care for a child, spouse, or parent with a serious health condition. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility. It also includes continuing treatment by a health care provider. Eligible employees must have been employed for at least 12 months and have worked at least 1,250 hours at WVURC to qualify for a family medical leave request. Family medical leave is paid or unpaid depending on PTO balance and disability benefit income.

If an eligible employee takes Family Medical Leave for more than one reason, the duration of FML can only be a combined total of 12 weeks in a one-year period.

If you think you will need a family leave, notification should be given to the Medical Management Unit 30 days in advance of the date the leave would start. This will help us plan for your possible absence, including processing of proper paperwork and coordination with the employing unit. If it is an unexpected situation, the employee should make the request as soon as the circumstances are known.

If you request family leave due to the serious health condition of a child, spouse, or parent, you will be required to submit a health care provider's statement verifying the need for a family leave, the start and expected end dates, and the estimated time required.

Benefit accruals, such as PTO or holiday benefits, will be suspended during a family leave when you are removed from payroll and will resume when you return to active employment.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will continue during the family leave. The employee will remain responsible for their share of the premium costs.

To help us plan for your return from leave, we request a two week notice before your expected return date. When you return from family leave, you will be reinstated to your position unless that job is no longer available. If it is not available, you will be placed in an equivalent position for which you are qualified.

If an employee does not report to work promptly at the end of a family medical leave, it will be accepted as a resignation.

## **TIMEKEEPING/PAYROLL**

### ***Timekeeping***

Nonexempt employees are responsible for accurately recording the hours they work. This information also helps the WVURC comply with the laws that require us to keep accurate records of "time worked" in order to correctly calculate employee pay and benefits. "Time worked" is defined as all the time nonexempt staff spend performing assigned duties.

If you are a nonexempt employee, you must accurately record the time you work, excluding meal breaks and personal time off. Advance supervisory approval before working any overtime hours is required.

Both nonexempt and exempt employees are required to receive advance supervisory approval for deviation from their standard schedule (i.e. use of paid time off, unpaid time off, flexible work schedules).

We consider attempts to falsify timekeeping records a very serious matter. Therefore, any of the following actions may result in disciplinary action, up to and including termination: altering, falsifying, tampering with time records, or recording another employee's time record.

You are responsible for submission of your leave and time records to certify their accuracy.

## ***Paydays***

All WVURC employees are paid bi-weekly. If a regularly scheduled payday falls on a weekend or holiday, you will be paid on the last work day before the regularly scheduled payday. Each payroll includes earnings for all work performed through the end of the previous payroll period.

The WVURC requires all employees to enroll in direct deposit. Itemized statements will be available online to employees.

## ***Pay Deductions***

The WVURC is legally required to make certain deductions from every employee's compensation. Among these deductions are federal and state taxes as appropriate. We are also legally required to deduct Social Security taxes on your earnings up to a maximum amount, which is called the Social Security "wage base." The WVURC contributes to your Social Security by matching the amount of Social Security taxes deducted from your compensation.

The WVURC offers programs and benefits to eligible employees beyond those required by law. You may voluntarily authorize deductions from your paycheck to cover your portion of the cost of these programs.

If you have questions concerning why a deduction was made from your paycheck or how your paycheck is calculated, please contact the WVURC Human Resources Office.

## ***Payroll Correction***

In the event you owe monies to the WVURC during your employment, repayment to the WVURC by personal check/money order or a reduction to your gross pay is required. Repayment of monies due is to occur the pay cycle following identification of the error.

In the event an underpayment should occur during your employment with the WVURC, the correction will be processed the pay cycle following identification of the error.

The situations outlined above will adjust the amount of wages, taxes and retirement paid to correct your Year to Date (YTD) totals and W-2 records.

## **WORK CONDITIONS & HOURS**

### ***Safety***

The success of any safety program depends on the alertness and personal commitment of everyone. The WVURC is committed to supporting a safe and healthy work environment for its employees, affiliate and stakeholders.

Since WVURC employees are assigned to work in environments maintained, controlled and governed by West Virginia University, you are reminded of our obligations to comply with the standards of performance, conduct and policy of the university. Therefore, WVURC employees are required to comply with the safety requirements, including but not limited to procedures, equipment, and clothing as conveyed by their supervisor for the workplace. In addition, all requisite workplace training requirements must be met, and techniques and instructions for the workplace implemented by WVURC employees. In addition, you may receive information and guidance through supervisor-employee meetings, bulletin board postings, memos, or other written communications.

You are expected to obey all safety rules and use caution in your work activities. You must immediately report any unsafe condition to the appropriate supervisor. If you violate safety standards, cause a hazardous or dangerous situation, or fail to report, or, where appropriate, remedy such situations, you may be subject to disciplinary action, up to and including termination of employment.

In the case of an accident that results in an injury, regardless of how insignificant the injury may appear, you should immediately notify your supervisor and the WVURC Human Resources Office. Prompt reporting can ensure legal compliance and quick initiation of insurance and worker's compensation benefits procedures.

### ***Tobacco-Free Environment***

In keeping with the WVURC's intent to provide a safe and healthful work environment, smoking and other tobacco use is prohibited throughout the workplace, while on duty, and while operating employer or affiliate owned vehicles or equipment. This policy applies equally to all employees as well as to our customers and visitors. Violations may be subject to disciplinary action, up to and including termination of employment.

### ***Drug-Free / Alcohol-Free Environment***

In keeping with the WVURC's intent to provide a safe and healthful work environment, the unlawfully manufacture, distribution, dispensing, possession, sale, transfer or use of controlled substances in the

workplace is prohibited. In addition, employees may not be under the influence of any controlled substance, such as drugs or alcohol, while in the workplace, while on duty or engaged in company business, and while operating employer or affiliate owned vehicles or equipment. Prescription drugs or over-the counter medications, taken as prescribed, are an exception to this policy. This policy applies equally to all employees as well as to our customers and visitors. Violations may be subject to disciplinary action, up to and including termination of employment.

## ***Company Provided Training***

The WVURC provides web-based training to fulfill our requirements as a federal contractor. Completion of this training is a requirement of all employees and is a considerable investment designed to enhance your understanding of vitally important topics.

Some employees may also need to complete job specific and/or safety training to perform their job tasks. This training is coordinated through your respective work center.

## ***Schedules, Attendance and Punctuality***

Supervisors are authorized to define work schedules, including breaks and overtime, and to alter these as may be necessary to address operational needs. Flexible work schedules are within the authority of the supervisor to grant or deny.

As an employee of the WVURC, we expect you to be reliable and punctual by reporting for work on time and as scheduled. When you are absent or late, it places a burden on other employees and can impact productivity and service. If you need to be absent from work unexpectedly, you should tell your supervisor before the scheduled start of your workday. You must also contact your supervisor prior to each additional day of unexpected absence. In the rare instances when you cannot avoid being late or are unable to work as scheduled, it is your responsibility to notify your supervisor via their work email or telephone contact as soon as possible so that appropriate arrangements can be made. Additional reporting off procedures may be established by your supervisor.

Because unplanned absences can be disruptive to work, a poor attendance record or excessive lateness may lead to disciplinary action, up to and including termination of employment. Failure to properly report off, or report to work for three (3) consecutive work days is considered job abandonment and may result in immediate termination.

## ***Meal Periods***

All WVURC employees working a minimum of six (6) consecutive hours are to be provided the opportunity for a meal period of at least 20 minutes. Supervisors will reasonably schedule meal periods to accommodate operating requirements. During meal periods, you will be relieved of all work responsibilities and restrictions and will not be compensated for that time.

## ***Overtime***

There may be times when operating requirements or other needs cannot be met during regular working hours. If this happens, you may be scheduled to work overtime hours. When possible, attempts will be made give advance notice of a mandatory overtime assignment. The WVURC does not allow overtime to be worked without the approval and authorization of the supervisor.

All nonexempt employees will be paid overtime compensation in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. For this reason, paid or unpaid time off and leaves of absence are not considered hours worked for the purpose of calculating overtime pay.

If you fail to work scheduled overtime or work overtime without receiving your supervisor's prior authorization, you may be subject to disciplinary action, up to and including possible termination of employment.



## **EXPECTATIONS & RESOLUTION**

### ***Sexual and Other Unlawful Harassment***

The WVURC is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's race, color, religion, sex, marital status, familial status, gender identity, sexual orientation, national origin, age, mental or physical disability, veteran status, or genetic information, or any other legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures, or displaying sexually suggestive objects,  
pictures, cartoons or posters
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading  
words used to describe an individual, or suggestive or obscene letters, notes, or  
invitations
- Physical conduct that includes touching, assaulting, or impeding or blocking movements

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either

explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor. If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the WVURC Human Resources Office or any other member of management. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any WVURC or affiliate supervisor or manager who becomes aware of possible sexual or other unlawful harassment involving WVURC employees must immediately advise the WVURC Human Resources Office or any member of management, so it can be investigated in a timely and confidential manner. Any employee engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

Should an abuse of a minor be reported, West Virginia University Research Corporation employees would be subject to the adherence of policies and procedures created by West Virginia University's BOG Rule 1.6 and BOG Rule 1.7. All allegations should be immediately reported to the appropriate authorities for immediate investigation. Please note that these are West Virginia University policy's and UIC employees are subject to compliance of these policies.

## ***Employee Conduct and Work Rules***

We expect employees to conduct themselves in ways that protect the interests and safety of all employees and the WVURC. Further, WVURC employees work within and on behalf of West Virginia University. Therefore, WVURC employees are also obligated to comply with the work related performance, conduct and policy expectations of the university, and those conveyed by their employing supervisors.

While it is impossible to identify every behavior that could result in corrective action, the following lists some examples. Employees who act in such ways may be subject to discipline, up to and including termination of employment:

- Violation of personnel policies
- Violation of safety or health rules
- Unsatisfactory performance or conduct
- Unauthorized use of employer or work-related resources
- Theft or inappropriate removal or possession of property
- Falsification, unauthorized disclosure, or misuse of work-related records or confidential information
- Disruptive, harassing, or threatening behavior in the workplace or while on duty
- Working under the influence of alcohol or illegal drugs
- Unlawful manufacture, distribution, dispensing, possession, sale, transfer or use of alcohol or a controlled substance in the workplace, while on duty, or while operating employer or affiliate owned vehicles or equipment
- Possession, distribution, sale, transfer or use of dangerous or unauthorized materials, such as explosives or firearms, in the workplace or while on duty
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Job abandonment or absence without authorization

## ***Discipline***

This section describes the policy for administering discipline for unsatisfactory performance, conduct, or policy compliance at WVURC. We believe that the best disciplinary measure is the one that does not have to be enforced and comes from good leadership and proper supervision at all employment levels.

We also believe that it is in the best interests of WVURC to ensure consistent treatment of similarly situated employees and assure that disciplinary actions are prompt, uniform, and impartial. The primary purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory performance in the future.

Although your employment is based on mutual consent, and both you and WVURC have the right to terminate employment at will, with or without cause or advance notice, WVURC may use various disciplinary measures at its discretion. Disciplinary action may include any of the following actions -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences.

With respect to most disciplinary situations, progressive discipline will be used, and includes the following steps: a first offense results in a verbal warning; a subsequent offense results in a written warning; an additional offense may result in termination of employment.

WVURC recognizes that there are employee behaviors and impacts that are serious enough to justify suspension or termination of employment, without the typical progressive discipline steps. While it is impossible to list every situation that may be considered a serious offense, the Employee Conduct and Work Rules policy includes examples that may result in immediate suspension, termination of employment or other disciplinary action.

Disciplinary documentation will be written by the WVURC Human Resources Office representative, following investigation which will include opportunity for input by the employee and supervisor. The documentation will be provided for signature by the employee and supervisor, and maintained in the employee's personnel file where it will be retained as part of the person's employment history.

We hope that most employee problems can be corrected at an early stage, benefiting both employees and WVURC.

## ***Employment Termination***

Termination of employment is an inevitable part of personnel activity within any corporation, and many of the reasons for termination are routine. Some of the most common circumstances for employment terminations are:

- End of Agreement – pre-stated, documented end of employment term
- Resignation - voluntary employment termination initiated by an employee
- Discharge - involuntary employment termination initiated by the organization
- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service,  
and any other criteria for retirement from the organization

Employment through the West Virginia University Research Corporation is generally supported through funds budgeted under grants and contracts. As with any externally funded program, continued support by the sponsoring agency may end prior to previously planned dates. In addition, program requirements may be amended resulting in a need to change or reduce project personnel. As a result, employment through the WVURC system may be terminated on a relatively short notice. Consequently, advance notice of termination greater than two weeks cannot be guaranteed.

We will generally schedule an exit interview at the time of employment termination. The exit interview is an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of any outstanding debt to the WVURC, or return of WVURC-owned property. It is also a time for you to voice any suggestions, complaints, and questions you may have.

Your benefits are affected by termination in several ways. All accrued, vested benefits that are due and payable at termination will be paid out. Some benefits may be continued at your expense if you choose. You will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations for continuing them.