

VOLUME 5 — Administrator and Staff Personnel Policies

5.1 General Policy

Volume V has been developed for use by college employees who do not hold faculty appointments.

Volume V is to be used for general information only. It is not intended to be comprehensive or to address all possible applications of, or exceptions to, the general policies and procedures described. *Nothing contained in this manual provides or guarantees employment for any specific period of time. All college employees are employed at will and may be terminated, according to state law, with or without cause at any time or may resign for any reason at any time.* Insurance benefits described here and in volume III of the policy manual are subject to the actual plan documents and the college reserves the right to modify or discontinue any program, at any time, as deemed necessary by legislative changes or by college officers. It is the college's expectation and intention that the policies described in this volume V will from time to time be modified, rescinded, or replaced. The college at its own discretion, and as appropriate, will discuss changes with the appropriate committees (see volume I). All questions regarding the information contained in this volume V are to be addressed to the director of human resources.

Contracts

Administrators and staff are offered an employment contract covering a specific period. The contract spells out the period of employment, rate of pay and eligibility of benefits.

Contracts are issued annually no later than April 1st for the fiscal year commencing July. Contracts are to be returned to the President's office no later than five (5) days after they have been offered. Any exceptions to these deadlines must be approved by the President.

5.2 Definitions

WORK WEEK the payroll work week begins at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday.

The following definitions will aid in the understanding of the terms used in this volume V:

FULL TIME employees are those who are not in a temporary or probationary status and who are regularly scheduled to work for Southwestern College for at least 40 hours per week and for at least 9 months per fiscal year. Full time employees are eligible for benefits, subject to the terms conditions and limitations of each benefit program.

PROVISIONAL FULL TIME employees are those who are who are regularly scheduled to work for Southwestern College for 30-39 hours per week. Provisional full time employees are eligible for benefits subject to the terms and conditions of each benefit program.

PART TIME employees are those who work at least 20 hours but less than 30 hours per week and for at least 9 months per fiscal year. Generally, part time employees are not eligible for Southwestern College benefits based on hours worked.

TEMPORARY employees are those who are hired to work less temporarily than 20 hours per week. Their function is to supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. While temporary employees receive all legally mandated benefits (such as workers compensation insurance and

Social Security) they are not eligible for the college's other benefit programs. This category generally includes adjunct/affiliate faculty, staff, and student positions.

5.2.1 Fair Labor Standards Act Provisions

All positions, whether full-time, part-time, or temporary, carry a classification based on the Fair Labor Standards Act as either exempt (non-hourly professional) or non-exempt (hourly) employees. In general, exempt employees are employees holding bona fide executive, administrative, or professional positions and are exempt from overtime. All other employees are deemed to be non-exempt.

EXECUTIVE EXEMPTION

All of the following tests must be met:

1. The employee must be compensated on a salary basis (as defined in the regulations at a rate not less than \$455 per week;
2. The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise in which the individual is employed;
3. Customarily and regularly directs the work of two or more other full-time employees;
4. Has authority to hire or fire other employees or to make recommendations as to hiring, firing and the advancement, promotion, or change of status of employees.

ADMINISTRATIVE EXEMPTION

All of the following tests must be met:

1. The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week;
2. Primary duty is the performance of office or non-manual work directly related to management policies or general operations of the individual's employer or the customers of the individual's employers.
3. Customarily and regularly exercises discretion and independent judgment with respect to matters of significance.

LEARNED PROFESSIONAL EXEMPTION

All of the following tests must be met:

1. The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week;
2. The employee's primary duty must be work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment.
3. The advanced knowledge must be in a field of science or learning; and
4. The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

5.3 Guidelines for Search of Administration and Staff Positions

The vice president of the department shall consult with the president when a vacancy occurs or when a new position is created. If the position is authorized, the president and the vice president of the department shall draft a job description and advertise for the position, as well as determine position, title, salary, and contract terms. This information will be forwarded to the director of human resources prior to the commencement of the search. The search committee will be organized in consultation with the vice president of the department and the director of human resources and will consist of at least 3 members, one of whom may be from outside the department. Review of resumes, checking references, and telephone interviews will normally precede the on-campus interviews of candidates. The position may involve a presentation by the candidate and opportunities for the candidate to meet and be interviewed by diverse members of the campus community, including students. The vice president of the department will develop the advertisement for the position, taking care to follow equal opportunity/affirmative action processes and send the advertisement to the director of human resources with a request for the posting publications and sites. The president and vice president may agree in certain circumstances that the vacancy may be filled internally.

Notification of the vacancy will be sent to the campus community via email and posted on www.sckans.edu/about/employment. All commitments to employ, including title, job description and salary, are ultimately the decision of the president, based on recommendations from the vice president of the department organizing the search.

Job descriptions for all employees are to be developed by the supervisor of the department in consultation with the vice president of the department. A copy of the job description should be given to all new employees.

5.4 Initial Employment Period

All new employee appointments include a 90-day initial employment period. If at any time during this period it is decided by the employee or the supervisor that the employee is not suited for the job, the employee will be separated or allowed to resign. In such cases, the records shall reflect resignation. A performance review is required for new employees immediately prior to the end of the 90-day initial employment period. Completion of the initial employment period does not guarantee continued employment for any period of time thereafter. During the initial employment period, the employee is not eligible to use accumulated vacation time.

5.5 Performance Reviews

Supervisors are encouraged to provide their employees with ongoing feedback regarding their performance. A performance review is required on an annual basis for all administrative and staff positions. Completed performance reviews must be submitted to the director of human resources and will be included in the employee's file.

5.6 Promotion and Transfer

The College strives to promote the most capable and experienced employees based on their demonstrated ability to assume greater responsibility and perform essential job tasks. Consequently, reasonable efforts will be made to fill vacant positions from within when possible. Employees who have completed one year of service in their current position may apply and be considered for posted job opportunities at the college. In special circumstances and with proper administrative approval, an employee may seek a transfer prior to completing one year of service in his or her position. At the same time, it may be deemed necessary to recruit and hire outside

the College to attract the most qualified person for a particular job vacancy. Therefore, job openings may be posted on the college website and other areas accessible to all employees. Simultaneously, outside recruiting sources may be used. Posted vacancies shall remain open for a minimum of three (3) workdays. To be eligible to apply for a posted vacancy, employees must meet the minimum hiring specifications for the position, have completed his/her introductory period, and be an employee in good standing in terms of his/her overall work record. Selections for promotions and transfers shall be made based on an individual's overall qualification and ability to perform the essential duties required of the job, with or without reasonable accommodation.

An employee who is interested in applying for an opening in another department should first discuss intentions with their supervisor. An employee's indication of interest in a transfer will in no way affect the employee's current position. The department from which the transfer is being made is entitled to at least two weeks' notice.

5.7 Separation from Employment

5.7.1 Types of Separation

5.7.1.1 Resignation

Resignation is voluntary termination of employment initiated by the employee. It is requested hourly employees give two weeks' and salary employees give thirty (30) days' notice in writing to the department supervisor and to Human Resources.

5.7.1.2 Retirement/Early Retirement

Employees retiring from the college are asked to give at least 30 days' notice. Once notice of intent to retire has been given, the college may begin the process of replacing the employee. If an employee has given notice of intent to retire, the employee cannot revoke the notice without consent of the college president (Reference Vol. 3 for Early Retirement).

5.7.1.3 Budget Constraints/Program Changes

The college reserves the right to eliminate positions due to budgetary constraints or program changes. Employees will normally be given thirty days notice of such terminations.

5.7.1.4 Non-Renewal of Appointment

The college reserves the right to not renew the appointment of any administrator or staff person. For administrators on an annual contract, notification of intent to not renew shall be communicated in writing to the employee on or before March 1, relating to contracts to be issued April 1. In such a case, the employee will be expected and permitted to complete the contract.

5.7.1.5 Discharge From Employment; Disciplinary Action

Discharge is a separation initiated by the college. The college has the right to terminate any employee at-will, with or without cause, with or without notice. The college reserves the right to use progressive discipline on a case-by-case basis.

The following warning procedures may be used by supervisors to alert employees as to unsatisfactory behavior, performance or record:

- A. Oral Warning: A private explanation and discussion of the deficiency, including how this deficiency is to be rectified and indication of time by which the deficiency must be corrected. The delivery of this oral warning should be documented by the supervisor even though it was not presented in writing to the employee.

- B. **Written Warning:** This second warning will be in writing and may be accomplished either through the annual performance appraisal or the performance improvement plan. In either instance there must be written reference to the date of the oral warning and must clearly identify the problem and outline a course of corrective action within a specified time frame. The employee must date and sign this warning.

Suspension without pay may be an additional consequence to the written warning process. Such suspension will be at the sole discretion of the college for not less than five days and be administered on a case-by-case basis. Length of suspension will be determined by the severity of the conduct, record, action or performance. This will also be signed by the employee, as evidence that the employee has seen the document.

- C. **Final Action: termination:** Notice of Termination will be given if the performance deficiency was not rectified within the specified time frame.

All written warnings will be retained in the employee's personnel file in the Business Office.

The college retains the right to take disciplinary action up to and including termination for serious infractions, misconduct, violations of rules or safety measures, or for other serious performance issues.

Actions which may result in immediate dismissal include, but are not limited to:

1. Falsification of personnel records, including time records and applications for employment and altering the time card of another employee.
2. Incompetence or inefficiency.
3. Inexcusable neglect of duties, insubordination, or disobedience.
4. Unauthorized possession of or drinking of any alcoholic beverages or the use, sale, dispensing, or possession of narcotics, barbiturates, hallucinogens, amphetamines or marijuana on college owned or operated property. (The use, as prescribed, of appropriately prescribed medication is excepted.)
5. Unexcused absence for three (3) consecutive days without notification or reasonable cause.
6. Theft, including unauthorized use or removal of college property and stealing from fellow employees, students or others on college owned or operated property.
7. Unauthorized possession firearms, knives, or explosives or any other item that could be considered a dangerous weapon.
8. Immoral or indecent conduct on college premises or conviction by a court of law of such conduct off the job.
9. Threatening, intimidating, coercing, or interfering with fellow employees on college owned or operated property.
10. Conviction of a serious criminal offense, including, but not limited to murder, armed robbery, arson, or assault, whether or not on college owned or operated property.
11. Any act of fighting or physical altercation on college owned or operated property.
12. Refusal to perform assigned duties or follow instructions of a supervisor.
13. Failure to correct conditions covered in written warnings.
14. Release of confidential information to unauthorized persons.

15. Abusive or threatening language directed toward students, faculty, staff, administrators or visitors to the college.
16. Violations of the college's equal opportunity policies (see Vol.3) including but not limited to sexual harassment, misconduct or other discriminatory behavior (see Vol.2).
17. Any other serious violation of any other policy of the college and/or term of the contract.

Actions which may result in dismissal for more than one occurrence include, but are not limited to:

1. Wasting time or loitering
2. Leaving college premises or work area without permission during working hours.
3. Misuse of sick leave privileges and benefits.
4. Tardiness.
5. Negligence in the performance of duty.
6. Negligence or abuse in the use of college property or equipment.
7. Failure to report an incident and/or injury to student, self, or visitor.
8. Sleeping during working hours.
9. Violation of or disregard for fire safety or common safety practices, or smoking in unauthorized areas.
10. Gambling on college premises.
11. Being absent from work without vacation or sick leave unless on approved FMLA.
12. Repeated violations of policies of the college and/or terms of the contract.

5.7.2 Employment References

Supervisors should not respond to verbal requests for employment references and should refer such requests to the office of the director of human resources.

If an employee of the college has agreed to serve as a personal reference for another employee, they are doing so on a personal basis and are not representing the college.

5.7.3 Verification of Employment

Prospective employers, financial institutions, and residential property managers routinely contact employers requesting information on a former or current employee's work history and salary. All such requests of this type shall be referred to and completed by the Human Resources Department. For written requests, information will be provided on the form provided only when it is accompanied by a former or current employee's signed authorization to release information form. The written form will be returned directly to the requesting party. Telephone requests will be limited to dates of employment, employee status, title, and confirmation of salary if provided by external party.

5.8 Non-Exempt Employee Policies (Staff)

5.8.1 Overtime

Overtime hours are defined as hours **worked** in excess of forty during one week. These are paid at 1 1/2 times the regular hourly rate. Hours earned in the same week by virtue of vacation, or sick leave are not hours “worked.”

5.8.2 Time Cards

Time cards are a legal record of hours worked and every attempt should be made to make sure the time recorded is accurate. See the Employee Handbook.

5.8.3 Breaks

Two fifteen-minute breaks are authorized each day plus 60 minutes for lunch for each employee scheduled to work for a work period of 6 or more hours.

5.8.4 Travel

Time spent traveling to and from the primary place of work is not work time and therefore is not compensable. If the employee must travel to another site or out of town the travel time is compensable from the time they leave their starting location.

- A. One day out-of-town travel. If a non-exempt employee travels out of town for less than one day, they must be paid for all travel time, excluding travel time from home to public transportation (commuting time) and bona fide meal times.
- B. Overnight travel. Employees who travel overnight on business must be paid for time spent in traveling (except for meal periods) during their normal working hours on their regular working days as well as during normal working hours on their non-working days, such as Saturdays, Sundays, and holidays.

5.8.5 Training Programs, Lectures and Meetings

Time spent voluntarily in training programs, lectures and meetings not directly related to the employee’s job are not compensable.

5.9 Vacation and Holidays

5.9.1 Staff Vacation and Sick Leave

The principle of continuity plays an important role in earning days that can be used for vacation and sick leave. An hourly-paid staff member must work 90% of the potential monthly work hours each month before these benefits are earned and recorded and are thereby available for subsequent use for vacation or sick leave.

Work hours are interpreted to mean hours for which the employee is paid. Thus, paid vacation or paid leave does not disrupt the count of potential work hours required to earn benefit days. If the college requests that an employee not work (for example, some employees are asked not to work over spring break) the count is suspended but not broken for that period.

College staff and administration earn paid vacation days that may be used for rest, recreation, and personal business during the year. The number of days earned and the maximum number of days that can be accrued are shown on the benefits summary in this volume and in volume III.

Requests for vacation time used in one hour increments should be arranged as far in advance as possible. A vacation request form for administrators must be submitted to and approved by the supervisor and forwarded to the Business Office. Normally, vacations should be scheduled in

periods when there will be the least interruption of work. *It is required that all employees take 40 consecutive hours of vacation each year.*

Vacation time cannot be taken until it has been accrued or the initial three month employment period has been completed.

Vacation time does not accumulate over the limits shown on the benefits summary. Payment will not be made in lieu of vacation time, except for accrued unused vacation at the time of termination. Maximum vacation time paid at termination will be as shown in the table below.

Nine-month staff members are encouraged to take their vacations at times when school is not in session (e.g., Christmas time or spring vacation).

5.9.2 Summary of Leave Benefits for Hourly (Non-Exempt) Personnel

<u>Earning Sick Leave</u>	<u>40 Hours Full Time</u>	<u>30-39 Hours Three-Fourths Time</u>	<u>20-29 Hours Part Time</u>
Earned for each month worked	8 Hrs*	6 Hrs*	4 Hrs*
Maximum that can be accrued	480 Hrs (60 days)	360 Hrs (45 days)	240 Hrs (30 days)
<u>Using Sick Leave</u>			
Personal illness	All available	All available	All Available
Family illness	All available	All available	All Available
Quarantine	All available	All available	All available
<u>Earning Vacation</u>	<u>40 Hours Full Time</u>	<u>30-39 Hours Three-Fourths Time</u>	<u>20-29 Hours Part Time</u>
Earned for each month worked:			
Years 1-6	10 Hrs	7.5 Hrs	5 Hrs
Subsequent years	13.33 Hrs	9.99 Hrs	6.67 Hrs
Maximum that can be accrued:			
Years 1-6	120 Hrs (15 days)	90 Hrs (11.25 days)	60 Hrs (7.5 Days)
Subsequent years	160 Hrs (20 days)	120 Hrs (15 days)	80 Hrs (10 Days)
<u>Using Vacation**</u>			

Smallest unit available	1 Hr	1 Hr	1 Hr
Maximum paid upon Termination with proper notice:			
<u>Years 1-6</u>	60 Hrs (7.5 Days)	45 Hrs (5.63 Days)	30 Hrs (3.75 Days)
Subsequent Years	80 Hrs (10 days)	60 Hrs (7.50 Days)	40 Hrs (5 Days)

Accumulated vacation cannot be used as part of notice time at termination.

*Full time: working 40 hours for at least 9 months

Three-fourths time: working 30-39 hours for at least 9 months of the fiscal year

Part Time: working 20-29 hours for at least 9 months of the fiscal year

**It is required that each employee take 40 consecutive hours of vacation time each year.

Failure to work scheduled hours for 4 consecutive weeks may result in reduced accumulation.

FAMILY LEAVE

The college will allow 5 business days off with pay for a staff employee for the birth or adoption of a child. The employee may also use accumulated paid vacation and accumulated sick leave for the birth or adoption of a child. An eligible employee who requests Family and Medical Leave (FMLA) may exhaust paid vacation or sick leave which then becomes a part of the 12 weeks of leave which the employee is entitled under the Family Medical Leave Act of 1993. FMLA offers eligible employees job protection up to a maximum of 12 weeks in a 12-month period. See Section 3.8.1 of volume III.

FUNERAL LEAVE

A maximum of four (4) days off with pay will be allowed when a death occurs in the employee's immediate family. The immediate family consists of a spouse, domestic partner, child, stepchild, sibling, parent, stepparent, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law.

For the funeral of other relatives or when serving as a pallbearer, time may be taken and charged to vacation time.

5.9.3 Summary of Leave Benefits for Administrative Personnel

Earning Vacation	Full time 40 Hours	Three-Fourths Time 30-39 Hours
Earned each Month Worked:		

Years 1-6	10 Hrs	7.5 Hrs
Subsequent Years	13.33 Hrs	9.99 Hrs
Maximum Vacation That can be Accrued:		
Years 1-6	120 Hrs (15 Days)	90 Hrs (11.25 Days)
Subsequent Years	160 Hrs (20 Days)	120 Hrs (15 Days)
Maximum Vacation Paid upon Termination with Proper Notice:		
Years 1-6	60 Hrs (7.5 Days)	45 Hrs (5.63 Days)
Subsequent Years	80 Hrs (10 Days)	60 Hrs (7.50 Days)

Accumulated Vacation may not be used to extend the termination date.

Using Vacation		
Smallest Unit Available	1 Hr	1 Hr

It is required that each employee take 40 consecutive hours of vacation each year.

Accumulated Vacation days may be used as extended sick leave after accumulated sick leave has been used.

When an administrator accrues the full number of vacation days available for one year, the benefit ceases until some or all of those vacation days are taken. Vacation may be accumulated beyond this limit with prior, specific approval of the supervisor for the purpose of an extended vacation but not for additional compensation at termination of employment.

A vacation request form must be submitted to and approved by the supervisor and forwarded to the Business Office prior to the planned vacation.

Earning Sick Leave	Full Time 40 Hrs	Three-Fourths Time 30-39 Hrs
Earned for each month worked	8 Hr	6 Hr
Maximum that can be Accrued	480 Hr (60 Days)	360 Hr (45 Days)

Using Sick Leave		
Personal Illness	All Available	All Available
Family Illness	All Available	All Available
Quarantine	All Available	All Available

Family Leave

The college will allow 5 business days off with pay for an administrator or staff employee for the birth or adoption of a child. The employee may also use accumulated paid vacation and accumulated sick leave for the birth or adoption of a child. An eligible employee who requests Family and Medical Leave (FMLA) may exhaust paid vacation and sick leave which then becomes a part of the 12 weeks of leave which the employee is entitled to under the Family Medical Leave Act of 1993. FMLA offers eligible employees job protection up to a maximum of 12 weeks in a 12-month period. See 3.8.1 Vol III Family and Medical Leave.

Funeral Leave

A Maximum of four days off with pay will be allowed when a death occurs in the employee's immediate family. The immediate family consists of a spouse, domestic partner, child, stepchild, sibling, parent, stepparent, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

For the funeral of other relatives or when serving as a pallbearer, time may be taken and charged to vacation time.

5.9.4 Paid Holidays

Labor Day, 1 day. Offices closed on Labor Day.

Thanksgiving, 2 days. Thursday and Friday of Thanksgiving week.

Christmas, 4 days. Offices will be closed three days in addition to the holiday.

New Year's Day, 1 day. If New Year's Day is on a weekend, offices will be closed on Friday or Monday, as designated by the college president.

Easter, 1 day. Offices closed on Good Friday or the Friday of spring break if school is in session on Good Friday.

Memorial Day, 1 day. Offices closed on Memorial Day.

Independence Day, 1 day. Offices closed on Independence Day, or on a Friday or Monday if Independence Day is on a weekend.

Any exceptions to these paid holidays will be as contracted.

No classes are held on Martin Luther King, Jr., day but offices remain open.

Other Federal holidays, such as Columbus Day, Veterans Day, Presidents Day, are traded for holiday time at Christmas. Offices remain open on these holidays.

5.10 Grievance Procedure for Administrative/Staff Employees

The college recognizes the right of employees to express their grievances and to seek a solution concerning disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of policy that might arise between the institution and its employees.

A full-time employee may process a grievance regarding any of these matters on completion of the initial employment period. The employee is not eligible to use the grievance process until the initial employment period is completed. Temporary or part-time employees are also not eligible to use the process.

The procedures for processing a grievance are as follows:

Step 1. An employee brings a grievance to the head or supervisor of the grievant's department. A disposition of the grievance shall be made by the department head or supervisor within five (5) working days (an extension of this timeline can be made if a peculiarity of the calendar makes it impossible, e.g. a holiday or the absence of the supervisor).

Step 2. If the grievance is not settled in the previous step, or if the employee does not wish to take up the grievance with the department supervisor, it must be submitted in writing to the director responsible for the area in which the grievant is employed.

Disposition of the grievance shall be made in writing by the director responsible for the area in which the grievant is employed within five (5) working days after its presentation (an extension of this timeline can be made if a peculiarity of the calendar makes it impossible, e.g. a holiday or the absence of the supervisor).

Step 3. If the grievance remains unsettled after disposition by the director or vice president responsible for the area in which the grievant is employed, the employee may submit an appeal to the director of human resources. The director of human resources shall establish and chair an ad hoc committee of no less than two (2) additional administrative or staff personnel not directly involved in the grievance who will conduct a complete review of the grievance. An advisory opinion regarding the grievance will be forwarded to the parties by the director of human resources in writing within then (10) working days after its presentation. In the event that the director of human resources is a party to the grievance, the president shall appoint another administrator to chair the committee.

Step 4. If the grievance is not settled as a result of step 3, the employee may appeal to the president. Within seven (7) working days of receipt of the disposition from the director of human resources, the employee must notify the director of human resources in writing that the employee wishes to appeal to the president. The president shall review the facts and make a decision. This decision is final and will be recorded in the grievance file.

There is no further appeal within the college beyond the president unless the president in the first instance was the charged party in the grievance. In that case the procedure in volume IV subsection 4.12.5 may be followed if the grievant wishes to appeal to the Board of Trustees.