

SECTION 5: PERSONNEL POLICIES AND PROCEDURES

5.1 **Notice of Non-Discrimination** *(Adopted 12-2-2013)*

Applicants for admission and employment, students, employees, sources of referral of applicants for admission and employment and individuals with whom the Board of Trustees and College officials do business are hereby notified that East Central College does not discriminate on the basis of race, color, religion, national origin, ancestry, gender, sexual orientation, age, disability, genetic information or veteran status.

Inquiries related to employment practices may be directed to Wendy Hartmann, Human Resources Director, 005-D Multipurpose Building, telephone number 636-584-6710 or hrnotice@eastcentral.edu.

Inquiries/concerns regarding civil rights compliance as it relates to student programs and services may be directed to Shelli Allen, Vice President of Student Development, 131 Buescher Hall, telephone number 636-584-6565 or stnotice@eastcentral.edu. Both offices are located at the ECC main campus located at 1964 Prairie Dell Road, Union, Missouri 63084.

Procedures:

5.1.1 **Compliance Inquiries** *(Adopted 12-2-2013)*

Any employee or applicant having inquiries concerning East Central College's compliance with employment regulations implementing Title VII of Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, or the Americans With Disabilities Act of 1990 is directed to contact the Director of Human Resources, 005-D Multipurpose Building, telephone number 636-584-6710.

Any student who believes that he/she has been discriminated against on the basis of race, color, religion, national origin, ancestry, gender, sexual orientation, age, genetic information or veteran status should contact the Vice President of Student Development, 131 Buescher Hall, telephone number 636-584-6565. Any student who believes that he/she has been discriminated against on the basis of disability should contact an appropriate faculty member or Access staff and may use the grievance policy found in Policy 3.24.

A member of the public who believes that he/she is being discriminated against in violation of law should contact the Director of Human Resources.

5.2 Employee Conduct and Discipline *(Adopted 6-1-1992; Revised 12-2-2002; Reaffirmed 4-15-2014)*
Standards for employee conduct are necessary for the efficient and effective operation of the College, for ensuring a professional image for the College, and for the benefit and safety of all employees. Failure to meet these standards may be grounds for discipline.

Procedures:

5.2.1 Expected Conduct *(Revised April 15, 2014)*

All employees are expected to conduct themselves in a manner conducive to the efficient, effective, professional operation of the College. Such conduct includes:

- (a) Reporting to work punctually as scheduled and being at the proper work station ready for work at the assigned starting time.
- (b) Notifying the supervisor in advance of absence from work or inability to report on time, and following established department requirements for such notifications.
- (c) Wearing required protective clothing or devices for safety purposes and complying with all College safety regulations and procedures, including those established for labs and other instructional settings.
- (d) Complying with all College Policies.
- (e) Wearing clothing appropriate for the work being performed.
- (f) Maintaining an orderly work area.
- (g) Treating all students, fellow employees and others affiliated with the College, as well as visitors, in a courteous manner.
- (h) Refraining from conduct or communication deemed offensive, disrespectful or unprofessional.

5.2.2 Prohibited Conduct *(Revised 4-15-2014)*

The following conduct is prohibited and will subject the individual involved to disciplinary action, including termination of employment.

- (a) Reporting to work under the influence of alcoholic beverages and/or controlled substances or selling, dispensing or unlawfully possessing alcoholic beverages and/or controlled substances on College premises or at College-sanctioned events.
- (b) Possession of firearms or other weapons on College property or at College-sanctioned events.
- (c) Threats, assault, and/or battery of a fellow employee, student, ~~or~~ visitor, or any other individual affiliated with the College.
- (d) Bullying which includes but is not limited to verbal, emotional or physical abuse, coercion and/or intimidation.
- (e) Slanderous or defamatory speech regarding a fellow employee, student, or any other individual affiliated with the College, as well as visitors to the College. This prohibition includes speech that is false, defamatory and malicious, spoken with a deliberate or reckless disregard of the truth, and with intention to damage another person or persons.
- (f) Theft, destruction, defacement or misuse of College property or of another employee's property.
- (g) Falsifying or altering any College record, ~~or~~ report, or timecard. Falsifying or misrepresenting any employment application materials, including, but not limited to, credentials, work or military experience, or references.
- (h) Failure to wear assigned safety equipment or failure to abide by safety rules and policies.
- (i) Engaging in any form of sexual harassment.
- (j) Failure to improve unsatisfactory performance.
- (k) Excessive absences or tardiness.

- (l) Failure to perform assigned duties.
- (m) Violation of federal or state laws, the policies of the Board of Trustees of The Junior College District of East Central Missouri, or conviction of a felony or crime involving moral turpitude.
- (n) Insubordination.
- (o) Discrimination on the basis of race, color, gender, ancestry, sexual orientation, age, religion, national origin, veteran status, genetic information or disability.
- (p) Violation of the College's Information Technology Policy found on the College web site.
- (q) Other misconduct not specified above which is sufficiently serious and detrimental to the best interests of the College to warrant disciplinary action.

5.2.3 Disciplinary Actions *(Revised 4-15-2014)*

In most instances, work-related problems should be resolved at the employeesupervisor level. If an employee's conduct or performance necessitates corrective action, several actions fall within the purview of the supervisor. These may include informal counseling, verbal and written warnings, referral to the Employee Assistance Program (EAP), a performance improvement plan and/or recommendation for further discipline, including suspension or termination.

When considering discipline that includes a supervisor referral to the EAP, suspension or termination, the supervisor will work with the Division Vice President and Director of Human Resources. The Director of Human Resources shall provide leadership for the process in order to assure that discipline is imposed in accordance with personnel policies.

If necessary, the President of the College may assign the Director of Human Resources to conduct an investigation of the situation and make a written report regarding the circumstances and recommended action to the Division Vice President and the President of the College.

- a. If the individual in question is the Director of Human Resources, the President of the College shall appoint a College official to investigate and submit a report to the President of the College.
- b. If the individual in question is the President of the College, the President of the Board of Trustees shall appoint a representative to investigate and submit a report to the President of the Board of Trustees.

The College President will have final approval for the recommended disciplinary action, except in cases: (1) involving the College President, in which case disciplinary action shall be determined by the Board of Trustees or (2) requiring due process procedures, as defined below in section 5.2.4, in which case such procedures shall be followed.

In the interests of both the employee and the College, any investigation of potential disciplinary situations should be concluded expeditiously.

Disciplinary action may include but is not limited to the following, depending on the severity of the infraction: verbal warning, written warning, demotion, suspension with or without pay, and termination.

- (a) **Verbal Warning** - A reasonable number of ~~oral~~ verbal warnings may be given, at the discretion of the supervisor. Such warnings shall be noted in writing and placed in the individual's personnel file in Human Resources.
- (b) **Written Warning** - A supervisor may issue a written warning, a copy of which will be sent to the employee along with a copy to the Director of Human Resources for the employee's personnel file.
- (c) **Suspension With or Without Pay** - Suspension with or without pay may be invoked for a time period deemed consistent with the seriousness of the offense and the circumstances. A decision to suspend requires approval by the Human Resources Director, Division Vice President and College President. Earned vacation or other leave may not be applied during an unpaid suspension nor will leave accrue

during an unpaid/paid suspension. Notice will be given in writing with a copy to the employee's personnel file in Human Resources. If applicable, the College will follow the due process procedures established in 5.2.4.

- (d) **Termination** - Employees may be immediately terminated when the seriousness and nature of an offense warrants. A decision to terminate will be made by the supervisor, Division Vice President, Human Resources Director and College President. If applicable, the College will follow the due process procedures established in 5.2.4.

Contractual **5.2.4 Due Process Procedures for Suspension or Termination of Employees** *(Revised 12-2-2002, 4-15-2014)*

- (a) Due process procedures for suspension or termination apply only to contractual employees, including full-time, faculty, administrators, and professional staff, and do not apply to at-will employees such as support staff and part-time instructors. These procedures also do not apply to (1) non-renewal of a limited term contract, (2) non-renewal of an annual contract, or (3) non-renewal of a continuous contract of a faculty member if such non-renewal is authorized by Policy 5.15.8C.
- (b) The President of the College has the discretion to initiate disciplinary action involving suspension or termination beginning at Step 2.
- (c) The following procedural steps are to be followed when a recommendation for suspension or termination is made. While legal requirements should be met, the intent of these is to establish simple steps that ensure fair treatment for all parties involved.

Step 1: Attempt at Resolution - If the President of the College agrees that the employee should be suspended or terminated, the President of the College or his/her designee shall meet with the employee and his/her representative to determine if a mutually agreeable disposition of the matter can be reached.

Step 2: Formal Proceedings/Board of Trustees - If no mutually agreeable disposition can be reached, formal proceedings shall be brought before the Board of Trustees. Such proceedings shall be initiated by the President of the College giving the employee written notice of a hearing and the charges which warrant suspension or termination. The employee in question shall remain in his/her position during the formal proceedings unless suspended by the President of the College. Such suspension shall be with pay unless the Board of Trustees decides otherwise.

- a. The notice shall provide that a hearing shall be held before the Board of Trustees on a particular day and at a certain time and place; that the individual in question may be present with or without a representative or attorney; and that he/she may present witnesses and other evidence on his/her behalf and may question witnesses presented by the College. The notice and charges must be received by the employee at least 10 days prior to the hearing.
- b. Should the individual in question not appear for the hearing, the disciplinary action proposed may be imposed by the Board without a hearing. Should the individual in question or his/her representative request additional time in which to prepare, the Board of Trustees, at its discretion, may grant such additional time and continue or postpone the hearing to another day and time.
- c. The hearing shall be conducted at the time and place called for in the notice or at the postponed time, if additional time is granted. The President of the Board of Trustees shall preside at the hearing unless the Board decides otherwise. Such hearing shall not be public and either party may ask that witnesses be present only during the time of their testimony. A recording shall be made of the hearing proceedings and a copy shall be made available to the employee whose discipline is in question.

- d. Formal legal rules of evidence need not be followed, and the Board President or other presiding officer shall determine what evidence may or may not be presented. The proper College official(s) or representative/attorney shall present the institution's position. The employee in question or his/her representative shall have the right to question any witness called by the College, just as the College's representative may question any witness called by the employee.
- e. At any time during the proceedings, any member of the Board of Trustees may question any witness or call for a point of order to be clarified.
- f. After testimony has been presented and each side has concluded its presentation, the Board of Trustees shall retire to review all information submitted and render a determination. The decision, which shall be in writing, shall be made no more than 30 working days from the date of the Board hearing.
- g. The decision of the Board of Trustees shall be final.

5.3

Employee Grievance *(Approved 6-4-1990; Revised 5-8-2006, 12-2-2013)*

East Central College employees may file a grievance. For the purposes of this Policy, the term "grievance" shall refer to a violation or inequitable application of College policies, regulations, procedures, federal/state statutes, including the Americans with Disabilities Act of 1990 (ADA) as amended, Section 504 of the Rehabilitation Act of 1973, or other disability related statutory rights, or other existing laws. Individuals who have been terminated or whose employment contracts have not been renewed are not permitted to grieve the termination or nonrenewal, nor any action leading up to the termination or nonrenewal. (Note: Claims of discrimination or sexual harassment are covered in the Illegal Discrimination and Harassment Policy.)

Procedures:

5.3.1 Grievance Process *(Revised 12-2-2013)*

The College provides a process to resolve grievances for employees. The purpose of the grievance process is to secure, at the lowest possible administrative level, a prompt and equitable solution to individual grievances.

All College personnel who supervise employees are responsible for making certain that employees under their supervision have knowledge of the grievance process and understand that they may use the process without fear of retaliation.

Any false statement(s) or breach of confidentiality made in the course of or following the grievance proceeding shall be grounds for disciplinary action for any employee participating in the grievance process.

5.3.2 Definitions *(Revised 12-2-2013)*

- (a) Grievance – A grievance, as defined above, and presented in writing utilizing the Grievance Form.
- (b) Grievant – The individual filing a grievance in writing.
- (c) Employee – Shall refer to an individual hired by East Central College to perform services for compensation. Individuals must be a current employee to use the grievance process.
- (d) Grievance Review Committee – A committee of three to five employees the College President annually at the beginning of the fall semester.
- (e) Working Day – A working day means a normal College business day, exclusive of Saturday, Sunday, a scheduled holiday or recess observed by the College, or an unscheduled closing of the College.
- (f) Advisor – A person selected by the grievant to provide advice, support, consultation, and representation. The grievant is responsible for informing the supervisor and Human Resources Director that an advisor shall be present. The grievant's advisor shall not be legal counsel and must be a current employee of the College.

5.3.3 Steps in Grievance Process *(Revised 12-2-2013)*

If appropriate, a good faith effort should be made to resolve the problem through the employee's supervisor, Vice President and/or Human Resources prior to filing a formal, written grievance.

In any formal meeting of an investigative nature between the grievant, Supervisor and/or Human Resources the grievant shall have the right to be accompanied by his/her advisor. The Director of Human Resources or designee is responsible for coordination of the grievance process.

Step 1: Filing of Written Grievance - Present the grievance to the Human Resources Director in writing within 60 working days after the event or occurrence giving rise to the alleged grievance. The formal grievance will include the completed "Grievance Form" which shall include:

- (1) The name(s) of the grievant(s)
- (2) Date of submission
- (3) A statement of the incident/complaint of the grievant
- (4) Relevant Board Policy(ies) or relevant administrative procedure(s) alleged to be violated
- (5) The date on which the event or occurrence first transpired
- (6) Explanation of what actions have been taken
- (7) Supporting documentation
- (8) Names of witnesses
- (9) Such other information which the grievant deems relevant
- (10) The resolution or relief requested
- (11) The grievant(s)' signature

The Director of Human Resources shall collect all relevant evidence, conduct interviews, hold any necessary meetings with all parties and their advisors (if requested), and render a decision and the reason(s) for that decision to the grievant in writing within 10 working days after receipt of the grievance.

New grievance issues that were not raised at Step 1 may not be raised by either party in subsequent steps.

Step 2: Appeal to the Grievance Review Committee - In the event the grievant is not satisfied with the decision at Step 1, he/she may appeal to the Grievance Review Committee through the Director of Human Resources within 10 working days of receipt of the Step 1 findings. The Grievance Review Committee will meet, elect a chairperson and secretary, and receive their charge from the Director of Human Resources.

In the event that an elected committee member wishes to disqualify himself/herself, the alternate committee member shall serve on the committee. The grievant may also challenge a committee member, who should then recuse himself/herself, and the alternate committee member shall serve. The grievant may only challenge one committee member. Disqualification must occur within 10 working days of the committee's receipt of the grievance. An alternate member must be selected by the 12th working day. No member may abstain from voting.

The committee will review all information submitted at Step 1 and render a decision of the majority of the committee as a whole and reason(s) for that decision no more than 10 working days from the hearing of the grievance. The decision will be a written finding of the committee sent to the grievant and the Director of Human Resources. Any committee member may include a written dissent.

Step 3: Appeal to the College President - In the event that the grievant is not satisfied with the decision at Step 2, he/she may within 10 working days of receiving the decision, present an appeal in writing to the College President. The appeal should include a copy of the original grievance and all applicable documentation along with the replies from Step 1 and Step 2.

The College President shall make such inquiries and review documents pertaining to the grievance and may convene a conference of the parties. The College President shall render a decision and the reasons for that decision, in writing, within 10 working days after the conference.

Step 4: Appeal to the Board of Trustees - In the event the grievant is not satisfied with the decision at Step 3, he/she may within 10 working days of receiving the decision, present an appeal in writing to the President of the Board of Trustees through the College President. The appeal should include a copy of the original grievance and all applicable documentation and be submitted no later than the Board's next regularly scheduled meeting along with the replies from Steps

1, 2, and 3. The Board of Trustees shall, in its sole discretion, either hold a hearing on the appeal or decide the appeal following a review of the documentation. In the event the Board decides the appeal following a review of the record, the Board's decision shall be in writing and shall be final.

In the event the Board of Trustees chooses to hold a hearing, the following procedures shall apply. The Board shall give notice to the grievant that a hearing to consider the grievance shall be held before the Board on the particular day and at a certain time and place; that the grievant may be present with or without an advisor; and that he/she may produce witnesses or other evidence on his/her behalf at the hearing.

Should the grievant or his/her advisor request additional time in which to prepare, the President of the Board of Trustees may or may not grant such additional time and continue or postpone the hearing to another day and time. This request shall be submitted through the College President.

The President of the Board of Trustees shall conduct the hearing at the time and place called for in the notice or at the postponed time, if additional time is requested. Should the grievant not appear for the hearing, the grievance shall be dismissed. Such hearing shall not be public and either party may ask that all witnesses not be present while any other person is testifying. In addition, a transcription or electronic recording shall be made of the hearing proceedings.

The grievant may produce witnesses in his/her behalf who may be questioned. He/she may also produce any other evidence which he/she may deem favorable to his/her position.

The proper College administrative official(s) or attorney shall represent and present the institution's position as applicable, and such grievant or his/her advisor may have the right to question any witness called by the institution.

At any time during the proceedings any member of the Board of Trustees may question any witness or call for a point of order of procedure to be clarified.

The Board shall review all information submitted and render a written determination of their findings and conclusions to the grievant no more than 40 working days from the hearing. The Board of Trustees may determine that the grievance is not properly founded and if so declare. If the Board decides that the grievance has merit, the Board shall take whatever corrective action is appropriate. The findings and conclusions of the Board of Trustees shall be in writing. The decision of the Board of Trustees shall be final.

5.3.4 Administrative Guidelines

- (1) Multiple grievances filed simultaneously over a common occurrence or event may be processed in a joint action at the discretion of the Director of Human Resources.
- (2) In the interest of the prompt resolution of employee complaints, the action at each step of the grievance procedure should be taken as rapidly as possible. In the event of extenuating circumstances, an additional 10 working days may be allowed.
- (3) If the grievant skips a step or files with an outside compliance agency before completion of the College's grievance process, all College grievance processes shall be terminated.
- (4) All discussion in the grievance process shall be conducted in a civil manner.

5.4 Protection Against Sexual Harassment *(Adopted 10-6-2014)*

East Central College is committed to maintaining a workplace and educational environment that is free from sexual harassment based on gender or sexual orientation. The College also prohibits:

1. Retaliatory actions based on making complaints of sexual harassment or based on participation in an investigation, formal proceeding or informal resolution concerning sexual harassment.
2. Aiding, abetting, inciting, compelling or coercing sexual harassment.

Procedures *(Adopted 10-6-2014)*

5.4.1 General Rule

Except as otherwise set forth in Policy, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute sexual harassment.

5.4.2 Definitions – the following definitions apply to this Policy:

Compliance Officer – The College designated individual(s) responsible for compliance with Title IX in regards to students and employees.

Complaint – An informal or formal report of sexual harassment made to a Compliance Officer.

Discrimination – Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based on an employee's protected status, such as gender or sexual orientation. A complaint of Sex Discrimination as defined herein, is grieved through Policy 5.3.

Harassment – A form of discrimination that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. This is also sometimes referred to as hostile work environment when the harassment is related to an employee's protected status, such as gender or sexual orientation.

Sexual Harassment – A form of discrimination on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the College's programs and

activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures, display of pictures or written material, or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

5.4.3 Designated Compliance Officer(s)

The Board of Trustees designates the following individual(s) to act as the College's compliance officers:

The Vice President of Student Development will serve as the Administrator for Title IX and Section 504 in regards to students at the College or designated locations. The Administrator has responsibility for compliance as it relates to students. The Administrator is located on the main campus of East Central College at 1964 Prairie Dell Road, 131 Buescher Hall, Union, MO 63084. Phone: 636-584-6565, Email: stnotice@eastcentral.edu.

The Director of Human Resources will serve as the Deputy Administrator for Title IX and ADA in regards to employees, contractors, and visitors to the College or designated locations. The Deputy Administrator is located on the main campus of East Central College, 1964 Prairie Dell Road, MP005, Union, MO 63084. Phone: 636-584-6712, Email: hrnotice@eastcentral.edu.

5.4.4 Responsibilities of the Deputy Administrator for Title IX and ADA:

1. Coordinate compliance with this Policy and the law.
2. Receive all complaints regarding sexual harassment at East Central College in regards to employees, contractors and visitors to the campus or designated locations.
3. Serve as the College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes sexual harassment.
9. Perform other duties as assigned by the College President.

5.4.5 Informal Complaint Process

In cases where an employee feels that he/she has been subjected to any suspicious/ questionable behavior or sexual harassment as defined in this Policy, the person may, if appropriate, attempt to resolve the situation by using the following informal procedures:

1. Communicate that the behavior is unwelcome, requesting that the unwelcome behavior stop immediately. Document the date and time of the conversation. Inform the immediate supervisor and/or Human Resources;

and/or

2. Speak with the appropriate supervisor and/or Human Resources who may speak with the person whose behavior is unwelcome. Document the date and time of the conversation. The supervisor will document and report the incident to Human Resources.

Informal complaints that have not been resolved to the satisfaction of the employee will be referred to the Office of Human Resources for investigation and resolution.

5.4.6 Formal Complaint Process

Employees or other individuals, who are not students, and who believe that they have been victims of sexual harassment may file a formal complaint with the Office of Human Resources for investigation by the Deputy Administrator for Title IX or designee.

Students who believe they have been victims of sexual harassment, as referenced in Policy 3.25, or sexual violence as referenced in Policy 3.26, may file a formal complaint with the Administrator of Title IX or designee and it will be promptly investigated.

5.4.7 Procedure for Investigation of Complaints

The Deputy Administrator of Title IX or designee will investigate all complaints. All persons are required to cooperate fully in the investigation. The Deputy Administrator of Title IX or designee may utilize an attorney or other professionals to conduct the investigation.

In determining whether alleged conduct constitutes sexual harassment, the Deputy Administrator of Title IX or designee will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, the Deputy Administrator of Title IX or designee determines that it is more likely than not that sexual harassment or other prohibited behavior has occurred, College officials will take immediate corrective action.

The following procedures will be used as a guideline for investigating complaints:

1. Interview complainant regarding the nature and specifics of the incident(s)
(complainant will make written statement);
2. Interview the person accused (accused will make written statement); and
3. Interview other possible witnesses, if appropriate (witnesses will make written statements).

4. The Deputy Administrator of Title IX or designee will prepare a written factual findings report.
5. The Deputy Administrator of Title IX or designee will determine if a violation of the Policy more likely than not occurred based on the facts of the investigation.
6. The Deputy Administrator of Title IX or designee will provide the College President a copy of the written report and a recommendation on the determination as to whether or not the alleged conduct is a violation of this Policy.
7. The College President will review the findings and determine the appropriate response and/or corrective action or discipline, if any, according to Policy 5.2.
8. The decision is final and cannot be grieved through Policy 5.3.

5.4.8 Confidentiality and Records

To the extent practical, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties interviewed, and any information or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation or resolution of a complaint or if necessary to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others when necessary to enforce this Policy or when required by law. In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

5.4.9 Employee's Obligation

Accountability for compliance with this Policy will be the responsibility of all employees. Employees will be required to complete sexual harassment prevention training as determined by the College.

Any employee who believes he/she has been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

Any employee who believes or has knowledge that an employee or visitor to the College or designated locations has been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

Any employee who believes or has knowledge that a student has been a victim of sexual harassment is required to report to the Vice President of Student Development and refer to Policy 3.25 Student Protection Against Discrimination and Harassment.

Any employee who believes or has knowledge that a student has been a victim of sexual assault, relationship violence or stalking is required to report to the Vice President of Student Development and refer to Policy 3.26 Student Protections Against Sexual Assault, Relationship Violence or Stalking.

In addition, all employees are required to fully cooperate during an investigation. This includes the requirement that employees should only make truthful reports and complaints.

5.4.10 Appropriate Supervisory Relationships

While it is not the intent of the College to regulate employees' social interactions or relationships freely entered into, romantic relationships between a supervisor and a directly supervised employee as well as romantic relationships between a faculty member and his/her student are strongly discouraged. Human Resources should be notified of such relationships. Should a supervisor enter into a relationship with a subordinate, the College reserves the right to reassign the employee.

5.4.11 Consequences

Employees who violate this Policy will be disciplined, up to and including employment termination according to Policy 5.2 Employee Conduct and Discipline.

Contractors, visitors or others who violate this Policy may be prohibited or restricted from the College's main campus, designated properties or College sanctioned events.

5.5 Academic Regalia (*Adopted 12-3-1968; Reaffirmed 12-2-1991; Revised 4-7-2003, 11-4-2013*)
Faculty, administrators, and professional staff participating in the commencement ceremony will be attired in academic regalia. Such academic attire will be provided by the College for the commencement ceremony.

5.6 Academic Freedom (*Approved 12-3-1968; Revised 6-23-2003; Reaffirmed 11-4-2013*)
East Central College, as an academic community, promotes learning characterized by free inquiry, open discussion and thoughtful communication. Academic freedom is a tenet of such instruction and essential to the purpose of higher education. Faculty and students must be free to examine ideas in an environment without institutional censorship.

5.7 Faculty Rank and Promotion (*Approved 9-8-1998; Revised 2-2-2004, 7-12-2010; Reaffirmed 11-4-2013*)
Appointments of faculty to academic rank will be made by the Board upon recommendation of the President and the Chief Academic Officer.

Procedures: (*Revised 7-12-2010, 11-4-2013*)

- A. Applicable titles include Instructor (default appointment at hire), Assistant Professor, Associate Professor, and Professor. The College reserves the right to make appointments to Assistant Professor, Associate Professor, or Professor at hire based on established criteria.
- B. Faculty on continuing contracts are eligible to receive rank promotions and associated salary adjustments based upon established criteria and a review conducted by the Rank and Promotion Committee.
- C. Limitations to the number of faculty promoted annually will apply.
- D. The College reserves the right to suspend the rank and promotion system should budget conditions warrant.

5.8 Attendance and Punctuality (*Adopted 6-1-1992; Revised 6-23-2003; Reaffirmed 7-14-2014*)
Employees are to report to work punctually and are to work all scheduled hours. Unauthorized or excessive absences or tardiness may result in disciplinary actions.

General Rule *(Adopted 7-14-2014)*

Timely and regular attendance is an expectation of performance for all employees. To ensure adequate staffing and positive employee morale, and to meet expected productivity standards throughout the College, employees will be held accountable for adhering to their work schedule. In the event an employee is unable to meet this expectation, he/she must obtain approval from his/her supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to or early departures from work. Departments have discretion to evaluate extraordinary circumstances of a tardy or absence.

Definitions *(Adopted 7-14-2014)*

Absence

An employee is deemed absent when he/she is unavailable to work the full assigned/scheduled work shift and such time off was not scheduled/approved in advance as required by department notification procedure.

Tardy An employee is deemed to be tardy (typically 15 minutes) when he/she:

- Arrives to work past the assigned/scheduled work start time.
- Leaves work prior to the end of assigned/scheduled work end time without prior supervisory approval.
- Takes an extended meal or break period without approval.

Procedures:

5.8.1 Request for Planned Absences *(Adopted 7-14-2014)*

A planned absence must be approved by the supervisor in advance. Employees should submit a request for leave using department procedures and the approved College form as far in advance as possible for a planned absence from work. Requests should include date(s) and type of accrued leave to be used. Requests for leave of five (5) consecutive days or more should be submitted a minimum of two weeks prior to the planned absence.

The supervisor will inform the employee as soon as possible if the request has been approved or denied. Depending on department staffing

needs, the supervisor may designate dates that leave cannot be requested.

5.8.2 Notification of Unplanned Absences or Tardiness *(Revised 7-14-2014)*

An unplanned absence is usually an unavoidable absence due to illness, injury, or emergency where advance notice was not possible. Employees should notify their supervisor as soon as possible in advance but generally no later than 30 minutes before their starting time if they are unable to report for work as scheduled. Such notification should include a reason for the absence or tardiness and an indication of when the employee can be expected to report for work. If the employee is unable to personally speak with the supervisor or administrator, he/she should leave a voice message, follow departmental procedures and/or contact the Office of Human Resources.

Failure to notify (no call/no show) the supervisor and/or follow department procedures for any unplanned absence or tardiness may be grounds for disciplinary action.

Employees must call in for themselves except in extenuating circumstances where the employee may have someone else contact the supervisor.

At the time of notification/call, the employee must notify their supervisor when an absence is due to a documented/approved leave of absence (e.g. Military Leave, FMLA) in order to ensure appropriate tracking of leave utilization and absenteeism.

Upon return to work, employees are to complete the College approved leave form for supervisor approval.

5.8.3 Absences of More Than Three Days Due to Illness *(Adopted 7-14-2014)*

If an employee is absent due to illness for more than three (3) consecutive days, or if there is a record of frequent absences, the supervisor may require that the employee submit a return to work note from the medical provider indicating the employee is fit to perform duties before returning to work.

If the employee fails to provide a return to work note as required, the employee will not be allowed to return to work, may be placed on unpaid leave and may be subject to disciplinary action.

For planned and unplanned absences of more than three (3) consecutive days, the supervisor and the employee are required to contact Human Resources to report the nature of the illness in order to determine if the illness is an FMLA qualifying event. Failure to contact Human Resources may result in disciplinary action.

5.8.4 Leaving Work Early *(Adopted 7-14-2014)*

Employees must obtain prior permission from the supervisor in order to leave work early. An employee leaving work early without permission will be subject to disciplinary action.

5.8.5 Use of Accrued Leave for Absences *(Adopted 7-14-2014)*

Employees may use accrued leave during absences in accordance with Policy 5.30 Paid Leave Benefits.

Employees placed on unpaid leave may not use accrued leave.

5.8.6 Excessive Absences/Tardiness *(Adopted 7-14-2014)*

The supervisor will utilize the College's disciplinary guidelines for addressing excessive absences/tardiness. Excessive absence/tardiness includes:

- a) Patterns of unplanned absences, failure to complete scheduled work days, and/or tardiness.
- b) Unplanned absences in excess of three times in a three-month period without corresponding documentation.
- c) Exhausting accrued leave resulting in an unpaid absence that was not approved in advance.

5.8.7 Voluntary Termination *(Revised 7-14-2014)*

Employees who are absent from work for three consecutive days without giving proper notice to the employee's supervisor or designated

administrator will be considered as having voluntarily terminated their employment with the College.

5.9 Classification and Qualifications of Employees (*Approved 8-14-1989; Revised 11-3-2003, 12-2-2013*)

For the purposes of offering and continuing employment, organization, assignment of duties and responsibilities, and establishment of compensation, a system of employee classification will be maintained by the College administration.

Definitions:

Exempt: Employees not covered by the overtime provisions of the Fair Labor and Standards Act (FLSA). Exempt employees are subject to Public School Retirement System/Public Educational Employees Retirement System guidelines.

Nonexempt: Employees covered by the overtime provisions of the Fair Labor and Standards Act (FLSA) and as such are entitled to overtime pay for hours worked in excess of 40 hours per week. Nonexempt employees are subject to Public School Retirement System/Public Educational Employees Retirement System guidelines

Grant Funded: Employees in a part-time or full-time position that is dependent on continued grant funding. Grant funded employees may be either exempt or non-exempt employees.

Retiree: An employee receiving retirement benefits from PSRS/PEERS and subject to the PSRS/PEERS retirement requirements. Part-time retirees are limited to 550 hours per fiscal year.

Procedures: (*Revised 8-2006*)

5.9.1 Faculty (*Revised 12-2-2013*)

Both full-time and adjunct faculty are exempt personnel who shall be primarily engaged in the activity of teaching and guiding students. They shall be in contact with students for the purpose of transmitting knowledge and skills. Faculty members shall meet the minimum employment qualifications established by the Board of Trustees and/or the College's accrediting agencies. For purposes of this Policy, division chairs are considered faculty.

Faculty Assignment

Each full-time and adjunct teaching faculty member shall be assigned a primary discipline or career field by action of the Board of Trustees upon recommendation by the President of the College. More than one primary discipline or career field may be assigned if required qualifications are met. To be assigned to a primary discipline(s) or primary career field(s), the full-time or adjunct teaching faculty member must possess an academic degree relevant to what he/she is teaching and at least one level above the level at which he/she teaches, except when equivalent experience is established. When faculty members are employed based on equivalent experience, the institution defines a minimum threshold of experience and an evaluation process that is used in the appointment process.

Faculty participate substantially in:

- (a) Oversight of the curriculum – its development and implementation, academic substance, currency, and relevance for internal and external constituencies;
- (b) Assurance of consistency in the level and quality of instruction and in the expectations of student performance;
- (c) Establishment of the academic qualifications for instructional personnel;
- (d) Analysis of data and appropriate action on assessment of student learning and program completion.

5.9.2 Administrators

Administrators are exempt personnel at the vice president level and above. Administrators shall meet employment qualifications established by the Board of Trustees.

5.9.3 Professional Staff

Professional staff includes exempt personnel at the director level and below. Professional staff shall meet employment qualifications established by the Board of Trustees.

5.9.4 Support Staff

Support staff includes non-exempt, at-will personnel who are necessary to the day-to-day functions of the College. Support staff shall meet the employment qualifications established by the Board of Trustees.

5.9.5 Regular Full-time Employee *(Revised 12-2-2013)*

Regular, full-time Professional and Support Staff positions are positions listed on the Board approved staffing plan and require a minimum workload of 40 hours per week to qualify for College paid benefits unless otherwise required by law.

Full-time faculty members shall work 170 to 180 days during the regular academic year, shall have a normal instructional load of 30 credit hours per year or the equivalent and/or shall have additional duties as specified in their contracts. Full-time faculty positions are included on the Board approved staffing plan. A full-time faculty workload typically includes ten office hours per week in a five-day work week. The academic year shall consist of the fall and spring semesters excluding the summer session, based on the program driven schedule or as otherwise approved, including all in-service days and the graduation ceremony, as established in the approved academic calendar.

5.9.6 Regular Part-time Employee *(Revised 12-2-2013)*

Regular part-time, non-exempt, hourly-paid positions are positions listed on the Board approved staffing plan and personnel in such positions may not work more than 19.75 hours per week unless approved by administration and Human Resources.

5.9.7 Adjunct Faculty *(Adopted 12-2-2013)*

Adjunct faculty are part-time, exempt employees paid per credit hour. Adjunct faculty are not included on the staffing plan. Adjunct faculty may work a maximum of 18 credit hours per academic year and up to five credit hours in the summer semester. Hours worked must comply with retirement regulations. Exceptions may be made with the permission of the Chief Academic Officer.

5.9.8 Adult Education and Literacy Instructor *(Adopted 12-2-2013)*

Adult Education and Literacy (AEL) instructors are part-time, non-exempt employees who can work up to 19.75 hours per week. These positions are grant funded.

5.9.9 Student Worker *(Adopted 12-2-2013)*

A student worker is an individual enrolled in ECC classes, who qualifies for the Federal Work Study Program or is institutionally funded and whose association with the College is for the primary purpose of furthering a formal education. Student workers are part-time, non-exempt employees who can work up to 19.75 hours or as approved by Financial Aid. Student workers are not included on the Board approved staffing plan.

5.9.10 Temporary Employee *(Adopted 12-2-2013)*

A temporary employee is hired either part-time or full-time for a specified period of time per fiscal year. Temporary employees are not listed on the staffing plan (see Policy 5.25)

5.10 Criminal Background Check *(Adopted 10-7-2013)*

East Central College is committed to providing a safe environment for students, employees and members of the public. As part of this effort, the College will require criminal background checks of employees in accordance with this Policy. The Board directs the College President or designee to develop procedures and practices consistent with this Policy.

Employees

The College shall conduct a criminal background check on all new full-time employees before they are employed, and on such other applicants for part-time employment as the College deems necessary. This requirement extends to applicants who were previously employed by the College. The College reserves the right to require any current employee to submit to criminal background checks or to rerun background checks for any employee at any time at the College's expense. Any offer of new employment or continued employment is contingent upon the satisfactory outcome of the criminal background check, when required. The College has the sole and absolute discretion to determine whether the outcome is satisfactory for employment.

For purposes of this Policy, a “criminal background check” includes, but may not be limited to, investigating criminal history for misdemeanors and felonies on the county, state and federal levels and reviewing sex offender registries nationwide.

Current employees, who have been hired prior to the implementation of this procedure, may be subject to a criminal background check based on the position and/or teaching requirements and location. Mandatory criminal background checks are required for the following categories of positions:

- Employees performing College work at a site located in a public school district;
- Head Coaches and Assistant Coaches; and
- Designated academic/technical programs, including but not limited to, Nursing, Teacher Education, Medical Assisting, Health Information Management, Radiological Technology, Certified Nursing Assistant, Certified Medication Technician, Computer Information Systems, Occupational Therapy Assistant, Respiratory Care, EMT and Paramedic programs

College Notification

As a condition of continuing to work within the College, an employee must notify the College if the employee is convicted or otherwise found guilty of any felony, regardless of the imposition of sentence. This notification should be made to the Director of Human Resources. This notification must be made as soon as possible, but no later than ten (10) business days after the event.

Confidentiality

Information received by the College pursuant to a criminal background check is confidential. The College will only use this information for the College’s internal purposes in determining the suitability of an applicant or employee. The College will keep this information in a location that is only accessible to persons who need to know the information to carry out their responsibilities with the College. The College will comply with all applicable laws regarding criminal background checks.

Consequences

Any offer of new employment or continued employment is contingent upon the outcome of the criminal background check, when required. The

College will provide applicants or employees whose criminal background checks contain information upon which the College might base an adverse employment action an opportunity to explain or dispute the relevant information. In all cases the College has the sole and absolute discretion to determine whether the outcome is satisfactory for employment.

The College President or designee is directed to exclude any person from employment who refuses to submit to a background check or to take disciplinary action for current employees refusing to submit to a background check.

The College President or designee is directed to exclude any person from employment based upon the position, or to take action to terminate employment based upon the position, whose criminal background check reveals that he/she has exhibited behavior that is violent or harmful to others.

5.11 Dress Code and Personal Appearance *(Adopted 5-12-2014)*

Employees are expected to be suitably attired and groomed during working hours or when representing the College. Appearance should make a positive, professional impression that reflects good judgment in clothing, grooming and personal cleanliness.

Procedures:

5.11.1 General Guidelines for Appropriate Dress

All employees should wear clothing that is appropriate for job requirements, the work environment and the use of any job-related equipment.

Business casual is the standard attire for employees working in an office environment and/or student service related areas unless otherwise approved by the supervisor. Business casual capris and cropped pants are acceptable attire.

Employees should wear job appropriate and/or required protective clothing for safety and/or sanitation purposes.

A College approved uniform may be established for designated departments.

The College President and/or supervisors may require professional dress for meetings and/or other events.

The College President may designate specific days when a relaxed dress code will apply.

The following clothing is not approved for work:

- Clothing with offensive and/or discriminatory language or pictures; alcohol, drug, or tobacco reference; or depicting violence
- Casual, beach type flip flops
- Athletic shoes, unless otherwise approved
- Shorts, sweat pants, muscle shirts, halter tops, tank tops, t-shirts, or other garments that are revealing
- Jeans and/or jean capris, unless otherwise approved by the supervisor and/or College administrator

5.11.2 Non-Compliance

If a supervisor deems that an employee's attire or grooming is not in compliance with this Policy, the employee will be sent home on unpaid leave and will be required to return to work properly dressed and groomed.

5.12 Employment-At-Will *(Adopted 6-1-1992, Revised 6-23-2003; Reaffirmed 11-4-2013)*
Employees who do not have a separate, individual employment contract with the College for a specific, fixed term of employment are employed at the discretion of the College for an indefinite period. These employees may resign from the College at any time, for any reason, or may be terminated at any time, with or without cause.

Procedures: *(Revised 11-4-2013)*

5.12.1 Affected Employees

As defined in Policy 5.9, those employed at-will are:

- (a) Full-time and part-time support staff
- (b) Adjunct faculty
- (c) Temporary employees
- (d) Adult Education and Literacy (AEL) Instructors

5.13 Collective Bargaining *(Adopted 3-7-2016)*

East Central College recognizes the right of eligible members to organize and bargain collectively. Through representatives of their own choosing subject to the procedures set forth in this section and in accordance with applicable Missouri law.

Procedures: *(adopted 3-7-2016)*

5.13.1 Public Sector Labor Law Employees

Any College employees that are included within the coverage of the Missouri Public Sector Labor Law must petition for formal certification of their chosen representative with the State Board of Mediation, in accordance with Missouri law, *Section 105.500, et seq.*, RSMo (2000).

5.13.2 Choosing a Representative – Employees not Covered by Public Sector Labor Law

Any College employees that are excluded from the coverage of the Missouri Public Sector Labor Law may Petition for formal election of their chosen representative with the College Board of Trustees, in accordance with this Board Policy.

5.13.3 Board Requires Secret Ballot Election Process

The College will recognize a labor union or other organization as the official bargaining representative for a group of College employees only after a secret ballot election, similar to those conducted under the Missouri Public Sector Labor Law and as set forth in this Policy, unless otherwise required by law.

5.13.4 Establishment of Additional Procedures

College employees may use the process established in this Policy and its related procedures to select a labor union or other organization of their choice as their representative for purposes of collective bargaining. The President is authorized to make additional rules and procedures to govern the election process as may be necessary to implement this Policy.

5.13.5 Petition for Election of Representative with Required Information

To initiate a secret ballot election process to select a representative, an employee must submit to the President or his or her designee a formal Petition for Election of Representative, including the following requirements:

- a. The name of the labor union or organization seeking such recognition, along with the name, address, e-mail and telephone number of the designated contact person.
- b. A description of the proposed bargaining unit for which representation is sought. The description should include the classifications of employees to be included and excluded, and the approximate total number of employees included in the proposed bargaining unit.
- c. The Petition must be supported by the valid dated signatures of at least 30 percent of the total number of employees in the proposed bargaining unit, on cards or a petition format.
- d. No signature in support can be older than six (6) months from the date the Petition for Election is submitted to the President or his or her designee. The signatures in support should be submitted in a separate sealed envelope, labeled “*Signatures in Support of Petition.*”

Once the President or his or her designee receives such a Petition, he or she will post notice of receipt of the Petition in the same location that notices for Board meetings are posted. The notice will set a future date, no earlier than five (5) business days after the first date of posting, in which any College employees interested in representation by a different labor union or organization may submit a request for a different representative, as described below in 5.13.8, “Other Interested Organizations.”

5.13.6 Initial Support by 30% of Employees in Proposed Bargaining Unit

The President or his or her designee will identify and designate an appropriate neutral third person or entity to review the Petition and confirm that it is supported by at least 30 percent of the employees in the proposed bargaining unit. The President or his or her designee will provide the designated person or entity with a list of names and signatures of all College employees within the definition of the proposed bargaining unit for verification.

The President or his or her designee, and the third person or entity designated to review the support for the Petition, will have up to 30 business days to verify that the required information is present, and

to examine the description of the proposed bargaining unit and the validity of the signatures in support. The President or his or her designee will notify the contact person of the union or other organization seeking recognition of any missing information, to allow an opportunity for any problem to be promptly corrected.

The envelope labeled “*Signatures in Support of Petition*” containing the signatures in support will remain sealed, until the designated third person opens it to verify the existence of valid timely (*i.e.*, within six (6) months) signatures from at least 30 percent of the employees in the proposed bargaining unit.

The designated third person or entity will notify the President or his or her designee, and the contact person of the labor union or other organization, as to whether or not valid timely signatures of 30 percent of the employees were presented in support of the Petition, but will not provide additional information, and will not disclose the signed petition or cards, nor which employees supported the Petition, nor the total number of employees who supported the Petition, to the College or to any person unless required by law.

5.13.7 Determination of Appropriate Bargaining Unit

If the information in the Petition is complete, and the necessary level of 30 percent support is demonstrated, the President or his or her designee will consider and determine whether the scope and definition of the proposed bargaining unit is appropriate. The President or his or her designee will submit to the Board of Trustees a written recommendation as to the appropriateness of the proposed bargaining unit description, and a list of the College positions and employees who would belong to the unit, if formed. If the President or his or her designee determines that the scope and description of the proposed unit is appropriate, the Board of Trustees will set a date for the election.

If the President or his or her designee determines the scope and description of the proposed bargaining unit is not appropriate, the Board of Trustees will set the matter on its agenda and decide the issue at an upcoming Board of Trustees meeting, unless the President or his or her designee and the labor union or other organization seeking recognition agree that a meeting is not necessary to resolve the disagreement.

If the matter is set for a Board meeting, the contact person for the labor union or other organization seeking recognition will receive notice of

the date, time, and location of the meeting. The Board of Trustees will make a determination as to the appropriateness of the proposed bargaining unit within ten (10) business days of the meeting. The Board's decision is final. If the proposed bargaining unit is approved, the Board of Trustees will set a date for the election. If the description of the proposed bargaining unit is not approved, the contact person for the labor union or organization seeking recognition may submit a revised unit description (see paragraph below).

If a revised unit description is submitted, The President or his or her designee will provide the designated third person or entity a list of names and signatures of College employees meeting the definition of the revised proposed bargaining unit, so that the designated third person can determine if signatures from at least 30 percent of the employees in the revised unit were obtained, as described in 5.13.6, "Initial Support by 30 Percent of Employees in Proposed Bargaining

Unit" above. If so, the President or his or her designee will submit to the Board a recommendation regarding the appropriateness of the proposed revised bargaining unit as described in this section. If the designated third person or entity determines that the required number of signatures were not obtained, the employee must re-submit a new petition for election for representation with the 30% showing described in 5.13.6, "Initial Support by 30 Percent of Employees in Proposed Bargaining Unit " above.

5.13.8 Other Interested Organizations

As set forth above, once the President or his or her designee receives a complete Petition, he or she will post notice of receipt of the Petition in the same location(s) that notices for Board meetings are posted. Once the President has posted notice that a Petition for Election of Representative has been filed to select a labor union or other organization as the representative for collective bargaining, any College employee in the proposed bargaining unit that is interested in being represented by a different such organization may submit a second Petition to the President or his or her designee.

To do so, the employee must submit a Petition with the same information set forth in 5.13.5, "Petition for Election of Representative" above (including name of labor union or organization seeking recognition, contact information for designated contact person), except that such second Petition need only be supported by

signatures of ten percent (10%) of the employees in the proposed bargaining unit.

All information must be submitted to the President or his or her designee no later than the date set in the posted notice. The Board of Trustees will delay setting a date for an election until the new information is reviewed by the President or his or her designee, and the person designated to review the Petition, in accordance with the provisions of 5.13.5, 5.13.6, and 5.13.7 of these procedures as described above. If the request was submitted before the deadline and is supported by the timely (*i.e.*, within six (6) months) signatures of at least ten (10) percent of the employees in the proposed bargaining unit, the additional labor union or organization will also be listed on the ballot, and the Board will set a date for the election.

5.13.9 Ballot, Notice of Election, and Election Procedures

The Board of Trustees may receive recommendations from the President or his or her designee, and from the contact person for the labor union(s) and organization(s) that will appear on the ballot, regarding appropriate wording and order of choices to appear on the ballot. The Board of Trustees will determine the language to appear on the ballot in time for the Notice of Election (see paragraph below). All approved ballots must include an option under which an employee may vote “No” or for “No Representation” *i.e.*, a vote not to be represented by any labor union or organization for collective bargaining.

The President or his or her designee will provide notice of the election in writing, electronically or otherwise, to all College employees in the proposed bargaining unit. In addition, the President or his or her designee will post notice of the election in the same location that notices for Board meetings are posted, and in other conspicuous places easily accessible to the College employees in the proposed bargaining unit, no less than five (5) business days prior to the election. The Notice of Election shall contain:

- a. The date, hours and place of the election.
- b. A description of the proposed bargaining unit.
- c. A sample ballot with “Sample” clearly marked on its face.
- d. Information regarding applicable Board policies and procedures.

The election will be held in one (1) or more polling places reasonably convenient to the eligible voters, and at times when the employees in the proposed bargaining unit may vote without leaving their assigned duties. The election will be conducted by secret ballot. The Board, the College President or his or her designee may appoint one (1) or more College employees or other persons who do not belong to the proposed bargaining unit, nor to any labor union or organization listed on the ballot, to distribute and collect the ballots, and to check the names of voters off of a list of College employees in the proposed bargaining unit. The College may also select an outside third person or entity to perform these election functions.

The President or his or her designee and the union(s) or organization(s) seeking recognition appearing on the ballot may each have a representative (“designated observer”) present at each polling place during the election. The designated observers may challenge an individual’s eligibility to vote. Challenged ballots shall be folded and placed in a separate sealed envelope with the name of the voter plainly written on the outside. Challenged ballots will not be considered, unless the number of such votes could affect the results of the election. If the challenged ballots might affect the results of the election, the challenged ballots will be presented to the Board of Trustees at a later formal Board meeting as set forth below, for a final determination of the challenge.

5.13.10 Tally of Ballots and Election Results

Ballots will not be tallied until after the posted time for closing the polls, unless all of the eligible voters have already cast their ballots. The ballots will be tallied by the Board- or President-appointed College employee(s) who does not belong to the proposed bargaining unit, nor to any labor union or organization listed on the ballot, or the outside third person or entity mentioned in 5.13.9, “Ballot, Notice of Election, and Election Procedures”, and will be done in the presence of the designated observers selected by the President or his or her designee and each of the organization(s) listed on the ballot. Tallied ballots will be placed in a sealed envelope and saved until all challenges and objections are resolved as described in 5.13.11, and the Board votes to certify the election results. The tentative results will be recorded in writing and signed by the observers present when the ballots were tallied. The results will remain tentative until the Board votes to certify the results. The Board’s decision will be final.

If a union or organization seeking representation and appearing on the ballot receives a majority of the votes cast, the outcome is a majority election, and that union will become the elected bargaining representative for the bargaining unit, after all election objections (and any ballot challenges) are resolved, and the Board of Trustees votes to certify the election result.

If the only labor union seeking representation does not receive a majority of votes cast, or if the ballot choice of “No” or “No Representation” receives a majority of the votes cast, the outcome is also a majority election, and no union or organization will become the elected bargaining representative for the bargaining unit, after all election objections (and any ballot challenges) are resolved, and the Board of Trustees votes to certify the election result.

An “inconclusive election” is an election in which the ballot includes at least three (3) choices, i.e., at least two (2) labor unions or organizations seeking representation and an option for “No Representation,” and where no choice receives a majority of the ballots cast. When the results of an election are inconclusive, the Board will set a date for a Runoff Election as described in 5.13.12, “Runoff Election” of these policies and procedures. Unless otherwise directed by the Board, there will only be one Runoff Election.

A “null election” is an election where all choices receive an equal number of votes, or where two (2) choices receive an equal number of votes and a third choice receives a higher, but still a less-than-majority vote. When this happens, the Board of Trustees may declare the election a nullity and set a date to run a new election (a “rerun election”). The new election will follow the notice and election process detailed in 5.13.9, “Ballot, Notice of Election, and Election Procedures” of these procedures. If the rerun election results in another nullity, the Board of Trustees will dismiss the Petition and a bargaining unit will not be formed. If the second election results are “inconclusive,” a Runoff Election will be held.

A “final election” is an election in which two (2) or more choices receive an equal number of votes, another receives no votes, and all eligible voters have voted. In such case, neither a runoff election nor a rerun election will be conducted. Because all eligible employees have voted and there is no majority result, no representative is selected, and no labor union or organization will become the designated bargaining representative for the proposed bargaining unit,

once all election objections (and any ballot challenges) are resolved and the Board of Trustees votes to certify the election result. The Board's decision will be final.

5.13.11 Challenged Ballots and Objections to Election Results

Within ten (10) business days after the votes are tallied, any employee in the proposed unit may file with College an objection to the conduct of the election or conduct affecting the results of the election, which shall contain a short plain written statement of the reasons for the objection. A copy of the written objection must be provided to all members of the Board, to the President or his or her designee, and the contact person for any organization(s) seeking to represent the proposed bargaining unit and which appeared on the ballot. The same process shall apply to challenged ballots which may affect the outcome of the election.

The President or his or her designee will investigate all such challenges and objections to the conduct of the election or affecting its results. Unless the President and the persons or challenging the ballots or objecting to the election agree otherwise, the Board of Trustees will hold a meeting to consider the objection. If a Board meeting is held, the President or his or her designee; the person(s) challenging the ballots or filing the objection; and the contact person for each of the organization(s) seeking recognition on the ballot, will receive notice of the meeting. The Board will make a decision within ten (10) business days on the challenge or objection. The Board's decision will be final.

After the time for filing objections has expired and/or the Board has made a final decision on all objections and, if necessary, challenged ballots, the final results of the election will be presented to the Board of Trustees for Certification of Election results (and, if needed, for a runoff election; see paragraph 5.13.12, below).

5.13.12 Runoff Election

If a runoff election is necessary, the ballot in any runoff shall provide for a selection among the two (2) or more choices receiving the largest number of votes in the last election, the sum of whose votes aggregate at least one (1) more than half of the total votes cast. After voting to certify the first election, the Board will set a date for the runoff election. The election will follow the notice and election process detailed in 5.13.9, "Ballot, Notice of Election, and Election

Procedures.” All College employees in the proposed bargaining unit may vote in the runoff election, regardless of whether or not that employee voted in the original inconclusive election.

5.13.13 Election Bar

Once a final election result is certified regarding a bargaining unit, no Petition requesting another election in any part of the same bargaining unit will be accepted by the Board for a period of one (1) calendar year after the date the Board voted to certify the results of the prior election.

5.13.14 Petition for Decertification or Change of Representation

Any employee in the bargaining unit may Petition for Change of Representation of his or her bargaining unit, or to no longer be represented by any union or organization for collective bargaining. As noted above in 5.13.13, “Election Bar”, the Board will not accept such a petition for a period of one (1) year after the Board votes to certify the results of the prior election. At any other time, an employee must submit to the President or his or her designee a Petition containing the following information:

- a. The bargaining unit in which a Change of Representation is sought, and whether the Petition seeks a different labor union as the representative, or seeks “No Representative.”
- b. If the Petition seeks a change to a new labor union as the representative, the name of the labor organization seeking recognition as the new employee representative, along with the name, address, e-mail and telephone numbers of its designated contact person.
- c. The Petition must be supported by the valid dated signatures of at least 30 percent of the employees in the bargaining unit, on either cards or a petition format. No signature in support of the Petition can be older than six (6) months from the date the Petition for Change is submitted to the President or his or her designee. The signatures in support should be submitted in a separate sealed envelope, labeled “*Signatures in Support of Petition.*”

Once the President or his or her designee receives such a Petition, he or she will post Notice of Receipt of the Petition in the same location that notices for Board meetings are posted. The process will follow, as closely as possible, the procedures set out above.

The notice will set a date, no earlier than five (5) business days from the first date of posting, by which College employees in the bargaining unit who are interested in a change in representation (i.e., to an alternate labor organization) may submit such a second request, as in 5.13.8, "Other Interested Organizations." The process will follow, as closely as possible, the procedures set out above.

The President will identify and designate an appropriate third person or entity to review the Petition and confirm the existence of support by at least 30 percent of the employees in the bargaining unit. The President or his or her designee will provide the designated third person or entity a list of names and signatures of all College employees within the current bargaining unit for verification.

The President or his or her designee, and the third person or entity designated to review the support for the Petition, will have up to 30 business days to verify that the required information is present, and to examine the bargaining unit information and the validity of the signatures in support. The President or his or her designee will notify the contact person of the union or other organization seeking a change in representation (if any) of any missing information, to allow an opportunity for any problem to be timely corrected.

The envelope labeled "Signatures in Support of Petition" containing the signatures in support of the Petition for Change will remain sealed, until the designated third person opens it to verify the existence of valid timely signatures from at least 30 percent of the employees in the current bargaining unit.

The designated person will promptly notify both the President or his or her designee and the contact person for the potential new labor union or organization (if any) as to whether signatures of 30 percent of the employees were presented in support, but will not provide additional information, and will not disclose the signed petition or cards, nor which employees supported the Petition, nor the total number of employees who supported the Petition, to any person unless required by law.

If the information is complete, the Board will set a date for the election. The ballot on any Petition for Change of Representation must include the following choices: 1) the current labor union organization or other designated representative; 2) the new labor union(s) or organization(s) seeking the change in representation (if any); and 3) an option for employees to vote for "None" or "No Representative" *i.e.*, to vote for no representation for purposes of collective bargaining.

The election will be conducted in accordance with the process detailed in this policy and these procedures.

5.14 Employment Contracts – Professional Staff *(Adopted 4-15-2014)*

Written employment contracts shall be executed with administrative/professional College employees annually. Employees who do not have a written employment contract are considered at-will employees.

Procedures: *(Adopted 4-15-2014)*

5.14.1 Written Employment Contract

Written employment contract terms are used to convey the important terms and conditions of an individual's employment. Terms and conditions will include, but may not be limited to:

- A. The beginning and ending date; and
- B. The job title; and
- C. The salary to be paid; and
- D. Any special conditions, assignment or terms associated with the position.

5.14.2 Terms of Employment

The employment contracts for full-time administrative/professional employees will generally be on an annual basis from July 1 through June 30.

5.14.3 Letter of Intent

The College will issue a letter of intent for new administrative/professional staff being recommended to the Board for approval to hire.

5.14.4 Issuance of Contracts

The College will issue contracts to new administrative/professional staff within ten working days of Board hiring approval, and the new administrative/professional staff member will need to return a signed copy of the contract to the designated College official by the designated return date.

The College will issue contracts to reappointed administrative/professional staff within ten working days of Board approval of the budget and

annual staffing plan for the upcoming fiscal year. Reappointed administrative/professional staff members will need to return signed contracts to the designated College official by the designated return date.

New and reappointed administrative/professional staff not returning a signed contract to the designated College official by the designated date will be considered to have declined the College's offer of employment and/or voluntarily vacated the position. The individual will need to reapply for the position. The College funded medical and life insurance benefits will be terminated effective the end of the month of the contracted term.

Any alterations made to the contract by the administrative/professional staff member will void the contract.

5.14.5 Grant Funded Contracts

If employment is contingent upon continued receipt of grant funds, the employment contract will state this contingency. In the event the grant should terminate at any time for whatever reason, then this contract shall terminate and each party's rights and obligations shall be excused and discharged.

5.14.6 Administrative/Professional Employee Reappointment

Full-time reappointment will be made based on performance evaluations and the recommendation of the supervisor and the administrator to the President of the College and Director of Human Resources. Acceptance of contract renewal shall be made by the Board of Trustees upon the recommendation of the President of the College.

5.14.7 Administrative/Professional Employee Non-Reappointment

Unless otherwise stated, the contract automatically terminates at its end date. The decision for non-reappointment shall be based upon overall evaluation of the employee and/or the needs of the College

Areas of job performance concern should be discussed with the employee as soon as they are evident and as a part of the evaluation process. Corrections of the deficiencies shall be made in accordance with a plan developed by the employee, supervisor and Human

Resources. If deficiencies continue, action shall be taken for non-reappointment. A recommendation for nonreappointment shall be made by the supervisor and the appropriate administrator to the President of the College and Human Resources Director.

The decision to not reappoint a full-time administrative/professional employee shall be made by the College President.

5.14.8 Termination of Contract

Termination will be made upon the recommendation of the supervisor, administrator, Director of Human Resources and the President of the College. Termination shall be made by the Board of Trustees upon the recommendation of the President of the College.

Contract termination shall be subject to:

- 1) Retirement of the employee;
- 2) Death of the employee;
- 3) Resignation of the employee;
- 4) Termination for cause by the Board of Trustees in accordance with due process procedures (BP5.2.4);
- 5) Revocation of appropriate/required certification or required licensures;
- 6) Conviction of a felony or behavior that is violent or harmful to others

5.14.9 Employment Contract Resignations

Resignations effective at the end of the contracted term will be submitted to the supervisor, administrator, Director of Human Resources and College President, and do not require Board approval. Resignations with an effective date that occurs during the contract year will be submitted to the President of the College for action. It is expected that thirty working days' notice be provided to the College. Acceptance of resignation shall be made by the Board of Trustees upon the recommendation of the President of the College with input from the administrator. The College funded medical and life insurance benefits will be terminated effective the end of the month of the contracted term or the end of the month in which employment is severed if within the contracted term.

Release on less than thirty days' notice may be granted due to extenuating circumstances but will require approval by the College President and Board.

5.15 Employment Contracts - Faculty *(Adopted 6-1-1992; Revised 5-6-2002, 4-15-2014)* Written employment contracts shall be executed with full-time faculty. Faculty members who do not have written employment contracts, such as adjunct faculty, are considered at-will employees.

Procedures: *(Revised 8-14-2006, 4-15-2014)*

5.15.1 Written Employment Contract

Written employment contract terms are used to convey the important terms and conditions of an individual's employment. Terms and conditions will include, but may not be limited to:

- A. The start date, the end date and the total number of contract days; and
- B. The job title; and
- C. The salary to be paid; and
- D. Any special conditions, assignment or terms associated with the position.

5.15.2 Terms of Employment

The employment contracts covered by this Policy will generally be for the following duration(s):

- A. Contracts for division chair faculty will be on an annual basis from July 1 through June 30. Leave is accrued according to the professional staff and support staff schedule.
- B. Contracts for full-time faculty will be based on 30 credit hours per the nine-month academic calendar or equivalent and run from August through May. Faculty on contracts may accept no more than 18 overload hours per academic year unless approved by the Chief Academic Officer and College

President. Faculty do not qualify for paid leave outside the nine-month academic calendar or holiday pay for holidays outside of the nine-month academic calendar.

- C. A contract with compensation for additional duties or days beyond the nine-month faculty contract requirements will be defined according to the associated job description.

5.15.3 Letter of Intent *(Adopted 4-15-2014)*

The College will issue a letter of intent for new faculty being recommended to the Board for approval to hire.

5.15.4 Issuance of Contracts *(Adopted 4-15-2014)*

The College will issue contracts to new faculty within ten working days of Board hiring approval and the new faculty members will need to return a signed copy of the contract to the designated College official by the designated return date.

The College will issue contracts to reappointed faculty within ten working days of Board approval of the budget for the upcoming fiscal year. Reappointed faculty members will need to return signed contracts to the designated College official by the designated return date.

New faculty and reappointed faculty not returning a signed contract to the designated College official by the designated date will be considered to have declined the College's offer of employment and/or voluntarily vacated the position. The individual will need to reapply for the position. The College funded medical and life insurance benefits will be terminated effective the end of the month of the contracted term.

Any alteration made to the contract by the faculty member will void the contract.

5.15.5 Grant Funded Faculty Contracts

If employment is contingent upon continued receipt of grant funds, the faculty member will receive a limited term contract stating this

contingency; throughout the grant funded position, only limited term contracts will be awarded. In the event the grant should terminate at any time for whatever reason, then this contract shall terminate and each party's rights and obligations shall be excused and discharged.

5.15.6 Full-time Faculty Contract Classifications

Full-time faculty contracts shall be divided into three classifications. Contract classifications allow the College to fully evaluate instructional effectiveness and program sustainability.

- A. Limited Term Contract** - A limited term contract shall be made for a semester, academic year or fiscal year and automatically terminates at the end of the contract. This classification is to be used for grant funded positions, temporary replacement for a full-time faculty member, during the startup phase of a new program, when a program is in the process of being discontinued, or as deemed necessary by the President of the College.
- B. Annual Contract** - An annual contract is considered probationary and may be given annually for regular faculty positions. Each annual contract shall show a date when employment ends; reappointment is dependent upon satisfactory evaluations and appropriate recommendations. Faculty may receive up to five consecutive annual contracts prior to being considered for a continuous contract.
- C. Continuous Contract** - A continuous contract shall be recommended only after the employee has been employed full-time as faculty in the same discipline for a period of 5 consecutive years upon satisfactory evaluations and satisfactory completion of the fifth year. All previous time worked consecutively as full-time faculty, including Limited Term Contracts and Annual Contracts, will be applied to the five-year period. Faculty who change disciplines at the request of the College may be granted credit for the prior discipline if it is in the best interest of the College.

5.15.7 Full-time Faculty Reappointment

Full-time faculty reappointment will be made on recommendation of the Chief Academic Officer and the President of the College for Board action. The Board of Trustees shall normally approve all reappointments prior to April 15 but in no event after the start of the new contract year.

- A. **Limited Term Contract** - Reappointment shall be made upon the recommendation of the Chief Academic Officer and approval of the President and Board. The decision to reappoint shall be based upon satisfactory evaluation of the faculty member, program continuation, grant funding, and staff recommendation.
- B. **Annual Contract** - Reappointment shall be made upon the recommendation of the Chief Academic Officer and approval of the President and Board. The decision to reappoint shall be based upon satisfactory evaluation of the faculty member, program continuation and staffing recommendation.
- C. **Continuous Contract** - At or upon the fifth year of employment, an overall evaluation of the faculty member's instructional effectiveness will be made by the division chair and the Chief Academic Officer. If the evaluation is satisfactory and the program is to continue, the faculty member will be recommended for a continuous contract in the sixth year by the Chief Academic Officer upon approval of the President and Board.

5.15.8 Full-time Faculty Non-Reappointment

The decision to not reappoint a full-time faculty member employed under a Limited Term Contract or an Annual Contract shall be made by the College President after consultation with the Chief Academic Officer. The decision to not reappoint a full-time faculty member employed under a Continuous Contract shall be made by the Board of Trustees upon the recommendation of the Chief Academic Officer and the President of the College. These decisions will normally be made prior to April 15 but in no event after the start of the new contract year.

- A. **Limited Term Contract** - Unless otherwise stated or terminated for cause by the Board of Trustees in accordance

with due process procedures (BP5.2.4), the contract automatically terminates at its end date.

B. Annual Contract - Unless otherwise stated or terminated for cause by the Board of Trustees in accordance with due process procedures (BP5.2.4), the contract automatically terminates at its end date. The decision for nonreappointment shall be based upon overall evaluation of the faculty member, lack of program continuation, and/or reduction in force based on budgetary or staffing requirements.

- (1) If instruction-related areas of concern exist, the faculty member should be notified as soon as they are evident and as part of the evaluation process. Corrections of the deficiencies shall be made immediately in accordance with a plan developed by the instructor, division chair, and the Chief Academic Officer. If the instruction-related deficiencies continue, action shall be taken for nonreappointment. If the faculty member's performance deficiencies are not instruction-related, no prior notice or improvement plan is needed prior to non-reappointment.
- (2) Non-reappointment for an annual contract shall be made upon the recommendation of the division chair, the Chief Academic Officer, and the President of the College.
- (3) Affected faculty may submit a written appeal to the Board of Trustees. The Board of Trustees may review the documents relating to the appeal and decide the matter, or it may hold a hearing. The decision of the Board will be final.

C. Continuous Contract.

A continuous contract shall continue in effect for an indefinite period, subject only to:

- (1) Retirement of the faculty member;
- (2) Modification by a succeeding Continuous Contract (compensation, terms of employment or date modifications);

- (3) Death of the faculty member;
- (4) Resignation of the faculty member;
- (5) Termination for cause by the Board of Trustees in accordance with due process procedures (BP5.2.4);
- (6) Revocation of appropriate/required certification or required licensures;
- (7) Conviction of a felony or behavior that is violent or harmful to others
- (8) Non-reappointment due to program suspension or change in program status;

a.) Non-reappointment for a continuous contract based on changes in program status shall be made by the Board of Trustees upon the recommendation of the President of the College with input from the division chair and Chief Academic Officer.

b.) If a reduction in force is necessary involving faculty on continuous contracts in an area with multiple faculty assignments, faculty members shall be selected for nonreappointment based on instructional effectiveness and College service as evidenced by the faculty evaluation process.

c.) If program recommendations or other conditions exist that indicate the faculty member shall not be retained, said faculty member shall be notified as soon as possible. If circumstances warrant, the faculty member shall be offered a limited term contract of one year.

- (9) Non-Reappointment Due to Deficiencies in Performance;

If instruction-related areas of concern exist, the faculty member should be notified as soon as they are evident. Corrections of the deficiencies shall be made immediately in accordance with a plan developed by the instructor, the division chair, and the Chief Academic Officer. If deficiencies continue within one semester after notification, action shall be taken for non-reappointment. If circumstances warrant, the faculty

member shall be offered a limited term contract of one year.

(10) Non-Reappointment Due to Financial Exigency;

If contract non-renewal is the result of financial exigency, the faculty positions discontinued due to financial exigency will not be filled within a two-year period by replacement(s) nor will temporary full-time positions be created.

(11) Faculty whose Continuous Contracts are not renewed pursuant to subsection (8), (9), or (10) may submit a written appeal to the Board of Trustees. The Board of Trustees may review the documents relating to the appeal and decide the matter, or it may hold a hearing. The decision of the Board will be final.

5.15.9 Employment Contract Resignations

Resignations effective at the end of the contracted term will be submitted to the Chief Academic Officer and the Director of Human Resources; such resignations do not require Board approval. Resignations with an effective date that occurs during the contracted term will be submitted to the President of the College for action. It is expected that thirty working days' notice be provided to the College. Acceptance of contract release shall be made by the Board of Trustees upon the recommendation of the President of the College with input from the Chief Academic Officer. The College funded medical and life insurance benefits will be terminated effective the end of the month of the contracted term or the end of the month in which employment is severed if within the contracted term.

Release on less than thirty days' notice may be granted due to extenuating circumstances but will require approval by the College President and Board of Trustees.

5.16 Faculty Emeritus *(Adopted 2-4-2013; Revised 11-4-2013)*

Appointments of retired faculty to the honorary status of emeritus faculty may be made by the Board of Trustees upon recommendation of the President.

Procedures for Faculty Upon Retirement:

- A. Upon retirement, following fifteen consecutive years of full time service to the College, a faculty member is eligible to apply for Emeritus title.
- B. A retired faculty member will complete the application form and submit all the required documents to the Office of Instruction.
- C. Applicants will be reviewed by a seven (7) member committee appointed by the President, and consisting of five faculty, one administrator and one professional staff member. The committee will establish the criteria used to advance a recommendation of emeritus status. The committee will meet in the spring of each year and recommend Emeritus status no later than the April Board of Trustees meeting.
- D. The committee will make recommendation to the President; the decision of the President is final and not subject to appeal.
- E. Applicants not granted emeritus status may reapply in two (2) years.
- F. Limitations in the number of retirees granted emeritus status will apply and will be determined annually by the committee. Any applicant not advancing due to limitations will be automatically considered in the following year's pool.

Procedures for Faculty Retired More Than One Year and Posthumous Applications:

- A. Faculty members, retired from the College for a minimum of one year and having served as a full-time faculty member for a minimum of fifteen consecutive years, may apply for emeritus status.
- B. Application procedures and limitations will follow the guidelines for faculty at retirement. Retirees of more than one year will complete the application form and submit all required documentation to the Office of Instruction.

- C. Emeritus status can be awarded posthumously; an application can be made, following the guidelines stated above, on behalf of a deceased retiree.

Benefits:

- A. Title of Faculty Emeritus included in all College publications and materials.
- B. The option to attend commencement in full academic regalia.
- C. Eligible for tuition waivers for credit courses.
- D. An invitation to campus social activities.
- E. A certificate noting the Emeritus appointment and placement of the name of the Emeritus Faculty on a plaque in a prominent location on campus.
- F. A campus identification card noting the Faculty Emeritus status.
- G. An ECC email address.

5.17 Hiring (*Approved 11-4-2002; Revised 11-4-2013*)

Except as provided in Policy 5.23.3, the Board of Trustees appoints the employees of the College, defines and assigns their duties and fixes their compensation. Issuance of all employment contracts shall be approved by a majority vote of the Board of Trustees.

Hiring Procedures for Full-time and Part-time Positions: (*Revised 8-14-2006, 11-4-2013*)

5.17.1 Personnel Requisition, Posting, Recruitment

Personnel Requisition – Prior to the posting of, and recruitment for, any position, the hiring supervisor shall complete a personnel requisition and a written job description and submit to Human Resources. The personnel requisition requires the approval of the Director of Human Resources, appropriate administrator, Chief Financial Officer, and College President.

Position Announcement -- Human Resources will prepare a position announcement upon approval of the personnel requisition. Human Resources will collaborate with the hiring supervisor to prepare the position announcement. The supervisor shall approve the final position announcement prior to posting.

Posting -- Position openings will be posted on the College web page and distributed by e-mail through ecc-announce except as otherwise mentioned in this Policy. Full-time job openings will be posted for a minimum of 10 business days. A position may be posted only internally with approval of the appropriate Vice President, Human Resources Director and the College President.

Recruitment/Advertising -- Human Resources will provide the supervisor with the approved recruitment sources for job advertisements. The hiring supervisor shall select from the approved sources and may provide additional recruitment sources relevant to the position and/or field. All on-line and/or print advertisements will be approved and placed by the Office of Human Resources.

Application Materials -- Applicants will be responsible for submitting an application and related materials as specified. All application materials will be maintained and reviewed in the Office of Human Resources. No application materials will be allowed to leave the Office of Human Resources without permission of the director. Applications will be retained by the Office of Human Resources for a minimum of one year for all positions.

5.17.2 Search and Screening

A search committee will be established for all full-time positions. A committee may be used for other positions as appropriate. The supervisor will serve as the search committee chairperson. Responsibility for the integrity of the search process will belong with the chair of the search committee, the appropriate administrator, and the Director of Human Resources. The College President may approve an appointment without a search if it is in the best interest of the College.

The position supervisor and appropriate administrator will be responsible for appointment of members of the search committee and

will direct them to follow procedures, document decisions, and seek technical assistance when needed. The committee should include employees who will work closely with the new hire, and serve to represent various employee classifications. The committee should contain a minimum of two (2) members, in addition to the chair. Employees may not participate in the selection and/or hiring of an individual who is related to the employee within the fourth degree of consanguinity or affinity. The Director of Human Resources will review the list of search committee members to ensure appropriate representation. A member of the Human Resources staff will serve to monitor EEO.

The screening of applicants will be done by the Office of Human Resources and the committee chair and/or committee. Applicants not meeting the minimum requirements will not be considered for the position.

Before reviewing individual candidates' files, the search committee shall determine the method of applicant evaluation. The evaluation criteria are established prior to identification of any candidates and are based on information contained in the job description, position announcement, and the assessment of criteria derived from the committee's discussion.

The search committee shall identify applicants to be interviewed; develop interview questions; and determine any other evaluative processes such as demonstrations, testing, or other appropriate means of determining an applicant's ability to perform the requirements of the position.

In no instance should the hiring supervisor or any search committee member give information about applicants to any applicant or to any individual other than a member of the search committee. Committee members will sign an acknowledgement form of this procedure. A breach of confidentiality will disqualify the member from further service on any future search committee and may result in disciplinary action.

5.17.3 Interviews *(Revised 6-19-2014)*

A list of questions must be submitted to the Director of Human Resources before the interviews take place. Interviews will be scheduled by the Office of Human Resources.

The search committee shall interview selected applicants. The College President and/or Vice Presidents may also interview applicants.

Interviews may occur on campus or via distance technology. The committee may elect to conduct an initial series of interviews via phone or distance technology, then schedule further interviews to be conducted on campus.

With the approval of the College President or his/her designee, applicants selected for interviews may be reimbursed for expenses not to exceed the established amount when traveling 100 miles or more for the interview. Allowable expenses will include lodging and transportation (i.e. air travel, rental car, fuel) or as designated by the College.

Prior or subsequent to the interview, information regarding salary, benefits and the procedure for offers of employment shall be provided to applicants by Human Resources.

5.17.4 Reference Checks *(Adopted 11-4-2013)*

The committee chair, or appropriate administrator, shall contact a minimum of two professional references provided by the applicant and verify employment history. The College may contact references other than the references provided by the candidate. Information from references may be shared with the search committee.

5.17.5 Recommendation

Upon conclusion of the interviews and reference checks, committee members will complete an applicant appraisal form on each candidate. The committee will select the candidate(s) for further consideration.

The committee chair will make a recommendation to the appropriate administrator and the Director of Human Resources. The committee chair will confirm the recommendation approval by the appropriate administrator and inform the Director of Human Resources.

The Director of Human Resources and/or appropriate administrator will notify the College President of the recommendation to hire and develop a wage/salary recommendation. As provided by Board

Policy 1.30.1, the College President will make the final decision as to whether a job offer will be extended, and at what wage/salary. The offer of employment for faculty and administrative/professional staff is contingent upon the Board's approval.

5.17.6 Failure to Recommend Candidate

In cases where the search fails to attract a sufficient pool of qualified applicants or the committee does not recommend a candidate(s) for further consideration, the College may 1) close the search without hiring, ~~or~~ 2) reopen the search, or 3) place employee's compensation higher or lower than specified on scale.

5.17.7 Job Offer *(Adopted 11-4-2013)*

Unless otherwise designated by the President, the Director of Human Resources will extend the job offer to the applicant and confirm the employment conditions, start date and benefits, contingent upon satisfactory drug tests, if required per Policy 5.17.8, and background check. Human Resources will contact the hiring supervisor upon acceptance by the candidate.

5.17.8 Verification of Employment Eligibility – Pre-employment Drug Screening

(Adopted 11-4-2013)

Applicants for identified jobs where safety is critical must successfully complete a pre-employment drug test as a condition of employment. The pre-employment drug test is done after the job offer has been extended and accepted. Any applicant who refuses or who has a verified positive test will be denied employment (see the Drug and Alcohol Free Workplace Policy, 5.42). Applicants who test positive may choose to re-test within 24 hours of notification of the test results at the applicant's expense.

5.17.9 Verification of Employment Eligibility – Pre-employment Background

Checks *(Adopted 11-4-2013; Revised 4-14-2014)*

As a condition of employment, all full-time and part-time (as required) job applicants at East Central College must successfully complete a pre-employment criminal background check as per Policy

5.10. In some cases a driver's license check and/or additional screening may be required.

5.17.10 Verification of Employment Eligibility – Federal Employment Eligibility

(Adopted 11-4-2013)

The College employs only those individuals who are authorized to work in the United States. Employment eligibility is documented using the Federal Employment Eligibility Verification Form I-9 and is verified for all employees. In addition, the College participates in the E-Verify mandatory employment verification program as required by federal and state regulations.

5.17.11 Approval to Hire *(Adopted 11-4-2013)*

All administrative, professional staff and faculty offers of employment are contingent upon the President's and Board's approval.

All full-time support staff offers of employment are contingent upon the President's approval.

Interviewed applicants who were not selected to fill the position will be notified by the Office of Human Resources.

5.17.12 Part-time Positions *(Adopted 11-4-2013)*

The hiring of part-time positions requires a job posting but may not require a search committee or Board approval. The position supervisor will work with Human Resources when hiring for an open part-time position. All offers of employment require administrative approval.

Unless otherwise approved by the College President or required by law, part-time personnel are only eligible for selected employment benefits.

5.17.13 Interim Appointments and/or Temporary Positions *(Adopted 11-4-2013)*

The hiring of temporary positions/interim appointments may not require a job posting and/or a search committee. The position supervisor will work with Human Resources when hiring for an interim or temporary position. All offers for employment require administrative approval and may require Board approval.

Unless otherwise approved by the College President or required by law, temporary personnel are not eligible for employment benefits.

5.17.14 Internal Appointments *(Adopted 11-4-2013)*

At times, the College may conduct an internal search. The position may not be posted on the webpage but announced internally. The hiring may not require a search committee. All offers for employment require administrative approval and may require Board approval. The position supervisor, in conjunction with Human Resources, is responsible for conducting the hiring for the position.

5.17.15 Adjunct Faculty

The division chairperson or designee is responsible for recommending the employment of adjunct faculty to the Vice President of Instruction. An Adjunct Instructor Approval Form must be completed on all new adjunct faculty and be maintained on file in the Office of Human Resources along with the appropriate application materials. The form must be signed by the division chairperson and approved by the Vice President of Instruction before the adjunct faculty member can be listed as the instructor of record for any course. The division chair must submit a list of recommended adjunct faculty to hire prior to the start of each semester; this list shall be amended as necessary to ensure all course offerings are staffed. Adjunct faculty must meet the same teaching qualifications as full-time faculty and be approved by the Board.

5.17.16 Employment of Relatives

An employee of the College shall not initiate, participate in or influence College decisions involving a direct benefit to family relatives including, but not limited to, matters of initial employment, promotion, compensation, leave of absence, performance evaluation, discipline and termination.

An employee of the College shall not supervise, be supervised by, coordinate the work of or have work coordinated by a relative who is also employed by the College. Relatives may not be supervised by the same direct supervisor.

For the purposes of this Policy, a relative is defined as any individual related by blood, marriage, or legal custody and shall include, but not be limited to, spouse, child, foster child, step-child, parent, foster parent, current parent in-law, grandparent, current grandparent-in-law, grandchild, daughter-in-law, son-in-law, step-parent, brother, sister, brother-in-law, sister-in-law, niece, nephew, aunt, uncle, cousin and similar relatives of the employee's spouse and any individual living in an employee's household.

5.18 Position Descriptions *(Approved 8-14-1989; Revised 5-12-2003; Reaffirmed 11-4-2013)*

The Office of Human Resources will maintain accurate position descriptions for each regular position at the College.

Procedures: *(Revised 11-4-2013)*

5.18.1 Position Description Contents

The information contained in each position will include a summary of the position's classification level, primary duties, essential tasks, positions supervised, educational/work experience requirements, physical requirements and other relevant functions.

5.18.2 Responsibility for Accuracy of Description

The Office of Human Resources, in conjunction with the department supervisor, division Vice President and the President of the College, will be responsible for creating, reviewing and revising the descriptions. The performance evaluation process includes a review of the employee's job description. Position descriptions do not necessarily cover every task or responsibility that may be assigned and do not limit administration's right to assign additional related duties as needed.

5.19 Job Transfer *(Adopted 6-1-1992; Revised 5-9-2005, 12-2-2013)*

Transfer of personnel will be made in the best interest of the College. The length of service and qualifications of the person will be taken into consideration.

Procedures: *(Revised 4-6-2006)*

5.19.1 Reasons for Transfer

The College retains complete discretion in handling employee transfers. Acceptable reasons for transfer may include, but are not necessarily limited to, fluctuations in workloads, better utilization of personnel or increased career opportunities, and health considerations.

5.19.2 Pay for Transferred Employees *(Revised 12-2-2013)*

Pay for employees will be determined as follows:

A. Lateral Transfers

Employees transferred to a job within the same classification will continue to receive their existing rate of pay.

B. Transfer to Lower Classification

Employees transferred or reclassified to a job in a lower classification will continue to be paid at their former rate of pay for four weeks or end of current contractual obligations, if applicable, and then at the new ~~job~~ rate of pay thereafter.

The new salary will be calculated according to the salary placement guidelines as used for new hires.

C. Transfer to Higher Classification

Employees transferred or reclassified to a job in a higher classification will be placed at the appropriate salary according to the salary placement guidelines as used for new hires or no less than six percent higher than the employee's current salary commencing with the start of the new job.

D. Transfer from Non-Faculty Position to Faculty *(Adopted 12-2-*

2013)

Employees transferred or reclassified will be placed at the appropriate faculty salary commencing with the start of the new position. Credentials, relevant experience and years of

service to the College will be considered in determining the appropriate salary.

E. Transfer from Faculty to Non-Faculty Position *(Adopted 12-2-2013)*

Employees transferred or reclassified will be placed at the appropriate salary according to the salary placement guidelines commencing with the start of the new position. Credentials, relevant experience and years of service to the College will be considered in determining appropriate salary.

5.20 Personnel Records *(Adopted 6-1-1992; Revised 4-7-2003, 12-2-2013)*

Personnel records and information will be maintained for each applicant, employee, and past employee as required by federal and state laws. Personnel files maintained by the Office of Human Resources are to contain information that is needed by the College to conduct its business or which is required by federal or state law. These records will be stored in a fireproof cabinet in a secure location. Files may be paper or electronic or a combination of the two versions.

Procedures: *(Revised 12-2-2013)*

5.20.1 Personnel Files-In General

The file of an individual employee will be considered confidential information and a closed record, to the extent allowed by the law, and will only be available to authorized administrative personnel and to the employee. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment are closed records under the Missouri Sunshine Law to the extent allowed by law. Pursuant to state law, the names, positions, salaries and lengths of service of all employees are public information and must be released upon request.

The Master Personnel File Stored in Human Resources

This file may contain, but is not limited to, the following records:

1. Applications
2. Evaluations and other performance documentation

3. Salary records
4. Personal information including, but not limited to:
name, address, telephone number, emergency numbers,
and spouse
5. Individual employment contract
- 6 Employee benefit records
7. Transcripts

The Master Personnel File Stored in the Business/Payroll Office

This file may contain, but is not limited to, the following records:

1. Summary record of leaves taken
2. Withholding allowance certificates (W-4 forms) and wage
and tax statements (W-2 forms)
3. Timesheets

Faculty Records in the Office of Instruction

This file may contain, but is not limited to, the following records:

1. Professional Development Plans
2. Evaluations

In accordance with the retention schedule established by the Missouri Secretary of State's Office, records in this file will be retained for 75 years from the date of hire with the following exceptions:

1. Employee benefit records, other than year-end leave balance reports and the official copy of retirement enrollment records, will be retained for three (3) years after employee separation or eligibility for the benefit has expired. Year-end leave balance reports and the official copy of retirement enrollment records will be retained for the full 75 years.
2. Withholding allowance certificates (W-4 forms) and wage and tax statements (W-2 forms) will be retained for five (5) years after employee separation or after the form has been superseded.

3. Records relating to employee leave requests will be retained for three (3) years after completion of an audit of these records.

At time of separation from employment, personnel files may be replaced with a summary file which is retained in lieu of the original file. Summary files contain the following pertinent information condensed from the personnel files: appointments, resignations, promotions, salary history, years of service and all accumulated leave.

Employee Health and Medical File

These records shall be kept in a file separate from the employee's other personnel records. This file may contain, but is not limited to:

1. Medical examination records and related documentation
2. Records pertaining to an employee's disability, including employee's request for accommodation and documentation of employer accommodations provided
3. Documentation of work-related illnesses or injuries
4. Records of exposure to hazardous conditions or materials
5. Drug-testing records
6. Physician statements
7. First aid incident reports
8. FMLA-related records
9. Worker's Compensation Records

In accordance with the retention schedule established by the Missouri Secretary of State's Office, records in this file will be retained for seven (7) years after separation except that records relating to hazardous exposure shall be retained for 30 years after separation.

Immigration Records File

The Immigration Reform and Control Act requires all employers to hire only

American citizens and aliens who are authorized to work in the United States. The law seeks to preserve jobs for those who are

legally entitled to them. The College will implement the following procedures to assure compliance with the law:

- A. Any employee hired after November 6, 1986, will complete an Eligibility Verification Form (Form I-9), and will produce documents that will establish his or her identity and eligibility to work. (Form I-9 contains a list of documents that will fulfill this requirement.)
- B. The College will retain an individual's Form I-9 for three (3) years after the date of hire or one (1) year after the individual is terminated, whichever is later. These records will be maintained in Human Resources and kept in a file separate from the employee's other personnel records.
- C. The forms may be reviewed by the Immigration and Naturalization Service and potentially by other federal agencies. In order to minimize potential intrusion, Eligibility Verification Forms will be maintained separate from the employee's personnel files.

Public Access Files for H1B sponsorship will be stored in the Human Resources office separate from the employee personnel record. The College will retain the Public Access Files for one year after the date of employment under the Labor Condition Application. If no foreign national was employed under the Labor Condition Application, the Public Access File will be maintained for one year from the expiration or withdrawal of the Labor Condition Application. Individuals may review the file in the presence of an HR representative. The file may not be removed from the office unless approved.

5.20.2 Employees' Responsibility

Employees are responsible for notifying the Office of Human Resources in writing of any changes in the following:

- (a) Name
- (b) Address
- (c) Telephone number

- (d) Marital status (for benefits and tax withholding purposes only)
- (e) Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only)
- (f) Beneficiary designations for any of the College's insurance, disability, and pension plans
- (g) Persons to be notified in case of emergency (h) Changes in tax withholding (W-2 form)

5.20.3 Record Inspection

Employees are allowed to inspect their own personnel records in accordance with federal and state laws. Employee review of his/her file will be conducted in Human Resources with a representative of HR present.

- (a) In the event that an employee reviews his/her personnel file and feels that any information in the file is inaccurate or irrelevant, the employee may submit a written request to the Director of Human Resources to have the material revised or removed from the file. If such a request is not granted, the employee will be permitted to place a written statement of disagreement in the file and can pursue the matter further using the Grievance Process. Under no circumstances may an employee remove an official document from his/her personnel file.
- (b) Employees are prohibited from reviewing any personnel files except their own, unless authorized by the Director of Human Resources. Examples of individuals who may have a legitimate need to review personnel records include the President, appropriate administrator, immediate supervisor, and the Director of Human Resources or a designated assistant. Any access to a personnel file will be verified and recorded in the Human Resources Office.

Employees are responsible for keeping copies of College communication that may be in their personnel file. Employees will be responsible for making personal copies, which will be conducted in the Office of Human Resources. Employees will not be allowed to remove their file from the Office of Human Resources.

The Office of Human Resources will not make copies of a personnel file for the employee unless otherwise required by special circumstances.

Once an employee is terminated, the access to the personnel file ceases.

5.20.4 Information Request

Employees are to refer any personnel-related inquiry regarding employees and past employees to the Office of Human Resources. The Office of Human Resources will verify title, dates of employment and salary.

5.21 Performance Review *(Adopted 6-1-1992; Revised 2-2-2004, 4-15-2014)*

Supervisors will conduct annual performance reviews on each regular employee according to job responsibilities, employment obligations and goals. Performance reviews will be scheduled by the supervisor and conducted using a fair and objective evaluation process. The purpose of this review process is to evaluate performance for consideration of job retention and performance improvement.

Procedures: *(Revised 8-14-2006, 4-15-2014)*

5.21.1 Performance Review Schedule

Classification	Performance Review Date	Recommendation to Board
President	December	January
Administrators	February - March	April
Professional Staff	March – April	May
Faculty	November – March	April
Support Staff	September - October	Not applicable

5.21.2 Procedures by Classification

A. Faculty

Full-time faculty will be evaluated by the division chair and Chief Academic Officer on 1) teaching and instructional management, including content expertise, instructional design, instructional delivery, and recordkeeping and classroom management, 2) College and community service, and 3) professional growth and development.

The performance review process will include submission of a development portfolio by the faculty member to demonstrate compliance with the three areas listed above.

A detailed “Professional Evaluation and Development Portfolio” booklet is provided to each full-time faculty member outlining the evaluation process and including sample forms.

Full-time faculty on annual contracts will be evaluated annually. Full-time faculty on continuous contracts will be evaluated on a regular rotation with no longer than a three-year interval or as deemed necessary.

Adjunct faculty will be evaluated by the division chairperson during their first semester of employment and on a regular rotation with no longer than a three-year interval or as deemed necessary.

B. Professional and Support Staff

The Board of Trustees will evaluate the President of the College.

All employees will be evaluated annually by the immediate supervisor on performance of position responsibilities.

If the employee receives an overall performance evaluation that indicates performance needs improvement, the employee will receive a performance improvement plan, and the employee will be re-evaluated as specified in the improvement plan. If only selected categories of the performance evaluation need improvement, the supervisor may elect to write a performance improvement plan focused on those areas. A performance improvement plan can be implemented at any time deemed necessary and is not solely a function of the performance review process.

A Performance Improvement Plan will address each specific performance issue that needs improvement, the action that must be taken to correct deficiencies and the date of the next evaluation. This plan will be attached to the evaluation form. Non-compliance with the Performance Improvement Plan will result in further action, up to and including termination.

After the supervisor has provided the evaluation to the employee, the employee has ten calendar days to review and

respond. Following the employee response period, the supervisor will route the completed evaluation form to the appropriate Vice President for review. Completed evaluations are then forwarded to the Director of Human Resources for review prior to inclusion in personnel files.

New employees will be evaluated after three months of employment. A six-month evaluation may be required at the discretion of the supervisor.

5.21.3 Evaluation Process Management

The Chief Academic Officer will be responsible for developing and monitoring the faculty evaluation process including documentation. The Director of Human Resources will be responsible for developing and monitoring the evaluation process including documentation for administrators, professional and support staff. All evaluation processes are subject to approval by the College President.

5.22 Salary Placement *(Approved 7-15-1991; Revised 5-8-2006, 11-4-2013)*

Salary placement guidelines will be developed by the administration and Human Resources

Procedures: *(Revised 11-4-2013)*

5.22.1 Faculty Salary Guidelines

- (a) Faculty will receive contracted pay according to guidelines that will be reviewed annually.
- (b) The faculty salary guidelines will include provisions for those with less than a master's degree as well as those with an earned doctorate.
- (c) Initial placement will be based upon relevant experience as determined by the College, earned academic degrees, and market demand.
- (d) Faculty rank at hiring will be considered based on the guidelines of the Rank and Promotion Policy.

5.22.2 Professional and Administrative Salary Guidelines

- (a) Professional employees and administrators will receive contracted pay according to grade levels.
- (b) Initial placement will be based upon relevant experience, earned academic degrees and market demand.

5.22.3 Support Staff Salary Guidelines *(Adopted 11-4-2013)*

- (a) Support staff employees will receive pay according to grade levels.
- (b) Initial placement will be based upon appropriate experience, earned academic degrees and market demand.

5.23 Staffing Plan *(Adopted 6-1-1992; Revised 6-23-2003; Reaffirmed 11-4-2013)*

The administration will develop and maintain an annual staffing plan in order to budget for and monitor staffing levels.

Procedures: *(Revised 11-4-2013)*

5.23.1 Developing the staffing plan will be the responsibility of the President, with approval by the Board of Trustees. Maintaining the staffing plan will be the responsibility of the Director of Human Resources.

5.23.2 Time Schedule

- A. The management team will discuss and assess staffing needs for the next fiscal year. Discussions will begin early in the calendar year and continue until budgetary framework has been established.
- B. The President will submit to the Board of Trustees the Staffing Plan for the new fiscal year with the annual budget not later than June 30.
- C. The President will submit for approval by the Board of Trustees changes to the staffing plan as needed during the fiscal year.

5.23.3 The Staffing Plan will include full-time and part-time regular positions, the position title, the employee classification, the funding

source, and the name of the individual currently holding the position.

- A. New positions must be approved by the Board of Trustees.
- B. Replacement of employees in exempt positions must be approved by the Board of Trustees.
- C. Vacancies in non-exempt positions may be filled with the approval of the College President.

5.24 Supplemental Employment *(Approved 12-3-1968; Revised 6-23-2003, 3-3-2014)*

No full-time employee of the College will engage in any supplemental employment which will in any way interfere with his/her ability to carry out his/her assignment. Authorization must be obtained before an employee accepts supplemental employment during any period when he/she is performing work for the College. Supplemental employment is defined as any assignment for pay with the College or any other employer that is outside the employee's defined, regular College position.

Procedures: *(Revised 8-14-2006)*

5.24.1 Requests for Permission *(Revised 3-3-2014)*

Requests to accept supplemental employment with the College or any other employer, including self-employment, should be submitted on the Supplemental Employment Request form and approved by the appropriate administrators, including the College President. Requests need to be submitted each fiscal year and when the supplemental employment changes. Requests for adjunct assignments shall be submitted each semester prior to the start of classes. Approval is valid for a maximum of one year or the specified date.

5.24.2 Use of Leave for Supplemental Employment *(Revised 3-3-2014)*

Employees who have accepted supplemental employment may not utilize paid sick leave when the absence is used to work on the supplemental job. Personal leave and vacation days may not be utilized to work a supplemental job at the College.

5.24.3 Provision of Tutoring or Private Services

Employees shall not tutor or provide services for compensation to any student who should receive those services free of charge through the use of usual and customary College services and procedures.

5.24.4 Supplemental Employment for Additional Compensation with the College

(Adopted 3-3-2014)

College employees with supplemental employment must perform the duties outside of their normal work shift, including breaks and/or lunch and cannot use accrued leave.

Full-time professional employees teaching/working for the College outside of their normal job shall be paid through the assignment sheet/Memorandum of Understanding (MOU) while a full-time hourly employee shall complete a timesheet for hours worked.

Exempt employees will be paid according to the terms of the assignment sheet or MOU.

Non-exempt employees will be paid at the established hourly rate for the supplementary job for actual hours worked and will receive pay for an evening class if the College is closed for inclement weather. Non-exempt employees must keep an accurate time record of all hours worked for the supplementary teaching duties and submit a separate timesheet for this position to the appropriate division chair.

5.25 Temporary Employees *(Approved 1-7-1991; Revised 6-23-2003, 11-4-2013)*

The President of the College may supplement the approved staffing plan with temporary employees when needed.

Procedures: *(Revised 11-4-2013)*

5.25.1 Definition of Temporary Employee

A temporary employee is hired either part-time or full-time for a specified period of time not to exceed twelve months. Temporary employees are subject to FLSA and PSRS/PEERS guidelines.

Project-based employees are hired to assist department staffing on an as needed basis. Actual hours worked are dependent on the immediate needs of the department as established by the supervisor and administrator (includes art models).

Community Education Employees are hired to teach non-credit courses or complete special projects. Actual hours worked are dependent on the immediate needs of the project or the enrollment of the course as established by the supervisor and administrator.

Customized Training Employees are hired to teach non-credit/credit courses or complete special projects. Actual hours worked are dependent on the immediate needs of the project or the enrollment of the course as established by the supervisor and administrator.

5.25.2 Benefits

Temporary employees are not eligible for College paid benefits such as paid leave, vacations, holidays, educational assistance, and College-paid dental, vision, or life insurance. Temporary employees are not eligible for Collegepaid medical insurance unless otherwise required by law.

Temporary employees who are required to work over the weekly limit set by the Public Education Employee Retirement System or the Public School Retirement System on a consistent basis will be required to contribute to the retirement system in accordance with applicable state law.

Temporary employees qualify for workers' compensation and unemployment benefits as governed by state and federal regulations.

5.25.3 Employee Status Change

A temporary employee who accepts a regular position will be eligible for the benefits associated with the regular position according to Board Policy.

5.26 Educational Leave *(Adopted 6-16-2014)*

The term “educational leave” refers to the release from duties or time normally required of a full-time employee in carrying out his/her full responsibilities assigned.

Educational leave is granted for purposes related to the employee’s work at the College. College funds may be used to pay employee salaries while they are on educational leave if the eligibility criteria are met. The College provides two types of educational leave – sabbatical leave and professional leave.

Sabbatical leave is intended to advance education or research related to the employee’s position.

Professional leave is intended for work exchange or other professional experience related to the employee’s position.

Procedures: (Adopted 6-16-2014)

5.26.1 Eligibility for Paid Educational Leave

Full-time, general fund (non-grant funded) employees may be granted paid educational leave after having been employed by the College for six years.

- A.** An eligible full-time employee may be granted educational leave for one full contract year (fall/spring semester) at one-half of the individual’s salary for the period.
- B.** An eligible full-time employee may be granted educational leave for six months or one semester during the regular academic year at the full contractual salary for the period of the leave.

Retention of benefits while on paid educational leave:

- 1) The salary computed will be the salary which the individual would receive in the period for which the leave is to be taken.
- 2) The employee shall retain all accumulated sick leave, personal leave and vacation leave, and years of service status.
- 3) The College will continue to provide benefits as defined in Policy 5.34 Insurance and Benefit Plans.
- 4) Educational leave will not constitute a break in service with the College.

- 5) Vacation leave, if applicable, and sick leave will accrue during the educational leave period. Personal leave will be earned per Policy.
- 6) Educational leave time will count toward years of service with the College.
- 7) To the extent permitted by the PSRS/PEERS requirements and guidelines, educational leave will count as service credit in the PSRS/PEERS system.

5.26.2 Eligibility for Unpaid Educational Leave

A request for educational leave for which the employee is not eligible under the foregoing leave-with-pay policy must meet the following criteria for consideration:

- A. The benefit to the institution demonstrably outweighs the penalty incurred by the employee's absence.
- B. No additional cost is incurred by the institution as a result of the proposed educational leave.

Retention of Benefits while on unpaid educational leave:

- 1) The employee shall retain all accumulated vacation leave, personal leave and sick leave, as well as years of service status. Eligibility to accumulate leave and years of service credit ceases on the date educational leave without pay begins.
- 2) Accumulated vacation leave may be exhausted before going on educational leave without pay or the employee may choose to retain part or all of the accumulated leave until return to service.
- 3) While on unpaid educational leave, the employee may continue some College employee benefits, as defined in Policy 5.34, at the employee's expense. The College will not make any contributions towards employee benefits during a period of unpaid educational leave.
- 4) Unpaid educational leave will not count toward years of service with the College.

- 5) Unpaid educational leave will not count as service credit in the PSRS/PEERS system.
- 6) The employee and/or family are not eligible for educational assistance.
- 7) Following the completion of unpaid educational leave, the employee is not eligible for unpaid educational leave for another six years.

5.26.3 General Principles

- A. The College reserves the right to suspend or limit funding for educational leaves if the College determines that budget conditions do not support educational leaves. The notification of such suspension or limitation will occur by January 1 of each year.
- B. Duties of the employee will be covered during the educational leave period in a manner that is acceptable to the administration.
- C. Upon return from educational leave, the employee may return to his/her previous position or one which is comparable.
- D. At the conclusion of paid educational leave, the employee must serve two full academic/fiscal years in service with the College or repay in full the cash value of salary and benefits for the educational leave. Should the employee serve at least one year but less than two years, one-half of the cash value of salary and benefits received shall be repaid. The employee will be required to sign a promissory note before commencement of paid educational leave. The President of the College has the right to waive any or all of these requirements.
- E. Following the completion of paid educational leave, the employee is not eligible for paid educational leave for another six years.

5.26.4 Application Process

Applications for educational leave shall be filed with Human Resources no later than November 1 of the fiscal/academic year preceding the proposed start date of the educational leave. The employee will need a recommendation letter from the immediate supervisor and division Vice President supporting the employee's request for educational leave. Proposals submitted after the deadline will not be considered.

5.26.5 Selection Guidelines

The broad based activities considered part of educational leave include academic activities, scholarly endeavors and professional development.

Criteria to be used in determining eligibility of qualified applicants for sabbatical leave are:

1. Employees who need additional coursework to complete a degree, provided the degree is directly related to the employee's assignment.
2. Employees requesting courses which will be beneficial to the College's instructional programs.
3. Employees requesting academic travel, an immersion experience or an exchange program related to the faculty's field or program.

Criteria to be used in determining eligibility of qualified applicants for professional leave are:

1. Employees requesting leave for advanced training applicable to their College assignment.
2. Employees requesting to accept and fulfill a leadership role in an organization outside of the College in order to enhance knowledge and skills.
3. Employees requesting other professional leave that would be beneficial to the College.

In the event that applications for educational leave in any given year exceed the number that can be released without jeopardizing the ongoing programs of the College, preference will be given to employees who have not previously utilized educational leave.

5.26.6 Review Committee

All applications for educational leave will be reviewed by a committee which shall consist of three faculty and two professional staff employees as selected by the respective employee association. The College President will appoint an administrator/Cabinet member to serve as a non-voting member on the committee.

The committee will review the educational leave proposals and make a recommendation to approve or not approve the requests based on the criteria and funding. Proposals selected by the committee will be presented to the College President for approval. The College President will make a recommendation to the Board of Trustees for approval. The Board of Trustees will typically review the recommendation at its March meeting, but no later than the start of the next fiscal year.

5.26.7 Appeal

If a request for educational leave is denied, the employee may submit a written request to the College President within seven days of such notification outlining the rationale for the additional review. A response to the employee's appeal request will be provided in writing within fifteen business days of receipt of the appeal. The decision of the President is final.

5.26.8 Reporting

At the conclusion of the educational leave, the employee returning from educational leave will present a written report to the appropriate Vice President and the employee's supervisor. The report will summarize the educational leave activities, provide information on achieving the goals of the educational leave and outline the connection of the educational leave to the professional development goals of the individual.

5.27 Tuition Waiver and Tuition Reimbursement *(Adopted 6-1-1992; Revised 6-4-2001; Reaffirmed 4-15-2014)*

Educational assistance benefits may be provided to employees and retirees.

Procedures: *(Revised 4-6-2006)*

5.27.1 Employee Tuition Waiver *(Revised 4-15-2014, 7-23-2014; 2-18-2015)*

East Central College encourages its employees to further their education. Enrollment in classes at East Central College encourages professional and personal growth of employees and provides a tangible fringe benefit.

The employee must complete the Tuition Waiver Request Form and receive the approval of the immediate supervisor, area Vice President and Human Resources prior to the first day of class. Failure to complete the form in advance will result in denial of waiver benefits. Enrollment in the course(s) should be outside the employee's normal working hours and should not interfere with the employee's work responsibilities. Coursework may not be completed during normal working hours.

The employee tuition waiver covers tuition and general fees but does not apply toward any special fees, book/supply costs, courses offered

only on a non-credit basis or program costs assessed through educational partners for tuition, seat charges or other fees.

Employees receiving a tuition waiver for themselves or a dependent(s) who separate from the College prior to mid-term in the semester in which the tuition waiver is granted will be required to pay the tuition for that semester. If employment terminates after mid-term, no tuition will be due the College.

5.27.2 Tuition Waiver Eligibility *(Revised 4-15-2014)*

Tuition waiver eligibility for full-time and part-time employees begins the semester following the employee's hire date. The following employees are eligible for tuition waiver benefits for ECC credit classes:

- Full-time employees – Eligible for up to six credit hours per semester.
- Part-time employees – Eligible for up to six credit hours per semester.
- Adjunct instructors - Eligible for six credit hours during the semester immediately following completion of their assignment as an adjunct instructor, unless otherwise approved by Human Resources.
- Retirees – Eligible for up to six credit hours per semester. Retirees are defined as individuals who have completed five years of service to East Central College and are eligible for retirement benefits through PSRS/PEERS.
- Spouses – Eligible for up to eighteen credit hours per semester.
- Unemancipated children of full-time employees – Eligible for up to eighteen credit hours per semester which includes dual-tech, dual enrollment, and dual credit tuition for unemancipated children who are under the age of 24, unmarried and live in the employee's residence. Unemancipated children may be: natural children, adopted children, stepchildren that live with employee, or other children for whom the employee is the legal guardian. If the student is using multiple tuition-based funding programs, the other funding will be applied to the student's account before the employee waiver. Should the student drop a course(s) during the semester, the student will be responsible for repaying any charges beyond tuition and general fees. Exceptions to this procedure must be approved by the Director of Financial Aid.

Eligible individuals using a tuition waiver who withdraw or wish to repeat a course are subject to the applicable academic policies and may receive a waiver for only one repeat per course. Repeatedly withdrawing from courses covered by tuition waiver may result in a suspension of the tuition waiver benefit.

5.27.3 Approval of Tuition Waiver *(Revised 4-15-2014)*

Requests for tuition waivers for employees must be approved by the employee's immediate supervisor, area Vice President and the Office of Human Resources. These requests must be submitted on the Tuition Waiver Request Form prior to the start of each semester. The course itself, as well as the day and time of the course, are subject to these approvals.

Requests for tuition waivers for retirees, spouses, and/or unemancipated children must be initiated by the employee and must be approved by the Office of Human Resources. These requests must be submitted on the Tuition Waiver Request Form prior to the start of each semester.

5.27.4 Full-Time Employee Tuition Reimbursement *(Revised 4-15-2014)*

- A. Full-time regular employees are eligible to receive financial assistance for approved college study directed toward improvement of their qualifications. Reimbursement of tuition shall be up to an amount equal to 100% of the applicable undergraduate or graduate educational fee (tuition) at the University of Missouri-St. Louis. Employee tuition reimbursement covers tuition only and does not apply toward any special fees or book/supply costs.
- B. Courses must be taken at a regionally accredited college or university and must be applicable toward a higher degree than the current highest degree of the employee. Exceptions may be made by the area Vice President, Director of Human Resources and President when it is deemed to be in the best interest of the College.
- C. The employee must complete the Tuition Reimbursement Request Form and receive the approval of the immediate supervisor, area Vice President and Human Resources prior to enrolling in the course(s). Enrollment in the course(s) should be outside the employee's normal working hours and must not interfere with the employee's work responsibilities. Any exceptions must be approved by the College President. Coursework may not be completed during normal working hours.

- D. No more than six credit hours will be reimbursed prior to admission to an undergraduate or graduate degree program. A degree plan, approved by the supervisor, area Vice President and College President must be on file with the Human Resources office prior to requesting tuition reimbursement beyond the initial six hours. Only coursework detailed in the program of study for the advanced degree (beyond the employee's current degree) will be considered for tuition reimbursement.
- E. The employee's immediate supervisor, area Vice President, College President and the Director of Human Resources must indicate approval of the course(s) by signing the Tuition Reimbursement Request form.
- F. Financial assistance shall be limited to no more than eighteen credit hours for any fiscal year during which the employee is employed with East Central College.
- G. Employment is required to continue two calendar years following tuition reimbursement. Should the employee voluntarily leave the employment of East Central College within one year of completion of coursework for which the employee was reimbursed, 100% of the tuition reimbursed for the 12 month period ending the date of the last course completed for which reimbursement was received and 50% of the tuition reimbursed for the prior 12 month period shall be repaid to the College. Employees voluntarily leaving the employment of East Central College after one year but prior to the completion of two years of employment following tuition reimbursement shall repay 50% of the tuition reimbursed for the 12 month period ending the date of the last course completed for which reimbursement was received. Any exception must be authorized by the College President.
- H. All freshman and sophomore level classes must be taken at ECC (covered under the tuition waiver) unless ECC does not offer the requested course or equivalent. Employees working toward an Associate degree will be required to take the classes at ECC. Reimbursement of tuition for freshman and sophomore level classes not available at ECC shall be up to an amount equal to 100% of the applicable educational fee (tuition) at East Central College. Exceptions must be approved by the area Vice President, Human Resources and the College President.

- I. Employees who, prior to completing the approved course, voluntarily leave the College or are terminated will not be reimbursed. Records of all education programs completed by each employee will be maintained by the Office of Human Resources.

5.27.5 Completed Course(s)

The employee must submit a transcript or grade report to the Office of Human Resources to verify that the approved course has been completed.

5.27.6 Grade Requirements

Grade “C” or better for undergraduate level course work or grade “B” or better for graduate level course work is required for reimbursement.

5.27.7 Course Approval *(Revised 4-15- 2014)*

The employees’ immediate supervisor, area Vice President, and the Director of Human Resources must indicate approval of the course(s) by signing the Educational Assistance Request Form. Enrollment in the course(s) should be outside the employee’s normal working hours and should not interfere with the employee’s work responsibilities. Any exceptions must be approved by the College President.

5.27.8 Degree Attainment *(Revised 4-15-2014)*

Full-time Faculty, Professional and Support Staff who obtain a college or university degree that exceeds the established degree requirements for the position in which they are employed will receive a salary increase. Subsequent degrees at the same level will not qualify for additional salary increases.

The degree must be obtained from a regionally accredited college or university. An official transcript showing degree completion must be submitted to the Human Resources Office.

Salary increases will be awarded on the first payday following verification of degree completion. Faculty and Professional Staff will receive the amount added to their annual contractual salary; Support Staff will receive an hourly rate adjustment equal to the annualized award.

The following increase to annual salary will be awarded upon completion of the degree:

Associate's degree	\$ 500
Bachelor's degree	\$1,000
Master's degree	\$1,500
Specialist degree/MFA	\$2,000
Doctoral degree	\$3,000

5.28 College Holidays *(Approved 12-18-1989; Revised 8-7-2000; Reaffirmed 11-4-2013)*

The College will establish a holiday schedule that combines fixed and floating holidays allowing for normal calendar variations and the academic calendar.

Procedures: *(Revised 4-6-2006, 11-4-2013)*

5.28.1 Holiday Schedule

The College will be closed on the following holidays. The holiday schedule will be developed, in light of the academic calendar, and must be approved by the College President.

- New Year's Day
- Martin Luther King, Jr. Day
- Spring holiday (assigned to Good Friday)
- Memorial Day
- Independence Day
- Labor Day
- Day before Thanksgiving
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- The weekdays which fall between Christmas Day and New Year's Day
- One floating holiday designated by the College President

5.28.2 Employee's Eligibility for Holiday Pay

Regular full-time employees are eligible for holiday pay. Temporary and parttime employees, and employees on unpaid leave are not eligible for holiday pay.

In order to qualify for holiday pay, an employee must work all scheduled work hours on the last scheduled workday prior to the holiday and on the first scheduled workday immediately following the holiday or, in lieu of working all such hours, be approved for vacation, personal leave, sick leave, jury duty, bereavement or paid military leave. Employees who do not meet these requirements will not be eligible for holiday pay and will be required to use vacation or personal leave for the holiday if absent immediately prior to or following the holiday without approval. A doctor's certification may be required if sick leave is utilized.

5.28.3 Holidays Not Observed by College

The College recognizes that some employees may wish to observe periods of worship or to commemorate certain days that are not included in the College's holiday schedule. Requests for time off for religious observances will be considered on a case-by-case basis. In order to provide this accommodation, requests for time off to observe a religious holiday should be submitted in the same manner as a request for vacation. If accrued vacation or personal leave is available, the employee will use such paid time off for the observance of such holidays; otherwise, such time off is without pay. This Policy applies only to religious holidays. It does not apply to regular weekly days of worship. If an employee's regular work schedule falls on his/her worship days, generally he/she will be required to work as scheduled.

5.28.4 Holiday Scheduled Work

In most cases, employees will not be scheduled to work on College holidays. The College reserves the right to schedule employees to work on a College-designated holiday.

A non-exempt employee who is required to work on a holiday shall be paid holiday pay plus additional compensation at the employee's regular rate of pay for any hours actually worked on the holiday.

An exempt employee who is required to work on a College-designated holiday may be granted, with the supervisor's approval, another specified work day off with pay in lieu of the College-designated holiday.

An employee absent from work due to an on-the-job injury or illness will receive the appropriate worker compensation payment in effect, if any, in lieu of holiday pay.

5.28.5 Holiday Falling on Weekend

When a College-designated holiday falls on a Saturday, the holiday will be observed on the preceding Friday; when a College-designated holiday falls on a Sunday, the holiday will be observed on the following Monday or as determined appropriate by the College President.

5.29 Hours of Work *(Adopted 6-1-1992; Revised 6-23-2003; Reaffirmed 12-2-2013)*

The time and duration of working hours for exempt and non-exempt employees will be established as required by workload and the efficient management of personnel resources.

Procedures:

5.29.1 Employee Work Hours

Each department's hours of operation will be determined by the supervisor and administrator. The schedule of work hours for employees will be determined by the department supervisor. Employees will be informed of their scheduled hours and of any changes to the schedule as far in advance as possible.

The normal workday for full-time exempt and non-exempt employees will consist of 8 consecutive hours of work with an unpaid meal period.

5.29.2 Attendance at Lectures, Meetings, and Training Programs

Attendance at lectures, meetings, and training programs will be considered time worked if pre-approved by the appropriate administrator.

Attendance is not considered time worked if:

- (1) The employee's attendance is voluntary, i.e. not required by the College; or
- (2) The course, lecture or meeting is not a requirement of the employee's job

5.29.3 Overtime *(Revised 12-2-2013)*

Non-exempt employees may be required to work overtime whenever it is deemed necessary by their administrator. Employees are not permitted to work overtime without the prior approval of their supervisor, their appropriate administrator, and the Chief Financial Officer.

5.30 Paid Leave Benefits *(Adopted 6-1-1992; Revised 6-4-2001, 12-2-2013)*

Eligible full-time employees receive paid sick leave, vacation leave and personal leave annually.

Procedures: *(Revised 4-6-2006, 12-2-2013)*

5.30.1 Sick Leave

Full-time Administrative/Professional Staff and Support Staff employees will accumulate Sick Leave monthly, at the rate of 16 days per year, or 10.67 hours per month. Employees will be eligible to accrue Sick Leave effective the first of the month following the date of hire. Sick Leave does not accrue while an employee is on unpaid leave. Sick Leave may be utilized in one-half hour increments.

Full-time faculty on a nine, ten or eleven month contract will accumulate Sick Leave monthly on a pro-rated basis. Full-time faculty on a twelve month contract accumulate sick leave monthly, at the rate of 16 days per year or 10.67 hours per month. Sick leave may be utilized in four or eight hour increments.

Sick Leave accrues monthly on the last working day of each month and may accumulate up to 60 working days (480 hours). Sick Leave accrual is to help bridge the leave for long-term disability. Pay advices do not necessarily reflect leave used within the current pay period.

5.30.2 Use of Sick Leave

Sick Leave may be used for reasons of personal illness, injury, or medical appointment of an employee and/or to care for an illness or injury or to attend to a medical appointment of an immediate family member. Immediate family members include the employee's spouse, children, step-children, foster children, children for which

the employee is a legal guardian, parents, stepparents and foster parents.

A statement from a physician verifying the necessity for absence(s) may be required for more than three consecutive days of absence.

Employees should notify their supervisor as soon as the need for Sick Leave is known and must complete and submit a leave of absence approval form.

In the event of an injury or illness that is covered by workers' compensation insurance, state laws governing such injuries take precedent over this Policy.

At the time of termination of employment, any accrued sick leave will be forfeited.

5.30.3 Personal Leave

Full-time Faculty, Administrative/Professional Staff and Support Staff employees will receive five days, or 40 hours, of Personal Leave per year on July 1 of each fiscal year.

Full-time Faculty, Administrative/Professional Staff and Support Staff employees hired after July 1 of each fiscal year will receive prorated Personal Leave effective the date of hire as follows:

July through September:	100% or 5 days/40 hours
October – December:	75% or 3.75 days/30 hours
January – March:	50% or 2.5 days/20 hours
April –May:	25% or 1.25 days/10 hours

5.30.4 Use of Personal Leave *(Revised 4-22-2014)*

Personal Leave is to be used at the discretion of the employee, subject to supervisory approval. Examples of activities for which an employee may want to utilize Personal Leave include personal business which cannot be conducted outside of normal working hours, religious observances, and parent-teacher conferences.

Personal Leave may be utilized in one-half hour increments. Employees must complete and submit a leave of absence approval form.

Personal Leave that is unused as of June 30th of each fiscal year will be transferred to the employees Earned Sick Leave account if the employee has not already met the maximum sick leave accrual.

Pay stubs do not necessarily reflect leave used within the current pay period.

An employee resigning from the College may use no more than 16 total hours of personal or vacation leave during the last two weeks of employment. At the time of termination of employment, any unused personal leave will be forfeited.

5.30.5 Vacation Leave

Vacation Leave is to be used at the discretion of the employee, subject to supervisory approval. Employees will be eligible to accrue Vacation Leave effective the first of the month following the date of hire. Leave accrues monthly on the last working day of each month. Vacation Leave does not accrue while an employee is on unpaid leave.

The President will have vacation leave as negotiated.

Full-time administrative, professional, and support staff employees, and division chairs will accrue three weeks (15 days or 120 hours, at the rate of 10 hours per month) paid vacation annually. After five years of full-time employment with the College, the annual vacation time will be four weeks (20 days or 160 hours, at the rate of 13.33 hours per month). Maximum vacation accrual is nine weeks (45 days or 360 hours).

5.30.6 Use of Vacation Leave *(Revised 4-22-2014)*

Vacation Leave cannot interfere with department's operation. Requests for 40 consecutive hours or more of Vacation Leave should be approved by the supervisor two weeks in advance of such leave. The supervisor must approve specific vacation dates. Only accrued vacation leave may be taken; leave cannot be used prior to being accrued.

Vacation leave may be reported in one-half hour increments. Employees must complete and submit a leave of absence approval form.

Pay advices do not necessarily reflect leave used within the current pay period.

An employee who is resigning from the College may use no more than sixteen total hours of vacation or personal leave during the last two weeks of employment.

At the time of termination of employment, any accrued vacation leave will be paid through direct deposit following the last regular payment.

5.30.7 Voting Leave

East Central College employees may take up to three hours leave from work to vote in local, state, and national elections. Employees will be expected to notify the supervisor at least one week in advance and will be required to use personal or vacation leave time for the absence.

5.30.8 Jury Duty/Court Appearance Leave

Leaves of absences for jury duty or for court appearances related to College business shall be granted with pay.

5.30.9 Bereavement Leave

Up to three consecutive working days of leave with pay will be granted to regular, full-time employees upon the death of a family member. For purposes of this policy, family members are: spouse, child(ren), parents or parents-in-law, grandparents or grandparents-in-law, grandchildren, brother or brother-in-law, sister or sister-in-law, step-parent or step-child, foster child, foster parent, or any member of the immediate household of the employee.

Requests for extended leaves of absence for out of state travel should be approved by the supervisor. Accrued personal or vacation leave may be used.

5.30.10 Inclement Weather

The President of the College may declare any workday an excused day, when, in the President's estimation, inclement weather and hazardous road conditions are severe enough to justify this action. Such declaration may be made before or during the workday.

No loss of pay will occur for faculty and staff when the College President has activated an inclement weather closing. Likewise, employees scheduled for paid time off on a day of inclement weather may revise their leave of absence form to reflect the actual number of hours the College was open. This procedure does not apply to employees on unpaid leaves of absences.

Employees who are required to work during an inclement weather closing will receive pay for the scheduled hours they would have worked had the College not been closed. In addition, they will be paid for any hours actually worked during the time period the College is closed. Any work on all or part of an excused day must be approved by the supervisor.

When, in the estimation of the President of the College or designee, inclement weather and hazardous road conditions are not severe enough to declare an excused day, an absence due to weather and road conditions will be charged to the employee's personal or vacation leave. Employees with no available vacation or personal leave time will not be paid for hours absent from work.

In the case of an emergency closing after the work day has begun, all employees will be released from work except for designated facilities employees who must be on duty for snow removal. Any work after an emergency closing has been declared must be approved by the supervisor.

(a) College Closed

If the weather warrants, the College will close and cancel day and/or evening classes. This means all employees are released from work from the time of the closure announcement until the College reopens.

(b) Snow Schedule *(revised 9-16-2014)*

In the event that snow prevents the College from opening on time in the morning, but roads are expected to be passable later in the morning, the College may elect to use a snow schedule. As snow schedule means the College will start later than usual, 10 a.m. for non-teaching staff (except maintenance), 10:30 a.m. for faculty and students. Snow schedule guidelines designating start times for classes will be published annually.

5.31 Compensation *(Adopted 6-1-1992; Revised 11-4-2002; Reaffirmed 12-2-2013)*

Paychecks will be issued to employees on a regular basis and in a manner so that the amount, method, and timing of such payments comply with any applicable laws or regulations and will include standard deductions.

Procedures: *(Revised 8-14-2006; Revised 12-2-2013)*

5.31.1 Payroll for Employees

Employees will be paid biweekly through direct deposit.

- Professional staff contracted salary will be paid in equal installments over 26 pay periods effective July 1 – June 30.
- Faculty contracted salary will be paid in equal installments over 26 pay periods effective with the start date of the contract in August. A prorated amount will be used for a January start date. Overload pay is according to the semester adjunct pay schedule.
- Support staff will be paid biweekly based on hours worked.
- Adjunct faculty will be paid biweekly based on the semester adjunct pay schedule.

5.31.2 Non-Exempt Employees

- (a) Non-exempt employees are paid for hours worked as recorded on time sheets. Time sheets are to be completed weekly and turned in by noon the following Monday to the Business Office or at designated drop locations. Employees are paid every other Friday for hours worked through the preceding Friday. The workweek begins on Saturday and continues through the following Friday. Federal and state income tax will be withheld according to the W-4 on file. Basic social security, ~~and~~ Medicare and PEERS contributions will also be withheld as required.

- (1) Employees must record their starting time, time out for ~~lunch~~ meal break, time in from meal break, quitting time,

and total hours worked for each workday. Unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be entered on the time sheet as such. Time sheets cover one workweek and are to be completed at the close of each workday. A copy of the leave of absence form should be submitted with the timesheet.

- (2) Employees are not permitted to sign in or commence work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of the supervisor.
- (3) Time sheets must be verified and signed by the supervisor or appropriate administrator at the end of each work week. The supervisor/employee shall submit the time sheets to the Business Office as requested.

Employees may be subject to disciplinary action for failure to follow guidelines.

- (b) Non-exempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation at the rate of one and one-half times the regular hourly rate for actual hours worked above 40 hours per week. Sick leave, personal leave, vacation, jury duty, College holidays and closings are treated as paid leave and not hours worked in regards to overtime.

5.31.3 Direct Deposit

All employees will be paid by direct deposit to the employee's account; multiple accounts may be designated based on the capabilities of the College and the financial institutions. Employees will have electronic access to pay advices through eCentral and will not receive paper copies. Any exceptions must be approved by Human Resources.

5.31.4 W-2's (Adopted 12-2-2013)

W-2's will be available according to IRS guidelines. Employees have the option to receive electronic W-2's through eCentral

5.31.5 Payroll Deduction Required by Court Order *(Adopted 1-6-1997)*

The Chief Financial Officer or designee is the only person authorized to receive a writ of sequestration or attachment, wage assignment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee.

5.31.6 Payroll Deduction for Debts Due the College *(Adopted 1-6-1997)*

The following policy shall apply to the collection of a debt owed to the College by any employee.

- (a) Payroll deductions shall be made from the wages of an employee owing a debt to the College for reasons such as: compensation overpayment, lack of receipts for cash advances for College expenses, lack of payment of special fees or books for classes taken, College owned property which the employee has damaged, destroyed, or lost due to gross negligence or an intentional act, or any other reason a debt may be owed to the College.
- (b) The full debt owed to the College shall be deducted from the employee's final pay. The employee shall be held responsible for any amount owed in excess of the final pay and will be invoiced according to College procedures.
- (c) The amount deducted shall not result in lowering the wage below the minimum wage.

5.31.7 Voluntary Payroll Deductions *(Adopted 12-2-2013)*

A. Charitable Contributions

The College has authorized East Central College Foundation scholarships and United Way contributions as approved charitable payroll deductions. These contributions will cease at termination of employment.

B. Other Authorized Contributions

The College may authorize payroll deductions for College-sponsored programs and/or approved memberships or as deemed necessary. Contributions will cease at the end of employment and the remaining balance, if applicable, will be deducted from final pay.

5.32 Rest and Meal Breaks *(Adopted 6-1-1992; Revised 6-23-2003, 6-16-2014)*

Rest breaks and a meal break during the course of each workday will be provided for non-exempt personnel. The scheduled time for rest and meal breaks varies among departments, depending on the needs of the department.

General Guidelines: *(Adopted 6-16-2014)*

Rest and/or meal breaks may not be taken at the beginning or end of the workday except for special circumstances with supervisory approval.

Employees must have prior approval to extend rest and/or meal breaks beyond their assigned period.

Supervisors are responsible for balancing workloads and scheduling rest and meal breaks. A supervisor has the discretion to change the time of breaks based on departmental needs.

Non-exempt employees must not perform any work related duties during the rest breaks and/or during the 30 minute unpaid meal break. Should an employee be required to work at his/her desk during a meal break, the employee's work schedule will be adjusted accordingly unless prior approval for overtime has been given by the supervisor.

Employees are expected to return to their work promptly at the end of each break and will be subject to disciplinary action for tardiness.

Employees who are scheduled to work four or up to six hours may take one 15 minute paid break during the scheduled shift.

Employees who are scheduled to work six hours or up to eight hours may take two 15 minute paid breaks during the scheduled shift.

Employees who are scheduled to work 8.5 hours or up to 10 hours may take one 15 minute paid break prior to the 30 minute unpaid meal break and one 15 minute paid break after the unpaid meal break. Or, if approved by the supervisor, such employees may combine the two 15 minute breaks with the 30 minute unpaid meal break for a total break of 60 minutes.

Nursing mothers should refer to Policy 5.45 for information regarding accommodations.

Procedures:

5.32.1 Rest Breaks *(Revised 6-16-2014)*

Whenever practical, employees are to receive a rest break of 15 minutes at approximately the middle of every four hours of scheduled work not broken by the unpaid meal break. Or, if approved by the supervisor, such employees may combine the two 15 minute paid breaks with the 30 minute unpaid meal break for a total break of 60 minutes.

Time spent on rest breaks will be compensated as working time, and employees are not required to sign out and in on their time sheets.

If an employee chooses to remain at work during a rest breaks, that rest break is forfeited. The employee may not leave before the scheduled ending time and will not receive extra pay for the time worked.

5.32.2 Meal Breaks *(Revised 6-16-2014)*

- (a) The meal break will be near the middle of the work shift. The meal break will be thirty minutes unpaid and must be recorded on the time sheet for non-exempt employees. Or, if approved by the supervisor, such employees may combine the two 15 minute paid breaks with the 30 minute unpaid meal break for a total break of 60 minutes.
- (b) Employees required to work more than ten hours in any workday will be allowed a second unpaid 30 minute meal break six hours after returning from their first meal break.
- (c) Employees will not be compensated for their meal breaks unless they are required to remain at their work stations while

eating. Prior supervisory approval is required. The employee will adjust the work schedule for the week so that no overtime is required unless approved by the supervisor.

5.33 Service Awards (Approved 3-4-1991; Revised 6-23-2003, 11-4-2013)

It is the policy of the College to recognize eligible employees for their years of service to the institution.

Procedures: (Revised 8-2007)

5.33.1 Years of Service Recognized (Revised 11-4-2013)

Awards shall be presented annually by the President of the College to full-time employees at their five-year service anniversary and every five years following. Awards shall also be presented upon retirement from the College as defined by Policy 5.36.

5.33.2 Determining Eligibility (Revised 12-23-2014)

- A. Years of service will be determined from the first date of full-time employment with the College (including temporary full-time employment that is contiguous with regular full-time employment). Time spent on approved leave of absence such as Family and Medical Leave, Military Leave, or Sabbatical or Professional Leave will be considered as active employment for service awards. In the event of a termination of employment and subsequent rehire, years of service will be adjusted accordingly.
- B. The Office of Human Resources is responsible for identifying those employees to be honored.

5.33.3 Awards (Revised 11-4-2013)

Employees eligible for recognition for their years of service will be honored at a recognition dinner with the Board of Trustees and administrators prior to the October Board meeting each year. All honorees will receive a certificate of recognition. Those with ten or more years of service will also receive an award commemorating their years of service.

5.34 Insurance and Benefit Plans *(Adopted 6-1-1992; Revised 6-23-2003, 11-4-2013)*

Information and summary communications intended to explain benefit plans shall be furnished to all plan participants and beneficiaries on a continuing basis.

For purposes of this Policy, a dependent is a child, step-child or foster child aged 26 or under and spouse is as defined by the state of Missouri (Mo. Stat. 451.022).

Procedures: *(Revised 4-6-2006; Revised 11-4-2013)*

5.34.1 College Insurance Benefits

The following insurance benefits are provided by the College to qualifying fulltime employees. The employee may add spouse and/or dependents at an additional cost to the employee. Insurance coverage for new employees begins the first of the month following their date of hire. In the event of termination or resignation, insurance benefits will terminate at the end of the month of the last day worked. The individual will qualify for continuation of medical, vision and dental insurance under COBRA.

- (a) **Medical Insurance** – The College pays the premium for all full-time employees' medical insurance. The employee may be responsible for a portion of the premium based on the type of plan he/she chooses. Employees participating in the high deductible insurance plan can also participate in a Health Savings Account (HSA). Employees working 30 hours per week or more may qualify for medical insurance as defined by the Affordable Care Act.
- (b) **Vision Insurance** – The College pays the board approved premium for all full-time employees' vision insurance.
- (c) **Dental Insurance** – The College pays the board approved premium for all full-time employees' dental insurance.
- (d) **Life Insurance** – All full-time employees are insured with a \$50,000 life insurance policy. The employee may add additional insurance at his/her own expense.
- (e) **Long-Term Disability Insurance** – The College will pay the premium for a salary continuance program which assures full-time employees a continuous income equal to not less than 2/3 of the employee's monthly salary when an employee

is disabled because of injury or illness. Maximum is \$6,000 per month.

- (1) The College will provide access to medical, dental, vision, and disability insurance coverage through the College's group plans at the expense of the employee until a disabled employee is eligible for Medicare.
- (2) Group term life insurance may be continued on a disability waiver. This requires a disability claim form to be completed.

(f) **Unemployment Insurance** – The College provides unemployment insurance to all employees in compliance with state and federal laws.

5.34.2 Tax Shelters

Interested full-time employees may tax-shelter certain earnings in compliance with Internal Revenue Service codes.

The chief financial officer will develop and file all appropriate documentation with state and federal agencies regarding sheltering contributions.

A. Tax Sheltered Annuities [IRS code, section 403(b)] are available for employees who wish to tax shelter earnings. A list of current vendors is available from Human Resources.

B. Deferred Compensation Plans [IRS code, section 457(b)] are available for employees who wish to tax shelter earnings.

C. Cafeteria Plans (Flexible Spending Account [FSA]) [IRS code, section 125] are available for employees who wish to redirect pre-tax income to pay eligible benefit items normally paid with after-tax dollars.

The deductions that may be included in the cafeteria plan are:

1. Medical, dental and vision insurance premiums paid by the employee
2. Certain un-reimbursed medical expenses
3. Adult and child dependent care

The College also offers a Limited Purpose FSA for dental and vision expenses to those employees participating in a Health Savings Account.

5.35 Leaves of Absence *(Adopted 6-1-1992; Revised 6-4-2001, 12-2-2013)*

Employees are eligible for extended paid/unpaid leaves of absence from the College under certain circumstances.

Procedures:

5.35.1 Family and Medical Leave Act (FMLA) *(Revised 12-2-2013)*

The College will comply with the provisions of the federal Family and Medical Leave Act (FMLA). The Office of Human Resources must be notified immediately upon request of Family Medical Leave to assure legal compliance. Please refer to Policy 5.44 for the complete Family and Medical Leave Act Policy and Procedures.

5.35.2 Military Leave *(Revised 12-2-2013)*

Full-time employees who are members of the U.S. Armed Forces and its reserve components will be eligible for re-employment in the same or similar position after completing military service, provided that the employee shows his/her orders to his/her supervisor as soon as s/he receives them; satisfactorily completes active duty service; enters the military service directly from employment with East Central College; and applies for and is available for reemployment within 90 days after discharge from active duty. If the employee is returning 31-180 days of active duty for training, he/she must apply within 14 days after discharge. If active duty lasts 30 days or less, the employee must report to work at their next scheduled work shift.

Employees with one year or more of service will be protected against loss of income as a result of participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, the College will pay the difference between what an employee earns from the government for military service and what the employee would have earned as

normal straight-time earnings through his/her employment with the College. This difference will be paid for up to two weeks in a calendar year. An employee who qualifies for such pay and who is on military leave during one of the College's paid holidays, will receive full holiday pay from the College for that day, irrespective of any military pay earned that day.

Employees may also be eligible for leave in certain circumstances, described below, if their spouse, son, daughter, parent or next of kin is a member or veteran of the U.S. Armed Forces.

An eligible employee may take FMLA leave for a “qualifying exigency” arising out of the fact that his/her spouse, son, daughter or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a “covered servicemember” may take up to 26 weeks of unpaid leave during a 12-month period to care for the servicemember, if the servicemember is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness that occurred in the line of duty (or existed before but was aggravated by service in the line of duty) and that resulted in the servicemember being unable to perform the duties of his/her office, grade, rank or rating.

5.35.3 Public Service Leave of Absence

Employees who desire to accept temporary employment in federal, state, or local government or with an organization devoted to higher education betterment may be granted a public service unpaid leave of absence with no paid benefits up to one year.

5.35.4 Requests for Unpaid Leave

When possible, requests for a leave of absence or any extension of a leave should be submitted to the employee's supervisor(s) sixty days prior to commencement of the leave period, or as soon as is practicable. The approval or denial process is Supervisor, Administrator, Director of Human Resources, President, and Board of Trustees.

5.35.5 Employee Failure to Return to Work *(Revised 12-2-2013)*

If an employee fails to return to work for his/her next scheduled work shift after the conclusion of an approved leave of absence, the employee may be terminated from employment.

5.35.6 Reduced Work Schedule for Full-time Employees *(Adopted 7-30-2001; Revised 12-2-2013)*

Full-time employees may request a reduced work schedule on a temporary basis. Reduced work schedule will be defined as completion of less than 40 hours per week. Full-time employees who request reduced leave must work a minimum of 20 hours per week.

A. Eligibility

To be eligible to request the reduced schedule, employees must be 12month, full-time employees for a consecutive period of at least two years, based upon their date of hire. The employee must demonstrate satisfactory work performance, as reported by the supervisor, for the most recent twoyear period.

Upon return from Reduced Work Schedule employees must complete a minimum of two years of continued 12-month, full-time employment with satisfactory performance before they are eligible to request Reduced Leave again. An employee may request a Reduced Work Schedule no more than twice.

B. Approval Process

In all cases, the supervisor, vice president(s), Human Resources and President of the College must approve the reduced schedule. The approval process will include an assessment of the hardship to the department and to the College. The expected workload effect and departmental conditions will also be considered, and may influence the parameters of the Reduced Work Schedule. Every request will be evaluated on a case-by-case basis. The supervisor, vice president(s), Human Resources and President of the College will decide if temporary employees will be hired to assist with the workload.

C. Duration

The duration of the Reduced Work Schedule is subject to the approval of the supervisor, vice president(s), Human Resources and the President of the College, but will not exceed one fiscal year.

D. Continuation of Salary and Benefits

During the period of Reduced Work Schedule, the employee will be paid only for time worked. Non-exempt employees will be paid for hours worked; exempt employees will be paid a percentage of their annual salary, based upon the percentage of schedule worked. Insurance and retirement benefits will be continued on a pro-rated basis. These benefits will include medical, dental, vision, life and disability insurances. Educational Assistance may be used by qualified dependents, but may not be used by the employee who is on the Reduced Work Schedule. During the period of Reduced Work Schedule, the employee may utilize accrued leave, but additional leave will not accrue while the reduced work schedule is in effect. Accrued sick leave may only be used if the reduced work schedule is due to a qualifying FMLA leave. The employee will not be eligible for supplemental employment with the College. If reduced work schedule is in conjunction with FMLA, benefits will be continued at no cost to the employee.

5.36 Retirement *(Adopted 6-1-1992; Revised 6-23-2003, 11-4-2013, 7-15-2015)*

The College provides retirement options for employees with five or more years of service within the regulations and guidelines of the Public School Retirement System (PSRS), the Public Education Employee Retirement System (PEERS), and applicable state law.

A. Full-time Faculty and Administrative/Professional Staff

The retirement contribution as established by state statute is paid by the employee with matching contribution by the College into the Public School Retirement System.

B. Full-time Support Staff

The retirement contribution as established by state statute is paid by the employee with matching contribution by the College into the Public Education Employee Retirement System.

C. Notification of Retirement

Qualifying retirees shall notify the Director of Human Resources as

indicated:

- (1) Administrators, professional staff, and teaching faculty shall notify the College of retirement at least 90 days prior to the effective retirement date unless otherwise authorized by the College President.
- (2) Support staff members shall notify the College of retirement at least sixty days prior to the effective retirement date unless otherwise authorized by the College President.
- (3) Qualifying retiree shall notify PEERS/PSRS as required.

5.37 Shared Sick Leave *(Approved 4-2-2007; Revised 8-25-2014)*

The College will maintain a Shared Sick Leave program for employees who are unable to work due to the employee's own serious illness, injury or impairment.

General Principles

The College will maintain a Shared Sick Leave program for employees who are unable to work due to the employee's own serious illness, injury or impairment which requires continuing treatment/supervision by a health care provider and which is likely to cause the employee to take a prolonged leave without pay or likely to result in a substantial permanent disability leading to termination of employment or retirement with the College. Shared Sick Leave may not be used for absences resulting from providing care for a family member. Following the use of Shared Sick Leave, an employee must complete a minimum of one (1) year of continuous full-time employment with the College before he/she is eligible to receive Shared Sick Leave again.

Procedures *(Revised 8-25-2014):*

5.37.1 Eligibility Requirements for Shared Sick Leave

Full-time employees may be eligible for Shared Sick Leave if they meet the following criteria:

- a. The employee must have been employed full-time by the College for at least twelve (12) months immediately preceding the first day leave from the Shared Sick Leave pool is used.
- b. The employee must have been absent from work for at least fifteen (15) continuous working days due to the employee's own serious illness, injury or impairment.

- c. The employee must have exhausted all accrued leave or must provide certification from a licensed medical provider that future absences related to the employee's serious illness, injury or impairment will extend beyond the employee's current accrued leave balances for personal, vacation and medical leave.
- d. The employee must submit a certification from a licensed medical provider that the employee's inability to work is due to a serious illness, injury or impairment.
- e. If the employee has previously received Shared Sick Leave, the employee must have completed a minimum of one (1) year of continuous full-time employment with the College since the conclusion of the most recent use of Shared Sick Leave.

5.37.2 Approval Process

- a. The employee must complete the Shared Sick Leave request form and must include a detailed explanation of the reason for requesting Shared Sick Leave.
- b. The employee shall submit the completed Shared Sick Leave request form along with the required documentation to the Human Resources Director.
- c. The Human Resources Director and the area Vice President will review requests upon receipt of the request form and the required certification from a licensed medical provider.
- d. The Human Resources Director will make a recommendation to the College President.
- e. The College President will approve or disapprove the request within ten (10) working days from receipt of the recommendation from Human Resources. The decision of the President is final.
- f. The College may approve up to 160 hours of Shared Sick Leave for fulltime employees. The approval will include the number of allotted Shared Sick Leave hours, dates for use of the hours and whether recertification will be required.
- g. All requests for Shared Sick Leave will be considered confidential.
- h. Shared Sick Leave may be retroactive to the start of the unpaid leave if circumstances warrant or if the individual was unable to complete the request form and provide the required certification prior to the use of all accrued leave.
- i. Exceptions to this Policy must be approved by the President.

5.37.3 Reconsideration of Shared Sick Leave Request

Requests that are denied may be eligible for reconsideration upon receipt of additional information or change in circumstances that would make the employee eligible for Shared Sick Leave. A written request for review of the eligibility for Shared Sick Leave should be submitted to the Director of Human Resources and the President of the College within ten (10) working days from the date of disapproval notification. The Human Resources Director will make a recommendation to the College President who will make a final determination within ten (10) working days of receipt of the written request.

5.37.4 Benefits While on Shared Sick leave

- a. An eligible full-time employee may be granted up to 160 hours of Shared Sick Leave over a two (2) month period.
- b. The College will continue paid medical, dental, life, and disability insurance for the duration of the use of Shared Sick Leave.
- c. The employee can accrue sick leave and will earn personal days according to College guidelines. The employee will not be eligible to accrue vacation leave until the first of the month following return to work full-time.
- d. Educational Assistance may be used by qualified dependents, but may not be used by the employee who is on full-time or intermittent Shared Sick Leave.
- e. The employee will not be eligible for supplemental employment within the College and will not be approved for supplemental employment outside of the College during the period he/she is receiving Shared Sick Leave.
- f. Utilization from the Shared Sick Leave bank ceases when: 1) the employee is released to return to work, 2) the employee has been absent 90 continuous working days and is eligible to apply for Long-Term Disability benefits, 3) the employee begins receiving retirement benefits, or 4) the approved number of hours has been used.
- g. An employee who uses Shared Sick Leave days from the Shared Sick Leave bank is not required to pay back the hours.
- h. Leave covered by this Policy shall not constitute a break in service and an individual shall have all rights and privileges as defined in the Policies of the Board of Trustees unless otherwise specified.

5.37.5 Return to Work

Prior to returning to work, an employee who has been absent due to his/her own serious injury, illness or impairment must provide to Human Resources a return to work release from a licensed medical provider. If the return to work release contains any restrictions, Human Resources will work with the employee and the supervisor to determine if the College can accommodate the state restrictions. The College will consider any employee who fails to return to work after receiving the release from the licensed medical provider to be absent from his/her job without authorization. The College considers three (3) days of unauthorized absences to be a voluntary resignation.

5.37.6 Donations to Shared Sick Leave Bank

An employee may donate up to 40 hours from his/her accrued sick leave in a fiscal year to the Shared Sick Leave bank as long as his/her accrued sick leave does not fall below 240 hours. Once a donation has been made to the Shared Sick Leave bank, it cannot be restored to the individual. Donations may be made during the months of September and May of each year. The Shared Sick Leave bank cannot exceed a maximum of 2,000 days, and donations will be accepted only when the days accumulated in the bank drop below 2,000 days.

5.37.7 Option for Employees Ineligible for Shared Sick Leave

Employees who do not qualify for Shared Sick Leave, who have exhausted their accumulated paid leave, and/or who have exhausted Family and Medical Leave may consult Human Resources to determine eligibility to apply for an unpaid leave, reduced work schedule, retirement and/or long-term disability.

5.37.8 Exhaustion of the Shared Sick Leave Bank

Days in the Shared Sick Leave bank will be distributed until exhausted or as determined by the College President. The program may be amended as required to maintain the integrity and purpose of the Shared Sick Leave bank.

5.38 Professional Association Membership (Adopted 6-1-1992; Revised 11-3-2003; Reaffirmed 11-4-2013)

Employees are encouraged to join and participate in professional associations and may be sponsored in professional associations when this will serve the College's interests and goals.

Procedures:

5.38.1 Employee-Selected Professional Association

Employees are encouraged to participate in professional associations that promote professional development. However, employee participation in such associations may not be supported financially by the College unless such participation is in support of particular College interests and goals.

5.38.2 College-Recommended Professional Association

The College may identify certain professional associations in which it wants to be represented and then designate the employees that it will sponsor for membership in such associations. Employees so designated will represent the College in the organization and will be expected to participate actively and promote its interests.

5.38.3 Coordinating Representation

Administrators are responsible for coordinating sponsorships of employees in professional associations. Administrators will normally consider the following factors in selecting associations in which to sponsor representation and in designating employees to be sponsored for membership.

1. The nature and purpose of the association;
2. The benefit to be derived by the College's support and from employee participation;
3. The cost to the College;
4. The extent to which the College is already represented in the association;

5. The employee's job responsibilities, length of service, and overall qualifications for membership

5.38.4 Planning, Budgeting, and Expense Approval

Administrators are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities. The College will pay for or reimburse the approved and reasonable expenses of employees sponsored for membership in professional associations.

5.39 Professional Development - Faculty *(Approved 4-7-2003; Revised 8-27-2007, 4-15-2014)*
East Central College is strongly committed to professional development and encourages faculty to take advantage of opportunities for education, peer networking, learning and growth.

Procedures: *(Revised 4-15-2014)*

5.39.1 All full-time faculty may have access to an annual budget for professional development.

- A. Faculty may accrue a budgeted amount provided that a Faculty Development Plan outlining proposed use of funds is submitted either in written or electronic format within 15 days of the faculty member's contract start date.
- B. The plan should be submitted to the division chair and the Chief Academic Officer. Faculty may participate in development activities such as coursework intended to improve specific skills (i.e. technological skills), workshops related to improving instruction, conferences designed for professional enhancement or related activities. Faculty development funds may be used to pay for advanced coursework that does not qualify for tuition assistance.

5.39.2 Faculty who successfully complete the approved activities as outlined in the Faculty Development Plan may request reimbursement.

- A. Upon successful completion of the development activity, faculty will submit appropriate documentation and request for reimbursement to the Chief Academic Officer for verification.
- B. Upon approval, the documentation will be forwarded to the Chief Financial Officer for reimbursement.

C. Reimbursement amounts will be computed as outlined in the Expense Reimbursement Policy (4.18).

5.40 Professional Development - Staff *(Adopted 4-15-2014)*

East Central College is strongly committed to professional development and encourages professional and support staff to take advantage of opportunities for education, peer networking, learning and growth.

Procedures: *(Adopted 4-15-2014)*

5.40.1 Employees may participate in development activities or workshops intended to improve specific skills (i.e. technical skills), conferences designed for professional enhancement and/or related activities.

5.40.2 All full-time professional and support staff should submit requests to participate in conferences, training or workshops to their supervisor for approval. Requests for professional development must relate to the job.

5.40.3 Upon successful completion of the approved development activity, employees will submit appropriate documentation and request for reimbursement for eligible expenses to the supervisor for approval. Reimbursement amounts will be computed as outlined in the Expense Reimbursement Policy (4.18).

5.41 Disability and Workplace Accommodation *(Adopted 5-12-2014)*

East Central College is committed to the fair and equal employment of individuals with disabilities. It is the College's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. It is the policy of the College to comply with all Federal and state laws concerning the employment of persons with disabilities.

Procedures:

5.41.1 Disability

“Disability” refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such impairment, has a record of

such impairment or is regarded as having such impairment is a “disabled individual.” A “qualified person with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job.

5.41.2 Reasonable Accommodation

The College will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. A “reasonable accommodation” is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job.

There are three types of reasonable accommodations that may be considered:

1. Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;
2. Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; or
3. Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

5.41.3 Essential Job Functions

“Essential job functions” refers to activities that are core to performing a job and cannot be modified. For each position, the job description will identify essential job functions. Job descriptions will be reviewed on a periodic basis to evaluate job functions designated as essential.

5.41.4 Requesting a Reasonable Accommodation

An employee with a disability is responsible for requesting an accommodation from the Human Resources Department or his or her supervisor, and providing medical documentation regarding the disability when requested. Once medical documentation is received, the Human Resources Department will work with the supervisor, employee and medical provider, where applicable, to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job. Based on this interactive process, a reasonable accommodation will be selected that is most appropriate for both East Central College and the individual employee. While an individual’s preference will be considered, the College is free to

choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

5.41.5 Undue Hardship

A request for reasonable accommodation may be denied if it would create an undue hardship for the College. Factors to be considered when determining whether an undue hardship exists may include, but are not limited to, 1) the nature and cost of the accommodation, 2) the College's overall financial resources, 3) the effect on expenses and resources or other impact, and 4) the number of employees at the location and the total number of employees of the College.

5.41.6 Safety

All employees are expected to comply with all safety procedures. East Central College will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. The determination that an individual with a disability poses a direct threat will be made by the Human Resources Department and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that he/she may submit additional information and/or challenge the determination that he/she poses a direct threat.

5.41.7 Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed to ECC personnel as deemed necessary and as permitted by law.

5.41.8 Complaint Procedure

It is the policy of East Central College to prohibit any harassment or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he/she has been subject to such treatment or has witnessed such treatment, the situation should be reported to Human Resources. Any employee found to have engaged in retaliation against another employee for making a

request for reasonable accommodation under this Policy, registering a complaint under this procedure or assisting in the investigation of any registered complaint will be subject to immediate disciplinary action up to and including termination.

5.42 Drugs and Alcohol Free Workplace *(Reaffirmed 12-2-1991; Revised 7-30-20012, 11-4-2013)* It is the objective and goal of East Central College to provide a drug and alcohol-free environment.

Procedures:

5.42.1 Federal Law Compliance

It is the College's intent and obligation to meet compliance with the Drug-Free Work Place Act of 1988, Public Law 100-690, and update to the Drug-Free School Community Act of 1989, Public Law 101-226 to provide a drug-free, healthy, and safe work environment.

5.42.2 Explanation and Consequences of Prohibitive Behavior

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, narcotics or alcoholic beverages on the College premises or off-campus sites (including College vehicles and any private vehicles parked on College premises or off-campus sites) or College-sponsored functions is absolutely prohibited. This includes reporting to work under the influence of alcohol or illegal drugs and/or having a detectable level of alcohol or an illegal drug present in one's system while on the job, operating College vehicles or on any College premises. Violations will result in disciplinary action, up to employment termination, and may have legal consequences. All employees and applicants are required to comply with the Drugs and Alcohol Policy as a condition of employment.

Instance of violations could result in the involvement of civil law enforcement authorities. Violations include, but are not limited to, possessing illegal or nonprescribed drugs and narcotics or alcoholic beverages at work; being under the influence or using those substances while working; or dispensing, distributing, or illegally manufacturing or selling them on College premises.

Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction in writing to the Human Resources Office within five days, and the Human Resources Office will take appropriate action as required by law.

5.42.3 Drug and Alcohol Testing

Employees may be asked to take a test if there is reasonable suspicion to believe that an employee is under the influence of an illegal drug and/or alcohol. The following circumstances could cause reasonable suspicion:

1. Observed drug or alcohol use.
2. Apparent physical state of impairment.
3. Incoherent mental state.
4. Marked change in personal behavior that is otherwise unexplainable.
5. Deteriorating work performance that is not attributable to other factors.
6. An accident where there is reasonable suspicion that drugs or alcohol may be a factor.
7. Any circumstances which cause a reasonable suspicion that an employee is under the influence of illegal drugs and/or alcohol.

The test will determine the presence of drugs, narcotics, or alcohol, unless such tests are prohibited by law. Employees who agree to take the test must sign a consent form authorizing the test and the College's use of the test results for purposes of administering its discipline policy. It is a violation of this Policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by the College are the property of the College, and the examination records will be treated as confidential and held in separate medical files.

5.42.4 Employer and Employee Responsibilities *(Revised 11-4-2013)*

- A. Supervisors should report immediately to the division Vice President and Human Resources Office any action by an

employee that might pose a danger to himself/herself or others. The Director of Human Resources, the division Vice President, and the College President or his/her designee will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises and, to the extent allowed by law, may be suspended without pay. Alternate transportation must be arranged by the employee. If the employee is unable to secure transportation, alternate transportation will be provided at the employee's expense (i.e. taxi). At no time will a current employee be allowed to transport the employee who is under the influence.

Employees are to report to the division Vice President or Director of Human Resources any suspicious behavior of a co-worker, employee, student or campus visitor that may be alcohol or drug related without fear of retaliation. To the extent possible, the report will be handled in a confidential manner.

- B. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek help through the Employee Assistance Program. Authorization to return to work will be required. Employees who participate in a treatment program will be expected to meet existing job performance standards and established work rules.
- C. Nothing in this statement is to be interpreted as constituting a waiver of management's responsibility to maintain discipline or the right to take disciplinary measures in the case of poor performance or misconduct.
- D. It must be understood that this Policy has no bearing whatsoever on what employees do on their own time unless it reflects on their job performance.

5.42.5 Alcohol and Drug-Free Awareness Program *(Revised 11-4-2013)*

The College will inform employees as deemed necessary about:

- A. The dangers of alcohol and drug abuse in the workplace.

- B. The College's policy and procedures for maintaining an alcohol and drugfree workplace.
- C. Any available drug counseling, rehabilitation and employee assistance programs.
- D. The penalties that may be imposed upon employees for alcohol and drug abuse violations occurring in the workplace.

5.42.6 Treatment *(Revised 11-4-2013)*

Employees who suspect that they may have an alcohol or drug dependency problem are encouraged to seek diagnosis and follow through with the treatment that is prescribed by qualified professionals in order to arrest the problem. Employees having these problems will receive treatment that is extended under the College's health benefit plans and are encouraged to seek additional and/or alternate treatment that may be available at the employee's own expense.

5.43 Communicable Diseases *(Approved 3-7-1988; Revised 11-3-2003, 11-4-2013)*

This Policy is intended to prevent the transmission of communicable diseases from an employee (as defined below) to other members of the College community. An employee with a communicable disease presents a reasonably foreseeable risk of harm to others. Therefore, the College will take action in accordance with this Policy to minimize the risk of transmission and to maintain a safe campus working and educational environment. Some College departments have additional restrictions and procedures that must be followed due to the nature of the educational environment.

Procedures: *(Revised 11-4-2013)*

5.43.1 Definitions *(Revised 6-30-2014)*

The term "communicable disease" shall mean an infectious disease that is readily capable of transmission to other individuals through close contact, exposure to routine secretions, and/or physical proximity on a College campus. A communicable disease may be acute (short-term) or chronic (long-term). For purposes of this Policy, the term is not intended to include diseases for which transmission is virtually eliminated as a result of the application of standard universal precautions (e.g., HIV/AIDS).

For purposes of Policy 5.43, the term “employee” shall include all College employees, students hired as employees, outside or independent contractors, individuals retained or hired by contractors, sub-contractors, sole-proprietors, service providers, and volunteers performing a service for the College.

The term “Assessment Team” shall mean a multi-disciplinary team convened to review and assess the employee’s communicable disease and its effect on the College community.

The terms “others” or “others in the College community” shall mean employees, students, and visitors to the College or any of its satellite facilities or properties.

5.43.2 Disclosure

If an employee becomes aware that he/she has a communicable disease, that employee shall self-report to the Director of Human Resources. A College supervisor who has personal knowledge that a College employee has a communicable disease must also report this fact to the Director of Human Resources.

5.43.3 Assessment

Upon receipt of a report that an employee has a communicable disease, the Director of Human Resources is authorized to exclude any employee from College property until a multi-disciplinary team (“Assessment Team”) is convened to review and assess the employee’s condition. The employee shall be placed on administrative leave with pay until the Team makes a determination regarding the employee’s status as set forth below.

The Director of Human Resources must convene the Team within a reasonably prompt period of time after receiving a report that the employee has a communicable disease. The Team should be convened within five (5) business days, if not sooner. The Assessment Team will be comprised of the following persons: (1) the employee; (2) the Director of Human Resources or designee; (3) a College-selected physician or other consultant with knowledge of the particular disease; (4) the employee’s health care provider; and (5) other advisers for the parties, upon request, at their respective expense. All individuals are responsible for arranging their schedules to meet at the time and place designated by the Director of Human Resources.

Because of the importance of addressing the communicable disease in a prompt manner, this meeting will not be rescheduled because of the unavailability of one or more members. However, Team Members may participate remotely upon giving advance notice to the Director of Human Resources.

The Team will assess, review, and consider the following: (1) the employee's condition; (2) the present and future risk of transmission to others; (3) the existence and practicality of implementing precautions, methods and strategies to eliminate or reduce the risk of transmission to others; (4) the restrictions, if any, that will be required to prevent the employee from creating the risk of transmission to others; (5) whether the employee should be excluded from working on College property, and, if so, whether alternative work arrangements can be made; and (6) if warranted, the date upon which the Team will reconvene to reassess the matter.

The Team will make its determination within three (3) working days after it has convened. The Team's determination will be communicated in writing to the Director of Human Resources, who shall provide written notice of the determination to the employee and President of the College. If the excluded employee works for or is a subcontractor of an outside entity, then the outside entity shall be notified in writing of the determination.

If the condition is chronic or persists for more than a short, definable period, the Team shall reassess its determination as often as the Team deems appropriate.

This assessment process is not intended to limit or otherwise inhibit the right of the College to contact the local health authority or other public health official for guidance in handling a communicable disease situation or for direction. Directives or orders from public health officials shall supersede the assessment process in this Policy.

5.43.4 Consent

To aid in its assessment, the Team may request that the employee provide a HIPAA-compliant authorization that permits the Team to communicate with the employee's health care provider(s) regarding the status and effect of the employee's communicable disease. In addition, the Team may require, at College expense and in accordance with law, the employee to undergo a physical examination and/or medical tests

that are narrowly tailored to assist the Team in determining whether the employee still has a communicable disease. An employee who refuses to provide consent to enable the Team to communicate with the employee's health care provider(s) or to undergo the required examination/tests may be subject to exclusion from employment and/or from College property, as permitted by law, until such time as consent is provided or the Team determines that the employee may be returned to work in accordance with this Policy.

5.43.5 Compensation During Period of Exclusion

As noted above, the employee shall be placed on administrative leave with pay until the Team makes a determination regarding the employee's status.

If the Team excludes the employee from being physically present to work on College property, the Director of Human Resources will notify the employee whether that exclusion is with or without pay. Non-contractual, at-will employees will not be paid during the exclusion period, but they shall be entitled to use their available paid leave during the period of exclusion. If the Team is able to make alternative work arrangements for the employee, such that the employee is able to perform his/her regular job duties away from campus, the employee will be paid for hours actually worked. Employees under contract shall not be paid during the period of exclusion only where the law allows such denial of pay. A contracted employee who is able to perform his/her regular job duties away from campus will be expected to do so.

Excluded employees shall, if eligible, be afforded the protection of the Federal Family and Medical Leave Act.

5.43.6 Return to Work

The Team is authorized to decide that the employee may return to work if it determines that one or more of the following is true:

- (1) The employee no longer has the communicable disease; or
- (2) The communicable disease is not in the infectious or contagious stage, or
- (3) The communicable disease poses little to no risk of transmission in the College environment upon the application of universal precautions.

5.43.7 Appeal

The employee may appeal the Team's determination to the President of the College by written notice within three (3) business days of the receipt of the Team's decision. The employee shall set forth in writing all reasons as to why the Team's decision should be modified or reversed. As part of the appeal process, the President is entitled to review all documentation produced and considered by the Team. Upon conclusion of this review, the President will issue a written decision to the Team and the employee. The President's decision shall be final. However, if the employee believes that the actions under this Policy were taken in violation of Section 504 of the Rehabilitation Act of 1974 ("Section 504") or the Americans with Disabilities Act ("ADA"), the employee is permitted to submit an appeal by proceeding to the final level of the College's Grievance Policy on Section 504/ADA complaints. A copy of that Policy may be obtained from the College's Compliance Coordinator for these laws, whose contact information is as follows:

Director of Human Resources
East Central College
1964 Prairie Dell Road
Union, MO 63084
Phone: 636-584-6712

An employee who is unable to resolve a problem or grievance under Section 504 or the ADA has the right to file a complaint with the Office for Civil Rights for the United States Department of Education, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, MO 65114; phone 816-268-0550.

5.43.8 Confidentiality

Employees with communicable diseases have a right to privacy and a need for confidentiality of their medical information. Therefore, to preserve this right, the following rules will apply:

- (1) The employee's medical condition and related information may be disclosed to those individuals who have a "need to know" the information in order to implement this Policy, to assure that proper care is provided, and/or to detect/monitor situations in which the potential for transmission of the communicable disease may increase, as well as to those individuals who are

otherwise authorized to receive, or who must receive, this information under law.

- (2) The employee's medical information shall be retained in a file separate from the employee's personnel file. This separate file shall be maintained by the Director of Human Resources.
- (3) Willful, negligent or unauthorized disclosure of information about an employee's medical condition will be cause for remedial or disciplinary action, up to and including dismissal.

5.43.9 Exposure to Blood and Bodily Fluids

Many College employees work in programs that may regularly or commonly expose them to blood or other bodily fluids. These employees shall follow the Centers for Disease Control Guidelines.

All College employees shall take routine and universal precautions when there is a possibility of exposure to blood or other bodily fluids. Direct skin contact with blood or other bodily fluids should be avoided whenever possible. Employees who may repeatedly come into contact with potential sources of communicable diseases will receive specific training.

5.44 Family and Medical Leave Act *(Adopted 11-4-2013)*

The College complies with the provisions of the Family and Medical Leave Act (FMLA). The College reserves all rights available to employers under the Family and Medical Leave Act.

Definitions

Son or Daughter – For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition: a biological, adopted, foster child, stepchild, legal ward or a child for a person standing in loco parentis who is (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

For purposes of FMLA leave taken related to Armed Forces active duty or call to duty, or covered servicemember care: a biological, adopted, foster child, stepchild, legal ward or a child for a person standing in loco parentis who is of any age.

Parent – A parent is defined as the employee’s biological, adoptive, step or foster parent, or the individual who stood in loco parentis to an employee when the employee was a child.

Serious Health Condition – Generally, a serious health condition is defined as a physical or mental illness, injury, impairment, or condition involving 1) inpatient care in a hospital, nursing home, or hospice; or 2) continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes three or more consecutive calendar days of incapacity relating to the same condition that also involves treatment two or more times directed by a health care provider or treatment one or more times with a resulting regimen of continuing treatment. Included also in the definition is any condition or medical situation not specifically listed here but contained within the FMLA regulations.

Next of Kin - The nearest blood relative of the covered servicemember.

Procedures:

5.44.1 Eligibility

Employees are eligible for Family Medical Leave if they have worked at least 1,250 hours during the prior 12 months and have been employed with the College at least one year. Employees are entitled to take up to 12 weeks of leave without pay and/or utilize accrued leave during a 12-month period due to one or more of the following:

- (a) For incapacity due to pregnancy, prenatal medical care or child birth;
- (b) To care for the employee’s child after birth, or placement for adoption or foster care;
- (c) To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition;
- (d) For a serious health condition that makes the employee unable to perform the employee’s job;
- (e) A qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces.

In addition, employees who are the spouses, sons or daughters, parents or next of kin of a covered servicemember are entitled to take up to 26 weeks of unpaid leave during a single 12-month period to care for the servicemember who incurs an injury during military service when that injury results in the servicemember being unable to perform his or her duties.

The employee is required to first use accumulated sick, personal, and/or vacation days; the balance of the leave will be unpaid up to the 12-week maximum. If the employee is using Family Medical Leave for his/her own medical needs, the College will continue to provide paid insurance benefits during the leave. As described in this Policy, medical certification from an applicable health care provider will be required. The duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence shall be determined by the College in conjunction with applicable federal and state law.

5.44.2 Counting of Leave Taken Under FMLA

The College will determine the amount of leave available under this Policy for an eligible employee by using a “rolling” 12 month period. A “rolling” 12 month period measures backward from the date an employee’s leave commences to the 12 months preceding this date.

5.44.3 Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Employees must report that the leave is FMLA related when informing the supervisor. Leave due to qualifying exigencies may also be taken on an intermittent basis.

5.44.4 Notice Requirements of Employees

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days’ notice is not possible, the employee must provide notice as soon as practicable and must

comply with an employer's normal call-in procedures. The employee's supervisor must consult Human Resources as soon as there is knowledge an employee needs to be off work.

5.44.5 Medical Certification

Medical certification by an applicable health care provider is required for all leaves with the exception of leave for childbirth.

The employee must provide certification as soon as reasonably possible and no later than 15 days after the College notifies the employee that the leave may qualify as FMLA. If the employee fails to provide such timely certification, the leave request may be denied until a reasonable period after the required certification is provided, or the leave request may be denied entirely. Human Resources will inform the employee if the request is approved/denied.

5.44.6 Active Duty/Call to Duty Certification

For leave of absence due to Armed Forces active duty or call to duty, the employee must provide the available Armed Forces documentation as soon as possible.

5.44.7 Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

5.44.8 Substitution of Paid Leave for Unpaid Leave

The employee is required to first use accumulated sick, personal, and/or vacation days; the balance of the leave will be unpaid up to the 12 week maximum.

5.44.9 Continuation of Benefits while on Family or Medical Leave

For any employee granted leave under this Policy:

(a) The College will continue to pay the employer portion of the group medical, dental, vision and life insurance premiums.

(a) The employee must continue to pay the employee's portion of insurance premiums.

(b) If the employee does not return to work when FMLA leave is exhausted, the opportunity to purchase continuing coverage under COBRA regulation will apply.

5.44.10 Impact on Future Retirement Benefits

For information on potential impact of Family and Medical Leave on retirement benefits, the employee should refer to the PSRS-PEERS website at <http://www.psrs-peers.org>. Subject to PSRS-PEERS requirements, employees on unpaid leave may be able to contribute based on current salary into the applicable retirement system in order to earn service credit.

5.44.11 Fitness-for-Duty Requirements

Employees who take leave under this Policy due to their own serious health condition must provide to the Human Resources office, in advance of returning to work, a "return to work" slip from their health care provider stating that they are able to resume the essential functions of their jobs with or without a reasonable accommodation. Employees may not return to work without the required documentation from their health care providers.

5.44.12 Return from Family and Medical Leave

Employees are expected to return to work the first workday following the last day of the family or medical leave. In cases where the employee is unable to return sooner or the employee needs an extension of leave time, employees are asked to provide two days' notice of such whenever possible. Upon return from a family or medical leave, an employee will be restored to the same or an equivalent position. An employee's

failure to return from leave on the designated date will be handled in accordance with College Policy.

5.44.13 Option for Employees Ineligible for FMLA Leave

Employees who do not qualify for leave under FMLA or who have exhausted family and medical leave may consult Human Resources to determine their eligibility to apply for an unpaid leave.

5.45 Nursing Mother Accommodations *(Adopted 4-15-2014)*

East Central College will comply with the requirements of the Patient Protection and Affordable Care Act (PPACA), which amended Section 7 of the Fair Labor Standards Act (FLSA) to provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother.

Procedures:

5.45.1 Providing Accommodation

The College will accommodate employees who are nursing mothers and who need to express milk during the work day for up to one (1) year after the child's birth. Employees covered by this provision will work with their supervisor to determine how best to accommodate the needs of the mother while still meeting job expectations.

5.45.2 Time for Lactation Accommodation

Supervisors will be required to provide a reasonable amount of break time to express milk as frequently as needed by nursing mothers. Nursing mothers covered by Policy 5.32 will be allowed to extend the two paid fifteen minute breaks provided in that Policy by up to an additional 15 minutes of paid time to express milk if needed. If a longer break time is necessary, the employee will be required to make up the missed time or use vacation/personal leave. If an employee takes more than the two paid breaks and the unpaid 30 minute lunch break during the work day to express milk, the employee will need to make up the time missed or use vacation/personal leave. Non-exempt employees will be required to

record break times on the timecard. Accrued sick leave cannot be used for milk express breaks as this does not qualify for sick leave.

5.45.3 Environment for Lactation Accommodation

The nursing mother may use her office, an office in the immediate work area or one of the private locations designated by the College for expressing milk. Milk may be stored in College refrigerators located in the break areas throughout the campus.

5.46 Workers' Compensation (Adopted 5-12-2014)

The College provides Workers' Compensation benefits for all College employees pursuant to the mandates of the Missouri Workers Compensation Law. Employees who suffer an injury or who are exposed to or contract any occupational disease arising out of and in the course of their employment with the College ("a workrelated injury") will receive benefits from the College in accordance with this Policy and the Missouri Workers' Compensation Law ("the Law").

Procedures:

5.46.1 Reporting of Injury

Employees must notify their supervisor or College designated representative immediately of any work-related injury prior to seeking treatment or if refusing

treatment. The supervisor or College designated representative should inform Human Resources of the work-related injury. College designated representatives include the Facilities/Grounds Director, the Satellite Site Director for the site at which the work-related injury occurred, an ECC first responder and Campus Security personnel. Human Resources will maintain on the web page a list of the College designated representatives and any forms referenced in this Policy.

An injured employee must visit an authorized provider or facility in order to be covered through Workers' Compensation. The employee is to inform the medical providers and facilities that the injury was work-related.

- 1) Day Hours – If a work-related injury happens during the hours of 6 a.m. to 4:30 p.m., the employee must inform the immediate supervisor or

Division Vice President. A written report of injury must be completed that day.

- 2) Evening Hours – If a work-related injury happens Monday – Thursday after 4:30 p.m., the employee must inform the immediate supervisor, ECC first responder or Campus Security. The work-related injury should be reported to the supervisor and a written report of injury must be completed the next business day.
- 3) Weekend/Holiday - If a work-related injury happens on the weekend, the
employee should contact the immediate supervisor or Campus Security. The work-related injury should be reported to the supervisor and a written report of injury must be completed the next business day.

5.46.2 Designated Workers' Compensation Facilities

The College will identify healthcare facilities in close proximity to each of its locations which will be designated Workers' Compensation facilities to be utilized in case of a work-related injury. Employees are required to utilize the designated facilities according to the designated hours.

An injured employee must visit an authorized provider or facility in order to be covered through Workers' Compensation. A list of these facilities will be maintained in the Human Resources Office and posted on the Human Resources web page. Employees will be responsible for payment for medical treatment if they receive treatment from any medical provider or facility other than the College authorized medical provider or facility.

For purposes of physical therapy, an employee may use the College authorized medical provider or facility that is closest to the employee's home.

5.46.3 Emergency Situations

Employees and/or ECC first responders must notify the supervisor immediately of any work-related injury. If a work-related injury is an emergency, 911 should be called immediately. The medical providers will determine the appropriate care and whether or not the employee needs to be treated at the hospital. The
College designated representative will contact the hospital and

authorize treatment. If the nature of the work-related injury is such that the employee cannot immediately submit the completed report of injury form, the employee's supervisor will assist the employee in completing the form as soon as possible.

5.46.4 Non-Emergency Situations

If the work-related injury is a non-emergency but requires medical treatment, the employee will pick up a Treatment Authorization Form from Human Resources, Facilities and Grounds, or the Satellite Site office and go to a designated medical facility closest to his/her campus per the hours of operation. If the employee is not capable of driving, alternate transportation arrangements will be made by the employee or College. Employees should not transport another employee unless approved by a College Administrator, Human Resources or the applicable Satellite Site Director. The College designated representative will contact the treatment facility to authorize treatment of the employee.

5.46.5 Injury Report

An injury report should be completed by the employee and the supervisor and submitted to the Human Resources Office no later than the next business day after the work-related injury. Any witness(es) should complete the injury report form and submit it to the supervisor. If the nature of the work-related injury is such that the employee cannot immediately submit the completed report of injury form, the employee's supervisor will assist the employee in completing the form as soon as possible. Any delay in reporting the work-related injury may delay Workers' Compensation benefits. Injury report forms are available in the Human Resources office and on the Human Resources web page.

5.46.6 Follow-up Medical Treatment

Follow-up visits and/or therapy should be scheduled during normal working hours. An employee does not receive compensation when treatment is after hours or on a holiday.

An employee can receive mileage reimbursement for medical treatment according to College Policy for travel from the work location to the designated facility. An employee can receive mileage

reimbursement for medical treatment according to Workers' Compensation for travel from the work location to the designated medical facility if twenty-five miles or more one way.

5.46.7 Return to Work

Employees must provide a release from their treating physician to return to work after being absent due to a work-related injury. The employee will work with the supervisor and Human Resources if any restrictions are required. All releases from treating physicians must be forwarded to the Human Resources office.

An employee who fails to return to work after receiving the release from their treating physician to do so would be considered absent from their job without authorization. The College considers three days of unauthorized absences without notice to be a voluntary resignation.

5.46.8 Compensation Benefits

The College will pay for time lost because of a work-related injury during the remainder of the normal workday in which the work-related injury occurs.

5.46.9 Temporary Total Disability Benefits

Employees will receive Temporary Total Disability (TDD) Benefits in accordance with the Law. TTD Benefits are wage replacement benefits paid to an employee in lieu of wages during the period of time in which the employee is unable to return to any employment because of a work-related injury.

Employees whose average weekly wage as defined by the Law ("average weekly wage") exceeds the actual wage necessary to obtain the maximum total disability rate as defined by the Law ("maximum wage") may use accrued vacation, sick leave or personal leave to cover the difference between the employee's average weekly wage and the maximum wage during the time period such employee is entitled to TTD Benefits under the Law.

By Law, TTD Benefits are not provided for the first three (3) full days of absence due to a work-related injury unless the employee is off work for at least 14 calendar days due to a work-related injury. The employee may request use of accrued vacation, sick leave or personal leave for the

first three (3) days' absence from work. If the employee is off work more than 14 calendar days, TTD Benefits will be made from the first day of lost time. The College will reduce the next month's accrued vacation, sick leave or personal leave based on the difference between the amount of TTD Benefits paid and the amount of accrued leave used for the first three (3) days of absence.

An employee who is receiving unemployment benefits may not receive concurrent TTD benefits.

An employee who is terminated from employment with the College for postinjury misconduct will not be entitled to continue to receive TTD benefits.

An employee receiving TTD Benefits will continue to accrue vacation and sick leave.

Employees should refer to PSRS/PEERS for information on the potential impact of TTD Benefits on retirement benefits.

An employee who has returned to work after a work-related injury, but is still receiving medical treatment, will not receive TTD benefits for time missed from work for physical therapy, employer-requested medical evaluations, or to attend medical treatment and/or evaluations. The employee will be allowed to seek follow up treatment during the normally assigned work shift.

5.46.10 Continuation of Employee Benefits While Off Work Due to Work-Related Injury

If an employee is not able to work due to a work-related injury and as long as the injured person remains an employee of the College, all regular employee benefits may continue. However, since the employee will be receiving TTD Benefit checks directly from the College's insurer and not through the College's regular payroll system, the employee's portion of the cost for dependent benefits cannot automatically be deducted from the employee's payroll check. Therefore, the employee is responsible for making separate payment arrangements with the College.

Workers' Compensation leave for more than three days will be designated as FMLA leave for qualifying employees.

5.46.11 Compliance

Under the law, Workers' Compensation benefits can be denied if an employee is found to be using alcohol and/or non-prescribed controlled drugs in the work place and the use is the proximate cause of the injury. If the employee is found to be using alcohol/drugs and the use is not the proximate cause of injury, a 50% penalty can be leveraged against otherwise payable benefits.

An employee with a work-related injury must strictly follow any and all instructions of the treating physician. This compliance includes, but is not limited to: prescription use, therapy, rest, following activity restrictions, and returning for follow-up visits. Compliance with medical instructions is mandatory on and off the job.

If an employee violates a rule of the College or fails to use a required safety device, that employee's Workers' Compensation benefits may be reduced by 25-50%.

Employees are expected to comply with these policies as a condition of their employment. This includes, but is not limited to, the expectation that an employee shall:

1. Comply with physician's orders,
2. Immediately notify their supervisor or the College designated representative of a work-related injury,
3. Refrain from the use of drugs and/or alcohol in violation of the College's policies,
4. Comply with safety standards,
5. Return to work upon release of physician, and
6. Be absolutely truthful and accurate in all claims and reports.

Failure to comply with this Policy may result in College discipline up to and including termination.