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## **APPENDICES**

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## **PERSONNEL SERVICES**

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**(Form 4120)**

### **Employment**

#### **Employment Procedures**

##### **Immigration Reform and Control Act**

The federal Immigration Reform and Control Act requires all employers to hire only American citizens and aliens who are authorized to work in the United States in order to preserve jobs for those who are legally entitled to them. The College will implement the following procedures to assure compliance with the law:

1. Any employees hired after November 6, 1986, will complete an Eligibility Verification Form (Form I-9), and will produce documents to an HR or designated/approved College official that will establish his/her identity and eligibility to work. (Form I-9 contains a list of documents that will fulfill this requirement.) within three days from the initial hire date.

\*Access to College networking systems, e-mail, and learning management systems will not be available until the individual has completed all required documents showing proof of eligibility to work in the United States and verified through the federal E-Verify system.

2. The College will retain an individual's Form I-9 for three years after the date of hire or one year after the individual is terminated, whichever is later.
3. The form may be reviewed and revised by various federal agencies. In order to minimize potential intrusion, Eligibility Verification Forms will be maintained separately from the employee's personnel files as stipulated in Policy 4860.

For further information concerning the procedures surrounding the Form I-9 and E-Verify system or the College's obligations under the Act, consult the Vice President for Finance and Administration. (last approved 1-26-09)

**Employment**

**Criminal Background Check**

I. Hiring

State Fair Community College departments will incorporate the following steps into their hiring process.

- a. **Announcing a Vacancy** – All vacancy announcements (including ads) will contain the following statement:  
**"Employment will require a criminal background check at College Expense"**  
This statement will be included in the campus human resources systems for insertion in all position materials.
- b. **Applicant Notice and Authorization Form** – Once the department identifies the finalist for a faculty or staff position, the department must notify the BCC. This must be done before a job offer is made. If the individual declines to sign the authorization form, he or she will no longer be considered a candidate for the vacancy.
- c. **Offering a Position** – Criminal background checks must be complete prior to making an offer of employment. In most cases, only the finalist being offered the position will be checked. However, there may be circumstances where more than one applicant is checked (e.g., President, Vice-President, Dean search). See Section IV, conducting criminal background checks, for a description of the process, including notification of the Dean, Vice-President or President in the case of a positive criminal history.

(1)II. Sensitive Positions

All new hires or transfers (including student hourly, part time, and per course faculty) to sensitive positions as defined below shall be subject to a criminal background check. Sensitive positions shall include the following individuals who:

- a. **Have Fiduciary Responsibilities** including ability to move funds between accounts, use college funds routinely to purchase items/services, handles more than nominal amounts of cash (\$5,000+); works with grant funding that can be transferred between accounts, and/or is responsible for auditing fiduciary activities.
- b. **Work with Vulnerable Populations** including:
  - o Summer Camps and Conferences (e.g. Sports Camps, Kids College, Upward Bound, etc.)
- c. **Work in programs which require or allow for the unsupervised provision of services directly to minors who are not enrolled students of the university.**
- d. **Work with Select Agents (Hazardous Materials)** in which federal requirements mandate criminal background checks.

- e. **Work in the residence halls** including but not limited to: resident assistants and hall directors.
- f. **Provide Security Services** including perimeter security and management of security functions.
- g. **Operate Campus Vehicles** where a Commercial Driver's License (CDL) is required or employee drives a campus vehicle as a regular part of their functions.
- h. **Have Network/Database Responsibilities** that include the ability to access sensitive data (e.g., LAN Administrator, Database Administrator, etc.).
- i. **Have Property Access** through assigned functions requiring the use of master building keys that provide direct access to students and campus resources. Positions with these responsibilities might include department chairs, custodians, department administrators, security personnel, building managers, facilities and maintenance staff.
- j. **Serve in positions designated as sensitive positions by the President, appropriate Vice-President or Dean.**
  - (2)III. Employee Self-Reporting  
*All employees* must self-report felony criminal arrests and convictions within five days to the Background Check Coordinator.
  - (3)IV. Conducting Criminal Background Checks  
Criminal background checks will be conducted and managed by the Human Resources Department. The following process and roles will be built into how criminal background checks are done and what actions are taken.
    - a. **Background Check Coordinator (BCC)** – Human resources will identify at least one employee as the college's Background Check Coordinator (BCC). This individual will be responsible for all activities involved with the checks including determining the scope, conducting, making decisions on results, and relaying on decisions to both employer and employee. A key component of this role involves keeping information confidential except on a need-to-know basis.
    - b. **Steps for Completing Check** – For new hires, the BCC will be notified by the hiring department that a check needs to be conducted. BCC will contact the finalist to secure the necessary waivers and additional information to secure a background check. The BCC will tell the finalist he or she is "a" finalist. The BCC will not tell the finalist he or she is "the" top candidate or that he or she will be offered the position. If the finalist refuses to sign the necessary waivers and/or provide additional information, he or she will be eliminated from further consideration.  
The following are standards for conducting the checks.
- 1. **Minimum Criminal Background Check will require a check done by the chosen College vendor.** This check will provide information on misdemeanor and felony convictions and sexual offender registry in the state of Missouri on every finalist.

2. **Out of State Checks** should be done for the last seven years if the final candidate has an employment history outside of Missouri or has lived outside the state. This can be determined by utilizing either information the candidate has provided (resume/vita, reference check information, past employment information, etc.) or the vendor.

3. **International Checks** shall be conducted on non-United States citizens who have been in the United States for less than 7 years. College may rely on the FBI checks conducted during the Visa process for international criminal history.

Note: The Vendor will **not** perform reference checks. Relevant job performance questions are not easily standardized and hiring departments are in the best position to evaluate the reference information collected.

c. **Making Decisions**

- Relevant criminal background information will be limited to felony convictions, except for certain specified positions where misdemeanor convictions may be significant such as motor vehicle offenses for persons whose job duties involve the operation of motor vehicles. Human Resources will maintain a statement of those positions for which misdemeanor convictions are considered relevant, and a description of those convictions.
- If the criminal record check indicates there are no convictions, the vendor shall inform Human Resources who in turn shall inform the Vice-President or Dean and the hiring department that the candidate is viable for employment.
- If the criminal record check indicates there are convictions, the vendor shall inform Human Resources. Human Resources shall notify the Vice-President or Dean and shall follow any adverse action procedures below.
- If the criminal record check reveals convictions which the individual disclosed in the application, HR shall review the report and shall evaluate each conviction, including any additional information that the individual provides before the offer of employment is confirmed or withdrawn. HR shall consult with legal counsel and the Vice-President or Dean supervising the position. The existence of a conviction does not automatically disqualify an individual from employment. Factors to be considered are: the nature and gravity of the offense; the time since the conviction/completion of the sentence; and the nature of the job held or sought and the relatedness of the conviction(s) to the duties and responsibilities of the position. Any decision to accept or reject an individual with a conviction is solely at the discretion of the College.
- If unreported felony convictions are discovered in the criminal record check, the offer of employment may be withdrawn, and, if employed, the individual shall be subject to termination from employment, unless the individual proves that the report is in error. The decision to reject

- or terminate an individual with an unreported conviction is solely at the discretion of the College.

**d. Adverse Action Procedures**

0. **Before** College takes any adverse action based in whole or in part on the results of the criminal background check, HR must give the individual a pre-adverse action disclosure that includes a copy of the individual's consumer report and a copy of "A Summary of Your Rights under the Fair Credit Reporting Act".
    1. After notice to the individual, College must wait five days before taking any adverse action in order to give the applicant an opportunity to refute the information.
    2. After College takes an adverse action, it must give the individual notice. It must include:
      - a. The name, address, and phone number of the vendor that supplied the report.
      - b. A statement that the vendor that supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; and
      - c. A notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.
  - d. **Keeping Records** – Records gathered as a result of a criminal background check will be kept by the BCC. These records will include:
    - Authorization Form
    - Information collected from the check
    - Analysis and decision regarding any convictions
    - Correspondence related to criminal background checkThe records will be securely maintained during the duration of employment and in accordance with state retention policy.  
College shall provide for proper disposal of records pursuant to applicable federal law.
- (4)V. Other Background Checks/Evaluations
- Other types of background checks and/or evaluations may be utilized due to the nature of particular positions. This could include the need to conduct drug analyses and/or credit checks. If this need arises, campus departments will get approval from the Office of Human Resources (HR) to ensure these tools are only used as justifiable and appropriate with appropriate authorizations from the individual.
- Any questions related to this policy, including interpretations and resource locations, should be directed to the Human Resources Department. (12/5/12)



**Employment**

**Position Vacancies**

Upon receipt of a completed, approved Position Requisition Form, Business Office personnel will coordinate with the hiring manager to develop a vacancy notice to be posted on the Employment Opportunities Webpage of the SFCC Website. Current employees will receive notification of the opening through the in-house vacancy posting process. When advertised in newspapers, the phrase “Equal Employment Opportunity” shall appear in the ad. Applications will be kept in the Office of Human Resources for six (6) months and accessed upon written request by the applicant for consideration of available vacancies.

**Classification of Positions**

As vacancies occur, the appropriate department chairperson, program director and supervisor in consultation with the appropriate administrator, will make a recommendation to the President describing the vacancy. If necessary, position descriptions and qualifications for non-instructional positions will be revised beginning with a review by the Vice President for Finance and Administration in accordance with the Fair Labor Standards Act. Supervisors, with approval of the appropriate vice president, will initiate a Position Requisition Form. Classification and salary range placement for new positions will be conducted by the Vice President for Finance and Administration, reviewed by the immediate supervisor and the appropriate Vice President and Approved by the Executive Leadership Team for budget approval.

**Reclassification of Existing Positions**

Requests for reclassification of existing positions may be initiated by the immediate supervisor using a Position Description Questionnaire no later than January 31<sup>st</sup> of the fiscal year. The Vice President of Finance, Administration and HR will conduct a job content evaluation, to place the position within the appropriate job family and salary range. Reclassification recommendations will be submitted to the Executive Leadership Team for budget approval no later than March 31<sup>st</sup> of the fiscal year.

**Vacancy Notification**

Upon review and approval by the appropriate hiring manager Payroll Service Staff will advertise the position as follows:

1. Announce the posting through approved internal communication channels.

2. Publish the vacancy on the SFCC website Employment Opportunities page.
3. Place ads in local and regional newspapers.
4. If requested, distribute the vacancy notice to placement offices and graduate departments of Colleges and universities and advertisements in professional publications, journals and web services. Such placements of advertisements will be funded by the hiring department.
5. List the job with the SFCC Career and Job Placement Counselor;
6. Distribute the listing to placement offices and, when appropriate, graduate departments of regional Colleges and universities; and
7. When appropriate, place newspaper ads in regional and national newspapers as well as in professional publications and journals.

Detailed guidelines for advertising vacancies are available in the *SFCC Hiring Manual*.

### **Screening and Interviewing Candidates**

To be fully considered, all applications must be complete to include an SFCC Employment Application and required materials. Upon request by the hiring manager, applications will be screened by Payroll Services Staff for minimum qualifications then forwarded to the chair of the selection committee.

The Vice President for Finance and Administration or designee will conduct a brief orientation for members of the selection committee prior to the review, interview, and selection of candidates. The interview process may include interviews with members of the department or program in which the vacancy exists. Once the selection committee and the appropriate vice president have reached agreement, the vice president shall complete the process by coordinating with HR staff to insure all search files are complete and the appropriate salary is determined for submission to the President for approval. The President will present recommendations for full-time faculty, administrative and exempt, employees, to the Board of Trustees for approval. Recommendations for hiring non-exempt employees will be submitted by the appropriate administrator to the Vice President of Finance, Administration and HR and the President for approval.

When a position is offered, the applicant is given a reasonable length of time to accept or reject the offer.

**Employment**

**Faculty Credentials**

The following credential requirements meet or exceed the requirements for community college faculty as established by the State of Missouri, the Higher Learning Commission and other pertinent accreditation and licensure organizations. All SFCC faculty will meet or exceed these requirements by October 2017.

Faculty teaching general education courses, or other non-occupational courses must have:

1. A master's degree or higher in the discipline or subfield, or
2. If a faculty member holds a master's degree or higher in a discipline or subfield other than that in which he or she is teaching, that faculty member should have completed a minimum of 18 graduate credit hours in the discipline or subfield in which he or she teaches.

Faculty teaching in applied and occupational courses must have:

1. At least a bachelor's degree in the field, or
2. An Associate's Degree in the field and three years pertinent work experience in the field, or
3. Education or training and five years pertinent work experience in the field, or
4. Recognized Industry Certification and/or Licensure.

Faculty who are working to attain credentials may receive approval to teach under the following conditions:

1. If needing college graduate credit or degree, a bachelor's degree or an associate's degree, the faculty member has no more than six credit hours remaining to complete the credentials requirement; and
2. The faculty member is continuously enrolled during the fall and spring semesters in required college courses; or
3. The faculty member is currently and continuously enrolled in a recognized Industry Certification Program.
4. The faculty member can be approved to teach certain classes based on approval under the Alternative Qualification Form through the appropriate Division Chair and Dean. This process considers other factors such as related degrees, teaching experience, and awards or internships completed in the field of study.

Faculty teaching non-credit courses will have credentials appropriate to the course taught.

Documentation of faculty credentials, including transcripts, certifications, and/or resumes documenting pertinent work experience will be maintained in the Human Resources Office and must be submitted prior to hiring.

Division chairs will establish the specific minimum credentials for each class based on the requirements of the discipline. These minimum qualifications will be maintained in a document, Master Course Credential Qualifications. Faculty division chairs will review and revise this document by January 1<sup>st</sup> of each year. Any updates, additions, or changes are effective the following fall semester. (approved 2/23/16, revised 2/8/18)

**Personnel Work Assignments**

**Non-Exempt Duties, Schedule and Working Hours**

The work week and working hours for Non-exempt employees will be set by the Board of Trustees.

**Overtime/Compensatory Time**

Authorization by the immediate supervisor is required for non-exempt employees to work outside the normal working hours set by the Board of Trustees. Payment of overtime must be approved by the appropriate vice president.

Non-exempt employees who work more than forty (40) hours during any workweek will be awarded compensatory time off (“comp time”) or paid overtime. Comp time or overtime pay will be awarded at the rate of one and one-half (1½) hours for each hour of overtime worked.

1. Supervisors who are responsible for approving time-sheets need to insure compensatory time earned is taken within ninety (90) days. If compensatory time earned is not taken within the 90 day period, the supervisor must submit approval for time to be paid to the appropriate Vice President.
2. Every effort will be made to permit the use of comp time at the earliest time mutually agreed upon by the individual and his/her supervisor. However, where the individual's absence would unduly disrupt the College's operations, the College retains the right to postpone comp time usage.
3. Employees with unused comp time who are terminated or who terminate their employment will be paid for unused comp time.
4. For the purpose of determining straight time and/or overtime pay, the work week will consist of actual hours worked. Employees who are eligible for paid time off will be compensated for paid time off taken during the work week at their regular hourly rate. However, paid time off hours will not be counted in a calculation of weekly overtime.

In the event a supervisor and employee wish to arrange mutually agreeable exchange of a work day- (i.e., a weekend or a College holiday) the supervisor will submit a Flexible Schedule Request to the Vice President for Finance and Administration one week prior to the schedule change.

**Compensation for Professional (Exempt) Staff**

**Additional Compensation**

Exempt employees are not entitled to overtime and are paid on a salary basis. At times an exempt employee may be required to perform additional duties outside the scope of the position. When exempt staff performs such duties, additional compensation must be approved by the supervisor and forwarded to payroll services by initiating a Pay Authorization Form by the appropriate Supervisor and Vice President. Approval by the Vice President for Finance and Administration will be given based on the project, timeframe, availability of funds and adequate justification.

**Deduction in Pay**

Deductions from pay are permissible when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

State Fair Community College will comply with the salary basis requirements of the FLSA. Therefore, we prohibit supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the College does not allow deductions that violate the FLSA.

**Improper Deduction**

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

In the event the College is closed due to inclement weather or for any other reason, essential employees may be required to report for work at the discretion of their supervisor.  
(amended & approved 7/27/019)

**Marketing and Communications Department  
Communication Plan for Canceling Classes/Closing the Campus**

**Regulation 4310**

**Approved January 2005  
Updated November 2017**

**Introduction—**

Because events and activities take place on the Sedalia campus and certain buildings are open for services and/or classes every day of the week, this communication plan applies to activities taking place on the weekend as well as during the week. Note that decisions to cancel classes or close campus locations may occur at times different than listed below due to changing weather conditions, facility issues or external factors.

**Sedalia campus—**

**Day and evening classes and events—**A decision to cancel classes (on-ground, ITV, hybrid and online) or to close the campus will be made by the Vice President for Finance and Administration and the President. Decisions may be announced by 9 p.m. for the next day, but all decisions will be announced by 5:30 a.m. the day of classes. Any events, internally or externally sponsored, will also be canceled.

- The President calls the Executive Director of Marketing and Communications who updates the SFCC website and other official communication venues, and along with the Writing Manager, notifies the media.
- The CIO notifies the appropriate ITS employee who changes the main phone message.
- If applicable, the Vice President for Finance and Administration contacts the snow removal contractor(s).

**Sedalia campus—**

**Evening classes (defined as starting at 5 p.m. or later) and events—**A decision to cancel evening classes (on-ground, ITV, hybrid and online) or to close the campus will be made by the Vice President for Finance and Administration and the President. Decisions will be announced by 3 p.m. and any evening events, internally or externally sponsored, will also be canceled.

- The Vice President for Finance and Administration notifies the Executive Director of Marketing and Communications who notifies the campus, updates the website and other official communication venues, and along with the Writing Manager, notifies the media.
- The Vice President for Finance and Administration notifies the CIO who changes the main phone message.
- Building managers are responsible for clearing the buildings. In order to ensure the safety of students and employees and allow for snow removal, no one is allowed to stay on campus past a designated closing time.

Day and evening cancellation decisions on Saturday and Sunday will be made independently. For example, day events on the weekend may be canceled by the standard 5:30 a.m.

announcement time, but evening events may go on as planned if snow removal can occur in time. If a weekend evening event needs to be canceled, an announcement will be made by 3 p.m.

**Extended campus sites—**

A decision to cancel classes (on-ground, ITV hybrid, and online) at any extended campus site is made by each individual site coordinator or director. Decisions may be announced by 9 p.m. for the next day's day/evening classes or by 5:30 a.m. for day/evening classes or by 3 p.m. for evening classes (defined as starting at 5 p.m. or later).

Because some extended campus sites are located at high schools or career and technology centers, if the host location closes, SFCC classes will be canceled.

- In the event of a closure, site coordinators/directors are responsible for contacting their vice president, the local media in the area, any sites participating in ITV classes, the CMU site coordinator (if applicable), and the Executive Director of Marketing and Communications, who updates the website and other official communication venues as appropriate.

**The State Fair Career and Technology Center—**The SFCTC follows the school cancellation notices of State Fair Community College and Sedalia 200 School District. If Sedalia 200 cancels or has a delayed start, the SFCTC executive director is responsible for contacting the Executive Director of Marketing and Communications, who updates the SFCC website.

**Central Methodist University—**The Vice President for Educational and Student Support Services is responsible for notifying the CMU-Sedalia site coordinator in the event of a cancellation or closure on the Sedalia campus; extended campus site coordinators are responsible for notifying their respective CMU site coordinators in the event of cancellations.

**Great Western Dining Services—**The Vice President for Finance and Administration is responsible for notifying the Food Services Director in the event of any cancellation or closure and coordinating with the Director of Student Life for the food service needs of residence hall students.

**Essential Personnel—**During any weather or nonweather related closing, essential personnel as determined by the situation and the President may be requested to report to campus. If a campus location is closed, all other personnel should not report to work without the approval of their ELT representative. This is in order to ensure employee safety and to prepare for adequate snow removal.

Last revised: (11/28/06, 11/26/07, 11/17/2008, 10/22/09, 10/26/10, 11/2/11, 10/16/12, 11/12/13, 2/9/14, 11/3/15, 11/8/16, 12/12/17)

**Absences, Leave and Vacation**

**Personnel Leave**

**Sick Leave**

Full-time employees of the College receive 4.62 hours of sick leave per pay period which may accumulate to a total of 1040 hours. Unused cumulative sick leave is canceled when employment with the College is terminated.

Sick leave may be used when an employee is compelled to be absent from duty due to his/her own illness or injury; for medical and dental appointments; or for an illness, injury, or medical or dental appointment in the immediate family (spouse, mother, father, grandparent, brother, sister, son, daughter, grandchild, son-in-law, daughter-in-law, or persons for whom the employee has guardianship). College employees may qualify for additional, or alternative, benefits under provisions of the Family and Medical Leave Act (FMLA). See Regulation 4321.

The College reserves the right to request a medical examination of any employee who has repeated or prolonged absences due to illness or injury. The College may require sufficient medical certification from the health-care provider to support long-term leaves of absence due to a serious health condition, and may require second or third opinions and a fitness for duty report to return to work. The certification shall be sufficient if it states the date on which the serious health condition commenced, the probable duration of the condition, and the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, if the employee is requesting leave time for a serious health condition of a member of his/her immediate family, the College may require the same supporting documentation. Refer also to Regulation 4820, Employees with Communicable Diseases.

**Personal Leave**

Faculty may take two (2) days of leave per year for personal matters with the approval of the appropriate supervisor or administrator. Both days may be taken in the same semester. This leave is not cumulative.

**Bereavement Leave**

A full-time employee of the College shall be entitled to a leave of absence of up to three (3) days, without loss of salary, upon the death of any member of the immediate family (mother, father, grandparent, brother, sister, son, daughter, spouse, or the same relationships to spouse, grandchild, son-in-law, daughter-in-law, or persons for whom the employee has guardianship). Bereavement leave upon the death of persons not identified above may be granted upon the approval of the



appropriate supervisor. Additional bereavement leave, not to exceed three (3) days, if approved by the appropriate administrator shall be deducted from the employee's accumulative sick-leave account. Exceptions to this rule may be requested through the President's Office.

**Adjunct Faculty Leave**

Adjunct faculty receive one contact hour of leave per course per credit hour taught each semester, to be used as sick leave, personal leave, bereavement leave, professional leave, absences due to inclement weather when the college or campus site is open, etc., during that semester. An online faculty member who does not post responses and/or grades during a consecutive seven-day period will be considered absent. Absences beyond the limits described will result in a deduction in pay proportional to the time missed.

**Jury Duty**

- A. Employees who are called to serve for jury duty shall report the call to his/her immediate superior and shall be relieved from duties for the reasonable time required for rendering such jury service.
- B. The staff member shall be entitled to retain all compensation received for such jury service and no deduction shall be made in his/her regular compensation for the reasonable time he/she is absent from duty on account of responding for such jury service.
- C. "Reasonable time absent" will be interpreted to mean that an employee scheduled for the day shift and excused from jury service is expected to report back to work for the balance of the shift if there are at least four (4) hours work available on his/her assigned schedule. Employees normally scheduled to work on the second or third shift who are selected for jury duty will be expected to report for work in accordance with their assigned schedule if they are excused from jury service before having served four hours or more. The above would not apply if the jury duty is in another part of the state and travel time to the campus would make it unreasonable to do so.

**Military Leave**

Chapter 43 of Part III of Title 38, U.S. Code, provides a reemployment rights program for men and women who leave their jobs to perform training or service in the Armed Forces. Application must be made within ninety (90) days after completion of military service; within thirty-one (31) days after completion of initial active duty for training of not less than three (3) months.

Members of the staff who are required to take periods of training for purposes of retaining status as members in organized units of the Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard or National Guard, or who are ordered to active duty, may be granted leave

upon submitting evidence of receipt of official orders.

Staff members will have the option of using accrued vacation time for military leave or remitting the compensation of either the military or the College. Using a combination of accrued vacation and partial remittance of either salary is permissible.

**Professional Leave**

A reasonable leave of absence without pay may be arranged for personal or professional leave upon recommendation of the appropriate supervisor, Director of Human Resources and approval by the President. Premiums for medical and dental insurance and retirement will not be paid by the College during leaves of absence without pay.

**Sabbatical Leave**

Sabbatical leave for professional development is an integral part of the philosophy of State Fair Community College. In any academic year up to four percent (4%) of the faculty who have completed six (6) years of service at the College may be granted such leave by the Board of Trustees on recommendation by the Executive Leadership Team.

A member of the faculty who is granted sabbatical leave is expected to return to the College for at least two (2) academic years following such leave. The sabbatical contract shall describe conditions of repayment or cancellation of the debt. If the faculty member returns for two (2) academic years following the end of the sabbatical contract, no repayment is required. If the faculty member completes one (1) academic year following the sabbatical contract, fifty percent (50%) of the sabbatical compensation is excused. If the faculty member does not return, or fails to complete one academic year, the entire compensation for the sabbatical contract is to be returned to the College. Full payment of amount owed is to be considered due and payable at the end of the sabbatical contract or at the effective date of termination of a subsequent appointment prior to two (2) years, whichever is later. A twelve (12) month interest-bearing note may be accepted in lieu of cash payment. The rate of interest on such note shall be set at the prevailing bank rate for signature loans in the area. If there are extenuating circumstances preventing the faculty member from returning or completing the two (2) academic years, those circumstances will be reviewed by the President and the Board of Trustees to determine the faculty member's obligation or debt to the College. Death of a faculty member during sabbatical leave, after return to College or during a repayment period, will automatically cancel any obligation or debt to the College.

A sabbatical leave may be granted for an entire appointment period, during which time the faculty member shall receive one-half of the regular salary or for one-half of the appointment period with full salary during that period. When a sabbatical leave has been granted, the absence shall not be construed as a break in service so far as salary, accumulated benefits, and rights are concerned.

A member of the faculty on sabbatical leave shall not render service for compensation in another institution or enterprise except by permission of the President of the College; however, this restriction does not preclude the acceptance of a fellowship or other assistance. In each case, the source of additional funds and the fact that their use materially aids the planned program of the recipient shall be fully set forth in the request for the sabbatical leave.

Application for sabbatical leave shall be made in writing and addressed to the President of the College by November 1, preceding the academic year within which the leave is desired. Exceptions to this deadline shall be considered by the Executive Leadership Team. The application must be accompanied by a statement of a well-conceived plan for the increased effectiveness of the applicant and the benefit of the College. Upon returning, the faculty member shall present a full report to the President regarding use of the sabbatical leave.

**Sabbatical Leave/Teacher Retirement System**

In the event an instructor is granted sabbatical leave, based on a ten (10) or twelve (12) month contract at one-half salary, said instructor shall have two options with approval of the Board of Trustees, concerning participation in the Public School Retirement System of Missouri. According to regulations of the Retirement System, these options are as follows:

1. The instructor may opt to discontinue participation in the Retirement System for the sabbatical contract period, thereby losing a year of service with the system. Under these circumstances, Social Security would be withheld on the amount of the sabbatical contract.
2. In order to claim the sabbatical contract period as service in the Retirement System, it is required that deductions be made on the full contract salary, not the one-half sabbatical contract salary, payable under the following policy:

The College will pay contributing deductions on the sabbatical contract salary and the faculty member will be required to contribute the remainder due based on the full salary, not the one-half sabbatical contract salary.

(approved 1/28/08) (amended and approved 7/27/09) (changes 1/2014)

## **PERSONNEL SERVICES**

**Regulation 4321**  
(Form 4321)

### **Absences, Leave and Vacation**

#### **Family and Medical Leave**

Under provisions of the Family and Medical Leave Act (FMLA), an eligible employee is entitled to up to twelve (12) workweeks of unpaid leave within a twelve (12)-month period without loss of seniority or benefits. When both spouses in a family work for the College, they will be entitled to a total of twelve (12) weeks of unpaid leave rather than twelve (12) weeks each for the birth, adoption, or foster placement of a child or to care for a parent with a serious health condition. The amount of leave available to an employee at any given time will be calculated by using the calendar year.

#### **Eligible Employees**

Employees eligible for family and medical leave must meet the following qualifications:

1. Have been employed for a total of at least twelve (12) months (not necessarily consecutive); and
2. Have worked at least 1,250 hours during the twelve (12) months immediately preceding the commencement of the leave (for non-instructional staff and adjunct instructional staff); or
3. Have been considered full-time (for instructional staff); and,
4. Be employed at a work-site where the employer employs at least fifty (50) employees.

An eligible employee may take unpaid leave for the following reasons:

1. The birth of the employee's child. Leave must be concluded within one (1) year of the date of birth;
2. The placement of a child with the employee for adoption or foster care when foster placement is pursuant to State action. Leave must be concluded within one (1) year of the date of placement;
3. The care of the employee's child (including biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in *loco parentis*, who is either under age eighteen (18), or age eighteen (18) or older and is incapable of self-care because of mental or physical disability), spouse, or parent (including a person who stood *in loco parentis* to the employee when the employee was a child -- but not parent "in-law") who has a serious health condition; or

4. The serious health condition of the employee that makes the employee unable to perform the essential functions of the employee's position.

### **Military family Leave**

#### **Qualifying Reason for Leave**

Eligible employees are entitled up to 12 weeks of unpaid leave because of “any 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 impending call to active duty status, in support of contingency operation. By the terms of the statute, this provision requires Secretary of Labor to issue regulations defining “any qualifying exigency.”

#### **Leave Entitlement**

An eligible employee is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled up to 26 weeks of unpaid leave in a single 12 month period to care for the service member. This provision became effective immediately upon enactment. This military caregiver leave is available “during a single 12 month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

#### **Coordination with Existing Leave Policies**

During a family or medical leave provided under this policy for birth, placement of a child for adoption or foster care, or for care of a family member, an employee shall first exhaust all unused vacation or personal days before continuing such leave on an unpaid basis.

During a leave related to the employee’s serious health condition, the employee shall exhaust all available paid sick leave, personal leave or vacation before continuing such leave on an unpaid basis.

#### **Certification**

If an employee takes a leave of absence because of the serious health condition of the employee or the employee's family member, the employee must submit to the President/designee, a written medical certification form (available in the Human Resources Office) from a health care provider of the serious health condition. Failure to provide a requested certification form may result in denial or delay of leave.

#### **Insurance Premiums**

During an employee's family or medical leave of absence, the College will continue to provide

health, life, and dental insurance coverage for employees who are eligible for insurance benefits. Voluntary deductions (employee contributions) for dependent health, life, vision, dental coverage and for employee vision, disability, and/or supplemental life insurance must be paid in full each month and received by the twenty-fifth (25<sup>th</sup>) day of the month. Payments are to be submitted to the Business Office. Employees should contact the Business Office regarding specific arrangements for making the required payments.

### **Job Restoration**

Upon return from family or medical leave in accordance with this policy, the employee will be returned to the same or an equivalent position with no loss in benefits that accrued prior to the leave of absence. An employee who does not return to work at the end of an authorized leave may be subject to termination.

If an employee fails to return to work after the period of unpaid family or medical leave has ended, the College may recover health insurance premiums paid under the group plan during the leave period, except in certain circumstances (e.g., continuing serious health condition of employee or family member needing care, or other circumstances beyond control of employee). The College may recover any other insurance premiums (e.g., premiums for supplemental life insurance or for dependent coverage) submitted on behalf of the employee for which the College has not been reimbursed, either upon the employee's return to work or the employee's failure to return after unpaid family or medical leave has ended.

### **Notification**

An employee who can reasonably foresee the need to take family or medical leave is required to notify the College of the date of commencement and the expected duration of the leave at least thirty (30) days in advance of the leave, or if the need for the leave is not foreseeable, as soon as practicable. When the need for leave is foreseeable, an employee's failure to provide thirty (30) days' notice prior to taking leave may result in denial or delay of leave. An employee requesting leave under this policy should submit a completed application for leave form (forms available in the Human Resources Office) to the President/designee.

An employee who requests leave under this policy shall receive written notice of the specific expectations and obligations of the employee and the consequences for failure to meet these obligations. Such written notice shall be provided within five (5) business days after the employee gives notice of the need for leave under this policy.

An employee who requests leave that qualifies as family or medical leave under this policy and who does not specifically request leave under this policy shall be notified that such leave has been designated and will be counted as FMLA leave. Such notification shall occur promptly, usually within five (5) business days after the College has become aware that the leave qualifies as FMLA leave. The notification may be oral or in writing; however, oral notification that the leave

has been designated as FMLA leave will be confirmed in writing on or before the next payday unless the next payday occurs less than one week after the oral notification, in which case written confirmation will be provided on the subsequent payday.

**Family and Medical Leave Act Information**

The foregoing regulation presents some provisions of the Family and Medical Leave Act of 1993 and complies with the requirements of the Act. If any employee desires explanation of the procedures and provisions of the Act, he/she is encouraged to seek additional information by scheduling a meeting with the Vice President for Finance and Administration.

**Absences, Leave and Vacation**

**Shared Sick Leave**

The Office of Human Resources & Payroll Services will serve as the administrative office for the program. Requests will be reviewed and considered by the Vice President for Finance and Administration. All requests to participate as a donor or recipient in the Shared Sick Leave Program will be considered confidential; however, supervisors will be required to authorize the application. In order for a request to be considered, the employee must:

- Be eligible to accrue sick leave and be an employee in good standing (i.e. not on a performance improvement plan, condition of employment or probation) at the College;
- Be employed for a minimum of one year with the College.
- Provide certification from a licensed physician that the employee has a catastrophic illness;
- Exhausted all sick and vacation leave before the medical condition is resolved);
- Exhausted Family Medical Leave, and,
- Provide supervisory approval of the request.

While using hours from the Shared Sick Leave Bank, the employee will not be eligible to accrue sick leave, and will not be able to utilize the shared sick leave intermittently. College paid benefits, which currently include medical, dental and life insurance for the employee only, will continue until the last working day the shared sick leave is available. If the employee is not able to return to work, after they have received the maximum of 1040 hours or six months of sick leave and has exhausted coverage under FMLA, the College will need to proceed with consideration of staffing changes to ensure the College's operations are not interrupted. An employee who is not able to return to work may continue insurance coverage (dental/health) and if applicable vision through COBRA

**Donors**

SFCC employees who are eligible to accrue sick leave may donate to the shared sick leave bank. Standard maximums are one week of sick leave which would be the equivalent of 40 hours. Employees may donate in response to a call for donations from the Office of Human Resources and Payroll Services. Donors may not contribute if it would result in their own balances falling below 105 hours. A shared sick leave donation form must be completed by the donor and sent to Payroll Services.

(approved 1/23/06) (amended & approved 1-26-09) (amended & approved 7/27/09)



**Professional Activities, Training and Professional Growth**

**Standards of Professionalism**

**State Fair Community College expects employees to act professionally. The following illustrate standards of professionalism valued by SFCC:**

- 1. Acceptance**
  - a. Empathize with the needs and situations of others by choosing our words carefully and treating everyone fairly.
  - b. Appreciate other cultures, view points and values.
- 2. Attitude**
  - a. Strive to create a positive environment for students, colleagues, and community.
  - b. Strive to maintain a constructive attitude of encouragement, enthusiasm, enjoyment and flexibility.
- 3. Cohesiveness**
  - a. Disagree without malice.
  - b. Seek to participate in campus decision making and then support those decisions.
  - c. Show solidarity by keeping conflict behind closed doors.
- 4. Commitment**
  - a. Remember to represent SFCC when out in the community.
  - b. Continually evaluate and improve the services and educational programs of the College.
- 5. Environment**
  - a. Display conduct that furthers an open learning environment for freedom of thought.
  - b. Provide an open learning environment for students, staff and community.
- 6. Integrity**
  - a. Practice honesty, integrity, and ethical behavior in all activities.
  - b. Demonstrate loyalty to the vision of the College both on campus and in the community.
  - c. Exhibit loyalty to colleagues and their contributions.
- 7. Pride**
  - a. Contribute to a positive, enjoyable environment that will be encouraging and supporting to everyone, helping to build goodwill with students, staff, faculty and community.
  - b. Dress appropriately, remembering that we represent the College in our chosen profession.
- 8. Responsibility**
  - a. Value others' time by arriving promptly for appointments and responding to all forms of communications in a timely manner.

- b. Respect campus resources by using them in the most cost effective manner.
- c. Create public trust by using tax dollars wisely.
- d. Evaluate business processes to reflect our College mission.
- e. Continuously upgrade skills with technology and increase knowledge in chosen field.
- f. Participate in activities involving students and community.
- g. Strive to maintain and enhance the dignity, status, competence and standards of the educational profession.

**9. Respect**

- a. Display courtesy and friendliness when interacting with students and others.
- b. Recognize the contributions and accomplishments of others.
- c. Follow “Chain of Command” in resolving problems and presenting ideas for change.

**10. Service Expectations**

- a. Accessibility
  - i. Operate reasonably accessible office hours.
  - ii. Post office hours outside office, communicate via flyers, syllabi, the SFCC portal and/or other appropriate methods.
  - iii. When out of the office for an extended period of time, use the Out of Office feature in Outlook and leave a voice mail greeting specifying return date and the person to see in your absence.
- b. Etiquette
  - i. Be punctual to meetings and/or classes. Meeting leaders likewise will be respectful of its members’ time by starting and ending meetings on time.
  - ii. Refrain from cross-talking or interrupting others during meetings.
  - iii. Show courtesy and respect when in proximity to phone conversations and/or meetings by not interrupting the interaction.
  - iv. Maintain a reasonable sound level in all activities (classroom, hallway, office, and during media use) so as not to disturb others.
  - v. Use proper cell phone and PDA (personal digital assistant) etiquette; i.e. turning off ring tone when not in your office, keeping personal calls to a minimum, refraining from texting or using equipment during inappropriate times, etc.
  - vi. If serving a student/customer/colleague and the phone rings, first priority generally goes to the face-to-face visitor. If you must answer the phone, explain this need to the visitor.
  - vii. Contribute to the exemplary service SFCC provides for students and customers. For example, provide directions to classrooms and offices (and walk students/customers there when feasible), provide extension numbers when transferring calls, hold doors open for others when feasible, etc.

- c. Reliability
  - i. Provide services within a reasonable timeframe. If the service cannot be provided within the agreed timeframe, follow up and convey the current status of the situation.
  - ii. Listen and show a sincere interest in solving a problem or answering a question.
  - iii. Strive to respond to voicemails and emails within 24 hours, but no later than 48 hours, during contracted/office hours; except during school holidays and weekends, or extenuating circumstances. Initial responses may be an acknowledgement of the email/voicemail with a timeframe of when an answer will be provided.
- d. Respectfulness
  - i. Refrain from discussing frustration or disagreement with SFCC policies and procedures where students and other customers may overhear you.
  - ii. Refrain from discussing inappropriate or controversial issues.
  - iii. Show respect when interacting with colleagues, students and coworkers.
  - iv. If a frustration or disagreement occurs and a resolution cannot be reached, the proper chain of command should be used.
  - v. Take pride in the campus and set a good example by obeying classroom and parking lot rules, picking up errant trash, and reporting maintenance issues.

## **PERSONNEL SERVICES**

## **Regulation 4420**

### **Professional Activities, Training, and Professional Development**

#### **In-Service Training**

The College offers training and development programs through a variety of activities including pre-semester workshops and Professional Development Institute sessions during the academic year. Through participation in these activities, employees may acquire skills and knowledge to better serve students and develop competencies to enhance their professional performance.

Participation in in-service training activities is required, and attendance is included in annual performance evaluations.

Workshops during adjunct faculty orientation prior to the start of fall and spring semesters are designed to enhance communication among day, evening, and off-campus faculty and to address teaching innovations and issues.

The President's office coordinates a comprehensive employee development program designed to support employees' talents and skills and to focus on life-long learning. Presenters include guest speakers and SFCC employees who present sessions in their areas of expertise or interest. The Office will also coordinate with the appropriate department for professional development and training offerings, registration of employees, attendance tracking for personnel records and evaluation of programming.

## **PERSONNEL SERVICES**

**Regulation 4430**  
**Form 4430**

### **Professional Activities, Training, and Professional Development**

#### **Professional Development**

The procedure for employees to apply for professional development funds is the following:

1. Include specific, proposed professional development activities and a proposed timeline in the annual performance evaluation and/or employee professional development plans;
2. Submit Staff Improvement and Professional Development Application for Funds form and secure approval of the immediate supervisor who will forward the approval to the Dean of Academic Affairs for consideration of approval for use of professional development funds for the proposed activities;
3. Carry out approved activities as scheduled;
4. File expense report with the Business Office for reimbursement of approved expenses;
5. Report completed professional development activity to the President's office to be placed in the employees' personnel file and be recorded by the supervisor on the annual performance evaluation; and,
6. Report or present employee development information to campus community via College in-service sessions, College professional development workshops, sharing sessions, informational hand-outs, or on-line platforms..

The procedure for requesting nontraditional advancement on the salary schedule based on professional development activities is detailed in Policy and Regulation 4509.

**Compensation**

**Salary and Benefits Schedules**

**Budget Development Process**

The annual budget development process begins in September with a review of the current year's budget and includes an analysis of the ratio between revenue and expenditures, utilization of one-time money, and the fund balance in comparison to prior years.

In conjunction with the review of the budget, the Executive Leadership Team will begin to develop unit budgets that include continuation of funding for existing programs, new program development, and staffing needs for the upcoming year.

The recommendation for compensation of non-exempt, exempt, and administrative employees will be based upon the market-based rate. The Business office will periodically conduct a survey of comparable institutions and public and private sector employers to determine the market based compensation and will report the survey results to the Executive Leadership Team.

Additionally, the Office of Human Resources and the Human Resource Advisory Committee will begin developing a proposal for the benefits package for consideration by the Executive Leadership Team in March; however, the loss statement and insurance increase information is not usually available until April. Once the required information is available, a cost/ benefits analysis will be completed and the recommendation for coverage will be presented to the Board for approval.

Once approved by the Board, the salary and benefits compensation package will be included in the budget that is submitted to the Board for final approval at the June meeting.

**Initial Salary Index Placement: Faculty**

Criteria for placement of faculty on the salary index include formal education, teaching experience, and/or work experience.

1. Work Experience – Experience, *other than teaching*, which contributes directly to the competency required in the teaching field.
2. Faculty teaching technical courses are to hold a minimum of a bachelor's degree in their teaching discipline from a regionally accredited institution and to meet Missouri Vocational Certification requirements. Faculty teaching transfer courses

are required to hold graduate degrees in their teaching discipline or a master's degree with eighteen (18) graduate hours in the teaching discipline from a regionally accredited institution.

3. Master's degrees that are terminal and/or require more than forty-five (45) graduate hours will be dealt with on an individual basis.

### **Level Placement**

Level placement on the faculty salary index shall be determined by the employee's individual qualifications in the areas of formal education and teaching and/or work experience as follows:

- Level 1a) Bachelor's degree plus 2 years' work experience
- b) Associate's degree plus 5 years' work experience
  
- Level 2a) Master's degree
- b) Bachelor's plus 5 years' work experience
  
- Level 3a) Master's degree plus 15 hours
- b) Bachelor's plus 7 years' work experience
- c) Master's plus 4 years' work experience
  
- Level 4a) Master's degree plus 30 hours
- b) Master's plus 6 years' work experience
  
- Level 5a) Master's degree plus 45 hours
- b) Master's plus 8 years' work experience
  
- Level 6a) Master's degree plus 60 hours
  
- Level 7
  - a) Master's degree plus 90 hours or earned Doctorate from regionally accredited institution of higher education.

### **Initial Salary Range Placement: New Non-Instructional Employees**

New employees will be compensated between the minimum and midpoint of the salary range assigned to the position based upon education and experience. To insure internal equity, salary range placements above the minimum of the salary range will be reviewed by the Vice President for Finance and Administration.

**Salary Range Placement: Current Non-Instructional Employees**

Current employees who are hired into a new position on campus that is in a salary range higher than their current salary range will be paid between the minimum and mid-point of the position. Placement above the minimum will be based upon education and experience. To ensure internal equity, placements above the minimum will be reviewed by the Vice President for Finance, Administration and Human Resources. Placement in an occupational class lower than the current position will be considered a downgrade; the new salary will be calculated using the salary range for the new position.

**Salary Increases: Non-Instructional Employees**

Performance, professional development, and formal educational accomplishments will be used in determining the performance rating of the employee. Increases may be applied to annual salaries according to level of performance and formal education completion.

Salary advances based upon educational achievement may be granted under the guidelines in Regulation 4509.



**Compensation**

**Salary Schedule Advancement**

**Advancement on the Salary Index: Faculty**

Faculty members may request level advancement upon demonstrating that they have completed additional credit hours, work experience, non-traditional professional growth activities, or combinations of those growth experiences that are equivalent to the standards for the next level.

**College Credit**

Faculty members are encouraged to continue their education. Level advancement will be based on the salary index in force in determining the percentage of the salary increase. For courses to be counted toward Level advancement, individuals shall have written approval from the appropriate Dean before enrolling in graduate or College credit courses, and the proposed study must be included in an approved professional development plan.

**Non- Instructional Employees**

Full-time and non-instructional SFCC employees in good standing are eligible for salary increases based upon an approved credit-bearing educational achievement plan, proof of adequate progress and goal attainment. The salary increase is in addition to any other salary increases, including annual raises and/or cost-of-living increases.

Employees who have a current educational achievement plan on file in the Human Resources Office will be eligible for educational achievement pay increases upon completion of a first-time degree. Pay increases for the completion of a degree program will be added to an employee's base salary as follows:

Associate Degree	\$1,000
Bachelor's Degree	\$1,000
Master's Degree	\$1,000
Education Specialist/Master's of Fine Arts	\$1,000
Doctoral Degree	\$1,000

Pay increases for achieving certifications or licensures will be considered on a case-by-case basis pending relevance to the position and availability of funds.

The Board of Trustees may elect not to grant these educational achievement salary increases at any time due to financial constraints.

Requests for educational achievement pay increases must be made by November 1 of each year, with implementation the following July 1.

Incremental advancement past the master's degree requires approval from the President.

**PERSONNEL SERVICES**

**Compensation**

**Benefits**

**Liability Insurance**

The College maintains several liability insurance policies for the protection of employees:

1. Property Owners Liability and Casualty Policy,
2. School Leaders Errors and Omissions Policy,
3. College Motor Vehicle Liability Policy, and
4. Non-Owned Motor Vehicle Liability Policy.

A description of the coverage afforded by these policies is available to employees through Payroll Services. Claim and incident forms are maintained in the Business Office. If the employee is witness to or involved in an incident which could conceivably expose the College and/or the employee to some liability, the employee should complete an incident report and submit it as soon as possible to the Business Office.

**Workers' Compensation and Unemployment Insurance**

College employees are covered under workmen's compensation and unemployment insurance. (See also Policy 4530 – Workers' Compensation Benefits.)

Upon receiving a work-related injury employees must file an accident report of injury with the Business office immediately or within five business days. If the injury is considered to be serious (e.g., potentially life and/or limb threatening), the injured employee should proceed immediately to the nearest hospital emergency room.

Employees injured on the job will be excused from work without loss of pay, vacation, or sick leave in order to obtain medical attention on the day the accident or injury occurs. Additionally, an employee will be excused from work without loss of pay, vacation, or sick leave to obtain further medical treatment related to the injury. An employee must, however, limit absences from work to the time required to receive medical attention only, and may be required to furnish satisfactory proof of having received medical attention.

If an employee is unable to return to work following the accident or injury, the employee will be granted leave without pay. Full-time regular employees may elect to use accumulated vacation or sick leave instead of taking leave without pay. Workers' Compensation law requires a three-day waiting period following an accident or injury before making payments to employees. After the

three-day waiting period, an employee may either (1) take the compensation paid through Workers' Compensation only and go on leave-without-pay status, or (2) continue to use accumulated vacation or sick leave to supplement the Workers' Compensation pay in order to receive full salary. Leave forms must be completed and returned to the Office of Human Resources and Payroll Services to designate what type of leave is to be used during the period of time the employee is unable to work even if the employee is on leave without pay. In no case, however, shall an employee receive more than his/her normal monthly salary amount as a result of receiving both Workers' Compensation pay and vacation or sick leave benefits.

Employees who are off work due to a work-related injury or illness (i.e., one for which the employee has filed a workers' compensation claim) will not accrue any vacation or sick leave if they are absent from work without pay from the College for 80 work hours or more during each month that they are off work. Employees who supplement their workers' compensation payments (i.e., the temporary total disability [TTD] payments from the College's insurance provider) by using their accrued vacation, sick leave, and/or compensatory time off during the month will accrue vacation and sick leave.

An injured employee who is unable to return to work after incurring a work-related accident or injury is required to provide a doctor's "off work" statement to his/her supervisor and the Business office stating the necessity to be off work and the length of time the employee must remain off work. When returning to work, the employee may be required to provide a written release from the doctor.

An employee injured on the job must tell the medical provider that the accident or injury is work-related and will be filed with Workers' Compensation. Any bills for medical and hospital expenses received by the employee must be forwarded to the College's insurance provider.

Workers' Compensation benefits may be reduced for injuries sustained in conjunction with the use of alcohol or controlled, non-prescribed drugs. Benefits may be forfeited if it is shown that the use of alcohol or controlled, non-prescribed drugs was the proximate cause of the injury. Under Missouri law, the College can request an employee to take a test for alcohol or a non-prescribed controlled substance if the supervisor or College administrator suspects usage by the employee. If the employee refuses to take a test when requested by the College to do so, all workers' compensation benefits are forfeited.

### **Early Return to Work Program**

When an employee of State Fair Community College has suffered the effects of a work-related injury or has incurred an occupational disease arising out of and in the course of employment with the College which is covered under the state's Workers' Compensation program, it is the policy of the College to provide the opportunity to maximize recuperation and rehabilitation, thus enabling an early return to work. The primary objective is to return employees to work at the earliest date when medically feasible, as determined by the treating physician.

Upon determination by the treating physician that an employee is capable of performing modified duties on a temporary basis, the employee's supervisor and administrator, (with the assistance of Human Resources), will review the employee's job duties (tasks) and determine whether the duties can be modified, temporarily suspended, or shared with another employee in order to meet the medical restrictions delineated by the authorized treating physician. If it is determined that job duties can be modified, temporarily suspended, or shared, such that the modified job duties meet the medical restrictions delineated by the authorized treating physician, the employee will be returned to work in that modified position. Employees who refuse to return to work in a position which meets the requirements for modification of duties will be subject to disciplinary action up to and including termination of employment. The supervisor will periodically review the scope of modified job duties to determine whether the duties, as originally prescribed, continue to meet the medical restrictions or if they need to be modified again.

If it is determined that a temporary modification of job duties (as described above) is not feasible, the supervisor will first attempt to identify a position within the employee's department for which the employee is qualified and which meets the medical restrictions delineated by the authorized treating physician. If such a position is found, the employee will be temporarily assigned to that position. The supervisor will periodically review the employee's work performance to determine whether the new temporary position continues to meet the medical restrictions or if the employee needs to be re-assigned to another position, one for which the employee is qualified and which does not violate the medical restrictions.

If the supervisor cannot identify a position within the employee's department for which the employee is qualified and which meets the medical restrictions delineated by the authorized treating physician, the supervisor, in consultation with the appropriate major administrator, will attempt to identify a position outside the employee's department. If a position can be identified for which the employee is qualified and which meets the medical restrictions delineated by the treating physician, the employee will be temporarily assigned to that position. When an employee is assigned to a position outside his/her home department, the employee's salary will continue to be paid from the home department budget during the period of the temporary assignment. The supervisor will periodically review the employee's work performance to determine whether the new temporary position continues to meet the medical restrictions or if the employee needs to be re-assigned to another position, one for which the employee is qualified and which does not violate the medical restrictions.

### **Temporary Modified Work**

Employees must understand that this type of work is considered to be temporary due to the temporary nature of their medical restrictions. Employees are expected to return to their regular position as soon as they are medically able to do so. The treating physician will identify the employee's temporary restrictions. Temporary modified work is defined as either:

(a) the modification or removal of some job tasks from an employee's regular scope of work responsibilities such that the resulting scope of work is within the capability of the employee to perform and does not violate the medical restrictions imposed by the authorized treating physician, or

(b) the performance of job tasks that may or may not be related to an employee's regular work position, but which can be performed by the employee based upon his/her qualifications and which do not violate the medical restrictions. In some instances, these job tasks may be activities that have been "put off" because staffing is not available to perform them or because they have been considered to have less immediacy (e.g., inventorying supplies, organizing office files, cleaning tools, or updating files or documents).

### **Tuition Waiver/Credit Courses**

Tuition charges will be waived for current full-time employees and retired SFCC College employees; spouses and/or dependent children of full-time employees and retired employees; and surviving spouses and/or dependent children of deceased full-time employees.

Part-time employees and adjunct instructors or any combination of employee, spouse or dependent child may receive a tuition waiver for three (3) credit hours during the semester in which they are employed. A part-time employee is defined as someone who works at least 17.5 hours per week and does not include work study students and student employees. Questions on eligibility should be referred to the Vice President for Student Services. This waiver does not include fees, special assessments or books, unless the course(s) are required as part of an employee's job responsibilities, wherein the fees will be waived as well. This program can be applied to students in the dual credit program. For dependent children to be eligible for the tuition waiver, they must file a Free Application for Federal Student Aid (FAFSA) and meet the following criteria as outlined in Step Three of the FAFSA:

- 1.) The dependent child is under the age of 24 as of January 1st of the current year; and
- 2.) The dependent child has not received a post-secondary degree; and
- 3.) The dependent child is not married or separated; and
- 4.) The dependent child does not have his/her own child(ren)

The emphasis for a dependent child tuition waiver is that the child continues to receive more than half of his/her support from their parents. Employees and/or spouses do not have to complete the Free Application for Federal Student Aid (FAFSA) to qualify for the tuition waiver. Special cases may be submitted to the Vice President for Student Services for consideration for

exceptions of this regulation. An appeals committee will be formed to hear the employee's special request.

**Grandfather Clause:** (exceptions to the above Regulation) Full-time employees (including spouse and child[ren]) that have been employed on or before January 1, 2007 will have the following exceptions to the regulation (and remain eligible for the program):

- 1.) Children of fulltime employees, retired employees or deceased employees who begins or have already begun a specific course of study will be permitted to continue without interruption until completion of the educational program or until age 30 (whichever comes first) regardless of any change in his/her circumstances (married, children, etc.) (i.e., pre-nursing major could complete a nursing degree, etc.);
- 2.) Fulltime employees or retired employees understand that the tuition waiver benefit may be a taxable benefit (based upon IRS regulations) for the employee after the child is no longer a dependent;
- 3.) The Grandfather Clause will be in effect until June 2011. Beginning the fall of 2011 the Tuition Waiver regulation will be in full effect.

The maximum number of credit hours for any family member taking coursework and desiring the tuition waiver scholarship will not exceed 32 credit hours per academic year. To receive the **full-time tuition waiver**, the full-time employee (current/retired) must complete a tuition waiver eligibility form and submit it to the Human Resources Office. HR will verify full-time employment status and forward the form to the Financial Aid Office (Scholarship Coordinator).

To receive the **part-time tuition waiver**, the part-time employee must complete a tuition waiver eligibility form and submit it to the Human Resources Office. HR will verify part-time employment status and forward the form to the Financial Aid Office (Scholarship Coordinator). To receive the **adjunct instructor tuition waiver**, the employee must complete a tuition waiver eligibility form and submit it to the Vice President for Educational Services. The vice president will verify employment status for the upcoming semester and forward the approval to the Financial Aid Office (Scholarship Coordinator). To receive the Tuition Waiver, the staff member will need to complete the appropriate form for each semester. Once the appropriate approval is received, the Scholarship Coordinator will check enrollment status and, if applicable, check to see if the Free Application for Federal Student Aid (FAFSA) was received from the federal processor and is in the Ready/Completed status (i.e. no outstanding rejects/errors and federal aid has been offered/accepted).

The tuition waiver will then be applied to eligible personnel through an Employee/Spouse/Dependent Waiver Scholarship. State of Missouri financial aid (A+, Access Missouri, and Bright Flight) funds and any federal financial aid grants (Pell Grant, Federal Supplemental Educational Opportunity Grant, and Academic Competitiveness Grant) amounts will be applied to the student's account after any Waiver Scholarship. To retain the tuition

waiver for subsequent semesters, the student must continue to meet the basic requirements and also must continue to make satisfactory academic progress as outlined in the Academic Catalog.

### **Tuition Discount/Noncredit Courses**

Current full-time employees and retired SFCC College employees; spouses and/or dependent children of full-time employees and retired employees; and surviving spouses and/or dependent children of deceased full-time employees, will receive Lifelong Learning courses in the community education category (arts, computer, dance, fitness, garden, motorcycle, etc) for \$5.

Part-time employees and adjunct instructors or any combination of employee, spouse or dependent child may enroll in one (1) Lifelong Learning community education course (arts, computer, dance, fitness, garden, motorcycle, etc) during the semester they are employed. A part-time employee is defined as someone who works at least 17.5 hours per week and does not include work study students and student employees. Enrollment of spouses or child(ren) must be completed by the employee.

Discounted enrollments are on a space available basis. In the event a course is filled, discounted enrollments will be disenrolled for full-paying students. Discounted enrollments do not count toward the minimum course enrollment necessary for a course to be taught.

Discounts do not apply to third-party courses (ed2go, Missouri Enterprise, etc.) or career training courses (truck driving, nurses assistant, etc.).

For child(ren) to be eligible for the noncredit tuition discount, they must be claimed as a dependent on the federal income tax return of the employee.

This discount does not include fees, special assessments or books. Questions on eligibility should be referred to the Lifelong Learning Office.

### **Admission to College Activities**

Employees of the College, retirees and their spouses and children will be admitted at no charge to most College-sponsored activities other than Booster Club activities.

### **Bookstore Discounts**

College staff, current part-time employees, retired College staff and members of the Board of Directors of the State Fair Community College Foundation may purchase equipment and supplies through the Bookstore at cost plus tax.

(approved 1-28-08) (last approved 6-21-10)



## **PERSONNEL SERVICES**

**Regulation 4520**  
**Form 4520**

### **Compensation**

#### **Payroll Deductions and Procedures**

##### **Payroll Records**

Prior to the first scheduled pay period, individuals must complete payroll forms including Federal and State W-4 withholding forms, and direct deposit. Prior to access to all SFCC networking systems, e-mail and learning management system, employees are required to complete Employment Eligibility Verification Form I-9, be verified through E-Verify and sign the SFCC Confidentiality Statement.

##### **Pay-Period Cutoff Dates**

Payroll services will provide a list of pay periods and time-sheet cutoff dates for the fiscal year through MySTAR.

##### **Time-sheets**

Student employees and work-study students will be paid minimum wage on an hourly basis. All Time worked will be reported to HR/Payroll through employee self-service within the payroll cutoff periods and approved by the supervisor.

Non-exempt employees will be paid on an hourly basis based upon job classification and salary range placement. Time-sheets will be reported to HR/Payroll through employee self-service within the payroll cutoff periods and approved by the supervisor.

##### **Payday**

Payday shall be on a bi-weekly basis (every other Friday) unless such day falls on a scheduled **federal banking holiday**, payday would then be the day prior to the holiday. No paychecks will be released before payday unless approved by the Vice President for Finance and Administration.

##### **Non-Credit**

Employees will be paid on the designated pay date after the course is completed.

##### **Paycheck Disbursement**

The methods for paycheck disbursement are

1. All SFCC employees will provide Payroll services with written authorization to electronically transfer payroll funds into a designated bank account unless they are students paid through federal work study funds.

If students who are paid through federal work study funds do not want electronic disbursement of their pay checks, the hard copy checks will be made available for pick up by the work study employee with picture ID in the office of Payroll Services between 9:00 a.m. and 2:00 p.m. of each pay day. Checks not picked up by 2:00 p.m. will be mailed via USPS to the employee's address currently on file in Payroll Services.

### **Payroll Deduction**

Current full-time employees may elect, through payroll deduction, to reimburse the College for employee purchases of surplus property, purchases through the Bookstore, repayment of automotive service charges, etc., provided the purchase amount is in excess of \$200. The employee may specify the number of pay periods for reimbursement so long as it results in a minimum payroll deduction of \$50 per month and results in the entire amount being repaid prior to the expiration of the current employment assignment with the College or fiscal year end. Interest will be charged on the unpaid balance as defined by the Business Office. Sales tax must be paid at the time of purchase and cannot be paid with payroll deduction.

### **Pay Options: Faculty**

Full time faculty members contracted for a 10-month period may be paid over 12 months upon request.

### **Payroll Advances**

No pay advances will be made unless specifically authorized by the Vice President for Finance and Administration. Such authorization is valid for the current pay period only and must be reauthorized for subsequent pay periods. The maximum advance will be 70 percent of the net paycheck and must be repaid in its entirety from the first paycheck following the date of advance.

### **Unpaid Charges-No Changes Made, will require campus review the upcoming year**

Any charges incurred by the employee and remaining unpaid as of the payroll cutoff date for the last pay period of the employee's appointment will be deducted from the employee's final paycheck.

(approved 1/23/06) (last approved 1-26-09)

## **PERSONNEL SERVICES**

**Regulation 4540**

### **Compensation**

#### **Group Insurance Benefits**

The insurance program for all eligible employees shall be determined by the annual budget as approved by the Board of Trustees. If the employee elects not to take the Board benefit, the Board is not obligated to reimburse the employee an equal amount of the benefit not taken. The final date for notification of participation in the health benefit by the employee is the date set by the insurance company.

#### **Medical, Dental, Vision, and Life Insurance Benefits**

Full-time employees of the College are eligible to be covered by group medical, dental, life and accidental death benefit plans. Life insurance value is based upon the employee's annual salary rounded up to the nearest thousand dollars. The Board pays the premiums for full-time employee insurance; dependent coverage is available under these policies with the premiums paid by the employee through payroll deduction. Vision insurance is offered at a group rate for full-time employees and dependents; premiums for this coverage are paid by the employee through payroll deduction.

For newly hired employees, coverage becomes effective the first day of the second full calendar month of employment. Booklets explaining the medical and dental plans will be distributed to each full-time employee during employee orientation.

A full-time staff member who reverts to a minimum of part-time will be allowed to continue with the group insurance at the group rate through payroll deduction. The insurance will no longer be Board paid; it will be paid at the employee's expense.

Retirees may be covered under the group policy at group rates. The premium is paid by the retiree. Eligibility in the College's group health program for former employees, retirees, and eligible dependents is contingent upon payment of the monthly premium by the last day of the month following the month for which coverage is extended. Failure to do so will result in the irrevocable loss of coverage.

Insurance benefits available to retirees and surviving spouses conform to federal and state laws. The Business Office should be contacted for further information.

**Compensation**

**SFCC Retirement Program**

**Eligibility**

1. Applicants must be employed in a full-time capacity at the time of retirement **AND**
2. Be eligible for retirement under the Public School Retirement System (PSRS) or the Public Education Retirement System (PEERS); otherwise, age is not a determinant of eligibility **AND**
3. Be employed in a department whose funding source is from State appropriations, local taxes, tuition revenue, or an external funding source that will agree to reimburse the College for expenses incurred under this regulation **AND**
4. Be certified by the Vice President for Finance and Administration that all eligibility requirements have been satisfied **AND**
5. Have a minimum of fifteen (15) full-time equivalent (FTE) years of consecutive service with the College.
  - Half-time appointments will be counted in determining FTE total.
  - Leaves of absence without pay will not count as service time, but do not count as a break in service.
  - Rehires constitute a service break and the service count will restart at zero.

**Application**

1. Application for this retirement incentive must be presented in a written format, complete with signature and accompanied by the employee's latest PSRS or PEERS annual service report, to the applicant's Executive Leadership Team-level Budget Officer prior to November 1 of the calendar year preceding the fiscal year of retirement (e.g. notification by November 1, 2007 required for a retirement date of June 30, 2008 or later.) **NOTE:** All retirement incentive applications will be based on a retirement date of June 30 unless a later date in the fiscal year (e.g. mid-year; December) is specifically requested.
2. Participation in this benefit is subject to the specific approval of the Board of Trustees no later than the regular scheduled meeting for the January following the eligibility certification detailed above .

### **Benefit Formula**

1. All quantities used in the benefit calculation shall be rounded to the nearest tenth.
2. Total benefit = (FTE College service time + unused sick leave) times 2% per year times annual contract or appointment amount for twelve (12) months preceding retirement date.
3. The total benefit shall not exceed 50% of the annual contract or appointment amount for twelve (12) months preceding retirement date.
4. Although unused sick leave is used in determining the final benefit level, it will not count as service time in satisfying eligibility requirements.
5. Age is not a determinant of benefit level.

### **Payments**

1. The first half of the benefit will be paid on July 10<sup>th</sup> following the date of retirement and the second half will be paid on the succeeding January 10<sup>th</sup>.
2. If the retiree dies before all payments have been made, the College will make the payments to the designated beneficiary.

### **Effective Date**

1. This policy became effective on July 1, 2001.
2. This policy replaces a previous program, "Early Retirement Incentive Program." The transition to the current policy was complete on June 30, 2003.

### **Part-Time Employment**

1. The employee will be eligible for part-time employment following retirement.
2. Adjunct pay will be compensated at the overload scheduled rate for faculty. Non-teaching employees will be paid an hourly rate based on the appropriate salary range for the position.

**Miscellaneous**

1. State and federal taxes are the responsibility of the retiree; however, if the retiree elects to have state and federal taxes withheld they will be withheld at the rate in effect for supplemental wages (e.g. rates currently are: a flat rate of 25% of the supplemental payment for federal tax and a flat rate of 6% of the supplemental payment for state tax). Social Security and/or Medicare taxes, if applicable, will be withheld from the payments. The College will provide a W-2 form in January.
2. PSRS or PEERS contributions cannot be withheld on these benefit payments.

**Review of the Policy**

The Board of Trustees retains the option to review this policy periodically and may revise, or adjust or terminate this policy as appropriate to the benefit of the College.

This benefit will be eliminated effective June 30, 2011.  
(approved 11/28/05)

**Performance Evaluation**

**Evaluation of Instructional Performance**

**Performance Evaluation: Full-time and Adjunct Faculty**

Deans or designees will evaluate the effectiveness and individual performance of full-time and adjunct faculty.

**Frequency of Evaluation**

New full-time faculty will be on a development tract, which requires formal evaluation every semester for their first three years. Thereafter, faculty will be formally evaluated at least once every three years, more frequently if required. New adjunct faculty will be formally evaluated their first four semesters. Thereafter, adjunct faculty will be formally evaluated at least once every four semesters, more frequently if required. Each year, all faculty members will prepare self-assessment portfolios and will submit to student evaluations.

**Student Evaluations**

The opinions and observations of students are an important factor in evaluating the success of classroom instruction and improving teaching. Therefore, student evaluations will be conducted regularly in all instructional programs.

The student evaluation is conducted each semester in classes taught by full-time faculty during their first three years at the College and each semester for four semesters for new adjunct faculty. For full-time faculty with more than three years' experience at SFCC, the student evaluation will be conducted at least once each year in one class, and for adjunct faculty who have taught more than four semesters at SFCC, the student evaluation will be conducted at least every other semester. The student evaluation may be conducted in more than one class at the request of the instructor or at the discretion of the Dean or Director.

The choice of student evaluation instruments is at the discretion of the Dean of Academic Affairs, with input from faculty and instructional administrators. Decision about changing instruments must be announced in the academic year prior to the academic year the change is implemented.

**Classroom Observation**

Observing teaching that occurs in the classroom is an integral part of evaluating faculty. Therefore, all formal faculty evaluations will include at least one classroom observation.

During the development tract, new faculty will be observed multiple times. During the first two semesters at SFCC, full-time faculty will be observed by their Dean or designee. During the second and third years, they will be observed each semester by the Dean or designee. Full-time faculty with more than three years' experience will be observed by the Dean or designee at least once every three years, more often if required. Adjunct faculty will be observed by the Dean, or designee their first four semesters, and then every fourth semester thereafter, more often if required.

Faculty members, Deans or Directors may request the Dean or the Vice President for Education and Student Support Services to perform the classroom observation.

Formal classroom observations will be scheduled in advance with the faculty member. The process will utilize a "Pre-observation Information Form", a "Classroom Observation Worksheet" and a "Post-observation Conference Form".

**Self Assessment**

Since introspection can lead to improved teaching performance, all faculty have the opportunity to reflect on their past year's experiences and document professional development accomplishments and service to the institution and to the community through a professional portfolio. Required and optional elements of the portfolio will be established by the Dean of Academic Affairs with input from faculty and instructional administrators. These portfolios will be shared with administration during evaluation conferences.

**Evaluation Conference**

All formal evaluations will conclude with a conference between the faculty member and the evaluating administrator, at which time there will be a review of the student evaluations, classroom observation, the portfolio and the evaluation conference instrument. Performance goals will be established at this conference.

(approved 1/23/06)



**Performance Evaluation**

**Evaluation of Non-Instructional Employee Performance**

Performance evaluation results are kept in the permanent personnel files and serve as the basis for continued employment and salary recommendations. Performance evaluations for non-instructional employees and administrators will be made available to supervisors by Payroll Services. Complete, signed and original performance evaluations will be accepted as a matter of record to be kept in the permanent personnel file of each employee.

**Evaluation of Non-Exempt Staff**

Non-exempt employee evaluations shall be conducted by the immediate supervisors and filed with Payroll Services prior to June 15 of each fiscal year. Evaluations measure job performance, professional development, and educational achievement of the employee. The supervisor and employee will agree on the employee's professional development goals and if applicable, formal educational goals for the subsequent year. Employees who are not meeting job targets or performance standards may be placed on a performance improvement plan without recommendation for a salary increase.

**Evaluation of Exempt Staff**

Exempt employee evaluations shall be conducted annually by immediate supervisors which may include a 360 degree evaluation by peers or subordinates prior to March 15 of each fiscal year. Evaluations measure job performance, professional development/educational pursuits of the employee and determine yearly job targets/objectives for the employee. Employees who are not meeting job targets or performance standards may be placed on a performance improvement plan without recommendation for a salary increase.

**Evaluation of Administrative Staff**

Administrators shall prepare annual self-evaluations. These self-evaluations and results of the 360 degree evaluations are reviewed and analyzed with the President. Professional development plans, strategies for improvement, and goals for the ensuing year will result from the evaluation and will be recorded for review during the subsequent year's performance evaluation.

(last approved 1-28-08)

**Separation**

**Suspension or Termination: Exempt Employee Hearing Procedure**

When cause exists for an employee to be suspended or dismissed, the appropriate supervisor and Vice President for Finance and Administration will so advise the employee with a statement of the grounds for the suspension or termination in writing.

Adequate cause may be established by demonstrating professional incompetence, moral turpitude, sexual harassment, excessive absence, neglect of professional responsibilities, or any infraction cited in Policy 4730. Excessive absence occurs when the employee is absent from the workplace more days than are covered by accrued vacation and sick leave. Unreasonable or excessive absence is defined as a lack of attendance without good cause.

The employee shall be advised that, if he/she so requests, a hearing shall be conducted to determine whether the employee should be suspended or removed from the staff position for the ground(s) stated.

Progressive discipline including, but not limited to, suspension is encouraged where appropriate; however, the President may determine to proceed with dismissal without pursuing lesser sanctions if the President believes that dismissal is appropriate given the circumstances of the situation.

Unless exigent circumstances warrant otherwise and such a determination is made by the President, no employee shall be suspended or dismissed until after a hearing if the employee shall have requested a hearing within the time allowed in this regulation. If a hearing is not requested in a timely fashion, the President shall institute the recommended sanction (suspension or termination) and report the same to the Board of Trustees at its next regular meeting for official action.

**Hearing Process for Employee Complaints**

An employee may request a hearing on the recommendation of suspension or termination before a Hearing Committee. Written notice of the request for a hearing shall be filed by the employee with the Vice President for Finance and Administration within (7) days after notification by the Vice President for Finance and Administration. of the recommendation of suspension or termination. The Hearing Committee shall provide opportunity for testimony and written and oral argument by both the employee and the President (or the President's designee), their witnesses and representatives; however, meetings of the Hearing Committee shall be closed to the general public.

Current employees of the College shall be subject to serve if called by the President. Failure to appear and/or cooperate at the request of the President shall subject any such employee to disciplinary action.

1. The employee and President shall be entitled to have counsel (or some other advisor) present. Counsel may advise their respective clients but shall not be entitled to participate in the hearing.
2. The President shall have the burden of proof, which burden shall be preponderance of the evidence.

The Hearing Committee shall be constituted within three (3) working days of the employee's filing a request for a hearing and shall consist of members of the Executive Leadership Team, the Faculty Association Executive Committee and the presidents of the Classified and Professional Staff Associations. The hearing shall be held within ten (10) working days of receipt of the request for hearing. Notice of the date, time and place of the hearing will be given to the employee no less than five (5) working days after receipt of the request for a hearing.

The Hearing Committee shall elect a chairperson who shall be responsible for the orderly conduct of the hearing. The hearing evidence shall be duly recorded and a transcript thereof shall be available at College expense to the employee and the President.

The Hearing Committee shall render a decision in writing stating the reasons for its determination. Said decision shall be submitted within two (2) working days of the conclusion of the hearing to the employee and the President.

### **Appeal**

The employee or the President shall have the right to appeal the decision of the Hearing Committee to the Board of Trustees. Said appeal shall be in writing, shall state the grounds therefore and shall be filed with the recording secretary to the Board within two (2) working days of the receipt of the decision. The Board shall review the record of the case (consisting of the charge(s) against the employee, the transcript of the hearing, and the written decision of the Hearing Committee) and shall render its decision, which shall be final.

If an appeal is not filed in a timely way, the decision of the Hearing Committee shall be instituted by the President and shall be communicated to the Board at its next regular meeting for official action.

**Announcements**

Except for such simple announcement as may be required concerning the time for the hearing and a final decision, public statements about the case by the employee and personnel of the College shall be avoided, except as may be necessary to comply with state statutes or a lawfully issued subpoena.

The President shall formulate and approve suspension and termination procedures consistent with the foregoing regulations. Those procedures will be followed in all cases of suspension or termination. In the event, however, of a conflict as between this regulation and the procedures, this regulation shall prevail.

**Separation**

**Reduction in Force**

The College will provide assistance to full-time employees whose positions may be eliminated due to insufficient funds, a substantial decrease in enrollment, or discontinuance of a program of service or instruction. From the date of notification of a termination through sixty (60) days after the separation date, the College will provide services at no cost to affected individuals seeking new employment. These services include

1. Job placement services,
2. Long-distance telephone calls related to job-seeking,
3. Word Processing and Reprographics services,
4. Postage, and,
5. Testing of skill and performance in secretarial areas.

Supervisors will also respond to requests for recommendations and letters of reference.

The employee on RIF will remain eligible for the employee tuition waiver benefits for a period of one (1) calendar year after the separation date.

Also for one (1) year from the final date of employment, the individual will be notified of any vacancy that occurs within the College. The individual will be responsible for keeping current application information and address on file with Payroll services. In the selection process, equal consideration will be given to former employees on RIF and to qualified current employees who elect to apply for an opening.

If an employee on RIF is rehired, the absence shall not be construed as a break in service so far as salary, accumulated benefits, and other rights under College policy are concerned. If circumstances do not permit re-employment within the year, the individual's status will change to laid-off indefinitely due to reduction in force.

## **PERSONNEL SERVICES**

## **Regulation 4810** **Policy 4810**

### **Employee Welfare**

#### **Sexual Harassment**

The Board of Trustees is committed to maintaining a work environment for its employees that is free from sexual harassment. Furthermore, the Board of trustees strongly believes that no person in the College shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity.

Sexual harassment is a form of sex discrimination and is in violation of Title VI and Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. In compliance with these laws, the College prohibits sexual harassment by its employees and its students and has enacted a sexual Harassment Policy (See *SFCC Board Policy*, Policy 4810 and *SFCC Regulations*, Appendices).

The purposes of the sexual harassment policy are

1. To protect students and employees from the direct or indirect effects of sexual harassment;
2. To establish an appropriate Grievance and Appellate Process to handle complaints;
3. To define possible disciplinary actions that may be taken against any employee or student found responsible of conduct judged to be harassing;
4. To define actions which may be taken against any person who knowingly and intentionally files a false complaint of sexual harassment against another; and
5. To ensure non-retaliation against employees who filed a complaint.

#### **Title IX Sexual Harassment Grievance and Appellate Process**

Many problems can be solved by an informal meeting with the parties and their supervisor or the Title IX compliance officer. The Board of Trustees has designated the Dean of Student and Academic Support Services to serve as the College's Title IX compliance officer. A student who believes that he/she has been subjected to sexual harassment is encouraged to report it to the Title IX compliance officer with the objective of resolving the matter quickly and discretely. Employees with a sexual harassment complaint are encouraged to discuss it with the Director of Human Resources with the same objective.

The College Grievance and Appellate Process are detailed in Regulation 4850. If an investigation of an incident of sexual harassment indicates that an offense was committed by an employee, and an action of termination results, then either the Grievance and Appellate Process or the Hearing Process may be followed.

**Employee Welfare**

**Employees with Communicable Diseases**

The College shall assign a high priority to the need for preventing the spread of chronic communicable diseases and for promoting healthy life styles with an emphasis on wellness for employees and students. The Board of Trustees respects the right to privacy of an employee who has a chronic communicable disease, directing that the employee's medical condition shall be disclosed only to the extent necessary to minimize the health risks to the employee and others. Such employees shall remain subject to the Board's employment policies on sick leave, physical examinations, health insurance, and other applicable provisions.

The body fluids of all persons should be considered to contain potentially infectious agents. In general, however, the degree of risk depends on a variety of factors including the type of fluid and whether or not the individual is infected with a disease. Caution is urged in the event of contact with blood, feces, urine, vomitus, nasal discharge or saliva since these are capable of spreading various communicable diseases, including Viral Hepatitis, AIDS, Mononucleosis, common cold, Influenza, and gastrointestinal viruses.

If an employee has, or has been exposed to, an infectious or contagious disease or is reasonably believed to have an infectious or contagious disease the following guidelines apply:

1. The employee may be required to undergo a medical examination at the College's cost by a physician of the College's choosing.
2. While a determination is made concerning the status of an employee, that employee may be placed on a paid leave of absence. Except in unusual circumstances such leaves will not exceed ten (10) days.
3. If the employee is determined to be infectious or contagious, he/she will be required to take such leave as provided by Board policy until it is medically determined that the employee is no longer able to transmit the disease.
4. Where a question exists concerning an employee's status, an individual assessment of the employee will be completed by a review team comprised of the employee's physician, a physician selected by the College, a county health official, the President and the employee's supervisor. Other individuals may be included, as is reasonably necessary and as designated by the President.

The review team will consider all available medical evidence and will determine the employee's medical condition, the employee's ability to return to work and

whether the employee's infectious status requires any restrictions on the employee's work assignment. Normally the team will be convened within seventy-two (72) hours of notice of the employee's contagious status. The employee's status will be reviewed thereafter as appropriate.

5. The written determination of the review team is subject to an appeal to the Board of Trustees whose determination shall be final.



**Employee Welfare**

**Conflict of Interest**

The prohibition against conflicts and apparent conflicts of interest includes, but is not limited to, the following:

1. Employees shall not engage in or have a substantial interest in furnishing of real or personal property, commodity, equipment, supplies or services to the College either directly or through an outside representative, except as provided in this paragraph. A substantial interest includes ownership by the employee, the employee's spouse or a member of the employee's household of 10 percent or more of a business entity or annual receipt by the employee, employee's spouse, or member of the employee's household of \$1,000 or more in salary or other remuneration from a business entity. A business entity in which a College employee has a substantial interest may do business with the College provided competitive bids are obtained and the lowest bid is accepted.
2. Employees shall not make use of mailing lists or other information gained solely as a result of the employee's position with the College to either sell directly or indirectly services or merchandise to students or their parents. As provided by Board policy, this prohibition does not apply to student tutoring.
3. Employees shall not solicit or receive any payment or thing of value which might influence performance of the employee's duties.
4. Employees shall not disclose to any person, not otherwise entitled, information gained by virtue of the employee's duties or otherwise use such information for personal gain.
5. Employees shall not engage in outside employment which interferes with performance of the employee's duties. This prohibition includes outside employment which is performed during school hours or involves the use of College resources. Outside employment must have the prior approval of the appropriate vice president.

If an employee is in doubt concerning whether a specific enterprise violates this regulation, the employee must seek an opinion from the President.

## **PERSONNEL SERVICES**

## **Regulation 4850** **Policy 4850**

### **Employee Welfare**

### **Grievance and Appellate Process**

### **Employees and Members of the Public**

The grievance and appellate process is designed to provide students, employees and members of the public with a complaint process.

The following matters related to employees of State Fair Community College and members of the public are subject to process under this policy:

- Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.
- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits employment discrimination based on race, color, religion, sex, and national origin.
- Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex.
- Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. 794, and the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.
- Age Discrimination Act of 1975, as amended 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age.
- Board of Trustees policy and/regulation.

The Director of Human Resources, Human Resources Office, Hopkins Student Services Center (660) 596-7484, and the Dean of Student and Academic Support Services, Student Services Office, Hopkins Student Services Center, (660) 596-7393, will serve as the Compliance Officers for Section 504, Title VI, Title VII, Title IX, Age Discrimination and Americans with Disabilities Act issues. The Hopkins Center is on the Sedalia campus of SFCC, 3201 W. 16th Street, Sedalia, MO 65301. Employees and members of the public should contact the Director of Human Resources with issues related to these areas. The Dean of Student and Academic Support Services will handle issues from students.

All matters must be addressed utilizing the following procedure:

1. Within 30 days of the incident/issue, a complaint must be filed by an employee or member of the public with the Director of Human Resources. All complaints will be promptly, thoroughly, fairly and impartially investigated by the Director.
  - a. During this appeal period the Human Resources Director may impose temporary sanctions (i.e. temporary suspension with pay, temporary suspension without pay, etc.) on an employee until the process has been completed.

- b. If the issue involves a student, the HR Director will work in cooperation with the Dean of Student and Academic Support Services, who may impose temporary sanctions (i.e. suspension from class, suspension from residence halls, suspension from student activities, etc.) on a student until the process has been completed.
2. The HR Director will make a decision based on the evidence and thorough consultation with all parties involved within ten (10) business days of receiving the complaint. The Director will then send notice to all parties of the outcome of the complaint, with specific information supporting the decision.
3. If the employee or member of the public is not satisfied with the outcome after Human Resources has completed its process, the employee or member of the public may appeal by submitting a written description of the grievance to the Campus Judicial Officer. This appeal must occur within ten (10) days of the decision of the HR Director. The written appeal should include the specific complaint and a reference to the specific matter described in the bulleted items above. The burden of proof shall rest on the accuser or complainant, who will have the opportunity to present witnesses and other evidence. The Campus Judicial Officer will provide impartial, prompt and thorough investigation of the issue.
  - a. The Campus Judicial Officer is located in the Student Services Office in Hopkins Student Service Center, SFCC Sedalia campus, 3201 W. 16<sup>th</sup>, Sedalia, Mo. 65301; phone: 660.596.7303.
  - b. If a complaint should arise that includes the Campus Judicial Officer, the President will appoint a temporary, impartial substitute.
4. The Campus Judicial Officer will make a decision, based on the evidence and thorough consultation with all parties involved, within ten (10) business days of receiving the written formal grievance. The Campus Judicial Officer will then send notice to all parties of the outcome of the complaint, with specific information supporting the decision.
5. If the employee or member of the public is not satisfied with the decision of the Campus Judicial Officer he/she must present to the Campus Issue Resolution Committee, in writing, a formal appeal. This appeal should include reasons why the student believes the decision of the Campus Judicial Officer should be overturned. The burden of proof shall rest on the accuser or complainant, with the opportunity to present witnesses and other evidence. The Campus Issue Resolution Committee will provide impartial, prompt and thorough investigation of the issue. This appeal must be made within ten (10) business days of the decision of the Campus Judicial Officer and must outline grounds for the appeal. The Campus Issue Resolution Committee will return a decision within ten (10) business days of receiving the appeal and notify, in writing, all parties involved of the outcome of their decision. The Campus Issue Resolution Committee will be impartial, prompt and thorough to investigate each appeal. The decision of the committee will be final.

- a. The Campus Issue Resolution Committee will be appointed each fall by the College president and will include a faculty member, staff member, and a student.
  - b. Each member of the Campus Issue Resolution Committee will serve one-year terms.
  - c. If a complaint should arise that includes one of the committee members, the President of SFCC will appoint a temporary substitute for that member.
  - d. Appeals to the CIRC will be submitted to the Campus Judicial Officer for dissemination to the committee. The Campus Judicial Officer will schedule the CIRC and notify parties involved of time, date, and location of the hearing.
6. The student (employee, community member, contractor, parent, etc. hereafter referred to as the individual) is entitled to be assisted by and accompanied to the hearing by one member of the College community as a support person. If the above individual does not have a relationship with someone who could fulfill that role, either the College will appoint such a support person upon the individual's request, or the individual may choose a community member to serve in that support role. The support person will not be permitted to speak, testify, serve as a witness, or provide a statement on behalf of the accused individual, unless that support is needed to provide for a disability. The support person may not be an attorney unless an attorney representing the College is present. If the College is represented by an attorney, the individual is permitted to be represented by an attorney.
7. At any stage of the grievance/appellate process, including informal resolutions, if it is discovered that the College was discriminatory, the College will take steps to prevent the recurrence of the discrimination and will correct its discriminatory effects on the complainant and others, where appropriate.

### **Retaliation Notice**

Retaliation against a person who files a complaint or persons who participate in the grievance proceeding is prohibited.

### **Federal and/or State Resources for Grievance Appeals**

Employees or members of the community may also file a complaint of discrimination on the basis of sex, disability, national origin, race, color or age with the Office of Civil Rights (OCR), Department of Education, email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov). Such complaints must be filed in writing no later than 180 days after the occurrence of the alleged discrimination.

Charges of employment discrimination on the basis of disability may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in fifty (50) cities throughout the United States and are listed in most telephone directories under U.S. Government. Information on all EEOC-enforced laws may be obtained by calling toll free 800-669-4000 or 800-669-6820 (TDD). The address for the EEOC office in Kansas City is: 400 State Avenue Suite 905 Kansas City, KS 66101 Phone: 913-551-5655 TTY: 913-551-5657

## **PERSONNEL SERVICES**

**Regulation 4860**  
(Form 4860)

### **Employee Welfare**

#### **Personnel Records**

The Office of Human Resources maintains personnel files and records related to employee insurance, retirement, and workers' compensation, payroll and tax records. Employees are responsible for keeping their personnel records up to date and for promptly notifying Payroll Services of any changes in the following:

1. Name;
2. Address,
3. Telephone Number;
4. Marital status (for benefits and tax withholding purposes only);
5. Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
6. Beneficiary designations for any of the College's insurance, disability and pension plans, or,
7. Persons to be notified in case of emergency.

An appointment is required to review one's own personnel file. The personnel file shall be reviewed in the Business Office. At no time shall the file be out of the direct supervision of Payroll Services Staff personnel. An employee who disagrees with any information contained in the personnel file may submit a written statement explaining why he/she believes the record is wrong. The statement shall be appended to the disputed materials in the personnel file. Copies of any non-confidential contents will be made available to the staff member upon written request at the time of the file review.

Payroll Services will maintain a personnel file access log.

#### **Release of Employee Information**

The following information regarding employment with the College may be released in response to requests received from outside the College:

1. Name,
2. Verification of employment dates or past employment,

3. Position or job title, and
4. Verification of salary

Other employee information is considered confidential and may be released to individuals outside the College only upon authorization of the President or designated representative. Employees whose personnel files are released by legal requirements shall be notified of the date and content of the files released.

This policy is not intended to preclude members from responding to a reference based upon his/her *personal* knowledge of an individual.

**Employee Welfare**

**Drug Free Workplace**

It is the College's goal to establish and maintain a work environment that is free from the effects of alcohol and controlled substances. While the College has no intention of intruding into private lives of its employees, it does expect employees to report for work in condition to perform their duties. The following information clarifies and emphasizes the College's position regarding the use or possession of alcohol and/or controlled substances.

1. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited while in a College vehicle, on College property, at a College sanctioned activity, or on the job. Violations will result in disciplinary action (consistent with local, state, and federal law) up to and including termination of employment and referral for prosecution. As required by the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, U.S. Department of Education employees are to notify the College of any criminal drug statute conviction or violation occurring in the workplace no later than five (5) days after such conviction.
2. The effects of illegal and/or abusive use of controlled substances are harmful to the public health and well being. Because an individual's learning and work productivity can be impaired, and emotional imbalance can result in irrational behavior that is threatening to one's self or others, the College feels an increasing concern for its students and employees. A chart describing the uses and effects of controlled substances is available to all employees in the Office of Human Resources and is provided to all new employees during their orientation
3. Off-the-job use of alcohol or illegal drugs which could adversely affect an employee's job performance and thereby jeopardize the safety of other employees and/or College equipment, or where such usage adversely affects the public trust in the ability of the College to carry out its mission and responsibilities is also cause for administrative or disciplinary action, up to and including discharge. Employees who are arrested for off-the-job drug/alcohol-related offenses may be in violation of this policy. In deciding what action to take, the College will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the College, and other factors relative to the impact of the employee's arrest upon the College.

4. Violations of the laws governing controlled substances carry varying penalties. Under Missouri law, possession of a controlled substance is punishable by a prison sentence of up to seven (7) years and a fine of up to \$5,000. Distribution is punishable by a prison sentence from five (5) to fifteen (15) years. For repeat offenders or for those guilty of offenses involving a large quantity of drugs, the range of punishment is higher. Federal trafficking penalties are made a part of these regulations.
  
5. Employees who need assistance in locating any available drug counseling, rehabilitation, and employee assistance programs may request information from a counselor in the Student Services Office of the College without jeopardizing their employment. Such contacts will be handled with confidentiality. Volunteering to participate in treatment programs will not, of itself however, prevent disciplinary action for violation of the substance abuse policy.

Community resources which are available for counseling and assistance with alcohol and/or substance abuse problems include:

Alcoholics Anonymous – Alanon and Alateen	660-826-9608
NIDA Hotline	660-662-HELP
Veterans of Foreign Wars	660-826-4543
Narcotics Anonymous	800-945-HOPE
Drug Hotline	660-622-HELP
Ditzfeld Recovery Center	660-829-2527
WEB Site	<a href="http://www.drughelp.org">www.drughelp.org</a>



## **PERSONNEL SERVICES**

**Regulation 4871**  
(Form 4871)

### **Employee Welfare**

#### **Driver Drug Testing**

The College has the responsibility for maintaining an environment for working and learning that is free from the effects of illegal substances. College employees who are subject to the testing requirements of this regulation include bus or van drivers who hold commercial drivers licenses. Those individuals will be provided with materials that explain the federal statute requiring alcohol and drug testing. In addition, substance abuse policies will be made available to students through My STAR and to employees through SFCC Regulations (See the Appendices) and the *Employee Handbook*.

The President requires that the Vice President for Finance and Administration conduct a biennial review of its substance abuse policies to determine their effectiveness and recommend changes if they are needed. The President also requires the Executive Leadership Team to ensure that any required disciplinary sanctions are consistently enforced.

Regulation 4871, which enforces driver drug testing and provides implementation for the Board of Trustees' substance abuse policies, is covered in detail in the Appendices to these Regulations.

**APPENDIX A**  
**SEXUAL HARASSMENT**

The Board of Trustees is committed to maintaining a work environment for its employees that is free from sexual harassment. Furthermore, the Board of Trustees strongly believes that no person in the College shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity.

**DEFINITION OF SEXUAL HARASSMENT IN EMPLOYMENT**

Sexual harassment in employment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of sexual nature when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual.
3. Such conduct creates an intimidating, hostile, or offensive work environment.
4. Qualified employees are denied employment opportunities or benefits because the opportunities or benefits are given to another employee who submitted to an employer's sexual advances or requests for sexual favors.

**Under Title IX** (applies to students and employees)

Title IX forbids discrimination on the basis of sex in any educational program or activity that receives federal funds. This includes a prohibition on sexual harassment. The Office for Civil Rights of the U.S. Department of Education defines sexual harassment under Title IX as follows: "Verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provisions of aid, benefits, services or treatment protected under Title IX."

Sexual harassment under Title IX includes, but is not limited to, unwelcome<sup>1</sup> sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's academic status or progress, or employment.
2. Submission to or rejection of such conduct by an individual is the basis for educational or

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<sup>1</sup>Sexual harassment of students by adults who otherwise come within this Policy is absolutely prohibited regardless of whether the conduct is "welcome."

employment decisions affecting that individual.

3. Such conduct creates an intimidating, hostile, or offensive educational or work environment.
4. Qualified students or employees are denied educational or employment opportunities or benefits because the opportunities or benefits are given to another student or employee who submitted to sexual advances or requests for sexual favors.

## **EXAMPLES OF SEXUAL HARASSMENT**

### **Unwelcome Sexual Advances**

Whether the advance is "unwelcome" is determined on a case-by-case basis. Unwelcome advances may include, but are not limited to, the following:

1. Any invitation (even subtle) intended to result in a sexual liaison.
2. Invitations to dinner or social events, when refusal results in the loss of a promotion or in other adverse employment action.
3. Propositioning an employee.

### **Unwelcome Verbal Conduct of a Sexual Nature**

This may include, but is not limited to, the following:

1. Sexually provocative or explicit speech.
2. Publicly expressed sexual fantasies.
3. Jokes of a sexual or crude nature.
4. Derogatory comments directed to males or females as a class (language directed toward a specific employee is more likely to be viewed as sexual harassment).
5. Demeaning comments.
6. Threats for not agreeing to submit to sexual advances.
7. Writing sexually explicit memos.

### **Unwelcome Physical Conduct of a Sexual Nature**

This may include, but is not limited to, the following:

1. Grabbing or twisting an individual's arm,

2. Any unwarranted touching,
3. Sexually offensive pranks,
4. Drawing sexually explicit cartoons, other drawings, or graffiti,
5. Gestures indicating sexual behavior,
6. Suggestive winks, or,
7. Kissing.

### **Conduct Towards Students**

In addition to the foregoing examples, students may experience harassment that is unique to their situation, some of which may not be immediately recognized as sexual harassment, but which may support a potential claim against the College and/or its employees if not remedied. Such harassment may include, but is not limited to, the following:

1. Unwanted sexual behavior, such as touching, oral comments, sexual name calling, spreading sexual rumors, jokes, pictures, leers, overly personal conversation, cornering or blocking a student's movement, pulling at clothes, students "making out" on College premises.
2. A student in a predominantly single-gender class who is subjected to sexual remarks by a teacher or students who regard the comments as joking and part of the usual class environment.
3. Interfering with a student's achievement in a predominantly or historically single-gender class by hiding tools or equipment, questioning the student's ability to handle the work, or suggesting that the student is "abnormal" for enrolling in the class.
4. Purposefully limiting or denying students access to educational resources because of their gender.
5. Teasing a student about the student's enrollment in a predominantly or historically single-gender class.

## **Nature of Sexual Harassment**

Sexual harassment is not limited to conduct by males toward females. Sexual harassment may occur between any or all of the following:

1. Student to student,
2. Staff to student,
3. Student to staff,
4. Male to male,
5. Female to female,
6. Male to female, or
7. Female to male.

## **INVESTIGATION OF SEXUAL HARASSMENT COMPLAINTS**

### **Complaints Involving Employees**

1. If an employee believes that he/she is being sexually harassed, the employee is encouraged to bring the concern to the attention of the employee's supervisor.
2. If the employee feels that such contact with the supervisor would be inappropriate, if the situation is not satisfactorily resolved by the supervisor, or if the employee simply feels more comfortable speaking with someone other than the supervisor, the employee should contact the Vice President for Finance and Administration, who is the designated Title IX compliance Officer for the College.
3. If neither the employee's supervisor nor the Title IX compliance Officer is of the same sex as the employee, or the employee for any other reason would prefer to report the employee's concern to another supervisor/administrator within the College, the employee may do so. However, it is essential that the report be made to someone with the authority and obligation to act upon the concern.
4. Any supervisor/administrator who receives a report, orally or in writing, from any employee regarding sexual harassment of that employee by another employee, non-employee doing business with the College, or student must notify the Title IX compliance officer within twenty-four (24) hours or within a reasonable time thereafter.
5. Oral complaints of sexual harassment will be put in writing by the complainant or by the person who receives the complaint and should be signed by the complainant. However, the complainant's refusal to sign a complaint does not relieve the College of the obligation to

investigate the complaint.

6. An employee who believes that he/she has been subjected to sexual harassment shall not be required to confront the alleged harasser prior to making the report.
7. Following receipt of the report, College personnel will promptly and fully investigate the complaint and will notify the employee and the alleged harasser of the results of the investigation. Investigations will be conducted with full recognition of the rights of all parties involved.
8. Upon receipt of the report, the Title IX compliance officer will investigate the complaint. The investigation shall commence within forty-eight (48) hours after such appointment.
9. The College will maintain the confidentiality of the complaint and the details of the investigation to the fullest extent possible.
10. The Title IX compliance officer will put his/her findings in writing and will review them with the President within one (1) week after concluding the investigation, or within a reasonable extension of time thereafter, for good cause shown.
11. If the investigation substantiates the complaint, the College will take appropriate disciplinary action against the offender(s), commensurate to the severity of the harassment (up to and including termination of employment). If the offender is a student, disciplinary action will be taken in accordance with Board policy. If the offender is not an employee of the College, the College will take appropriate action within the scope of its authority to eliminate and redress the harassment.
12. If the investigation is indeterminate, the matter will be designated as unresolved, and the investigation file will be maintained by the Title IX compliance officer in a file separate and apart from any student or personnel file.
13. There will be no retaliation against or adverse treatment of any employee who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to sexual harassment.
14. The responsible administrator shall follow up regularly with the complaining employee to ensure that the harassment has stopped and that no retaliation has occurred.

## **ENFORCEMENT**

### **Employees**

Each supervisor and administrator is responsible for maintaining an educational and work environment free from sexual harassment. In accordance with that responsibility, each site manager, or his/her designee, shall take appropriate actions to enforce the College's sexual harassment policy, including but not limited to the following:

1. The Title IX compliance officer shall provide an in-service regarding sexual harassment to all staff by the end of the first full calendar week of each school year.
2. The College shall provide a copy of the policy to all new employees of the College prior to the commencement of the employee's duties.
3. The Title IX compliance officer shall further instruct employees regarding the procedures for reporting sexual harassment in the educational setting on an as-needed basis.
4. The Title IX compliance officer shall take prompt action to investigate all complaints of sexual harassment.
5. College officials shall take appropriate disciplinary action, as necessary.

### **Students**

Each College administrator is responsible for maintaining an educational and work environment free from sexual harassment. In accordance with that responsibility, each College administrator, or his/her designee, shall take appropriate actions to enforce the College's sexual harassment policy, including but not limited to the following:

1. All vulgar or sexually offensive graffiti shall be removed from the premises.
2. The College administration shall provide an in-service regarding sexual harassment (including sexual harassment involving students) to all staff by the end of the first full calendar week of the fall semester.
3. Student information regarding sexual harassment shall be provided annually.
4. College administrators shall take prompt action to investigate all complaints of sexual harassment.
5. College administrators shall take appropriate disciplinary action, as needed.

## **NOTIFICATIONS**

A copy of the College's sexual harassment policy shall be

1. Displayed in a prominent location at each work site.
2. Provided to each current employee and to each new employee prior to commencement of their duties.
3. Included in any College newsletter or work site publication that sets forth the College's comprehensive rules, regulations, procedures, and standards of conduct for employees.

The College's Title IX compliance officer will be available to answer all questions regarding this policy or its implementation.

## **DISCIPLINE/CONSEQUENCES**

### **Complaints Involving Employees**

1. Any employee who engages in the sexual harassment of anyone while on school property, or while in the employ of the College off school property will be subject to disciplinary action, up to and including dismissal.
2. Any employee who permits or engages in the sexual harassment of a student will be subject to disciplinary action up to and including dismissal.
3. Any employee who receives a complaint of sexual harassment from a student and who does not act promptly to forward that complaint to their supervisor and the College Title IX coordinator shall be disciplined appropriately.
4. Any employee who retaliates, or engages in conduct that could be interpreted as retaliation, against any person who has made a complaint of sexual harassment or who has participated in the investigation of a complaint of sexual harassment will be subject to discipline, up to and including dismissal.
5. Any non-employee doing business with the College who engages in sexual harassment, or who retaliates against any person who has made a complaint of sexual harassment or who has participated in the investigation of a complaint of sexual harassment, will be subject to discipline to the extent that the College has control over the non-employee and his/her employer.
6. Any employee who brings a false charge of sexual harassment shall receive appropriate discipline. The term "false charge" means a charge brought in bad faith, that is, without the good faith belief that one has been subjected to sexual harassment. The term "false charge" does not include a charge that was brought in good faith, but which the College was unable to substantiate.



## **Complaints Involving Students**

1. Any student, who engages in the sexual harassment while on College property or while participating in College activities, will be subject to disciplinary action, up to and including expulsion.
2. Any employee who permits or engages in the sexual harassment of a student will be subject to disciplinary action, up to and including dismissal.
3. Any employee who receives a complaint of sexual harassment from a student and who does not act promptly to forward that complaint to their supervisor and the College's Title IX coordinator, shall be disciplined appropriately.
4. Any student who brings a false charge of sexual harassment shall receive appropriate discipline. The term "false charge" means charges brought in bad faith, that is, without the good faith belief that one has been subjected to sexual harassment. The term "false charge" does not include a charge that was brought in good faith, but which the College was unable to substantiate.

## **APPENDIX B** **DRIVER DRUG TESTING**

### **Driver Drug Testing**

#### **Definitions**

For purposes of this Regulation, the following terms are defined:

1. *Alcohol* — the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. *Driver* — any person who operates a commercial motor vehicle (CMV) or is required by the College to hold a commercial drivers license (CDL). *Driver* includes, but is not limited to, full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers and independent, owner-operated contractors. For purposes of pre-employment/pre-duty testing, *driver* includes a person applying to the College for a position that involves the driving of a commercial motor vehicle.
3. *Employee* — an individual subject to drug urine and breath alcohol testing. For purposes of pre-employment testing, *employee* includes an applicant for employment.
4. *Medical Review Officer (MRO)* — a licensed physician responsible for receiving laboratory results generated by the College's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant medical information.
5. *Safety-Sensitive Function* — a driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, is ready to perform or is immediately available to perform any safety-sensitive function. *Safety-sensitive functions* include the following on-duty functions: all time at a facility waiting to be dispatched; all time inspecting or servicing a commercial motor vehicle; all time spent at the driving controls of a commercial motor vehicle; all time, other than driving time, spent on or in a commercial motor vehicle (except sleeping time); all time loading or unloading a commercial motor vehicle, assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; all time spent performing the driver requirements associated with an accident; and all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
6. *Substance Abuse Professional* – a person who evaluates employees who have violated a Department of Transportation (DOT) drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare.

## **Covered Employees**

Those College employees who are subject to the prohibitions and mandatory testing requirements of this regulation include all transportation workers, including, but not limited to, bus and van drivers and maintenance workers, who:

1. Hold commercial drivers licenses; and
2. Who perform safety-sensitive functions at any time during the course of their employment.

## **Program Coordinator**

The Board designates the Vice President for Business Affairs to be the Program Coordinator to ensure that the College's employee alcohol and drug program is implemented in accordance with federal regulations and College policy and regulations. The Coordinator will also be responsible for collecting and maintaining all records required by federal law. The Coordinator's name, address and telephone number will be provided to all covered employees.

## **Testing Program and Policy Information**

Before beginning the testing program authorized by Policy 4871, the College will distribute to all covered employees educational materials that explain the requirements of the federal alcohol and drug testing regulations, and the College's policies and procedures with respect to meeting those requirements. The materials will include all information required by federal law. Each covered employee must sign a receipt indicating that he/she has received these materials prior to the beginning of alcohol and drug testing.

## **ALCOHOL MISUSE PREVENTION AND TESTING PROGRAM**

### **Prohibitions**

1. No driver shall use or possess, and the College shall prohibit a driver from using or possessing, alcohol while on duty or while performing a safety-sensitive function.
2. No driver shall use, and the College shall not permit a driver to use, alcohol for a minimum of four (4) hours before performing a safety-related function.
3. No driver shall perform, and the College shall not permit a driver to perform, safety-sensitive functions, where the driver is found, through testing conducted in conformity with federal rules, to have an alcohol concentration of 0.04 or greater until the driver has been evaluated by a substance abuse professional, completed any rehabilitation required by the substance abuse professional, and undergoes a return-to-duty test in which the driver tests at less than 0.02 for the presence of alcohol.
4. A driver who tests, through testing conducted in conformity with federal rules, at levels of

0.02 to 0.039 for the presence of alcohol shall be prohibited from performing, and shall be removed by the College from performing, safety-sensitive functions until the start of the driver's next regularly scheduled duty, but not less than 24 hours after the test was administered, and until he/she tests below 0.02.

5. A driver who exhibits behavior and/or the appearance characteristic of alcohol misuse will be prohibited from performing, and will be removed from performing, safety-sensitive functions until the driver tests at less than 0.02 for the presence of alcohol.
6. No driver required by federal law, or independent College policy, to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever comes first.

### **Administration of Alcohol Tests**

Alcohol testing will be conducted through the use of a federally approved evidential breath testing device (EBTD), and by a trained breath alcohol technician (BAT), in accordance with federal regulations. The College will contract with an outside agency or organization to provide alcohol testing in accordance with federal regulations. The contract will provide that the alcohol testing site (1) must afford aural and visual privacy to the person being tested, and (2) must be secured while the testing is taking place.

## **DRUG MISUSE PREVENTION AND TESTING PROGRAM**

### **Prohibitions**

1. The College prohibits the unauthorized use of controlled substances. Illicit use of drugs by safety-sensitive employees is prohibited on or off duty.
2. No driver shall report for duty or remain on duty, and the College shall prohibit a driver from reporting for duty or remaining on duty, when the driver uses any drug, unless the drug is taken pursuant to the instructions of a physician who has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle.
3. The College may require a driver to notify it or the medical review officer of any therapeutic drug use if the driver tests positive, through testing conducted in conformity with federal law, for any controlled substance.
4. Following a determination through testing conducted in conformity with federal law that a driver has engaged in prohibited use of drugs, the College will remove the driver from performing safety-sensitive functions and will refer the driver to a substance abuse professional. The College will not permit the driver to return to the performance of safety-sensitive functions until the driver submits a verified negative test result and completes any rehabilitation required by a substance abuse professional.

## **Administration of Drug Tests**

1. **Collection Site** - The College will contract with an outside agency or organization to serve as a collection site for the collection of urine samples for laboratory drug testing. The College will ensure that collection site personnel follow federally prescribed rules for the collection of urine samples. The College will ensure that the collection site generally ensures aural and visual privacy for the person giving the sample. The collection site person will be required to split the sample into two bottles (the primary specimen and the split specimen). Following completion of a chain of custody form, the collection site person will seal and ship both bottles to a laboratory certified by the Department of Health and Human Services for analysis.
2. **Laboratory Analysis** - The College will separately contract with a certified laboratory to perform the required drug analysis. If the primary specimen tests negative for drugs, the laboratory will dispose of the split specimen. If the laboratory confirms that the primary specimen tests positive, the laboratory will retain the split specimen to ensure that it remains available for testing.
3. **Medical Review Officer** - The College will contract with a Medical Review Officer (MRO) who possesses the qualifications required by federal regulations. The MRO will receive and review all laboratory results generated by the College's drug testing program and will report the results to the College's designee as required by federal regulations. In the event the MRO receives a confirmed positive test result from the laboratory, the MRO will make every reasonable effort to confidentially contact the driver and give him/her the opportunity to provide a legitimate, alternative medical explanation for the positive result. If the MRO is unable to reach the driver directly, the MRO shall, in accordance with federal regulations, contact the College's designee who shall direct the driver to contact the MRO immediately. The College's designee shall inform the employee of the consequences of failing to contact the MRO within the next seventy-two (72) hours. The designated management official shall employ procedures that ensure, to the maximum extent practicable, that the requirement that the employee contact the MRO is held in confidence. If the MRO determines that there is a legitimate alternative medical explanation for the positive result, the MRO will report the drug test as being negative. If the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive. If the employee is contacted by the designated employer representative but does not contact the MRO within seventy-two (72) hours, the MRO may verify the test as positive. If neither the MRO nor the designated employer representative has been able to contact the employee within ten (10) days after making all reasonable efforts, the MRO may verify the test as positive. If the MRO verifies the presence of illegal, controlled substances, the MRO shall inform the covered employee that he or she has seventy-two (72) hours to request that the split specimen retained by the laboratory be sent to another certified laboratory for analysis. If the split specimen fails to confirm the presence of illegal, controlled substances, the employee's test will be reported as negative.

## **REQUIRED TESTS**

Pursuant to federal law, the College will require that all covered employees submit to the following

tests:

### **Pre-Employment Testing**

1. Before any driver can perform a safety-sensitive function, the driver must take a controlled substances test with a verified negative result.
2. This testing is required of applicants and of employees transferring to a covered position. Testing for newly hired drivers shall be conducted prior to the employment offer, but in any event before commencing safety-sensitive functions. If an applicant refuses to submit to pre-employment drug testing, the College will remove the applicant from employment consideration.
3. After obtaining an applicant or employee's written consent, the College shall request information regarding the drug and alcohol testing record of employees it is intending to use to perform safety sensitive duties, pursuant to federal regulations.

### **Post-Accident Testing**

1. Pursuant to federal law, all drivers will be required to submit to drug and alcohol testing as soon as practicable after any accident (a) involving the loss of life or (b) after any accident in which the driver receives a citation for a moving violation, if the accident involved either (1) bodily injury to any person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident, or (2) disabling damage to one or more motor vehicles which requires the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. Pursuant to its independent authority, the College requires all drivers to submit to drug and alcohol testing after any accident in which the driver was performing safety-sensitive functions.
2. All post-accident testing shall be conducted within the federally prescribed time periods. If a test is not conducted within the required time periods, then the College will not require the driver to submit to a test and the Program Coordinator, in accordance with federal regulations, will prepare and maintain on file a report and submit it to the Department of Transportation (DOT) documenting the reason(s) why the test was not promptly given.
3. Prior to performing safety-sensitive functions, all drivers will be instructed on the necessity for post-accident testing and the procedures to be followed for post-accident testing so that the drivers can comply with federal regulations.

### **Random Testing**

1. The College will conduct random, unannounced testing for drugs and alcohol for covered

employees. The College's designee will establish a scientifically valid random selection method and will select covered employees using this method at unpredictable dates and frequencies throughout the testing year. Under the selection method, each covered employee will have an equal chance of being selected for each testing date.

2. Each year, the number of random alcohol tests conducted by the College will equal at least 25% of the average number of covered employees. Each year, the number of random drug tests conducted by the College will equal at least 50% of the average number of covered employees.
3. Random alcohol testing will be conducted just before, during, or just after a covered employee's performance of safety-sensitive duties. Random testing for drugs does not have to be conducted in immediate time proximity to the performance of safety-sensitive functions.
4. Once notified of selection for testing, the covered employee must proceed immediately (or as soon as possible) to the collection site for testing.

### **Reasonable Suspicion Testing**

1. The College will require covered employees to be tested for drugs and/or alcohol when the driver's supervisor and/or other properly trained College officials determine that there is reasonable suspicion to believe that the driver has violated the provisions of this Policy.
2. All determinations that reasonable suspicion exists will be made solely on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. Possession of alcohol, standing alone, will not lead to reasonable suspicion testing.
3. Covered employees will be required to submit to reasonable suspicion testing only if the required observations are made by a trained supervisor or College official during, just preceding, or just after the period of the workday that the covered employee is performing a safety-sensitive function.
4. The College designates the Program Coordinator as the College official who will receive the requisite training to determine whether reasonable suspicion exists to require a drug test and/or an alcohol concentration test.
5. The College designee will be responsible for making and signing a written record of the observations leading to reasonable suspicion testing for drugs and/or alcohol. With respect to drug testing, the College designee will ensure that this written record is completed within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

### **Return-to-Duty Testing**

1. When a driver is determined, by testing in conformity with federal regulations, to have an alcohol concentration of 0.04 or greater and/or a verified positive test result for drugs, the College will refer that driver to a substance abuse professional. The substance abuse professional will determine what assistance, if any, the driver needs in resolving problems related to drug or alcohol abuse.
2. Before a driver can return to the performance of safety-sensitive functions, the driver must be evaluated by a substance abuse professional to ensure that he/she has completed any necessary rehabilitation. The driver must also submit the results of (1) an alcohol concentration test showing an alcohol concentration of less than 0.02 and (2) a verified negative drug test.

### **Follow-Up Testing**

1. When a covered employee who has violated prohibited alcohol and/or drug standards returns to the performance of safety-sensitive functions, he/she will be required to submit to follow-up testing.
2. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first 12 months after the employee returns to duty. Follow-up testing may be extended for a period not to exceed 60 months following return to duty.

### **Refusal to Submit to Testing**

1. Federal regulations require covered employees to submit to required testing. When a covered employee refuses to submit to testing, or engages in conduct that obstructs the testing process, the test will be considered to be positive and the driver will, in accordance with federal regulations, be prohibited from performing safety-sensitive functions until all preconditions are satisfied.
2. Refusal to submit or to provide a specimen has the same sanctions under the federal regulations as a positive test. Any employee who fails to provide adequate breath or urine for testing must obtain, as soon as possible after the attempted test, an evaluation from a licensed physician who is acceptable to the employer concerning the employee's inability to provide a sufficient specimen. If the physician determines, in his/her reasonable medical judgment, that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient quantity, the employer's failure shall not be deemed a refusal to take a test. The physician shall provide the College a written statement of the basis for his/her conclusion. If the licensed physician, in his/her reasonable medical judgment, is unable to make such a determination, the employee's failure to provide an adequate specimen shall be regarded as a refusal to take a test and a violation of this Policy.

## **TEST RESULTS, CONFIDENTIALITY AND RECORD RETENTION**

### **Employee Records**



1. All employee testing records are confidential and the College will ensure that all testing records are maintained in a secure location with controlled access. Test results and other confidential information may be released by the laboratory, the breath alcohol technician or the MRO only to designated College officials and/or the substance abuse professional. Any other release of confidential information is only pursuant to federal regulations or with the employee's written consent.
2. Covered employees are entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including records of tests and test results.

### **Record Keeping and Retention**

The College will comply with all federal record keeping and retention requirements. In addition, the Program Coordinator will maintain and compile all required statistics and reports and submit those reports to the necessary federal agencies. The College will notify the Director of the Department of Revenue within ten (10) days of notice that a College driver has failed a drug, alcohol or chemical test administered pursuant to this regulation.

### **Evaluation, Referral and Rehabilitation**

Employees who violate the alcohol and drug misuse rules will be referred to a substance abuse professional for evaluation and will be advised of the available resources for evaluation and treatment. Any treatment or rehabilitation will be provided in accordance with the health insurance, medical or other benefit plan, or under applicable labor or collective bargaining agreements. The College is not required to provide rehabilitation or pay for treatment. In addition, the College is not required to hold the employee's position or to reinstate the employee to a safety-sensitive position.

### **Consequences for Violations**

Pursuant to federal regulations, the College will remove from the performance of safety-sensitive functions any covered employee determined to have violated the provisions of this Policy and will refer to a substance abuse professional those drivers who, based on testing conducted in conformity with federal regulations, have an alcohol concentration of 0.04 or greater and/or are determined to have a verified positive test result for drugs.

Based on its independent authority, the College reserves the right to impose additional consequences for violation of the provisions of this Regulation, including, but not limited to, placing the covered employee on indefinite unpaid leave or termination.