

# **Luna Community College**

## **Professional, Support, Faculty Employee Policy and Procedure Handbook**

**DRAFT**

**September 28, 2009**

## IMPORTANT LIMITATIONS

- 1) THE POLICIES IN THIS HANDBOOK ESTABLISH RULES REGARDING HOW LUNA COMMUNITY COLLEGE PROFESSIONAL AND SUPPORT EMPLOYEES ARE TO PERFORM THEIR JOB RESPONSIBILITIES.
- 2) THE CONTENTS OF THIS HANDBOOK ARE NOT TO BE CONSTRUED AS A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED.
- 3) THE POLICIES CONTAINED HEREIN SHALL NOT CONFER ANY SPECIAL RIGHTS OR DUE PROCESS BEYOND WHAT IS ALREADY PROVIDED BY LAW.
- 4) TO THE EXTENT THE POLICIES IN THIS HANDBOOK ADDRESS SUBJECT MATTER PROTECTED BY LAW, THEY ARE TO BE INTERPRETED SO AS TO ASSIST LUNA COMMUNITY COLLEGE IN COMPLYING WITH THOSE LAWS.
- 5) LUNA COMMUNITY COLLEGE RESERVES THE RIGHT TO ALTER THE POLICIES IN THIS HANDBOOK, AT ITS SOLE DISCRETION, CONSISTENT WITH APPLICABLE LAW.

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## **Chapter 1 Introduction**

### **1.1 Accreditation.**

Luna Community College is accredited by the New Mexico Higher Education Commission and is a member of the North Central Association of Colleges and Schools, 30 North LaSalle Street, Suite 2400, Chicago, Illinois 60602-2504. Luna Community College was last accredited in November, 2004.

### **1.2 Mission of the College.**

Luna Community College (the College) is a public institution of higher learning authorized under the New Mexico Community College Act, Chapter 21, Article 13, NMSA 1978, as amended. As a publicly supported college it is committed to serving the changing needs of its student population and the surrounding community. Its mission is to provide students with a comprehensive education, preparation for employment, and the skills necessary to pursue life-long learning.

### **1.3 The Guiding Principles of the College.**

The guiding principles of the College are:

- 1.3.1 To prepare students for employment in entry-level positions through a broad range of vocational, technical, and professional education programs;
- 1.3.2 To enhance students job effectiveness by offering continuing education courses focusing on advances in technology and the evolving needs of the workplace;
- 1.3.3 To assist students in gaining equitable access to educational opportunities;
- 1.3.4 To provide continuing education and community services to the population of northeastern New Mexico;
- 1.3.5 To offer Certificates, Associate of Arts and Associate of Applied Science degrees;
- 1.3.6 To promote the transfer of academic credits by and between the College and other institutions of higher education;
- 1.3.7 To enhance students= critical thinking and problem-solving skills;
- 1.3.8 To provide a culturally-diverse learning environment; and

- 1.3.9 To emphasize the development of students self-knowledge, interpersonal skills and commitment to community service.

#### 1.4 Institutional Goals.

The Board of Trustees of Luna Community College (Board), its administration, faculty, and staff have adopted the following six long-term institutional goals identified by the National Alliance of Community and Technical Colleges (1601 South Miami Avenue Miami, FL 33129):

- 1.4.1 Access and Equity.

The College shall endeavor to provide members of the surrounding community equal access to relevant post-secondary education regardless of academic preparation or background.

- 1.4.2 Employment Preparation and Placement.

The College shall dedicate itself to preparing today's workforce for the needs of tomorrow's workplace. Toward that end, the College shall commit to expanding its relationship with northeastern New Mexico businesses by focusing on the needs of local employers and by targeting its academic programs, student support programs and community relationships to fulfill those needs.

- 1.4.3 College and University Transfer.

A significant role of the College shall be to facilitate students ability to transfer to four-year colleges and universities for the purpose of obtaining baccalaureate degrees.

- 1.4.4 Economic Development.

The College shall contribute to the economic development of the community it serves by ensuring the availability of relevant post-secondary education and training, and by providing prospective employers with effectively-trained, workplace-ready employees.

- 1.4.5 College and Community Partnerships.

The College shall make its facilities and services available to individuals and groups from the surrounding community and shall encourage faculty, staff and students to commit themselves to volunteer service benefitting the surrounding community.

- 1.4.6 Cultural and Cross-Cultural Development.

Recognizing that the College serves a diverse population consisting of individuals of various racial, ethnic and religious backgrounds, as well as students with special needs, the College shall serve as a catalyst for cross-cultural awareness and

collaboration, and shall make available to its students, faculty and staff opportunities for participation in the cultural arts, as well as sports and recreational activities.

## 1.5 Strategic Planning.

To help guide and measure the Colleges progress toward its long-term goals, the Board has undertaken strategic planning, including the adoption of performance indicators and corresponding performance metrics.

## 1.6 About This Handbook.

- 1.6.1 All provisions within this **Professional, Support and Faculty** Employee Policy Handbook (Handbook) shall be interpreted consistent with federal and state law.
- 1.6.2 Upon ratification by the Board, the President and the administrative staff of the College shall implement policies and procedures outlined within the Handbook.
- 1.6.3 This Handbook contains personnel policies, procedures and practices which are subject to annual review to ensure the Colleges legal compliance and operational effectiveness.
- 1.6.4 A copy of this Handbook shall be posted on the College website and a hard copy shall be placed in the Colleges Learning Resource Center and in the Human Resources Office.
- 1.6.5 Amendments to this Handbook may proposed by the College President, Academic Dean, Chief Financial Officer or **the Professional, Support and Faculty** Employee Policy and Procedure Standing Committee. Proposed amendments shall be presented to all Department Directors, the Chief Financial Officer, the Academic Dean and the President of the College for their prior consideration and input. Following the aforementioned review process, which may include revisions, the President shall then propose the amendment to the Board for ratification.
- 1.6.6 This Handbook, as well as any subsequent amendments hereto, shall become effective upon the date of its ratification by the Board. The complete procedure for amending this Handbook is available from the Human Resources Office.

## **Chapter 2 Nondiscrimination**

### **2.1 Nondiscrimination Policy.**

- 2.1.1 It is the express policy and purpose of the College to provide educational and employment opportunities, without regard to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition, status as an armed forces veteran, or any other prohibited basis, in conformity with the laws of the United States and the State of New Mexico.
- 2.1.2 Equal opportunity extends to all aspects of the employment relationship with the College, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.
- 2.1.3 It is the policy of the College to comply with all federal and state laws and to strive to keep the workplace free from all forms of discriminatory harassment. The College considers such harassment in any form to be a serious offense.
- 2.1.4 It is the responsibility of each member of the Colleges staff to comply with state and federal laws with respect to all aspects of College employment. The Colleges Human Resources Office has been assigned responsibility for ensuring the Colleges compliance with its nondiscrimination policies.
- 2.1.5 The following subparagraphs outline the Colleges commitment to legal compliance with state and federal anti-discrimination statutes and regulations.
  - 2.1.5.1 Affirmative Action Plan. In accordance with federal regulations regarding affirmative action, the Human Resources Office shall analyze relevant statistical information, including regional labor availability and workforce composition for the Colleges Main Campus and all its satellite locations. The Human Resources Director shall work in conjunction with the College President to alleviate any identified under-utilization of minorities and women, identify affirmative action strategies, and develop reasonable timetables to address problems. The information collected will be documented in an annual Affirmative Action Plan which shall be reviewed by the President and presented to the Board.
  - 2.1.5.2 Recruitment and Selection. The Human Resources Office shall oversee recruitment and selection systems to ensure compliance with the Colleges

Equal Employment Opportunity Policy and Affirmative Action Plan. To attract qualified applicants, the College shall utilize recruitment resources, including secondary schools, other institutions of higher learning, the New Mexico Department of Labor, and organizations representing the interests of women, minorities, armed forces veterans, and the disabled. All solicitation advertisements shall state: Luna Community College is an Equal Employment Opportunity Employer.

2.1.5.3 Supervisor Training. As part of the Colleges Professional Development Plan, employees with supervisory authority shall be provided with on-going training and technical assistance with regard to the various laws and regulations pertaining to the Colleges Equal Employment Opportunity Policy and Affirmative Action Plan.

2.1.5.4 Job Description Review. The Human Resources Office shall conduct periodic reviews of the Colleges job descriptions to confirm that essential job functions are listed and to verify that the required qualifications are job-related and consistent with business necessity. Supervisory staff shall review job descriptions prior to each evaluation period and shall create a summary of additional job duties, as assigned.

2.1.5.5 Equitable Compensation. The College shall provide equal pay for equal work to ensure that individual compensation is based upon the job held and the experience of the individual within a particular job category.

2.1.5.6 Employment Practices. All College employment practices shall accord with its Equal Employment Opportunity Policy and Affirmative Action Plan.

2.1.5.7 Employee Training Opportunities. On-the-job training programs, as well as other training and educational programs offered by the College shall be made available to all employees without regard to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition, status as an armed forces veteran, or any other prohibited basis. Appropriate steps shall be taken to encourage minority, female and disabled employees, and employees who are armed forces veterans, to increase their skills and professional growth potential through participation in available training and educational programs.

## **Chapter 3 Employee Designations**

### **3.1 Professional, Executive and Administrative Staff.**

The term Professional, Executive and Administrative Staff shall mean personnel holding positions classified as exempt under the federal Fair Labor Standards Act (FLSA), as amended. As exempt employees, Professional, Executive and Administrative Staff are not entitled to overtime/compensatory time under specific provisions of federal and state law. Professional, Executive and Administrative Staff include, but are not limited to, the following job titles: Director, Manager, Accountant, System Analyst, Supervisor and Counselor.

- 3.1.1 Subcategories. There are three subcategories of Professional, Executive and Administrative Staff: (1) Regular; (2) Temporary; and (3) Occasional. An individual may work either full-time or part-time in any of these three subcategories.
- 3.1.2 Part of College Management. Professional, Executive and Administrative Staff shall be considered a part of the Management of the College. Such personnel are expected to spend the time and intellectual energy necessary to fulfill their job responsibilities.
- 3.1.3 Role Models. Professional, Executive and Administrative Staff are expected to serve as role models for students and other employees by maintaining the highest standards of both personal and professional conduct.
- 3.1.4. College Functions. When necessary, Professional, Executive and Administrative Staff are expected to attend College functions outside of regularly-scheduled working hours without additional compensation.

### **3.2 Supplemental Contract for Professional, Executive and Administrative Staff.**

When necessary, Professional, Executive and Administrative Staff (exempt employees) are expected to attend College functions outside of regularly-scheduled working hours without additional compensation. In situations where Professional, Executive and Administrative Staff are asked to perform work not typically associated with their routine job responsibilities (a Specialized Assignment), the College may utilize a Supplemental Contract.

- 3.2.1 Specialized Assignment. An assignment that is not part of the routine work-week of Professional, Executive and Administrative Staff.
- 3.2.2 Supplemental Contract. An employment contract by and between the College and a member of the Professional, Executive and Administrative Staff who has been asked to perform a Specialized Assignment extending over a period of time.

### 3.3 Support Staff.

The term Support Staff shall mean personnel holding positions classified as Anon-exempt@ under the Fair Labor Standards Act (FLSA), as amended. Non-exempt employees are entitled to overtime/compensatory time under the specific provisions of federal and state law. Support Staff include, but are not limited to, the following job titles: Secretary, Clerical Employee, Maintenance Employee and Service Workers.

- 3.3.1 Subcategories. There are three subcategories of Support Staff: (1) Regular; (2) Temporary; and (3) Occasional. An individual may work either full-time or part-time in any of these three subcategories.

### 3.4 Definition of Regular Employee.

- 3.4.1 Regular Full-Time Employee. An employee hired for an indefinite period of time who is scheduled to work forty (40) hours or more per week over a minimum period of twelve (12) months per year.
- 3.4.2 Regular Part-Time Employee. An employee hired for an indefinite period of time who is scheduled to work for less than forty (40) hours per week over a minimum of twelve (12) months per year.
- 3.4.3 Multiple Regular Part-Time Positions. An employee working two (2) regular part-time positions which together total forty (40) hours or more per week will be considered a Regular Full-Time employee. If the combined hours normally worked by the employee are less than forty (40) hours per week, the employee will be considered a Regular Part-Time Employee.
- 3.4.4 Regular Part-Time and Temporary Part-Time Positions. An employee working both Regular Part-Time and Temporary Part-Time (as defined, below) will be considered a Regular Part-Time Employee.

### 3.5 Definition of Temporary Employee.

Temporary Employee positions are those of limited duration, created and filled to satisfy a short-term need of the College. Benefits will not be provided to Temporary Employees. It is not the College=s intent to use Temporary Employee positions to fill Regular Employee vacancies.

- 3.5.1 Temporary Full-Time Employee. An employee hired to work forty (40) hours per week, for a limited period of time, with a designated end date. Normally, said limited

period of time shall not exceed twelve (12) months. Exceptions must be requested through the Human Resources Office and approved by the President.

- 3.5.2 Temporary Part-Time Employee. An employee hired to work less than forty (40) hours per week, for a limited period of time, with a designated end date. Normally, said limited period of time shall not exceed twelve (12) months. Exceptions must be requested through the Human Resources Office and approved by the President.
- 3.5.3 Multiple Temporary Part-Time Positions. An employee hired to work two (2) Temporary Part-Time positions totaling forty (40) hours or more per week shall be considered a Temporary Full-Time Employee. If the combined hours normally worked by the employee are less than forty (40) hours per week, the employee will be considered a Temporary Part-Time Employee.
- 3.5.4 Regular Part-Time and Temporary Part-Time Positions. An employee working both Regular Part-Time and Temporary Part-Time will be considered a Regular Part-Time Employee.

### 3.6 Classification Changes.

- 3.6.1 From Temporary Full-Time to Regular Full-Time. Classification changes from Temporary Full-Time to Regular Full-Time may occur in the following situations:
  - 3.6.1.1 When a Temporary Full-Time position is re-classified as a Regular Full-Time position, it shall be considered a new position and treated consistent with College policies governing new positions or vacancies. The incumbent Temporary Full-Time Employee may apply for the new Regular Full-Time position and, if selected, benefits associated with the new position shall be awarded as of the date the incumbent assumes duties as a Regular Full-Time Employee.
  - 3.6.1.2 When a Regular Full-Time position is filled by a Temporary Full-Time Employee and the position is advertised as vacant, both the incumbent Temporary Full-Time Employee and the general public may apply for the position. All who meet the general qualifications for the position shall be considered for the position.

## 3.7 Governance and Instructional Organization

### 3.7.1.1 Board of Trustees

The Board of Trustees is made up of seven members from each of the seven participating school districts served by the Institute. The school districts currently being served by the Institute are the Las Vegas City School District, West Las Vegas, Maxwell, Mora, Santa Rosa, Springer, and Wagon Mound districts.

### 3.7.1.2 President.

The Board of Trustees selects a President and vest authority in that position as the Chief Executive Officer (CEO) of the Institute for the implementation and the maintenance of board policies and administrative regulations and to carry out the goals of the Institute within statutory authority. He/She is ultimately responsible for the administration and supervision of all programs, implementation of services, management of personnel, and utilization of physical resources as directed by the board. The President serves the Institute under the direction of the Board. The President recommends and carries out:

- The employment and assignment of all administrative personnel
- The employment and management of all instructional personnel
- The employment and utilization of all physical plant personnel
- The acquisition and operation of all equipment, buildings, and other property
- The overall disposition of Institute property and programs for institutional and public use.

The role of the President, within the administrative structure, is to provide the direction and supervision necessary for effective administration.

### 3.7.1.3 Vice President for Instruction.

The Vice President for Instruction is the Chief Academic Officer, and provides leadership in all instructional matters. The VP of Instruction administers instructional policies as adopted by the Board of Trustees. The VP of Instruction works with the VP of Student Services on the expansion of the college, research, and other scholarship/creative activity. As an important part of the process, the VP of Instruction works directly and closely with development teams to identify new sources of revenue to support existing programs. The VP of Instruction leads a multifunctional integrated academic team consisting of eight academic departments: 1) ABE & GED Department 2) Business and Professional Studies

Department 3) Department of Humanities 4) Allied Health Department 5) Department of Education, Military Science, Fire Science, and Childcare services 6) Science, Math, Engineering, and Technology Department, 7) Trades & Vocational Education Department 8) Mass Communication Department. Specific responsibilities include, among others, on-campus and off campus academic programs, specifically Springer Satellite, Santa Rosa Satellite, Mora Site, and Raton, Pecos locations. The VP of Instruction is also responsible for the development, implementation, and delivery of programs coordinated through all of the Academic Directors.

#### 3.7.1.4 Vice President of Student Services.

The Vice President of Student Services is the Chief Officer for Student Services, and provides leadership in all student services matters. The VP of Student Services administers student service policies as adopted by the Board of Trustees. The VP of Student Services works with the VP of Instruction on expansion of student services, research, recruitment, scholarship, tutorial services, concurrent enrollment, admission and registration of students. The VP of Student Services leads a multifunctional integrated team consisting of eight support services: 1) Registrars Office 2) ACCESS Center 3) Recruitment and Admissions 4) Financial Aid Office 5) Learning Resource Center 6) Student Activities/Student Government 7) Wellness Center 8) Athletics. Specific responsibilities include among others on-campus and off-campus recruitment strategies that align with academic programs delivered at satellites and site locations. The VP of Student Services is also responsible for development, implementation and assessment of the college's services programs that promote diversity, student development, and enhance student life on the campus and throughout the LCC service area.

#### 3.7.1.5 Academic Directors

Academic Directors are responsible for day-to-day operations of their respective departments, they hold faculty status and provide leadership and supervision. Academic Directors develop and manage department budgets. Directors will also develop a strategic plan that will reflect department goals and objectives consisting of recruitment, retention strategies. Strategies will be coordinated with ACCESS Center and the Recruitment and Admissions Offices. Directors will teach one class for the department to maintain their faculty status. The VP of Instruction will waive the requirement depending on department strategic plan requirements.

#### 3.7.1.6 Evaluation of the Academic Director

The Human Resources Department with approval from the President will provide Academic Departments with a schedule for evaluation for the department. A self evaluation will be conducted by each Academic Director. The self evaluation

should be conducted by the Academic Director in reflection of meeting the Staff Develop Plan and their ability to recruit, retain, graduate, and provide students with sound course delivery. The VP of Instruction will review the self evaluation and will discuss this with the Academic Director. The self evaluation is signed by the VP of Instruction and the Academic Director. The VP of Instruction will also conduct a supervisor evaluation which is reflective of the Department Strategic Plan, Staff Development Plan, Job Description, and performance of stated goals and objectives. Once the VP of Instruction has met with the Academic Director a recommendation will be submitted to the President who will make recommendations for contract renewal.

#### 3.7.1.7 Absence of an Academic Director

When an Academic Director is to be absent for a period of two weeks or more, the VP of Instruction and the President will assign an interim Director. Removal of an Academic Director

The Academic Director, upon consultation with departmental full-time faculty, the VP of Instruction and the President, may relieve the Academic Director of his/her administrative duties if there is good reason for such action, but only after the Academic Director has had an opportunity to respond to the VP of Instruction concerning the reasons for the action.

#### 3.7.1.8 Full-time Faculty

Faculty will present evidence of current curricula, content, and organization through continuously improved course syllabi, selection of texts, and related instructional materials; Faculty will strengthen their ability to deliver courses through distance delivery methods, to include traditional and distance learning hybrid courses. Faculty will provide accurate student advisement relative to course selection, support services, career choices and student academic outcomes.

Faculty will follow LCC's and department guidelines and procedures regarding academic instruction, actively recruit students, follow exam schedules, submit grades on time, and attend faculty meetings, conduct classes as scheduled, fulfill office hours, meet reporting deadlines, and meet LCC's record keeping requirements. Faculty will also need to participate in committee assignments.

#### 3.7.1.9 Faculty Terms of Employment

##### 3.7.1.10 Issuance of Contracts

Faculty are issued contracts on a year-to-year basis specifying the status, the period, teaching assignment, pay range, and salary. On or before the month of May of each academic year, duties and responsibilities, as stated in this manual, are incorporated by reference.

#### 3.7.1.11 Service Period

Full-time faculty are employed on a nine-month contract and are required to serve the entire period of the contract. During scheduled semester breaks when students are not on campus, the faculty member is not required to report to the campus but should leave a number where he/she can be reached. Full time faculty will remain working on campus during scheduled in-service days.

#### 3.7.1.12 Teaching Load

Although LCC does not adhere strictly to a regular 40-hour work week and the normal 8 a.m. to 5 p.m. daily schedule, it is assumed that for every credit hour a faculty member devotes two (2) clock hours to direct instruction and related activities, i.e., lecture and test preparation, homework and test grading, attendance monitoring and reporting departmental and committee meetings, professional readings, etc. This requirement is guided by the Academic Director. The equivalent within a 40- hour work see is 15-17 credit hours.

- 15 credit hours x 2 = 30 class hours + 10 office hours
- 16 credit hours x 2 = 32 class hours = 08 office hours
- 17 credit hours x 2 = 34 class hours = 06 office hours

The same faculty member is expected to adhere to required posted office hours; thus, the equivalent is a 40-hour work week. It should be understood that many of the workload requirements may not always be performed on campus or during the Monday through Friday work schedule.

Similarly, the normal working hours between 8 a.m. and 5 p.m. from Monday through Friday are not strictly applied. Classes may be scheduled at LCC, or any of its satellites, between the hours of 8 a.m. and 5 p.m. Monday through Saturday. Faculty may be scheduled to teach classes within this time frame according to the College and department needs, i.e., as student demand and needs indicate. Online , Inter Active Television or a hybrid of delivery may also be required.

#### 3.7.1.13 Supplemental Contract

- Overload: Teaching overloads are discouraged, and LCC avoids assigning overloads whenever possible. If an overload is necessary, due to non availability of credentialed per course faculty, or time frames for implementation of the course is limited the following process is required: After the Academic Director requests an overload, a list of all courses being taught by the full-time faculty will be provide for approval. An approval is required from the VP of Instruction, Human Resources Director, VP of Finance and Administration, and the President. Qualifying faculty will be full-time instructors who are teaching a minimum of 15-17 credit hours with a minimum of 4-5 courses. Overload is paid at the current per course faculty rate. (See Human Resources Technician for pay rate scale.)

- **Summer Session:** Appointment for a summer session in any year is a separate contract to be entered into by the mutual consent of the College and the faculty member. The full-time teaching load for the summer session is 6 to 8 credit hours and minimum of one office hour per week for each course assigned. Compensation is calculated at the overload rate through a supplemental contract.
- **Special Projects:** These projects are academic projects that are funded through proposals to local, state, and federal funding sources.
- **Directed Study:** Approval is required from the Academic Director, VP of Instruction, and LCC President. No additional compensation will be provided for a directed study.

#### 3.7.1.14 Other Assignments

Faculty members may be assigned additional duties within their department or for LCC. These duties may include, but are limited to, faculty, departmental, or institutional committees.

**Instructor A:** This instructor is teaching five 3- credit hour courses for a total of 15 credits. The equivalent in clock hours is 30 hours. Posting 10 office hours provides an equivalence of a 40-hour week.

**Instructor B:** This instructor is teaching four 3- credit hour courses and one 4- credit hour course for a total of 16 credits. The equivalent for this instructor is 32 hours. Eight posted hours complete the 40-hour equivalent.

**Instructor C:** This instructor is teaching three 3 -credit hour courses and two 4- credit hour courses for a total of 17 credits. The equivalent is 34 hours. Posting 6 office hours completes the 40-hour equivalent.

**Instructor D:** This instructor is teaching three 4- credit hour courses for a total of 15 credits. The equivalent of 30 hours, together with 10 posted office hours, completes this instructor's 40 –hour equivalent.

**Instructor E:** This instructor is teaching four 3-credit hour lecture courses and one 3- credit hour lecture/ lab course meeting 2 hours of lecture and 2 hours of lab, for a total of 15 student credit hours. The adjusted credits for the faculty member are 14 credits of lecture and 1.33 credits of lab, for a total of 15.66 credits. The clock-hour equivalent is 31.12 rounded off to 31 clock hours. This, together with nine posted hours, completes the 40- hour equivalent.

#### 3.7.1.15 Per Course Instructor

Per Course Instructors must be credentialed in the area of instruction they provide to the college. Per Course Faculty are individuals whose primary employment is outside the college and who, because of their professional standing, provide part-time instruction and/or training to LCC students on a contractual basis per semester. The load for a part-time instructor for Fall and Spring semester is 12 credit hours. Hours beyond this load require approval from the VP of Instruction.

Summer semester load is 6 to 8 credit hours. Hours beyond this load require approval from the VP of Instruction.

#### 3.7.1.16 Faculty Classifications

##### Provisional Status

New full-time faculty are appointed on a provisional status on an annual basis, provisional faculty are evaluated on a semester basis for a three-year period, and renewal is dependent on satisfactory performance.

##### Regular Status

Upon successful completion of the three-year provisional period, faculty are appointed in regular status. Faculty who fall under this status are evaluated annually, and renewal is dependent on satisfactory performance.

##### Part-time Status

Part-time faculty are employed on as needed. Duties and responsibilities are those under “teaching and related activity for full-time faculty”. One posted office hour per week, per class is also required, usually before or after class. Part-time faculty will not work more than twelve credit hours during the fall and spring semester. During the summer semester part-time faculty will not work more than eight credit hours.

#### 3.7.1.16 Academic Advising

All new students who enter LCC are initially advised by the Access Center. The Access Center schedules Compass testing dates, along with orientation of the student to the various programs available. Based in initial Compass Scores, students are advised of the institutional course requirements they need to complete to start the process of declaring a major. The Access Center also acts as a liaison to refer students to the LCC admissions process, student financial aid, and other departments to assist them in starting their college career. Once admitted to LCC, all new students are invited to attend an orientation day that is set up to provide basic information

about college policies and procedures and matters that assist a new college student.

A new program advisor is assigned when a student declares or changes majors. The role of the program faculty advisor is crucial to the success of the student. The faculty advisor is the liaison between the student and LCC by interpreting program policies and procedures, program admission requirements, and ensuring that the student meets academic requirements for graduation. A plan for program completion can be developed with the student that sets up a schedule for completion of their program major.

Registration cards for each semester are to be signed by the program advisor who will advise students of their progress toward completion of a declared program.

### 3.7.1.17 Class Scheduling

#### Standard Lecture Courses

The time-blocks are for scheduling purposes. These time-blocks have been structured according to the generally accepted time-based standards.

#### **3 50- Minute Sessions (3cr)**

**M W F**  
8:00 – 8:50  
9:00 – 9:50  
10:00 – 10:50  
11:00 – 11:50  
1:00 – 1:50  
2:00 – 2:50  
3:00 – 3:50  
4:00 – 4:50  
5:30 – 6:20  
6:30 – 7:20  
8:30 – 9:20

**Saturday**  
9:00- Noon  
1:00 – 4:00

#### **2 75- Minute Sessions (3cr.)**

**M W T TH**  
11:00- 12:15 8:00 – 9:15  
12:30- 1:45 9:30 – 10:45  
3:00 – 4:15 11:00 – 12:15  
4:30 – 5:45 12:30 – 1:45  
6:30 – 7:45 2:00- 3:15  
8:30 – 9:45 3:30 – 4:45  
6:30 – 7:45  
8:30 – 9:45

**Evenings**  
3:00- 5:50  
6:00 – 8:50

\* Lecture Only

### Two Credit or Three- Credit Classes Meeting for 1 Session Week

The precise minimum length of the session varies, depending upon the number of meetings, which occur through the semester on that day (as many as 16 and as few as 14). Courses scheduled on Monday, Wednesday, and Thursday will meet 15 times; courses on Tuesday will meet 16 times: courses on Friday will meet 14 times.

#### Two-Credits \*

13 meetings: 2 hrs. 10 min.

14 meetings: 2hrs.

14 meetings: 1 hr 50 min.

\* with 10 min. break

#### Three- Credits

3hrs. 10min.

2 hrs. 55 min.

2 hrs. 45 min.

\* with 10 min. break

Courses meeting one session per week, for either two or three credits, may begin at these times:

2:00 or 3:00 6:00 or 6:30

*Examples of class times:*

**Saturday**

9:00 - Noon

1:00- 4:00

**Evenings**

3:00-5:50

6:00-8:50

When more than one such course is offered in a department, they should be paired in matched time-blocks and request the same room for each (*pairing a Tuesday with a Thursday or a Monday with a Wednesday*). This procedure will allow LCC to use classrooms more efficiently.

### 4 50-Minute Sessions

Use any four days: (Lecture Only)

**M T W Th F**

8:00 – 8:50

10:00-10:50

11:00-11:50

1:00 –1:50

2:00- 2:50

3:30 – 4:20

Courses meeting for 1 50-minute session, such as discussion sessions, may use either of the patterns below. When there are multiple sections, schedule them in pairs using the same room.

T TH  
 8:00 – 8:50  
 10:00 – 10:50  
 11:00- 11:50  
 1:00 – 1:50  
 2:00 – 2:50  
 3:30- 4:20

M W  
 8:00 – 8:50  
 9:00 – 9:50  
 10:00- 10:50  
 etc. beginning on the hour, **NOON EXCLUDED**

**Four- Credit Courses Meeting in 2 Sessions/ Week (Lecture Only)**

M W  
 2:00 – 3:50  
 4:00 – 5:50  
 6:00 – 7:50  
 8:00 – 9:50

T Th  
 7:30- 9:20  
 3:30 – 5:20  
 6:00 – 7:50  
 8:00 – 9:50

Four- Credit Courses may not be offered in one meeting/week

**Standard Schedule for Labs with a 1:2 Ratio Only**

**These time schedules do not apply for lab ratios greater than 1:2.**

M W or F  
 8:00 – 9:50  
 10:00 – 11:50  
 1:00 – 2:50  
 3:00- 4:50  
 6:30 – 8:20

T or Th  
 8:00- 9:50  
 10:00 – 11:50  
 1:00 – 2:50  
 3:30- 5:20  
 6:30- 8:20

***Summer Session***

During summer session, classes will follow the same scheduling commencing at 8 a.m. Classes will meet for one (1) hour and fifteen (15) minutes with the exception of a 4-credit hour class. A 4-credit

hour class will meet for 1 hour and 40 minutes. All classes will meet on consecutive days beginning on Monday. They will be conducted on Monday, Tuesday, Wednesday, and Thursday.

#### 3.7.1.18 Curriculum Planning and Evaluation

Curriculum planning is designed to achieve the aims of the Institution. Curriculum planning considers current and future needs for human, financial, and physical resources. This systematic planning is based on continuing institutional self-evaluation and assessment of the needs of the Institution's constituencies. All appropriate segments of the Institution are involved in planning.

The responsibility for design, approval, implementation, and revision of the curriculum is vested in designated bodies with clearly established channels of communication and control. The faculty has a major role in such processes as assigned by the respective directors.

The Institution engages in periodic review of program and departmental quality and effectiveness under clearly specified and demonstrably implemented procedures. The process is based on current qualitative and quantitative data, which are used to assess strengths and weaknesses in achieving program goals and projected outcomes.

Policies and procedures for additions and deletions of programs or courses are carefully developed and administered, are based on curriculum planning, and are consistent with the resources of the Institution, the capabilities of faculty, and the needs of the community served by the Institution.

#### 3.7.1.19 General Education

The educational program is designed to give students a substantial and coherent exposure to the major broad domains of higher education. All programs leading to the Associate degree include a major area and a general education component.

The general education segment of all educational programs that is based on a philosophy and rationale that are clearly stated and provide the criteria by which the appropriateness of each course in the general education component is

evaluated.

The plan for general education is cooperatively developed by faculty and administrative staff and approved by the governing board.

The general education program introduces the content and methodology of the major areas of knowledge-the humanities, the fine arts, the natural sciences, and the social sciences-and helps students develop the intellectual skills and social attitudes that will make them effective learners and citizens.

The educational program provides opportunities for all students to develop and demonstrate competence in communication and quantitative skills, critical analysis of data and argument, and appreciation of cultural diversity.

Student performance is evaluated in terms of defined and published course requirements.

Criteria for evaluating student performance or achievement, grades (A, B, C, etc.) are clearly established, stated in LCC publications, and are generally understood by faculty and students.

Credit awarded is consistent with student learning or achievement and based upon generally accepted norms.

The degree or certificate awarded upon successful completion of an educational program, is appropriate to the demonstrated achievement of the graduate.

Clear and well-publicized distinctions are made between courses which offer degree and non-degree credit.

LCC has a systematic procedure for articulating its programs with other Jr. /Community schools or baccalaureate institutions.

The curriculum planning process involves liaison with post-secondary institutions.

The curriculum planning process involves coordination with baccalaureate institutions, particularly with respect to major and general education requirements.

The relevance of courses to job requirements is ensured by a systematic analysis of specific job requirements and curriculum review.

### 3.7.1.20 Curriculum Requirements

Under delegation of curriculum approval authority, the faculty will submit new programs to the Dean's office for approval. However, to maintain the delegation of approval authority, LCC must have a definite need for the course. In most cases, associate degree credit courses serve as required preparation for a degree, certificate, or transfer. In many cases such courses also meet general education requirements for the associate degree and/or transfer major. The course objectives must be clearly designed to meet that stated need.

The student syllabus must reflect a quality in the course sufficient to obtain the objectives and content. The student syllabus must also include types and examples of assignments, instructional methodology, and methods of evaluation. It must be rigorous and effective in integrating throughout the student syllabus the required components of critical thinking, essay writing/problem solving, and college level skills and vocabulary. Citations of texts and other reading material must be current, that is, reflect the present knowledge of skills and principles upon which the course is founded.

LCC must commit the resources, both in terms of staff and facilities, to assure the feasibility of offering the course with sufficient frequency to maintain course objectives. The course must comply with any other applicable laws such as those related to classes for those with disabilities. Will the features of a student syllabus assist in conveying the essential depth, breadth, quality, and appropriateness of a course as they relate to these general education standards?

The program and course objectives should clearly specify the subject matter to be covered, the intellectual skills to be acquired and learning methods used, the affective and creative capabilities to be developed, and the specific occupational skills to be mastered.

Luna Community College will engage in periodic review of program and departmental quality and effectiveness under clearly specified and demonstrably implemented procedures.

### 3.1.7.21 Role of the Student Syllabus

The student syllabus plays a critical educational role on campus and is the primary vehicle for course planning. When a course is revised or updated, it is the student

syllabus that records the changes. As such, it forms the basis for a contract among the student, instructor, and institution identifying the expectations which will serve as the basis of the student's grade and giving the fundamental required components of the course which the student is guaranteed to receive from the instructor and institution. More than just specifying the required components of the course, the student syllabus of record states the content and level of rigor for which students across all sections of the course will be held accountable. Courses are designed to provide a coherent body of knowledge to prepare students in a particular subject. The prerequisites students need to advance successfully through a series of such courses are based on information in the syllabus of record.

Maintaining academic standards means providing consistent, quality instruction in the classroom. As various instructors, both full-and part-time, teach our courses it is by reviewing the student syllabus that they may clearly identify the standards and content of the courses they are to teach. In addition, the student syllabus plays a critical role in the on-going process of program review by which a college seeks to keep the curriculum relevant and to allocate its resources sufficiently to maintain programs. When new programs are designed, it is through the selection of courses and construction of new student syllabi that the program design is evaluated for its ability to meet the newly identified needs of students.

The student syllabus of record should not be confused with the master syllabus. A student syllabus gives the basic components of the course required to be taught by all instructors. It gives the instructor the opportunity to bring out his or her particular talents and strengths.

Another role of the student syllabus is to demonstrate that all the required components are present in the course to the required degree or rigor. When questions arise as to the appropriateness of a course or program offering, the Dean may request copies of the pertinent student syllabus for review. If these reviews and approvals are not satisfactory, the colleges may not offer the programs and/or courses. In addition, the Dean may also use the quality of the student syllabus of record to determine that colleges are meeting the conditions for delegation of curriculum approval authority.

The student syllabus may serve as the basis for evaluation and the transferability of these courses and to substantiate their equivalence to those courses offered at four-year schools.

The student syllabus itself must demonstrate that all required components, such as critical thinking, are an integral part of the course. Often the college faculty

handbook will provide examples of various types of student syllabuses: general education and vocational certificate, etc. Annotations on these samples stating the purpose of each of the components are also useful.

The effort of revising and upgrading our student syllabus of record should continue to be a priority for those of us in the classroom. Our curriculum, as expressed in our student syllabus, assures those in business and industry that our students are prepared for their careers and assures other university colleagues that our students are ready for upper division work.

### 3.1.7.22 Student Syllabus of Record Format for Degree Credit Courses

The student syllabus format is not a “recipe for success.” All courses depend on the experience, training, and dedication of classroom instructors to generate the fundamental quality instruction that should be reflected in the student syllabus of record. This model is intended to convey the components of a student syllabus that will be expected when a review is done.

The catalog description should clearly state the scope of the course. The level, and what kinds of student goals the course is designed to fulfill. For example, state “designed for Liberal Art’s.” It should be evident from the catalog description that no two courses in the curriculum are redundant.

Luna Community College approvals are based partly on an evaluation of need. One aspect of need is showing that the course plays a role in the curriculum that no other course fulfills effectively. Need statements are critical for innovative courses. Need can be demonstrated in a number of ways.

- The course is required for completion of an associate degree, a certificate, or an articulated transfer program.
- The course meets an associate degree and/or transferable general education requirement in a specific area not adequately covered in another course.
- The course meets a specified need of industry as detailed by an industry advisory committee or survey of employers.
- The course provides an alternative route to meet goals specified in other courses by students unable to benefit as fully from those other courses. (In such cases it should be made clear that the student cannot receive credit for both courses).
- The course makes productive use of particular strengths that LCC has to offer and is in demand by students with transfer or occupational goals.
- The course meets an innovative subject matter or instructional need.

For those courses with prerequisites or co requisites, the student syllabus should list those skills without which the student would be highly unlikely to succeed. (Or, for advisories, state the skills with which the student's learning in the course would be enhanced). The basis for these statements of skills is the professional judgment of the instructors in the discipline.

Together with a comparison with the exit skills from the prerequisite course, this section is the basis of the required content review.

The central component of the syllabus is the course content. This section should include a complete listing of the topics taught in the course.

The type or examples of methods of instruction should be specifically related to the course objectives. They should provide real guidance to instructors in designing their class sessions. For example, rather than stating "lecture" the description might be "lecture and demonstration by instructor, with in-class practice, including feedback, coaching, and evaluation by the instructor."

This section must establish that the work is demanding enough in rigor and independence to fulfill the credit level specified. The nature of the assignments must clearly demand critical thinking. Assignments should be adequate to assure that students who successfully complete them can meet the objectives of the course. Appropriate out-of-class work is required for credit courses.

Types and examples of methods of evaluation should be listed. This section should be substantively related to the stated objectives of the course. The evaluation must clearly show that critical thinking skills are required. Types or examples should be extensive enough to show that course objectives are evaluated. Statements in this section should clearly show the basis for grading. For example, "term paper shows topic coverage, basis of comparison, and critical analysis."

Course Content covers all the objectives.

Methods of Instruction are identified with particular objective.

Assignments and Evaluation clearly show how students attain all objectives.

Texts are of college level and cover the theory and principles of the subject.

- Pay particular attention to critical thinking.

### Catalog Description

- Write a short paragraph as a well developed overview of topics covered
- Identify the target audience: required for major, degree or certificate, transfer, etc. “Meets general education laboratory science requirement” for example.
- List prerequisites, co requisites, and/or advisories.
- Include lecture/lab/studio hours and credits.

### Need/Justification/Goals

- State fulfillment of degree, certificate, transfer or other need.
- Distinguish purpose as related to similar courses.
- Clearly state goals to allow evaluation of objectives.

### Prerequisite Skills

- For pre- and co-requisites list entry skill without which student success is highly unlikely: “upon entering the course the student should be able to ....”
- For advisors list entry skills which would broaden or enhance student learning but without which the student would still succeed.

### Objectives

- State in measurable terms what students will be able to do: “upon completion of the course the student should be able to....”
- Be concise but complete.
- Use verbs showing analysis: rather than “understand,” “identify”, “describe”, say “explain” or “compare and contrast”.
- Adequately cover theory, principles, and concepts. Use skills and applications to reinforce and develop concepts.
- Be broad and introductory in scope, not too advanced, narrow, or specific.

### Course Content

- Compile a complete list of all topics taught in the course.

### Methods of Instruction

- Use methods appropriate to the objectives. If an objective is self-criticism of original work, lecture as a method is not enough.
- Types or examples of methods of instruction as well as assignments and how they are evaluated [see below] are required. If all instructors agree, the student syllabus may show just one teaching pattern. However, instructors have the academic freedom to choose how they will achieve course objectives. Attaching syllabi with enough information to evaluate instructional methodology may reduce detail.

#### Assignments and Methods of Evaluation

- Give assignments that reflect coverage of all objectives and content.
- In addition to listing graded assignments, give the basis for grading and relate to skills and abilities in objectives.
- Out-of-class assignments must be sufficient to show independent work.
- Be sure that knowledge of required material constitutes a significant portion of the grade as reflected in assignments and methods of evaluation.

#### *Application Forms and Instructions for New Degree and Certificate Programs*

From the objectives in the student syllabus for each required course, it should be evident how all the courses required do in fact support the objectives of the program, why they are required, and why they are sequenced as they are. If this relationship is not evident for a given course, its relationship should be fully explained in the rationale.

#### 3.1.7.23 New Program Application

##### **1. Mission**

Are the objectives of the proposed course or program, as stated in the program application, consistent with the mission of LCC?

##### **2. Need**

Is there a demonstrable need for a course or program that meets the objectives as stated at this time and in the region that LCC serves?

### **3. Quality**

Are the objectives of each required course necessary to meet the stated goals and objective of the program? Are they sufficient? Will the successful completion of the week as laid out in the student syllabus submitted for each course required in the program, and in the required sequence, be sufficient to enable students to fulfill the program goals and meet the stated program objectives? Are student syllabi for each course complete, rigorous, current, and effective?

### **4. Completeness.**

Does the standard format for the student syllabus used by LCC encourage complete information? Are the examples of textbooks, teaching methods, assignments and evaluation of sufficient substance and specificity?

### **5. Rigor.**

Do the stated objectives of the course meet the standards expected by those who are accepting the course as fulfilling the purposes for which it is designed? Specifically, does the course meet the standards of critical thinking, writing, evaluation and grading at the college level? Do the objectives include some that call for course-specific critical thinking? Are these objectives carried through in the remainder of the student syllabus making clear how critical thinking will be taught, required, and evaluated?

### **6. Currency**

Do the course content, textbooks, software, and other materials, including library assignments, represent current or emerging knowledge and practice for that subject or occupation?

### **7. Effectiveness.**

Are the course objectives comprehensive enough that it is possible to trace the reason for each of the course specifications by reference to at least one course objective? Is each objective implemented in at least one course specification?

### **8. Feasibility**

Can LCC commit the resources necessary to support the program and the level of quality presupposed in the program design, for the purposed numbers of students, and can it offer it with sufficient frequency to meet the program objectives and enrollment projections?

### **9. Compliance**

Does the program comply with any other laws applicable to it, including federal regulations, licensing requirements, and the particular legal requirements explained?

### ***Procedures***

Procedures employed both by the curriculum committee and in other phases of the local curriculum development and approval process assure that standards will be applied with consistency and rigor to different cases. Relevant indicators include:

- a) Reviewers follow a process that is systematic and well publicized and that includes both those with disciplinary expertise in the subject matter at issue and those outside the discipline who are affected by the course.
- b) Handbooks, checklists, and model outlines, or other aids, used in the review process correctly address this Handbook's standards.
- c) Faculty is accorded the scope of responsibilities mandated by law.

### ***Knowledge***

The first condition is that faculty and staff charged with curriculum review should be knowledgeable of state standards and requirements for curriculum review and approval, and of the information in this Handbook and related materials on curriculum design and instructional methods.

## Chapter 4 Human Resources Office Policies and Procedures

### 4.1 About the Colleges Human Resources Office.

- 4.1.1 The expanded role of the College Human Resources Office shall include strategic, operational and administrative responsibilities in addition to formulating, implementing, coordinating and monitoring all of the Colleges non-discrimination efforts.
- 4.1.2 The strategic responsibilities of the Human Resources Office shall include long-term planning for academic program changes through forecasting demand for specialized skills or credentials. The Offices strategic planning responsibilities shall also include talent management, evaluation of organizational structures and development of performance management systems in support the Colleges strategic objectives.
- 4.1.3 The operational responsibilities of the Human Resources Office shall include designing recruitment programs in compliance with the Colleges anti-discrimination policies and procedures. The Office shall also be responsible for increasing employee engagement by helping to foster more effective channels of communication between and among employees, supervisors and the Human Resources Office.
- 4.1.4 The administrative responsibilities of the Human Resources Office shall include overall compliance with College policies and procedures concerning employment and record-keeping.

### 4.2 Responsibility for Compliance with College Nondiscrimination Policies.

- 4.2.1 With respect to the Colleges nondiscrimination policies, the Human Resources Office is responsible for:
  - 4.2.1.1 Assisting Professional, Executive and Administrative Staff with collecting and analyzing employment data as required by state and federal law;
  - 4.2.1.2 Developing policies, procedures and recruitment techniques designed to comply with the Colleges Equal Employment Opportunity Policy and Affirmative Action Plan;
  - 4.2.1.3 Preparing an annual review and summary of the Colleges Affirmative Action Plan and submitting the results achieved under the plan to the President and the Board;

- 4.2.1.4 Assisting Professional, Executive and Administrative Staff with solutions to specific personnel problems;
  - 4.2.1.5 Serving as liaison between the College, government agencies and community groups;
  - 4.2.1.6 Keeping the Colleges Professional, Executive and Administrative Staff informed of the latest regulatory and statutory developments affecting the College=s Equal Employment Opportunity Policy and Affirmative Action Plan; and
  - 4.2.1.7 Responding promptly to, and investigating, employee complaints or inquiries regarding job-related discrimination.
- 4.2.2 With respect to the Colleges nondiscrimination policies, employees with supervisory responsibility are responsible for:
- 4.2.2.1 Facilitating a work environment free from discrimination and harassment;
  - 4.2.2.2 Promptly investigating complaints of discrimination or harassment within the supervisors area of responsibility;
  - 4.2.2.3 Reporting all discrimination and harassment complaints to the Colleges Human Resources Director;
  - 4.2.2.4 Taking preventative action to minimize the occurrence of prohibited conduct.
- 4.2.3 With respect to the Colleges nondiscrimination policies, all College employees are responsible for:
- 4.2.3.1 Conducting themselves professionally, working productively with other staff members and avoiding prohibited discriminatory conduct.

#### 4.3 Required Notices Concerning Nondiscrimination Policies.

- 4.3.1 As required by law, the Human Resources Office shall post federal and state government nondiscrimination posters in conspicuous locations throughout the College campus. The Colleges nondiscrimination policies and procedures shall also

be explained to all new employees during employee orientations conducted by the Human Resources Office.

- 4.3.2 Notices, advertisements, forms, job descriptions, and other documents related to employment shall not indicate any preference, limitation or discrimination on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition, status as an armed forces veteran, or any other prohibited basis, in conformity with federal and state law.
  - 4.3.3 All employment advertisements placed by the College or its contract recruiters must include the phrase: Luna Community College is an Equal Employment Opportunity Employer.
- 4.4 Procedure for Reporting Violations of the Colleges Nondiscrimination Policies.
- 4.4.1 College employees who believe they have been subjected to prohibited discrimination or harassment should immediately report the incident to their supervisor or to the Human Resources Director. Complaints shall be investigated immediately and handled as confidentially as possible. The College shall ensure that employees reporting violations of its nondiscrimination policies are protected against retaliation.
  - 4.4.2 EMPLOYEES UNDERSTAND THAT IF THEY FAIL TO FULLY AND PROPERLY REPORT ALLEGED VIOLATIONS OF THE COLLEGES NONDISCRIMINATION POLICIES OR TO PROVIDE SUPPORTING INFORMATION, THE COLLEGES ABILITY TO INVESTIGATE AND/OR REMEDY THE ALLEGED VIOLATION MAY BE COMPROMISED.
  - 4.4.3 Any reported violations of the Colleges nondiscrimination policies and procedures shall be promptly investigated. Employees found to have engaged in discriminatory conduct or harassment shall be subject to immediate disciplinary action, up to and including termination of employment with the College.

## **Chapter 5**

### **Recruitment and Hiring**

#### 5.1 Hiring of Full-Time Employees.

- 5.1.1 Full-Time Employee appointments shall be made for the period of time required by the instructional program or operating division for which the employee has been hired to work.
- 5.1.2 There shall be no commitment, express or implied, to renew the appointment of any employee beyond the expiration date of the employees appointment. If no expiration date is given for a particular appointment, the expiration date shall be the last day of the fiscal year, unless otherwise stated in writing.
- 5.1.3 The procedure for recruitment of Full-Time Employees by the College shall be as follows:
  - 5.1.3.1 The President shall approve the position before any Full-Time Employee position opening may be announced;
  - 5.1.3.2 A Vacancy Request Form (attached hereto as Attachment A) shall be filled out by the relevant Department Director or Program supervisor and signed by all required administrators. The Vacancy Request Form shall identify: the availability of the funds for the position, the job description, the minimum qualifications for the position, the justification for the position, and the intended date of hire;
  - 5.1.3.3 Each proposed job announcement for an open position shall include a brief job description which shall also include the minimum qualifications required for the position;
  - 5.1.3.4 The job announcement shall be posted on the bulletin board near the Human Resources Office, on the Colleges website, and in the local newspaper of record, for a period of not less than five (5) days. Each job announcement shall contain a closing date for consideration of applications;
  - 5.1.3.5 All qualified applicants who apply within the time specified in the job announcement shall be considered for the position. A record of each job application received shall accompany the final recommendation for employment by the Human Resources Office. Contingent upon the number of job applications received, up to five (5) applicants with the best qualifications shall be given the opportunity to be interviewed;
  - 5.1.3.6 The final recommendation for employment by the Human Resources Office shall include due consideration of the Colleges Equal Employment

Opportunity Policy and Affirmative Action Plan. The applicants interviewed shall be ranked based on their performance in the job interview and their qualifications for the position;

- 5.1.3.7 The Interview Committee shall consist of the following: one representative from the department requesting the employee, one representative from the Human Resources Office to **facilitate the interview process**, and two randomly picked employees from the Colleges pool of Professional, Executive and Administrative Staff;  
**When an employee is selected for an interview, it is a commitment that will be expected to be met.**
- 5.1.3.8 The President shall be responsible for evaluating the qualified applicants presented by the Interview Committee and for conferring with the Department Director or Program Supervisor seeking to fill the job opening;
- 5.1.3.9 Only the President or the Presidents official designee shall be authorized to approve an employment offer by the College;
- 5.1.3.10 The President shall include an informational item on the agenda at the Boards first regular meeting after an employment offer has been accepted in order to keep the Board apprised of the Colleges hiring activities;
- 5.1.3.11 When a position is filled, unsuccessful applicants for the job shall be notified by mail by the Human Resources Office.

## 5.2 Hiring of Regular Part-Time and Temporary Employees.

- 5.2.1 When necessary, positions at the College may be filled by hiring Regular Part-Time and Temporary Employees. The decision to fill a position with a Regular Part-Time or Temporary Employee shall be made by the President, in consultation with the relevant Department Director or Program Supervisor. The procedure for recruitment of Regular Part-Time and Temporary Employees by the College shall be as follows:
  - 5.2.1.1 Department Directors or Program Supervisors wishing to hire a Regular Part-Time or Temporary Employee to fill a Regular Full-Time Employee position must submit a memorandum rationalizing the need for a Regular Part-Time or Temporary Employee to fill the position, as well as a completed Vacancy Request Form. The Vacancy Request Form shall include the account number for the available position;

- 5.2.1.2 Each proposed job announcement for the position shall include a brief job description which shall also include the minimum qualifications required for the position;
- 5.2.1.3 The job announcement shall be posted on the bulletin board near the Human Resources Office, on the Colleges website, and in the local newspaper of record, for a period of not less than five (5) days. Each job announcement shall contain a closing date for consideration of applications (Note: adjunct faculty postings shall be posted between July 15th until February 15th of any given fiscal year);
- 5.2.1.4 All qualified applicants who apply within the time specified in the job announcement shall be considered for the position. A record of each job application received shall accompany the final recommendation for hire by the Human Resources Office. Contingent upon the number of job applications received, up to five (5) applicants with the best qualifications shall be given the opportunity to be interviewed;
- 5.2.1.5 The Interview Committee shall consist of the following: one representative from the department requesting the employee, one representative from the Human Resources Office to facilitate the interview process, and two randomly picked employees from the Colleges pool of Professional, Executive and **Support** Staff;
- 5.2.1.6 A Regular Part-Time or Temporary position may be offered to an individual who has previously held the same or equivalent position with the College, provided a waiver of announcement is approved by the President;
- 5.2.1.7 A Regular Part-Time or Temporary position may be offered to a student enrolled at the College, provided a waiver of announcement is approved by the President;
- 5.2.1.8 Temporary Employee appointments shall not be construed to indicate any commitment by the College to hiring the individual for a Regular Employee position, nor shall the appointment extend beyond the period of the initial term of employment.

### 5.3 Newly-Created Positions.

- 5.3.1 The recruitment procedure for newly-created positions at the College shall be as follows:

- 5.3.1.1 The Department Director or Program Supervisor shall fill out an RPSP form, to be provided by the Vice President of Finance and Administration.
- 5.3.1.2 Each RPSP form shall include a written explanation of the need for the new position, a budget summary, and a description of how the new position will benefit the College. (Note: a reclassified or upgraded position shall not be considered a new position for the purpose of this section).

#### 5.4 Recruiting Applicants.

The Human Resources Office recruits applicants and accepts applications for job openings at the College. Regular Employees may apply for any posted job opening by contacting the Human Resources Office.

#### 5.5 Employment Interviews.

Before job applicants are interviewed for an open position, their applications must have been received, reviewed and processed by the Human Resources Office. Regular Full-Time employees will be granted time off with pay to attend job interviews scheduled during working hours, provided they have notified and made advance arrangements with their supervisor.

#### 5.6 Pre-Employment Testing for Support Employees.

The College shall only administer validated pre-employment tests to applicants (i.e., typing tests for clerical/secretarial applicants, physical functional capacity tests for Physical Plant Department employees, etc.). All pre-employment tests shall be administered by the Human Resources Office, its authorized designee or contractor.

#### 5.7 Probationary Period of Employment.

All employees hired into a Regular position shall be employed on a probationary basis for the first twelve (12) calendar months (Probationary Period). During the Probationary Period, employees shall be evaluated at the end of four (4), eight (8) and twelve (12) months. These evaluations will be discussed with the employee. An employee may be terminated during the Probationary Period without cause or recourse. Promotion or transfer requests during an employees Probationary Period are discouraged. An employee who is promoted or transferred during his or her Probationary Period shall be considered to have started a new position subject to a renewal of the Probationary Period.

During the Probationary Period, a Regular Full-Time Employees status may be reduced to Part-Time, Temporary, any combination thereof, or the employee may be terminated, without recourse to grievance procedures and/or appeals within the College.

#### 5.8 Travel and Moving Expenses.

The College does not customarily reimburse travel and moving expenses of newly-hired, promoted, or transferred employees. Such expenses are solely the responsibility of the affected employee.

#### 5.9 Age Limitations.

Normally, the College does not employ persons who are under sixteen (16) years of age. The President must approve any exceptions to this policy. Applicable federal and state laws shall be complied with in all cases. Individuals employed by the College who are under the age of sixteen (16) years must have a workers permit issued by the New Mexico Department of Labor.

#### 5.10 Procedure for Change in Employee Personal Status.

Employees are required to notify the Human Resources Office of any change in their personal status, including a change in name, address or other identifying or contact information. In addition, the following changes shall require the employees signature before being authorized:

- 5.10.1 Changes in the employees income tax withholding, including changes in the number of personal exemptions the employee wishes to take;
- 5.10.2 Changes in the employees group medical benefits or life insurance coverage;
- 5.10.3 Changes in the employees personal deductions (i.e., deductions taken to fund savings bonds, annuities, etc);
- 5.10.4 Changes in the employees automatic bank deposits;
- 5.10.5 Any other factors related to the personal circumstances or status of the employee which may affect the employees right, interest or qualification for any employee benefit, obligation, or option.

## 5.11 Employment of Relatives.

For the purpose of the following subsection, the term relative is defined as a member of an individual's family, within the third degree, including anyone related by consanguinity, affinity or by virtue of having parented a child together. A relative shall include the following categories related to the individual by blood, by marriage, or by virtue of having parented or adopted a child together: sibling, parent, grandparent, great-grandparent, spouse, biological parent of the individual's child(ren), child, step-child, grandchild, great-grandchild, uncle, aunt, nephew and niece. The employment of a Relative by the College is acceptable within the limitations specified below.

## 5.12 Acceptable and Non-Acceptable Employment of Relatives.

No individual shall be employed by the College where such individual is a Relative of, or engaged in a consensual relationship with, the immediate supervisor of the position to be filled. Nor shall an existing employee be transferred or otherwise assigned to a department where a Relative or an individual engaged in a consensual relationship with the employee would hold supervisory rank over the employee. Any inadvertent violation of this policy, by virtue of a promotion, transfer or reassignment must be corrected within six (6) months through the transfer, reassignment, resignation or discharge of one or more of the employees so related; provided, however, that an employee who is not responsible for the development of the policy violation shall not be penalized for the development of same.

## 5.13 Maintenance and Update of Pay Range Schedules.

5.13.1 Employee salaries are managed using two separate pay range schedules. The Hiring Pay Range Schedule shall be used to determine an incoming employee's starting salary, which shall be dependent on credentials and experience. The Hiring Pay Range Schedule shall be updated annually using the Consumer Price Index (CPI) published by the New Mexico Department of Workforce Solutions.

5.13.2 The Regular Pay Range Schedule shall be used to determine an existing employee's annual step pay increase, if applicable. The Regular Pay Range Schedule shall be updated annually using the formula provided by the New Mexico state legislature. The Human Resources Office will implement the updates of the aforementioned pay range schedules on an annual basis, in consultation with the College President and Chief Financial Officer.

## 5.14 Notice of Renewal/Non-Renewal.

The President will consider re-employment of all employees on or before the end of each academic year. Written notice of President action for renewal or non-renewal will be provided as soon as it is known, but no later than the end of the academic year. Failure to provide an employee notice of

renewal or non-renewal by the end of the academic year will result in the presumption of re-employment of the affected employee for the following academic year.

## 5.15 Formal Performance Evaluation Process.

- 5.15.1 Department Directors will be provided a schedule for performance evaluations by the Human Resources Office which shall have been approved in advance by the President.
- 5.15.2 In advance of a scheduled performance evaluation, a self-evaluation shall be conducted by each employee who shall submit the completed self-evaluation to his or her immediate supervisor. Employee self-evaluations shall be signed by both the employee and the employees supervisor.
- 5.15.3 Supervisors shall be provided with a Supervisor Appraisal Form (attached hereto as Attachment B) on which the supervisor shall evaluate subordinate employees based on each employees Professional Development Plan, job description and self-evaluation.
- 5.15.4 The key to a successful evaluation process is for the employee being evaluated to provide an honest summary of his or her performance during the rating period. The supervisor should review the employees summary of each rating criterion and compare the summary with the employees Professional Development Plan and job description before completing the Supervisor Appraisal Form.
- 5.15.5 Supervisors shall meet with each subordinate employee under their supervision and shall execute the Supervisor Appraisal Form with the employee present. Supervisor Appraisal Form ratings of excellent or needs improvement must include a written explanation for the rating chosen. (Note: Supervisor Appraisal Forms submitted to the Human Resources Office without a proper written explanation for a rating of excellent or needs improvement will be returned to the supervisor for the purpose of obtaining the missing written explanation.)
- 5.15.6 At the conclusion of the supervisors evaluation of a subordinate employee, the supervisor shall provide the employee with a copy of the Supervisors Appraisal Form along with revised, measurable goals and objectives for the employee which shall form the basis for the employees next appraisal.
- 5.15.7 Once a supervisor has completed the Supervisor Appraisal Form, the supervisor shall recommend renewal or non-renewal of the term of the evaluated employee to the Human Resources Office. The Human Resources Office will forward supervisors recommendations for renewal or non-renewal to the President. The President shall

then provide a consolidated list of **employees** renewal or non-renewal regarding employment to the Board.

#### 5.16 Work Schedules.

With the approval of the President, supervisors may change subordinate employees schedules based on the needs and requirements of the relevant work unit. Supervisors may also require an employee to work on an unscheduled day in place of a scheduled day within the same work week, in which case the unscheduled day worked shall be treated as a Modified Work Day, as defined

Regular Part-Time Employees and Temporary Employees who are designated as hourly employees shall work on an as-needed basis.

#### 5.17 Work Day/Work Week Definitions.

5.17.1 Normal Work Day. For a Full-Time position, the normal work day shall consist of eight hours, five (5) days per week, Monday through Friday, from 8:00 am, to 5:00 pm, with a sixty (60) minute lunch period from 12:00 pm to 1:00 pm, for a total of forty (40) hours worked per week.

5.17.2 Modified Work Day. Upon application, the President may approve the modification of an employees working hours from the Normal Work Day schedule (Modified Work Day). Modified Work Day schedules shall only be approved, where appropriate, during the period from the end of the Spring Semester to the commencement of the Fall Semester each year. The supervisor requesting a Modified Work Day for a subordinate employee shall submit the Modified Work Day application to the Office of Finance and Administration for compliance review and fiscal impact assessment. The application must demonstrate the Modified work Day schedule will not negatively impact the needs of the affected Department.

5.17.3 Work Week. The Work Week shall be defined as consisting of a continuous period beginning on Monday at 12:00:01 am through Sunday at 12:00:00 am.

#### 5.18 Attendance and Tardiness.

It is the responsibility of each supervisor to ensure that subordinate employees attend to their duties in accordance with established College policy. Because the College has a fiduciary duty to ensure that public funds are not inefficiently expended, attendance and tardiness problems among College employees shall be promptly addressed.

#### 5.19 Meal Periods.

Employees are allowed daily meal periods which are normally sixty (60) minutes in duration. Mid-day meal periods are ordinarily taken from 12:00 pm to 1:00 pm. Supervisors may modify subordinate employees meal schedules based on the needs and requirements of the work unit. Notwithstanding, meal periods may not be utilized so as to shorten the length of a scheduled work day.

## 5.20 Rest Periods.

The College provides its employees with two rest periods, not to exceed fifteen (15) minutes each, in the mid-point of each four (4) hour work period (i.e., one rest period in the morning and one rest period in the afternoon) (Rest Period). Rest Periods are scheduled and controlled by the immediate supervisor and should be implemented on a staggered basis to ensure that no office or department goes un-staffed. Rest Periods cannot be accumulated for the purpose of taking extended lunch periods or taking time off.

## 5.21 Holidays.

This policy describes which holidays the College observes, which employees may be required to work on an Observed Holiday, and which employees are eligible to receive Holiday Compensation for hours worked on an Observed Holiday. (Note: faculty should refer to the approved Staff Calendar for holidays which the College is scheduled to observe during the academic contract period.)

- 5.21.1 Eligibility. Only Regular Full-Time or Regular Part-Time employees working twenty (20) or more hours per week are eligible to receive Holiday Compensation for work performed on an Observed Holiday by the College. Holiday Compensation awarded to Part-Time employees working twenty (20) or more hours per week must be approved in advance by the President. When the time during which an employee is on approved Annual Leave or Sick Leave includes a paid Observed Holiday, the holiday hours shall not be counted against the employees leave time. Temporary employees are not eligible for paid Annual or Sick Leave. Regular Full-Time or Regular Part-Time employees working twenty (20) or more hours per week who have announced their intent to resign may not use paid Observed Holidays, inclusive of winter break, to extend the effective date of their resignation.

~~[WHAT ABOUT EMPLOYEES WHO ARE TERMINATED or WHO SIGN SEPARATION AGREEMENTS?]~~

**Note: Employees that are terminated or sign separation agreements will be termed prior to the holiday at the convenience of the institution.**

- 5.21.2 Observed Holidays. The following holidays are observed by the College:

- 5.21.2.1 Martin Luther King Day
- 5.21.2.2 Good Friday
- 5.21.2.3 Easter Monday
- 5.21.2.4 Memorial Day
- 5.21.2.5 Independence Day
- 5.21.2.6 Labor Day
- 5.21.2.7 Thanksgiving Day
- 5.21.2.8 Day after Thanksgiving

5.21.2.9 Winter Break (Note: the specific days the College observes as Winter Break shall be indicated in the approved Staff Calendar which shall be available in the Human Resources Office.)

5.21.3 Special Circumstances Regarding Observed Holidays. Because of the nature of certain jobs, supervisors may require subordinate employees to work during Observed Holidays on an alternating basis (Alternate Holiday Schedule). Each potentially-affected employee should be advised at the time of hire that this Alternate Holiday Schedule is a condition of employment.

5.21.4 In certain circumstances, a department may need an employee to work on an Observed Holiday who is not otherwise subject to an Alternate Holiday Schedule. Supervisors must have the prior approval of the President before requiring an employee to work on an Observed Holiday who is not otherwise subject to an Alternate Holiday Schedule. If approved by the President, supervisors should give affected employees as much notice as possible of the need for them to work during a holiday observed by the College.

5.21.5 In all cases, supervisors shall assign employees to work on Observed Holidays in an equitable and reasonable manner. An employee subject to an Alternate Holiday Schedule who refuses to work on a holiday observed by the College may be subject to disciplinary action.

5.21.6 Depending on an individual's employment status and project assignment, compensation for any inconvenience to an employee caused by an Observed Holiday work assignment may be paid as Holiday Compensation, as approved by the President of the College. [~~PLEASE DEFINE HOLIDAY COMPENSATION.~~]

**Note: Holiday Compensation: Non exempt employees will receive time and ½ for holiday work. Exempt employees must have a specialized assignment contract in place. Pay will be paid at straight time. Both compensations must be approved by the President.**

## **Chapter 6 Discipline**

### **6.1 Employee Conduct.**

Certain rules and regulations regarding employee behavior are necessary for efficient College operations and for the benefit and safety of all employees. Conduct by employees that interferes with operations, discredits the College, is in violation of College policy, is unsatisfactory or is offensive in nature will not be tolerated. Employees are expected at all times to conduct themselves in a positive and professional manner and to promote the best interests of the College. The College expects the highest standards of conduct from all its employees, and believes that with appropriate supervision, disciplinary actions against employees should not be necessary. On rare occasions, however, disciplinary actions are necessary for employees who repeatedly fail to perform the duties of their positions in a satisfactory manner or who engage in misconduct.

### **6.2 Corrective Disciplinary Action.**

The President retains the right, in accordance with applicable federal and state laws, and approval by the Board, to exercise control and direction over the College and its operations, including but not limited to:

- 6.2.1 Directing employees of the College;
- 6.2.2 Hiring, promoting, transferring, assigning and retaining employees; removing employees; and suspending, demoting, dismissing, or taking other disciplinary action against employees;
- 6.2.3 Maintaining the efficiency of the operations entrusted to the administration of the College;
- 6.2.4 Determining the methods and means by which, and personnel by whom, such operations are to be conducted;
- 6.2.5 Taking whatever actions may be necessary to carry out the functions and mission of the College;
- 6.2.6 Maintaining uninterrupted College operations in situations of emergency, to the extent feasible.

Supervisors may take corrective disciplinary action with regard to an employee under their authority only when such disciplinary action does not have an immediate effect on the employees employment

status, compensation or benefits. Demotion, suspension or dismissal of an employee shall be under the exclusive control of the President.

### 6.3 Prohibited Conduct.

It is the duty and the responsibility of every employee to be aware of and abide by the Colleges policies and procedures. It is also every employees responsibility to perform his or her job responsibilities to the best of his or her ability and, at a minimum, to the standards set forth in the employees job description (or as otherwise established). Employees are therefore strongly encouraged to request additional instruction from their supervisor regarding fulfillment of their job responsibilities, when necessary.

6.3.1 Employees engaging in any of the following behaviors may be subject to disciplinary action as well as immediate demotion, suspension or dismissal of employment:

6.3.1.1 Consuming alcoholic beverages while on duty, except at approved College functions;

6.3.1.2 Possessing or consuming illegal drugs while on duty;

6.3.1.3 Reporting for work under the influence of alcohol or illegal drugs;

6.3.1.4 Engaging in deliberate or careless conduct endangering the safety of the employee or other members of the College community, including but not limited to provoking or instigating a fight, or assaulting another individual on College property;

6.3.1.5 Engaging in acts of insubordination including, but not limited to, refusing to follow management instructions concerning a job-related matter;

6.3.1.6 Excessive tardiness or absenteeism;

6.3.1.7 Failing to report to work punctually, at the assigned time, or failing to be at the proper work station, ready for work as scheduled, or leaving an assigned work area without authorization;

6.3.1.8 Failing to report for work without giving advance notice to the employee=s supervisor or appropriate Department Director. Employees are required to contact their supervisor two (2) hours in advance of an unexpected absence, such as an illness, unless the employee=s supervisor and/or Director require additional advance notice and such request for additional advanced notice has been cleared by the President. (Note: failure to request and obtain approval

for leave from the employee=s supervisor may result in denial of annual or Sick Leave);

- 6.3.1.9 Gambling on College property;
- 6.3.1.10 Immoral or indecent conduct on College property;
- 6.3.1.11 Inattentiveness to work responsibilities, neglect of job duties, or pursuit of personal projects during working hours without authorization from appropriate supervisor(s);
- 6.3.1.12 Intentionally falsifying or altering any College record or report, including but not limited to: an application for employment, a medical report, a production record, a time record, a financial record, an absentee report, or a shipping and receiving record;
- 6.3.1.13 Intimidating, abusing, threatening, or coercing another individual while on duty or on College property;
- 6.3.1.14 Knowingly admitting an unauthorized person or persons into any locked or otherwise restricted area of the College;
- 6.3.1.15 Engaging in malicious or dangerous pranks or practical jokes or horseplay;
- 6.3.1.16 Posting unauthorized materials on walls or bulletin boards;
- 6.3.1.17 Defacing, or removing authorized material from bulletin boards;
- 6.3.1.18 Sexually harassing or discriminatory statements or actions;
- 6.3.1.19 Sleeping while on duty;
- 6.3.1.20 Smoking in prohibited areas of the College;
- 6.3.1.21 Theft, intentional destruction, or defacing of property of the College or the property of another employee or student.
- 6.3.1.22 Using profanity or abusive language;
- 6.3.1.23 Vending, soliciting, or collecting contributions on College property without prior appropriate authorization from the President;

- 6.3.1.24 Violating a safety rule;
- 6.3.1.25 Violation of College policies and/or procedures;
- 6.3.1.26 Wearing clothing inappropriate for the work being performed.
- 6.3.1.27 Employee violating chain of command for operational issues.

NOTE: This list shall not be construed as a complete list of behaviors subject to disciplinary action and/or demotion, suspension or dismissal of employment.

#### 6.4 Progressive Discipline Policy.

- 6.4.1 The purpose of the Progressive Discipline Policy is to provide employees the opportunity to improve job performance and otherwise to comply with College policies and procedures. Discipline should be progressive in nature so that the College imposes the least severe action necessary to correct undesirable behavior on the part of the employee and moves to increasingly severe measures only if the behavior is not corrected (Progressive Discipline).
- 6.4.2 With the exception of demotion, suspension or dismissal of employment, the primary objective of Progressive Discipline is to correct the behavior of, not to punish, the employee.
- 6.4.3 There are no set formulas or rules that will apply to all situations as to the proper disciplinary step to take. Each progressive disciplinary action will depend upon the nature and severity of the offense and the related circumstances. In order for Progressive Discipline to be effective in correcting employee behavior, it must have certain fundamental characteristics, including the following:
  - 6.4.4 Working with the Human Resources Director. Supervisors are required to work closely with the Human Resources Director during any disciplinary action. The Human Resources Director shall help to facilitate supervisors compliance with standard Progressive Disciplinary practices and also shall ensure that the College remains in compliance with state and federal regulations. The Human Resources Director is available to meet with all employees and supervisors who become involved in disciplinary situations.
  - 6.4.5 Equitable Treatment. Supervisors are required to apply Progressive Discipline to each employee in a similar manner (Equitable Treatment). While the College recognizes that each problem is unique and may require the disciplinary process to be flexible in order to select the most appropriate course of action with respect to a particular

employee, supervisors shall not overlook the principles of equity and fairness of treatment among their employees.

6.4.5.1 Notwithstanding, at times it is necessary for supervisors to treat employees differently to be fair, based upon differences in the length of employment, discipline history, level of responsibility, type of position within the College, or other circumstances specific to each employee.

6.4.5.2 Another important component of Equitable Treatment is the principle of Past practice. By definition, a past practice is a reasonably uniform response to a recurring situation over a substantial period of time, which has been recognized, implicitly or explicitly (Past Practice). For the purpose of this section, Past Practice may be established on a College-wide basis, confined within a division or department, or limited to an operation or small group of employees.

6.4.6 Timeliness of the Disciplinary Action. Disciplinary action should be administered as soon as possible after the problem employee behavior occurs or is discovered. As a rule of thumb, it should not take more than ten (10) business days to complete an investigation and to administer the appropriate disciplinary action after the supervisor learns about the incident. If more time is needed, the employee should be informed that an investigation is still underway and provided a date by which a decision will be made.

## 6.5 General Overview of Progressive Discipline Procedure.

A disciplining supervisor is responsible for performing each of the following steps:

6.5.1 Documenting all actions on the Counseling and Discipline Form (attached hereto as Attachment C). The Human Resources Director is available to provide guidance to supervisors prior to initiating a disciplinary action.

6.5.2 Conducting a thorough investigation and making certain that the facts show that the employee violated a College policy and/or procedure prior to disciplining the employee. As facts are gathered, witnesses (if applicable) are questioned and evidence reviewed, each step of the investigation must be well documented, including dates, times, names of the employees questioned and the information they provided. (Note: supervisors are encouraged to ask a member of College management to witness the disciplinary action being taken by the supervisor toward an employee.)

6.5.3 Providing an opportunity for the employee to request a witness during the

investigative and disciplinary meeting(s), as well as in any follow up meeting.

- 6.5.4 Allowing the employee the opportunity to explain what happened.
- 6.5.5 Clearly identifying the problem precipitating the need for discipline and ensuring, to the extent possible, that the employee understands the violation(s) discussed. Regardless of the particular disciplinary measure being imposed as part of Progressive Discipline, it is vital at each step that the supervisor effectively convey to the employee: (1) the nature of the problem; (2) the consequences of the employees actions; (3) the supervisor=s expectations; and (4) a warning that more serious discipline will follow if the problem is not corrected.
- 6.5.6 Clearly explaining to the employee the behavior expected by the supervisor. With the employees input, the supervisor shall describe to the employee and document, in specific terms and time frames, what the employee needs to do to correct the problem.
- 6.5.7 Following up, at the time specified in writing, to determine if the problem has been corrected or if further disciplinary action is warranted.
- 6.5.8 Informing the employee at every stage of the process that if he or she does not agree with the disciplinary action, the employee has the right to utilize the grievance process outlined in Chapter 8, below.

## 6.6 Progressive Discipline Procedure: Witnesses.

- 6.6.1 When a supervisor schedules a meeting to discuss a disciplinary problem at any step in the Progressive Disciplinary process, the supervisor shall inform the employee that he or she is allowed to have witnesses present. In the event an employee elects to have a witness present, the employee may only select a current College employee who does not act in a management capacity. If the employee elects not to have a witness present, the supervisor will note, on the appropriate disciplinary form, that the employee declined to have a witness present.
- 6.6.2 Role of the Witness. A witness is present to verify what was said or seen and may take notes for the employee. A witness may not serve in an advice-giving role. Said another way, the witness shall not be allowed to represent the employee in any capacity other than for the purpose of taking notes and witnessing the meeting on behalf of the employee.

## 6.7 Progressive Discipline Procedure Implementation.

- 6.7.1 **Oral Warning/Counseling Session.** The supervisor shall meet with the employee (and witness, if applicable) in a private location, and shall make certain that the alleged infraction is made clear to the employee. The supervisor shall describe the problem in specific, unbiased terms and shall provide an exact time frame for the employee to correct the problem, making every reasonable effort to ensure that the employee understands the nature of the problem and how the problem affects the operation of College. The supervisor shall inform the employee that the meeting is an **Oral Warning/Counseling Session** and that there will be a written record of the Oral Warning/Counseling Session placed in the employees official personnel file. The supervisor shall explain to the employee that his or her failure to correct the performance problem will lead to further disciplinary action against the employee. The supervisors oral warning shall include a stated period of time in which the employee is expected to correct the behavior or problem triggering the warning. **Further violation of policy or employees failure to follow action plan may result in further disciplinary action.**
- 6.7.2 **Written Warning.** If the employee fails to correct the problem behavior within the specified time frame or the problem progresses in nature, the supervisor shall proceed to a formal **Written Warning**. The supervisor shall meet with the employee (and witness, if applicable) in a private location and shall make certain that the infraction is made clear to the employee, in writing. The supervisor shall describe the problem in specific, unbiased terms and shall provide an exact time frame, in writing, for the employee to correct the problem, making every reasonable effort to ensure that the employee understands the nature of the problem and how the problem affects the operation of College. The supervisor shall inform the employee that the meeting is for the purpose of issuing the employee a **Written Warning**, and that there will be a written record of the Written Warning placed in the employees official personnel file. The Written Warning is intended to inform the employee, in writing, of the potential consequences if the problem is not resolved. The Written Warning shall include all documentation necessary to define for the employee what corrective action he or she must take to avoid further discipline, including demotion or suspension. **Further violation of policy or employees failure to follow action plan may result in further disciplinary action.**
- 6.7.3 **Demotion or Suspension.** In the event an employee does correct the problem behavior within the specified time frame outlined in Subsection 6.7.2, demotion or suspension of the employee may be necessary. Prior to the consideration or imposition of a demotion or suspension, the supervisor or Department Director, with the assistance of the Human Resources Director, must receive approval from the President of the College.

- 6.7.3.1 A demotion in position may result in a decrease in pay in accordance with the Colleges compensation structure.
- 6.7.3.2 A suspension is defined as the temporary removal of the employee from the work place for a specified period of time (suspension). A suspension may be with or without pay, and its duration may vary depending on the circumstances. The employee may not accrue vacation and Sick Leave benefits during a suspension. A suspension should be considered the strongest warning to the employee that the problem in question is extremely serious. A suspension is the last opportunity the employee has to correct the problem before termination.
- 6.7.3.3 The length of a suspension shall be determined, collectively, by the supervisor and Human Resources Director, and shall be approved in advance by the President. Suspensions generally range from one (1) to five (5) business days. Suspensions longer than five (5) business days may be imposed in certain cases.
- 6.7.4 **Termination of Employment.** If an employee has failed to correct the problem behavior at issue in Subsections 6.7.1 through 6.7.3, termination of employment shall be considered. Termination of employment is the final step in the Progressive Disciplinary process and, obviously, is not corrective. In any situation serious enough to justify termination of employment, the President and the Human Resources Director are to be contacted prior to taking any action. The supervisor, Human Resources Director and President will review all related documentation in order to verify that there is just cause for termination of employment and that the employee has been afforded due process. Only the President of the College has the authority to approve the termination of an employee=s employment.

## 6.8 Progressive Discipline Procedure: Pre-Disciplinary Hearing.

In circumstances in which the College is contemplating an employee=s suspension without pay, demotion or termination of employment, the employee shall be afforded a pre-disciplinary hearing (Pre-Disciplinary Hearing) which shall be implemented as follows:

- 6.8.1 Notice of the time, place and alleged charges shall be given to the employee at least five (5) days prior to the Pre-Disciplinary Hearing by certified U.S. mail or by a private courier service, so long as the employee=s signature is obtained upon delivery (Hearing Notice).

- 6.8.2 An employee may elect to have a representative in attendance at the Pre-Disciplinary Hearing in order to witness testimony by the College and by the employee regarding the reasons and circumstances surrounding the employees contemplated demotion, suspension without pay or termination of employment.
- 6.8.3 A Hearing Officer appointed by the President or the Presidents designee shall conduct the Pre-Disciplinary Hearing. At such hearing, the employee shall have the right to be represented by counsel, to present witnesses, evidence and otherwise defend against the proposed discipline. With approval from the President, the Hearing Officer shall, at the hearing, provide the employee with the final decision regarding the disciplinary action to be taken.
- 6.8.4 If the employee does not respond to the Hearing Notice or fails to attend the scheduled Pre-Disciplinary Hearing, the College will consider the employee to have voluntarily resigned his or her position.

#### 6.9 Post-Disciplinary Hearing.

- 6.9.1 If the employee is dissatisfied with the decision made by the Hearing Officer at the Pre-Disciplinary Hearing, the employee has the right to appeal the decision to a Hearing Judge provided that, within ten (10) business days of receipt of the Hearing Officer=s decision, a timely notice of appeal is filed with the President (Notice of Appeal).
- 6.9.2 The Hearing Judge shall hold a Post-Disciplinary Hearing within forty-five (45) calendar days following receipt of the Notice of Appeal which shall be delivered to the President. At such hearing the employee has the right to be represented by counsel, to present witnesses, evidence and otherwise defend against the decision being appealed.

#### 6.10 Further Appeals.

If the employee is dissatisfied with decision made by the Hearing Judge at the Post-Disciplinary Hearing, the employee may appeal to the New Mexico State District Court, as may be provided by law.

## Chapter 7 Termination

### 7.1 Termination of Employment.

Any instance of termination of employment by the College must fall into one of the following categories:

- 7.1.1 Employee Deceased. In the case of a deceased employee, final compensation shall be provided to the deceased employees named beneficiary on file with the NMPSIA, or as otherwise provided by law.
- 7.1.2 Termination. Employment is terminated after Progressive Discipline has failed or the seriousness of employee=s conduct or situation so warrants.
- 7.1.3 Layoff. Employment is terminated because of a reduction in force (RiF) due to lack of funding.
- 7.1.4 Release. Employment is terminated following the end of a Temporary Employment period.
- 7.1.5 Probationary Period. Employment is terminated during the employees twelve (12) Probationary Period or Faculty 36 months Probationary Period. Probationary employees may be terminated at any time prior to completion of the Probationary Period, without cause or recourse.
- 7.1.6 Resignation. Employment is terminated because an employee tenders his or her resignation. A written resignation must be submitted to the Human Resources Office as soon as practicable and in no event less than two (2) weeks prior to the effective date of proposed resignation.

### 7.2 Resignation.

An employee=s Resignation will be imputed to the employee in the following circumstances:

- 7.2.1 The employee walks off the job;
- 7.2.2 The employee verbally informs his or her immediate supervisor or higher authority that he/she quits, or similar language;
- 7.2.3 The employee is absent from work for two (2) consecutive business days without permission (except when an emergency situation precludes giving notice). Business

days are considered consecutive even when broken by normal non-business days such as Observed Holidays or weekends;

7.2.4 The employee fails to return to work within the prescribed time limits following an approved leave for extended illness, injury, or personal reasons.

7.2.5 Cooling down period of 24 hours will be administered for 1<sup>st</sup> resignation.

### 7.3 Notice of Termination.

Under all circumstances involving termination of employment, the Human Resources Director should be consulted so that proper notice of termination may be given to the employee.

## Chapter 8 Grievance Resolution

### 8.1 About This Policy.

The College is committed to providing the best possible working conditions for its employees and, toward that end, encourages an open and frank atmosphere in which any employee problem, complaint, suggestion, or question receives a timely response from the employees supervisor, Department Director and/or another appropriate member of the Colleges Professional, Executive and Administrative Staff.

The College recognizes that among any employee group, personnel problems will occasionally arise, and that it is usually in the best interest of both the College and the employee to resolve such problems as soon as possible and at the lowest possible administrative level.

In order that employees may be assured fairness in the consideration of their problems or grievances, the College has established a Grievance Resolution Process for review by, and appeal to, consecutively higher levels of authority without prejudice to the grievant.

LCC Human Resources Department will review all grievance submissions and determine whether the grievance contains grounds for action. If an employee in the Human Resources Department has a grievance filed against them the LCC President will assign an alternate mediator to review and determine if the grievance has merit. If it does, the selected mediator will conduct the grievance process. In addition the person submitting the grievance will be responsible for processing the grievance packet and include copies to the Human Resources Department at each level of the grievance process to include supporting documentation and a copy of all responses. Documentation should include dates and times of actual events.

## 8.2 Grounds for Initiating the Grievance Resolution Process.

Grounds for initiating the Grievance Resolution Process include:

- 8.2.1 Prejudicial or capricious decisions in the evaluation of an employees performance resulting in a below standard or below average overall employee evaluation;
- 8.2.2 Acts or threat of intimidation or harassment toward an employee. (Note: in the event of sexual harassment, employees should also refer to the Colleges Sexual Harassment Policy found in Chapter 9, below);
- 8.2.3 Actions which have an adverse impact on the employee. An Aadverse impact exists when a personnel action has a disproportionately negative impact upon a legally-protected group;
- 8.2.4 Any action by the College where the employee believes that such action was unjust, inequitable or affected a term or condition of the employees employment.

## 8.3 Initiating the Grievance Resolution Process.

When an employee believes that a condition of employment or a decision affecting the employee is unjust or inequitable, he or she is encouraged to make use of the following Grievance Resolution Process. (Note: an employee may voluntarily discontinue the process at any stage. Requests to discontinue the Grievance Resolution Process should be made in writing and submitted to the Human Resources Office or to the President, if appropriate.)

- 8.3.1 Initiating the Grievance Resolution Process in a timely manner is critical for the early resolution of problems that are not otherwise resolved through informal processes. Failure to initiate the Grievance Resolution Process within specified time frames may disqualify the grieving employees claim.
- 8.3.2 No employee or student who files a grievance in good faith shall suffer retaliation for doing so. The College shall take necessary action to assure that there is no retaliation.

## 8.4 Informal and Formal Grievance Resolution Process: Implementation.

8.4.1 The employee shall discuss his or her grievance with his or her immediate supervisor within five (5) business days following the incident or matter giving rise to the grievance **unless the grievance is against the supervisor. The employee shall report the grievance to the HR Dept. The HR Dept. will schedule a meeting with all parties to discuss the grievance informally.** The supervisor shall warn the subject of the grievance not to engage in any retaliatory behavior against the grievant for reporting the grievance. The employee and the supervisor shall attempt to resolve the grievance informally through discussions including all parties noted in the grievance within **five (5)** business days following the employees verbal notice to the supervisor (Informal Grievance). Notwithstanding, if the employee supervisor is not available, if the employee believes the situation cannot wait until his or her supervisor is available or if the problem would be inappropriate to discuss with the employees immediate supervisor, the employee may skip this Subsection 8.4.1 proceed directly to Subsection 8.4.2.

8.4.2 If the Informal Grievance resolution process does not resolve the grievance to the employees satisfaction or if the employee chooses to skip Subsection 8.4.1, the employee shall submit his or her grievance, in writing, to his or her immediate supervisor (Formal Grievance) within five (5) business days following the date of the attempted Informal Grievance resolution, if any.

8.4.2.1 An employees Formal Grievance must be in writing and shall include the following information:

8.4.2.1.1 Name, position title, and department of employee filing the Formal Grievance;

8.4.2.1.2 Name, position title, and department of the employee=s supervisor;

8.4.2.1.3 Date the Formal Grievance was filed;

8.4.2.1.4 A description of the specific problem, violation or dispute, and the date that it first came to the employees attention;

8.4.2.1.5 A list of specific grounds for the Formal Grievance, and the policy or policies which the grieving employee believes were violated;

- 8.4.2.1.6 A description of the direct and adverse effect(s) that the specific problem, violation or dispute has had on the grieving employee;
  - 8.4.2.1.7 Proposed corrective action the employee wishes to be taken, and the reason why the employee believes the desired action is appropriate.
- 8.4.2.2 The supervisor **or Human Resources Department**. shall warn the subject of the grievance not to engage in any retaliatory behavior against the grievant for reporting the grievance. The employees supervisor **or Human Resources Department**. shall investigate and respond, in writing, to the employee within five (5) business days following receipt of the Formal Grievance. The supervisor shall simultaneously deliver a copy of the Formal Grievance and the supervisors written response, along with all related documents, to the Human Resources Director. Notwithstanding, if the employees supervisor is not available **or is the person being grieved against**, if the employee believes the situation cannot wait until his or her supervisor is available, or if the problem would be inappropriate to discuss with the employees immediate supervisor, the employee may skip Subsection 8.4.2 and proceed directly to Subsection 8.4.3.
- 8.4.3 If the Formal Grievance is not resolved to the employees satisfaction at the conclusion of Subsection 8.4.1 or Subsection 8.4.2, the employee may submit his or her Formal Grievance to a second level of review, to be conducted by the employees Department Director. The employee is responsible for submitting his or her Formal Grievance, in writing, to the Department Director within five (5) business days following receipt of the written response in Subsection 8.4.2, if applicable. The Department Director shall warn the subject of the grievance not to engage in any retaliatory behavior against the grievant for reporting the grievance. The Department Director shall investigate and respond, in writing, to the employee within five (5) business days from the date of his or her receipt of the Formal Grievance. The Department Director shall simultaneously deliver a copy of the Formal Grievance, the Department Director=s written response, along with all related documents, to the Human Resources Director. Notwithstanding, if the employees Department Director is not available, if the employee believes the situation cannot wait until his or her Department Director is available, or if the problem would be inappropriate to discuss with the employees Department Director, the employee may skip Subsection 8.4.3 and proceed directly to Subsection 8.4.4.
- 8.4.4 If the Formal Grievance is not resolved to the employees satisfaction at the conclusion of Subsection 8.4.3, the employee may take the matter to a third level of review, to be conducted by the Human Resources Director. The employee is

responsible for submitting his or her Formal Grievance, in writing, to the Human Resources Director within five (5) business days following receipt of the Department Directors written response in Subsection 8.4.3, if applicable. The Human Resources Director shall warn the subject of the grievance not to engage in any retaliatory behavior against the grievant for reporting the grievance. The Human Resources Director shall investigate and respond, in writing, to the employees Formal Grievance within five (5) business days from the date of his or her receipt of the Formal Grievance.

8.4.4.1 The employee may request either that the Human Resources Director review the Formal Grievance or that the Human Resources Director establish an ad hoc Employee Advisory Committee to review the matter and make recommendations to the Human Resources Director. The Human Resources Director may also independently opt for a review of the Formal Grievance by an ad hoc Employee Advisory Committee whether or not the employee requests such a Committee. The Employee Advisory Committee shall consist of no more than two uninvolved employees who shall be selected, impartially, by the Human Resources Director.

8.4.4.2 In the event of a review and recommendation by the Employee Advisory Committee, the Human Resources Director shall investigate and respond, in writing, to the employees Formal Grievance within five (5) business days following the date of the Committees submittal of its recommendation to the Human Resources Director. Notwithstanding, if the employees grievance would be inappropriate to discuss with the Human Resources Director, the employee may skip Subsection 8.4.4 and proceed directly to Subsection 8.4.5.

8.4.5 If the Formal Grievance is not resolved to the employees satisfaction following Subsection 8.4.4, the employee may appeal the Human Resources Director=s response to a fourth level of review, to be conducted by the President. The employee must submit all documentation resulting from the prior Subsections 8.4.1 through 8.4.4 (if applicable), along with a written request to have the Formal Grievance reviewed by the President within five (5) business days of the employees receipt of a response from the Human Resources Director, if applicable. The President shall warn the subject of the grievance not to engage in any retaliatory behavior against the grievant for reporting the grievance. The President shall investigate the allegations made in the Formal Grievance and shall make a determination, in writing, regarding the disposition of the Formal Grievance within five (5) business days of the employee=s request to have the President review the grievance. ~~Notwithstanding, if~~

~~the employee=s grievance would be inappropriate to discuss with the President, the employee may skip Subsection 8.4.5 and proceed directly to Subsection 8.4.6.~~

~~8.4.6 If the employee is not satisfied with the President=s determination, in limited circumstances, the employee may request that the President or the Human Resources Director present the employee=s Formal Grievance to the Board for its review and determination. The request for Board review of the Formal Grievance must be made by the employee, in writing, within five (5) business days following his or her receipt of the President=s determination in Subsection 8.4.5, if applicable. (Note: a Formal Grievance shall only be presented to the Board when the subject of the grievance is the President or when the grieving employee can demonstrate that the situation precipitating the Formal Grievance has adversely impacted his or her employment status. Adverse impact exists when a personnel procedure has a substantial disproportionately negative impact on a legally protected minority group.) The Board shall warn the subject of the grievance not to engage in any retaliatory behavior against the grievant for reporting the grievance.~~

~~(DELETE ALL IN BLUE)~~

~~8.4.7—In rendering its determination, the Board may:~~

~~8.4.7.1—Permit the parties to the Formal Grievance to present their claims and defenses;~~

~~8.4.7.2—Uphold the President=s determination, if applicable;~~

~~8.4.7.3—Reverse or amend the Presidents determination, if applicable;~~

~~8.4.7.4—Provide its own, independent determination when the President is the subject of the grievance.~~

~~When a Formal Grievance is heard by the Board, all involved parties shall be notified of the Boards final decision, in writing, within five (5) business days following the Boards determination.~~

The President's decision is final and may not be appealed.

1. The President's decision may include, but not to be limited to the following:
  - a) Dismissal of the grievance
  - b) Reduction of any recommended sanctions; or alter recommendations.
  - c) Upholding the Human Resources Director's decision
  - d) Other action as deemed appropriate by the President.

## 8.5 Additional Grievance Provisions.

8.5.1 If an employee fails to take all of the steps outlined in Subsection 8.4 (to the extent applicable) or fails to abide by the time limits with respect to each step, his or her grievance shall be presumed abandoned and the matter considered settled. Notwithstanding, the President shall have the discretionary authority to extend the time limits for reporting a grievance or responding to a grievance in the event of illness, Annual Leave, or other extenuating circumstances on the part of the reporting or the responding party.

8.5.2 If a party charged with responding to an employees grievance fails to do so, at any step, within the time limits prescribed above, the grieving employee shall have the right to proceed immediately to the next step in the Grievance Resolution Process.

8.5.3 No employee shall be penalized, formally or informally, for filing a grievance with the College in a reasonable, business-like manner, nor for using the aforementioned Grievance Resolution Process.

- 8.5.4 Failure or refusal by any employee to cooperate with a College investigation or interference by any employee with such an investigation including retaliation or reprisals against participants in an investigation shall be grounds for disciplinary action up to and including termination of employment.

## **Chapter 9**

### **Sexual Harassment Policy**

#### **9.1 About the Colleges Sexual Harassment Policy.**

The College is committed to providing a work and learning environment in which all individuals are treated with respect and dignity. Each employee and student has the right to work and learn in an environment that is free from discrimination, including sexual harassment. No member of the College community should be required to endure sexual harassment by supervisors, peers (including student-on-student sexual harassment), faculty members, educational support staff, independent contractors or vendors, or to work or learn in a hostile environment as a condition of employment or pursuit of academic excellence.

#### **9.2 Purpose of the Sexual Harassment Policy.**

The purpose of this policy is to inform all College students and employees that sexual harassment is illegal and that the College will not tolerate sexual harassment of its students or employees, nor will the College tolerate unprofessional conduct which leads to sexual harassment. The College intends to deter sexual harassment through the publication of this Sexual Harassment Policy on the College website and through posting the policy throughout the campus. The College will provide appropriate educational materials and programs related to understanding and implementing this Sexual Harassment Policy for students and employees.

#### **9.3 Sexual Harassment Policy**

With regard to sexual harassment, it is the policy of the College:

- 9.3.1 To prohibit any person at the College in a work or academic setting from sexually harassing any other person at the College in a work or academic setting;
- 9.3.2 To provide a work and academic environment free of sexual harassment;
- 9.3.3 To investigate all allegations of sexual harassment or misconduct in a timely and thorough manner;

- 9.3.4 To take appropriate and timely corrective action with respect to information or allegations that employees or students are being subjected to sexual harassment in the work or academic environment;
- 9.3.5 To raise awareness among Colleges employees and students regarding the Sexual Harassment Policy;
- 9.3.6 To educate members of the College community that sexual harassment can occur between members of the same sex as well as between members of the opposite sex;
- 9.3.7 To provide information to employees and students about procedures for seeking redress for alleged sexual harassment, sexual misconduct or the creation of a hostile work environment at the College.

The College will not tolerate or condone sexual harassment by or towards its employees or by or towards its students. It is the intention of the College to take appropriate action to prevent, correct and, if necessary, to discipline a students or an employees behavior which violates this policy.

## 9.4 Definitions.

9.4.1 Sexual harassment is a misuse of power and is a form of gender discrimination as defined in Title VII of the Civil Rights of 1964 in Section 703. Sexual harassment is a violation of federal law and College policy.

9.4.2 Sexual harassment may be used to describe a wide range of behavior between students, between employees, or between students and employees. These behaviors are described in the Equal Employment Opportunity Commission guidelines below. For students, the references to employment or work in the EEOC guidelines include the entire range of academic and non-academic functions of the College.

9.4.3 Sexual Harassment. Sexual harassment is unwelcome conduct of a sexual nature.

9.4.4 Conduct of a Sexual Nature. May include, but is not limited to, verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or intentional brushing against; comments regarding physical or personality characteristics of a sexual nature including, but not limited to, epithets, derogatory or suggestive comments, slurs or gestures; sexually-oriented kidding; teasing; double-entendres, and jokes, and any harassing conduct to which an employee would not be subjected but for such employees sex and offensive posters, cartoons, pictures, drawings and objects.

An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

9.4.5 Unwelcome Conduct of a Sexual Nature. Verbal or physical conduct of a sexual nature may constitute sexual harassment when an allegedly-harassed employee has indicated, by his or her conduct, that it is unwelcome.

9.4.6 Non-Harassing Conduct. Courteous, mutually-respectful, non-coercive interaction between employees and/or that is welcome by both parties is not prohibited by this policy.

## 9.5 Facts About Sexual Harassment.

Sexual harassment can occur in a variety of forms and under a number of circumstances, including but not limited to the following:

9.5.1 The victim as well as the harasser may be a woman or a man (i.e., the victim does not have to be of the opposite sex);

- 9.5.2 The harasser can be the victims supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee;
- 9.5.3 The victim does not have to be the person harassed but could be anyone affected by the offensive conduct; and
- 9.5.4 Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

## 9.6 Prohibited Conduct.

For the purposes of this policy, unwelcome sexual advances or requests for sexual favors and other unwelcome conduct of a sexual nature constitute prohibited sexual harassment if:

- 9.6.1 Submission to the conduct is made either an explicit or implicit condition of employment;
- 9.6.2 Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- 9.6.3 The conduct substantially interferes with an employees performance, or creates an intimidating, hostile, or offensive work environment.

Note: Consistent with principles of academic freedom, both course content and teaching methods remain the province of individual faculty members. At the same time, faculty members shall refrain from classroom, clinical and related behavior that unnecessarily focuses attention on sex characteristics.

## 9.7 Specific Prohibitions.

- 9.7.1 Administrators and Supervisors. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates, or to suggest or imply that the subordinate=s failure to submit to such a solicitation will result in adverse treatment toward the subordinate or that the subordinate=s acquiescence will result in preferential treatment toward the subordinate;
  - 9.7.1.1 Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary action as described below.

9.7.2 Non-Managerial and Non-Supervisory Employees. It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to disciplinary action as described below.

9.7.3 Students and Employees with Professional Responsibility for Student. A relationship between a student and an employee of the College with professional responsibility for that student deserves particular attention. An employee with professional responsibility for a student has real or potential power and authority over that student in a variety of roles including, but not limited to: instructor, academic advisor, student organization advisor, work study supervisor, counselor or committee member.

9.7.3.1 In all cases, employees of the College are prohibited from engaging in or soliciting an amorous or sexual relationship (consensual or otherwise) with a student who is under the legal age of consent in New Mexico.

9.7.3.2 An employee of the College with professional responsibility for a student is prohibited from engaging in or soliciting an amorous or sexual relationship (consensual or otherwise) with a student who is above the age of consent in New Mexico:

- who is enrolled in a class being taught by the employee; or
- whose academic work is being supervised by the employee; or
- who is a member of a college group which is supervised or advised by the employee; or
- who is a staff member working in the same building as the employee or who has access to student classrooms.

Note: Notwithstanding, amorous and/or sexual relationships between a student and a College employee with professional responsibility for that student are presumed to be fundamentally exploitive and to constitute unprofessional conduct. The consensual nature of such a relationship will not necessarily constitute a defense to a charge of sexual harassment or related unprofessional conduct.

## 9.8 Policy of Confidentiality Concerning Sexual Harassment Complaints.

The confidentiality of all parties involved in a sexual harassment complaint shall be strictly respected insofar as it does not interfere with the Colleges legal obligation to conduct an investigation and take remedial action, and no reprisals or retaliation will be allowed to occur as a result of the good-faith reporting of charges of sexual harassment.

## 9.9 Reporting, Investigation and Disciplinary Action.

It is the express policy of the College to encourage victims of sexual harassment to report all such claims. This may be done through the employee Grievance Resolution Process outlined in Subsection 8.4, above, or by reporting such matters directly to the Human Resources Director or to the President.

- 9.9.1 An employee who feels that an individual with supervisory responsibility over him or her is conditioning promotions, increases in wages, continuation of employment or other terms or conditions of employment, upon acquiescence to unwelcome conduct of a sexual nature, is strongly encouraged to report these conditions.
- 9.9.2 Employees are also strongly encouraged to report any unwelcome conduct of a sexual nature by superiors or fellow employees, particularly if such conduct interferes with the individuals work performance or creates a hostile or offensive working environment.
- 9.9.3 Any employee who, upon knowledge and belief, becomes aware of a possible violation of the Colleges Sexual Harassment Policy is strongly encouraged to report the alleged harassment. When the College has reason to believe an instance of sexual harassment has occurred, the College reserves the right to conduct an investigation, even where the alleged victim chooses not to file a grievance.
- 9.9.4 In determining what conduct constitutes sexual harassment, the conduct is viewed from the perspective of a reasonable person of the gender and position of the person allegedly being harassed. The totality of the circumstances, including the nature of the alleged conduct and the context in which the alleged conduct occurred will be investigated and documented by the individual charged with conducting the sexual harassment investigation.
- 9.9.5 Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to: warning or reprimand, suspension, or termination of employment, subject to applicable procedural requirements.

## 9.10 Sexual Harassment Complaints: Reporting Procedure.

9.10.1 Complaints of sexual harassment may be reported to an employees supervisor or directly to the Human Resources Director. (Note: in the event of a sexual harassment allegation involving the Human Resources Director, the President of the College shall substitute for the Human Resources Director for the purpose of reporting a sexual harassment complaint.)

9.10.2 Any supervisor who receives a verbal or written complaint of sexual harassment from a subordinate or who, upon knowledge and belief, becomes aware of a possible violation of the Colleges Sexual Harassment Policy shall, within three (3) working days of obtaining this information, report the complaint to the Human Resources Director.

## 9.11 Investigation of Sexual Harassment Complaint.

9.11.1 In cases of alleged sexual harassment, a letter shall be drafted and delivered by the Human Resources Director to the alleged offender informing him or her that a formal sexual harassment investigation has begun and warning the alleged offender not to engage in any retaliatory behavior against the grievant. The aforementioned letter shall be marked Confidential and shall be hand-delivered to the alleged offender or sent by certified U.S. mail to the alleged offenders contact address on file with the College. A copy of the letter and the complaint shall be sent to the grievant, the President, and the grievants immediate supervisor.

9.11.2 The President, in consultation with the Vice President of Instruction, Student Services and Human Resources Director, shall appoint two impartial individuals to conduct an investigation into all reported cases of alleged sexual harassment. Generally, one male and one female shall be appointed to the investigatory team. (Note: if the President or a member of the Board is named in a sexual harassment complaint, the College Attorney will advise the Human Resources Office on further action.)

9.11.3 Once a sexual harassment investigation begins it shall proceed, in a timely manner, to completion and the investigators shall submit a summary report to the President so that he or she may determine appropriate action.

- 9.11.4 The sexual harassment investigation should be conducted as promptly as possible without compromising thoroughness. The investigators shall meet separately with the grievant and the alleged offender. The investigators shall request information about the alleged incidents and shall seek information from any individuals who might know about the incidents or who might possess other information helpful to the investigation.
- 9.11.5 If, in the course of a sexual harassment investigation, other allegations surface against the individual being investigated, which allegations may constitute sexual harassment or related unprofessional conduct, the investigators shall notify the alleged offender of these additional allegations, in writing, and the individual will be given an opportunity to respond to these allegations before the investigators submit a final report and statement of findings. The investigators shall take notes on meetings with principals and witnesses. If principals and/or witnesses elect to have an attorney present at the meetings, the College reserves the right to have the College Attorney present also.
- 9.11.6 At the conclusion of the investigation, the investigators shall send a copy of the summary investigative report and findings to the College Attorney before submitting the final report to the President. If the President determines that the final report is thorough and complete, the President will disband the investigation and forward the report to the Human Resources Office. After the report and findings are accepted, the Human Resources Director will send a copy of the report and findings to the grievant, the alleged offender, the College Attorney and other appropriate persons.
- 9.11.7 If the President finds the report to be incomplete, the President may send the report back for further investigation.
- 9.11.8 If there is no finding of sexual harassment or related unprofessional conduct, the President shall send a letter to the grievant, the alleged offender and the College Attorney informing them of the results of the investigation. In this case, no material pertaining to the grievance shall be placed in the alleged offenders personnel file or student file (if applicable). The Human Resources Director will retain the only record of the grievance in a locked, restricted-access file.
- 9.11.9 If there is a finding of sexual harassment or related unprofessional conduct, the President, Human Resources Director and Academic Dean (if appropriate), in consultation with the College Attorney, shall determine the appropriate disciplinary action to be taken, up to and including termination. If the offender is a student, the Academic Dean and the ACCESS Director shall initiate appropriate disciplinary procedures. The grievant shall be informed, in writing, of the investigation=s

conclusions and a record of the disciplinary action taken, up to and including expulsion, shall be placed in the offenders personnel or student file (if applicable).

## 9.12 Measures to Prevent Sexual Harassment.

To help foster an atmosphere of mutual trust and respect, the College shall provide educational programs designed to identify and to eliminate sexually-harassing or related offensive behavior. Through these programs, the College shall:

- 9.12.1 Make available to all employees and students copies of the College=s Sexual Harassment Policy and the procedures for its implementation;
- 9.12.2 Periodically distribute materials to employees and students that define sexual harassment and explain the rights and responsibilities of individuals under the policy; and
- 9.12.3 Provide students, faculty and staff with information and learning experiences designed to heighten awareness of sexual harassment as well as the Colleges policy prohibiting sexual harassment.

From time to time, the College shall periodically review and revise its educational programs related to sexual harassment prevention as it works toward its goal of eliminating sexual harassment and related unprofessional conduct among students and employees while promoting trust and respect among its students and employees.

## 9.13 Rights and Penalties.

- 9.13.1 Any person who violates the Colleges Sexual Harassment Policy shall be subject to prompt and firm disciplinary action. Such discipline may range from reprimand to termination of employment.
- 9.13.2 Victims of sexual harassment may also seek other relief to which they are entitled by law.
- 9.13.3 Employees may be held personally-liable for participation in or for condoning sexual harassment.
- 9.13.4 Employees of the College may not refuse to cooperate in an investigation of a sexual harassment grievance; however, the employee may assert whatever testimonial or evidentiary privileges are available to the employee by law.

9.13.5 If the circumstances of the sexual harassment complaint warrant, the College may take any necessary action it deems necessary to alleviate the situation while the complaint is being investigated.

9.13.6 No employee or student who files a grievance in good faith shall suffer retaliation for doing so. The College shall take necessary action to assure that there is no retaliation.

#### 9.14 Bad Faith or Frivolous Complaints.

The College's Sexual Harassment Policy shall not be used to bring frivolous or malicious complaints regarding sexual harassment. Disciplinary action may be taken against an employee if it is shown he or she filed a sexual harassment complaint in bad faith.

## **Chapter 10 Benefits**

### 10.1 About Annual Leave.

In accordance with the provisions of Section 21-1-23 NMSA 1978, public funds shall not be expended for the purpose of paying compensation to any faculty member or employee of a state higher educational institution for any period of absence from his or her assigned duties with such state higher educational institution unless the period of absence:

10.1.1 Is an Observed Holiday or vacation period established in the published calendar of the institution;

10.1.2 Comes within the official Sick Leave or Annual Leave policies promulgated by the regents of the institution; or

10.1.3 Is approved by a designated administrative authority according to procedures established for this purpose by the board.

### 10.2 Annual Leave Policy.

The College recognizes the value of providing employees with paid Annual Leave. Annual Leave provides the employee an opportunity to relax for a period and to return to the job with renewed interest and vitality. The College encourages eligible employees to take Annual Leave each year. Employees shall earn, accrue, use, and be paid for Annual Leave according to the provisions of this Annual Leave Policy:

10.2.1 Eligibility. Regular Full-Time and Regular Part-Time Employees who work twenty (20) hours or more per week are eligible to receive paid Annual Leave.

10.2.2 Annual Leave Accruals. Eligible employees shall accrue Annual Leave each pay period for time actually worked or during periods of paid Sick Leave, Annual Leave, Observed Holidays or a paid Leave of Absence. Annual Leave shall not accrue during unpaid Leaves of Absence. New employees Annual Leave shall begin to accrue on the date of hire. Annual Leave taken by an employee in excess of his or her accrued Annual Leave shall be charged as Leave Without Pay.

10.2.3 Eligible employees shall accrue Annual Leave as indicated in the chart below:

Annual Leave Accrual for Full-Time Employees (40 hours per week)		
Years of Employment	Hours Per Month	Hours Per Pay Period
Years One and Two	7 hours	3.5 hours
Year Three or More	10 hours	5 hours

  

Annual Leave Accrual for Part-Time Employees (20 - 39 hours per week)		
Years of Employment	Hours Per Month	Hours Per Pay Period
Years One and Two	3.5 hours	1.75 hours
Year Three or More	5 hours	2.5 hours

### 10.3 Scheduling Annual Leave.

While Annual Leave is normally scheduled according to the employees wishes, the College reserves the right, when necessary, to schedule an employees Annual Leave in accordance with the needs of the College.

10.3.1 Employees must request and receive advance approval of Annual Leave from their immediate supervisor. Failure to request and receive advance approval for Annual Leave may be grounds for denial of Annual Leave. Notwithstanding, it is recognized that in certain situations an employee may not be able to request Annual Leave in advance, in which case the employees supervisor shall give the employees Annual Leave request fair and reasonable consideration.

10.3.2 If an employee requests Annual Leave for a future date in anticipation of accruing sufficient leave, any approvals given are contingent on the employee having accrued sufficient leave.

10.3.3 Annual Leave is normally taken in full-day or half-day units, but may also be taken in half-hour increments. Annual Leave shall not exceed increments of two (2) weeks during any one leave period. An employee who has exhausted Sick Leave benefits may use accrued Annual Leave.

10.3.4 Employees will retain unused Annual Leave upon transferring from one department to another. Employees paid through special projects (wherein employment is contingent upon yearly funding) are encouraged to exhaust accrued Annual Leave prior to transferring to another department.

#### 10.4 Carryover of Unused Annual Leave.

Maximum Annual Leave Accruals: An employees unused Annual Leave balance may not exceed the following maximum limits.

Type of Employee	Maximum Accrual Hours/Days
Full-Time	240 hours/30 days
Part-Time	120 hours/15 days

If an employees Full-Time Equivalency (FTE) decreases and the employee has accrued Annual Leave hours above the maximum allowed for his or her new employment status, the employee will be paid for the excess hours of accrued Annual Leave at the time of the reduction in FTE.

#### 10.5 Records of Accrued Annual Leave.

10.5.1 It is the duty and responsibility of every employee to document and present to his or her immediate supervisor any and all time used as Annual Leave. The employees immediate supervisor shall be held accountable for recording all Annual Leave used by employees reporting to him or her. In the event Annual Leave utilized by an employee is not properly documented by the employee and/or his or her supervisor, the College may take corrective disciplinary action.

10.5.2 Annual Leave requests containing appropriate signatures, along with the date, time and total number of hours of requested leave, should be submitted to the Human Resources Office within the pay period in which Annual Leave is taken. Annual

Leave will be adjusted each month. Notwithstanding, if an employees Annual Leave accrual exceeds 240 hours, the adjustment will be made on June 30th, so as to allow employees to use their leave before the end of the fiscal year.

10.5.3 The Human Resources Office keeps official Annual Leave records for the College. In addition, each department should maintain internal records of each employees leave balance. If requested by a department supervisor, an employees Annual Leave report will be provided to him or her by the Human Resources Office.

10.5.4 An employee who believes there is an error in the calculation of his or her Annual Leave or eligibility may request a review of the calculation by the Human Resources Office.

## 10.6 Annual Leave Upon Termination of Employment.

10.6.1 Upon termination of employment, employees will be paid for unused Annual Leave, not to exceed the maximum accrued Annual Leave allowed, based on the employees standard rate of pay at the time of separation. Employees paid through special projects, wherein employment is contingent upon yearly funding, are encouraged to exhaust accrued Annual Leave prior to the end of funding.

10.6.2 In the event of the death of an employee, the employees estate will be paid for the deceased employees accrued Annual Leave, not to exceed the maximum limit.

## 10.7 Donating Annual Leave.

The College allows employees to donate their Annual Leave in the event the recipient employee has a Aserious medical condition@ as defined in the College=s Family and Medical Leave Policy described in Subsection 10.37, below. The recipient of donated Annual Leave may not use the donated leave until first exhausting all of his or her accrued sick, annual and compensatory or other leave.

10.7.1 Documents in support of an employees request for donated Annual Leave shall be kept confidential by the Human Resources Office and shall not be subject to public inspection without the written consent of the employee. The name, position title and standard hourly rate of an employee requesting donated Annual Leave, along with any other information required by the Human Resources Office to process an employees donation request, shall be provided by the employee.

10.7.2 The Human Resources Office shall transfer donated Annual Leave by converting the dollar value of the donors leave (based on the donors standard hourly rate of pay) to hours of leave based on the recipients standard hourly rate of pay.

10.7.3 Donated Annual Leave unused by the recipient shall revert to the employee(s) who donated the leave on a prorated basis. There will be no other avenue for reverting donated leave.

## 10.8 Personal Leave.

Each fiscal year, Regular Full-Time and Regular Part-Time Employees who work twenty (20) hours or more per week are eligible to receive paid Personal Leave.

10.8.1 Regular Full-Time Employees may utilize up to **sixteen (16)** hours of Personal Leave each year.

10.8.2 Regular Part-Time Employees may utilize up to **eight (8) hours** of Personal Leave each year.

10.8.3 Eligible employees may use two (2) days of regular Sick Leave for business, personal reasons or for occasions not otherwise covered under the Colleges Sick Leave and/or Bereavement Leave policies.

## 10.9 Scheduling Personal Leave.

While Personal Leave is normally scheduled according to the employees wishes, the College reserves the right, when necessary, to schedule an employees Personal Leave in accordance with the needs of the College.

10.9.1 Employees must request and receive advance approval of Personal Leave from their immediate supervisor. Failure to request and receive advance approval for Personal Leave may be grounds for denial of Personal Leave. Notwithstanding, it is recognized that in certain situations an employee may not be able to request Personal Leave in advance, in which case the employees supervisor shall give the employees Personal Leave request fair and reasonable consideration.

10.9.2 If an employee requests Personal Leave for a future date in anticipation of accruing sufficient Personal Leave, any approvals given are contingent on the employee having accrued sufficient Personal Leave.

10.9.3 Personal Leave is normally taken in full-day units, but may also be taken in half-hour increments. Personal Leave taken by an employee in excess of his or her accrued Personal Leave shall be charged as Leave Without Pay.

10.9.4 Employees will retain unused Personal Leave on transferring from one department to another.

#### 10.10 Personal Leave Requests.

It is the duty and responsibility of every employee to document and present to his or her immediate supervisor any and all time used as Personal Leave.

- 10.10.1 The employees immediate supervisor shall be held accountable for recording all Personal Leave used by employees reporting to him or her. In the event Personal Leave utilized by an employee is not properly documented by the employee and/or his or her supervisor, the College may take corrective disciplinary action.
- 10.10.2 Personal Leave requests containing appropriate signatures, along with the date, time and total number of hours of requested leave, should be submitted to the Human Resources Office within the pay period in which Personal Leave is taken. Personal Leave will be adjusted each month. The Human Resources Office keeps official Personal Leave records for the College. In addition, each department should maintain internal records of each employees leave. If requested by a department supervisor, an employees Personal Leave report will be provided to him or her by the Human Resources Office.
- 10.10.3 An employee who believes there is an error in the calculation of his or her Personal Leave or eligibility may request a review of that calculation by the Human Resources Office.

#### 10.11 Sick Leave.

The College recognizes that employees may become ill or injured and that time off with pay may be provided to protect eligible employees during those periods. Paid Sick Leave may be used when an eligible employee is unable to work because of illness, injury or medical reasons. Paid Sick Leave may also be granted to eligible employees due to illness, injury or medical reasons related to an immediate family member of an employee. For purposes of this section, an immediate family member shall mean any person related to the employee by consanguinity or affinity in the second degree, including but not limited to the employees parent, grandparent, spouse, child, or grandchildren.

- 10.11.1 Sick Leave may not be used in the place of Annual Leave or for non-health-related reasons. For additional information regarding leave due a serious health condition, please refer to the Colleges Family and Medical Leave Policy in Subsection 10.37, below.

- 10.11.2 Regular Full-Time and Regular Part-Time Employees who work twenty (20) hours or more per week are eligible to receive paid Sick Leave.
- 10.11.3 Eligible employees shall accrue Sick Leave each pay period for time actually worked or during periods of paid Sick Leave, Annual Leave, Observed Holidays or a paid Leave of Absence. Sick Leave shall not accrue during unpaid Leaves of Absence, including when an employee is on approved Family and Medical Leave. New employees Sick Leave shall begin to accrue on the date of hire. Sick Leave taken by an employee in excess of his or her accrued Sick Leave shall be charged to the employees Annual Leave or charged as Leave Without Pay.

Eligible employees shall accrue Sick Leave as indicated in the chart below:

Regular Full-Time (40 hours per week)	
Sick Leave Hours Per Month	Sick Leave Hours Per Pay Period
12 hours	6 hours
Regular Part-Time (20 - 39 hours per week)	
Sick Leave Hours Per Month	Sick Leave Hours Per Pay Period
6 hours	3 hours
Faculty (760 hours Per Year)	

- 10.11.4 Maximum Sick Leave Accruals. Regular Full-Time Employees may accumulate up to a maximum of 960 hours (144 days) of Sick Leave. Regular Part-Time Employees may accumulate up to a maximum of 960 hours (144 days) of Sick Leave. Sick Leave exceeding these limits is not recorded and is not available for use by the employee. If an employees FTE decreases and the employee has accrued Sick Leave hours above the maximum allowed for his or her new employment status, the employees leave balance will be adjusted accordingly.

## 10.12 Reporting Absences Due To Illness.

Any illness, injury or medical reason necessitating an absence must be reported by an employee to the employees supervisor as early in the workday as possible.

- 10.12.1 If an employee fails to inform his or her supervisor in a timely manner, disciplinary action may result.

- 10.12.2 If an employee misses work three (3) days in a row without calling his or her supervisor, this will be considered a voluntary resignation by the employee.
- 10.12.3 An employee who utilizes three (3) days of Sick Leave within a seven (7) day period must provide a signed letter from his or her attending physician. The physician's letter must certify that the employee was under the doctor's care during the period of absence and was unable to work. This letter must be forwarded to the Human Resources Office for record-keeping purposes. **A supervisor may request a physician's letter when excessive leave is being used.**
- 10.12.4 For Sick Leave extending beyond three (3) days in succession, please refer to the Family and Medical Leave policy in Subsection 10.37, below.

### 10.13 Medical Certification or Fitness for Work Examination.

The College wants to help employees avoid the risk of aggravation of injury or re-injury when they are experiencing problems performing their duties due to an illness or injury. Therefore, the College may require an employee to have his or her attending physician complete an Employee Fitness Assessment Form prior to the employee's return. This will enable the College to assess the potential risk to the employee and to make any reasonable accommodations that may be required.

### 10.14 Sick Leave Upon Termination of Employment.

Upon termination of employment for any reason, employees shall not be compensated for unused Sick Leave.

### 10.15 Employee Transfers.

Employees may retain unused Sick Leave when transferring from one department to another.

### 10.16 Employee Rehires.

A former employee who is rehired will be considered a new hire for purposes of computing Sick Leave accrual.

## 10.17 Bereavement Leave.

Regular Full-Time and Regular Part-Time Employees are eligible to receive paid Bereavement Leave.

- 10.17.1 Reporting Absences Due to Bereavement Leave. Leave requested due to the loss of a family member must be reported by the employee to the employees supervisor as early in the workday as possible.
- 10.17.2 If an employee fails to inform his or her supervisor in a timely manner, disciplinary action may result. It is the responsibility of every employee to document any and all time used as Bereavement Leave. Supervisors shall be held accountable for tracking and reporting all leave used by employees reporting to them. The College may take corrective disciplinary action with respect to an employee and/or supervisor if Bereavement Leave is utilized and not documented.
- 10.17.3 Bereavement Leave requests containing appropriate signatures, along with the date, time and total number of hours of requested leave, should be submitted to the Human Resources Office within the pay period in which Bereavement Leave is taken. The Human Resources Office keeps official Bereavement Leave records for the College. In addition, each department should maintain internal records of each employees leave.
- 10.17.4 If requested by a department supervisor, an employees Bereavement Leave report will be provided to him or her by the Human Resources Office.
- 10.17.5 An employee who believes there is an error in the calculation of his or her Bereavement Leave or eligibility may request a review of the calculation by the Human Resources Office.

## 10.18 Leave With Pay.

Regular Full-Time and Regular Part-Time Employees who work twenty (20) hours or more per week are eligible to receive Leave With Pay. Temporary Employees, Occasional Employees and Part-Time Employees who work less than twenty (20) hours per week are not eligible for Leave With Pay. Employees who are not eligible for Leave With Pay may be granted leave without pay.

- 10.18.1 Notification. An employee wishing to use Leave With Pay shall make advance arrangements with his or her supervisor. If advance notice is not possible, the employee shall notify his or her supervisor of the reason for which the employee is seeking leave without pay as early in the workday as possible. An employee

must receive permission from his or her supervisor before leaving the workplace during working hours unless unusual circumstances preclude requesting such permission.

#### 10.18.2 Types of Leave With Pay.

- 10.18.2.1 Closed Campus. Leave With Pay will be authorized for eligible employees when the College is declared closed by the President (i.e., cases of inclement weather, national emergency, etc.);
- 10.18.2.2 Voting. An eligible employee who is a registered voter will be granted a reasonable period of time-off from work to vote in a government election as provided for herein. On Election Day, any eligible employee (with prior notice to the employees supervisor) may absent himself or herself from the workplace for up to two (2) hours for the purpose of voting. The College may specify the hours during which the employee may be absent from work in order to vote, provided those hours fall between the opening and closing of the polls. This provision shall not apply to any eligible employee whose workday begins more than two (2) hours after the polls open or whose workday ends more than three (3) hours before the polls close.
- 10.18.2.3 Jury Duty and Enforced Court Attendance. An eligible employee summoned for jury duty or for duty as a witness in a trial or other legal proceeding (other than as plaintiff or defendant) shall be granted Leave With Pay for the time spent on these duties provided the employee presents evidence of the summons or subpoena to his/her supervisor and remits the monies received or a statement of waiver of payment from the court to the Colleges Human Resources Office. If the employee fails to remit such fees, such sum will be deducted from the employees regular pay.
- 10.18.2.4 Maternity Leave. Maternity leave is considered the same as other personal or disability leave designated for eligible employees; however, the affected employee must submit a signed physician=s verification letter to the Human Resources Office. Maternity leave shall be deducted from the employees accumulated Sick Leave and Annual Leave, and if those forms of leave are exhausted then the provisions of the Family Medical Leave Act of 1993 will govern, as discussed in Subsection 10.37, below. An employee may work prior to taking maternity leave as long as her physician allows. Maternity leave shall end sixty (60) days following childbirth.

10.18.2.5 Emergency Leave. All emergency leave taken by eligible employees will be charged to the employees accumulated Sick Leave. Emergency leave may be granted under the following circumstances:

- Birth of a child to the employees spouse;
- Death of an individual related to an employee by consanguinity or affinity in the second degree, such as an employees spouse, child, mother, sister, brother, and grandparents;
- Emergency leave for other reasons may be granted by the President or his or her designee.

10.18.2.6 Education. Leave With Pay may be granted to eligible employees for the purpose of attending educational courses. Leave With Pay for educational purposes shall not exceed one (1) hour per workday or five (5) hours per week and shall be granted at the discretion of the employees supervisor who shall not unreasonably withhold his or her authorization. Supervisors may allow an employee to take leave from work to attend classes during the regular work day and then permit the employee to make-up the missed work time during the same work week.

- For an eligible employee to qualify for Leave With Pay for educational purposes, the course must relate to the work performed by the employee for the College. If the course the employee wishes to take is only offered during regular working hours then time off with pay may be granted to the employee.
- Due to pressing workloads or other legitimate operational reasons, it may not be practical for a supervisor to grant an employee leave from work for educational purposes. In such cases, the needs of the College shall prevail.

10.18.2.7 Wellness Program. Leave With Pay may also be provided to allow eligible employees to attend the Colleges Wellness Program, beginning one-half (1/2) hour before (1:00) lunch and ending at the conclusion of the lunch hour, or beginning at 4:30 p.m. All employees taking advantage of the Wellness Program must sign in at the Wellness Center. Supervisors may verify an employees attendance by checking with the Wellness Center.

## 10.19 Leave Without Pay.

- 10.19.1 The College may grant Leave Without Pay to eligible employees due to illness, injury, personal reasons, professional reasons or for other bona fide reasons, as determined by the Human Resources Office.
- 10.19.2 Subject to the insurance providers policies, group health insurance coverage for the affected employee may be continued while the employee is on leave without pay, provided, however, the monthly premium attributable to the employee must be paid in advance by the employee, with no contributions made by the College except as provided under FMLA.

Note: New Mexico Educational Retirement Board regulations prohibit the payment of retirement contributions if an employee does not receive a salary. Therefore, retirement contributions on behalf of the affected employee shall be suspended during his or her period of Leave Without Pay.

## 10.20 Professional Leave.

Regular Full-Time and Regular Part-Time employees are eligible for leave without pay for professional development purposes. Leave for participation in professional activities may be granted at the discretion of the President (Professional Leave). Professional Leave shall be consistent with the employees Professional Development Plan. The goal of Professional Leave is to allow employees to improve their skills and credentials with respect to the type of work for which they were hired by the College. Therefore, it is required that the area of study engaged in by an employee using Leave Without Pay for professional development purposes must have a beneficial impact on the employees performance upon his or her return to the College.

- 10.20.1 Procedure for Obtaining Leave Without Pay. An eligible employee must submit a request for Leave Without Pay, in writing, to his or her supervisor. Requests for Leave Without Pay must be made a minimum of two (2) weeks in advance, except where such notice is impossible or impractical. Employees on Leave Without Pay for five (5) business days or more must have a Personnel Action Notice (PAN) processed on their behalf. The PAN must indicate that the authorized period of the employees Leave Without Pay and should indicate the reason for the leave.
- 10.20.2 PANs are not required in cases where Leave Without Pay is granted or imposed for periods of less than five (5) business days, but the employees submitted time report must clearly indicate the days Leave Without Pay was taken by the employee.

- 10.20.3 In those instances where an eligible employee misses work due to an unexcused absence and Leave Without Pay is not approved, the employees absence must also be documented (in addition to the time report) in a memorandum to the employee, with a copy submitted to the Human Resources Office.
- 10.20.4 Reinstatement. When an employees Leave Without Pay request is granted, it is with expectation that the employee eventually shall be reinstated. Every effort will be made to reinstate an employee to the same or equivalent job and rate held at the time of Leave Without Pay. Notwithstanding, an employees reinstatement following Leave Without Pay is not guaranteed. Operating conditions or needs of the College may make reinstatement impractical at the time the employee requests reinstatement. Where practical, during an extended Leave Without Pay the College will attempt to fill the employees position with a Temporary Employee. However, the College reserves the right to eliminate the employees position or to fill it with a Regular Employee.
- 10.20.5 An employee preparing to return to work following Leave Without Pay must contact the Human Resources Office to request formal reinstatement prior to the expiration of the Leave Without Pay. An employee who fails to request reinstatement prior to the expiration of the Leave Without Pay will be considered to have constructively resigned from his or her position.
- 10.20.6 If an employees position is unavailable following a Leave Without Pay, the College will attempt to place the employee in another, similar position within reasonable period of time. Notwithstanding, if the College is unable to place the employee in a similar position or if the employee refuses a position offered to him or her by the College, the College shall have no further reinstatement obligation and the employee will be considered to have constructively resigned from the College.
- 10.20.7 An employee returning from Leave Without Pay due to extended illness or disability, including pregnancy or injury, shall submit a signed letter from his or her physician certifying that he or she is able to return to work. No employee will be permitted to return to work following a Leave Without Pay due to illness or disability without first being cleared for reinstatement by the Human Resources Office. Supervisors must clear employees for reinstatement by processing a Personal Action Notice (PAN).
- 10.20.8 Employees on Leave Without Pay for more than thirty (30) calendar days will have their anniversary date with respect to the position for which they were hired adjusted by the number of days spent on Leave Without Pay. Salary increases and

probationary periods will be based on the adjusted anniversary date. Annual Leave and Sick Leave credits shall not accumulate during Leave Without Pay. Unused accumulated Sick Leave will be held for one (1) year following the commencement of an employees Leave Without Pay. The unused Sick Leave will be credited to the employee upon reinstatement with the College, provided the reinstatement is within the one (1) year period. Any accrued Annual Leave will be paid at the date the employee is placed on Leave Without Pay.

## 10.21 *Military Leave of Absence.*

A Military Leave of Absence shall be granted to any eligible employee who is drafted into or volunteers for service in the United States armed forces. Upon receipt of official military orders requiring the employee to become Active Duty, the affected employee must present those orders (or other evidence indicating that the employee is entering active military duty) to the Human Resources Office. The College shall grant a Military Leave of Absence to Regular Employees during the time they are on active military duty. Employees returning from a Military Leave of Absence will be given the benefit of any salary increments which would have been earned had they been working at the College during the leave period, provided the affected employees seek reinstatement with the College within ninety (90) days from the date of discharge from active duty.

Any employee who is a member of the National Guard or any reserve unit or branch of any of the United States= Armed Forces, shall be granted Leave With Pay not to exceed fifteen (15) days in any calendar year, when required by the military unit to which the employee is affiliated. Upon receipt of official military orders requiring the employee to become active duty, the affected employee must present those orders (or other evidence indicating that the employee is entering active military duty) to the Human Resources Office.

### 10.21.1 Types of Active Duty covered under a Military Leave of Absence include:

- 10.21.1.1 Annual Duty for Training. Training with the Reserve or National Guard. Such training is normally for a two (2) week or fifteen (15) day period, annually.
- 10.21.1.2 Special Training. Voluntary active duty for a special purpose such as attending an Armed Forces School.
- 10.21.1.3 Local Emergency. Active duty for individuals ordered by the President of the United States or the Governor of New Mexico.
- 10.21.1.4 National Emergency. Extended active duty for individuals ordered by the President in a declared emergency.

### 10.21.2 Payment While on Military Leave. When a Military Leave of Absence is granted for annual duty, training or local emergency, the College will pay a military training allowance to the affected employee for time away from work, up to a maximum of fifteen (15) calendar days per calendar year. The military training allowance shall paid at the employees standard rate of pay. When military leave is granted for active duty, other than annual duty for training or local emergency, such leave shall be considered Leave Without Pay.

10.21.3 Reinstatement. An employee on Military Leave of Absence will be reinstated to his or her original position, or a position of like seniority, status and pay, provided the employee:

10.21.3.1 Is released from active duty under honorable conditions;

10.21.3.2 Is still qualified to perform the duties of the position for which he or she was hired by the College; and

10.21.3.3 Makes application for reinstatement within ninety (90) days calendar days after discharge from active duty, release from service due to a National Emergency, hospitalization following release from active duty lasting not more than one (1) year, or within six (6) business days following release from annual duty for training.

## 10.22 Individual Professional Development Plan.

The College=s Professional Development Plan (PDP) is intended to provide employees with educational opportunities for purposes of personal and professional development, thereby improving the ability of the College to effectively perform its mission. Through the PDP, employees are reimbursed part or all expenses incurred in pursuing personal and professional development through continuing education.

10.22.1 Eligibility. Every employee of the College is eligible and encouraged to participate in a PDP. The following criteria shall be used to determine whether a proposed individual PDP merits approval. Employees should also consult the College=s Professional Development Program Manual for further information and requirements.

### ~~10.22.2 PDP Criteria include:~~

~~10.22.2.1 Institutional needs of the College;~~

~~10.22.2.2 Specific needs of the College within the employee=s occupational field;~~

~~10.22.2.3 Quality of the proposal submitted;~~

~~10.22.2.4 How well the PDP is developed and conceptualized in relation to the needs of the College;~~

~~10.22.2.5 Specific needs within the employee=s department; and~~

~~10.22.2.6 The specific needs of the individual employee.~~

~~10.22.3 Restrictions. The proposed educational activity must meet all the criteria set forth in the College=s Professional Development Program Manual. The College may provide eligible employees with paid leave from their assigned duties and with financial assistance in order to enable them to improve their credentials through course work. The College reasonably expects that employees who have availed themselves of Leave With Pay for educational purposes will, in return, provide enhanced services to the College.~~

## 10.23 Health Insurance.

10.23.1 Employee Health Insurance Benefits. Health insurance benefits are offered to eligible employees through the New Mexico Public Schools Insurance Authority (NMPSIA). Employees may participate in a diversified package of insurance benefits including health, dental, vision, basic term life insurance and accidental death and dismemberment, voluntary term life and long-term disability. The Colleges policy on insurance provides a general description of the available benefits. For a more complete explanation of available benefits (and required forms), please contact the Human Resources Office.

10.23.1.1 Eligibility and Enrollment Period. Regular Full-Time or Part-Time Employees working twenty (20) or more hours per week are eligible for health insurance benefits.

10.23.1.2 Occasional, Temporary and Part-Time Employees working less than twenty (20) hours per week are not eligible for health insurance benefits.

10.23.1.3 New employees have a window of opportunity of thirty-one (31) days from date of hire to turn in their enrollment application and beneficiary designation forms. If an application is not submitted within this thirty-one (31) day window, the employee may submit a enrollment to any of the Colleges medical plans, although late enrollees are subjected to a maximum eighteen (18) month preexisting conditions limitation period.

## 10.24 Basic Term Life Insurance and Accidental Death and Dismemberment Coverage.

Eligible employees [~~WHO IS AN ELIGIBLE EMPLOYEE?~~] – (Regular full / part-time staff / faculty) are automatically enrolled under the College=s Basic Term Life Insurance and Accidental

Death and Dismemberment Policy which provides fifty thousand dollars (\$50,000) of coverage beginning the first day of the month following the eligible employees date of hire. [~~IS THIS CORRECT?~~]-**(Yes)** Coverage will end upon the employees termination of employment with the College. Upon termination of employment with the College, an eligible employee may convert his or her Basic Term Life Insurance and Accidental Death and Dismemberment Policy into a Prudential Individual Life Insurance policy within thirty-one (31) days following the termination of the employee=s coverage.

#### ~~10.25 Voluntary Term Life Insurance.~~

~~Dependent Voluntary Term Life Insurance: Spouse Coverage~~

~~Changes in Health Care Benefits:~~

~~Health, Dental and Vision Insurance~~

~~Long Term Disability~~

~~Please refer to NMPSA Program or the Human Resources Technician for Insurance information.~~

~~Third Party Benefits—Please see Human Resources Technician~~

~~[NOTE: What is the significance of the foregoing list??? This section makes no sense.]~~

#### ~~10.26 Elective Coverage. (DELETE ALL IN BLUE)~~

An employee may elect to add health insurance coverage (although the employee had elected no health insurance coverage during the initial eligibility period) due to marriage, or because of the birth or adoption of a child. To add a health insurance plan due to marriage or the birth or adoption of a child, the employee must complete a New Mexico Public Schools Insurance Authority (NMPSIA) change card within thirty-one (31) days of the qualifying event.

#### 10.27 HIPPA/Disclosure of Medical Information.

Employees= medical information shall be kept in a locked, restricted-access file in the Human Resources Office, with access closely controlled and monitored. Contents of employee medical files may only be examined with the approval of the Human Resources Director.

## 10.28 Updating Personal Information.

In order to make certain that the Colleges payroll information and personnel files are kept as current and accurate as possible, the Human Resources Office must be notified of any changes in an employees contact information or legal status including but not limited to the following: (1) legal name changes; (2) new telephone numbers and email addresses; (3) home address changes; (4) changes in marital status; (5) changes related to the birth, adoption or guardianship of a child, including changes in number of the employees dependents; and (6) changes in the employees beneficiary designations.

## 10.29 Retiree Health Care Authority.

The New Mexico Retiree Health Care Authority (NM-RHCA) was created to provide a pre-funded group health insurance benefit for current and future retirees from public employment. Once vested in the Educational Retirement Fund, eligible [~~WHO IS AN ELIGIBLE EMPLOYEE?~~](Regular full/part-time employees /faculty) former employees of the College become eligible for benefits under the NM-RHCA. The NM-RHCA provides affordable health insurance to eligible retirees. Employees should contact the Human Resources Office for further information.

## 10.30 Annuity.

Tax-sheltered annuity and deferred income plans are available to all eligible employees. [~~WHO IS AN ELIGIBLE EMPLOYEE?~~] - (Regular full/part-time employees /faculty) Retirement investments may be made under a pre-tax payroll deduction. These programs offer employees certain income-tax advantages. The College only acts as a collector of the premiums without endorsing any of the participating companies. Employees are responsible for determining the appropriateness of such plans based on their individual circumstances, as the College makes no representations in this regard. Information on participating companies is available from the Human Resources Office.

## 10.31 Workers Compensation.

The College strives to make the workplace a safe and healthy environment for all its employees. The key to a safe work environment is the prevention of on-the-job accidents. Prevention is the responsibility of all College employees. Any employee with a work-related health or safety concern is encouraged to bring the concern to their supervisors attention as soon as possible. Supervisors are encouraged to conduct periodic safety inspections of all work areas for which they are responsible.

- 10.31.1 Reports of Work Related Injuries or Illnesses. Workers Compensation statutes for the state of New Mexico require that an employee who has suffered a work-related injury or illness notify the employer within fifteen (15) calendar days. Notification is necessary to ensure the employee receives proper medical attention and accurate processing of compensation claims. The Human Resources

Office has been designated by the College to administer Workers Compensation claims. The Human Resources Office is responsible for providing notice-of-accident reports concerning injuries sustained by employees to the Workers= Compensation Administration.

Important Note: if an employees injury or illness is serious or life-threatening, such as loss of a limb or a severe burn, the first priority shall be for the employee to seek immediate medical attention. The employee or the employees supervisor or coworker should dial 9-1-1 in order to request immediate emergency medical assistance.

- 10.31.2 The Human Resources Office shall notify any employee who experiences a work-related injury or illness that he or she may be eligible to request unpaid leave under the Family and Medical Leave Act discussed in Subsection 10.37, above.
- 10.31.3 Workers= Compensation Benefits. Workers= Compensation payments do not begin until the employee has been unable to work for seven (7) calendar days following the date of the accident or onset of illness. An employee may elect to draw Sick Leave benefits during this seven (7) day period. If the period of the employee=s disablement extends past twenty-eight (28) calendar days, Workers= Compensation will retroactively pay the disabled employee the amount allowable by law for the first seven (7) days of the disablement.
  - 10.31.3.1 Beginning eight (8) calendar days following the accident or onset of illness, Workers Compensation will pay two-thirds (2/3rds) of the employee=s gross weekly wages, up to the maximum established by law. A disabled employee may elect to use any accrued Sick Leave or Annual Leave until such accrued leave is depleted or until the employee is declared fit to return to work. Notwithstanding, the total combined Leave With Pay and Workers= Compensation benefits may not exceed one hundred percent (100%) of the employee=s standard gross wages.
- 10.31.4 Medical Certification or Fitness for Work Examination. The College wants to avoid the risk of re-injury when an employee is experiencing problems performing his or her duties due to an illness or injury. Therefore, the College may require an employee to have his or her physician complete an Employee Fitness Assessment Form (attached hereto as Attachment D) prior to the employees return to the workplace. This will enable the College to assess the potential risk to the employee and to make any reasonable accommodations that may be required.

- 10.31.5 Return To Work Following Workers Compensation Leave. When an injury or illness covered by Workers Compensation involves any lost time from work, a medical release from the employees physician shall be required before an employee may return to work. If an employee is only able to return to his or her existing job with restrictions on certain job activities, the employees return to work is encouraged but must be approved by the employees physician and the Human Resources Office Director.
- 10.31.6 Reporting an Injury. Any employee who suffers a work-related injury or illness should first seek necessary medical attention and, if possible, should immediately notify his or her supervisor of the accident or illness. Failure to immediately report such injury or illness will constitute a violation of this policy (except where the employees injury or illness is of such a serious nature that a report could not reasonably be made). Failure of the employee to report an injury or illness within thirty (30) days of onset may result in denial of Workers= Compensation benefits as provided by law.
- 10.31.7 The immediate supervisor of an injured or ill employee shall, within three (3) days of the employee=s report of injury or illness, complete the Employers First Report and submit this report to the Human Resources Office. The Human Resources Office shall then file the Employers First Report within five (5) days of the initial report of injury with the Workers Compensation Board, and send a copy to the New Mexico Public Schools Insurance Authority (NMPSIA). The employee must properly execute an Authorization to Release Medical Reports and Information form, which shall be submitted to the NMPSIA along with copy of the Employer=s First Report.

## 10.32 Americans with Disabilities Act (1990).

Title I of the Americans with Disabilities Act (ADA) prohibits employment discrimination against qualified disabled individuals. The College is committed to providing reasonable accommodation to those individuals unless that accommodation would impose an Aundue hardship on the College.

- 10.32.1 The ADA defines a Aqualified individual with a disability@ as an individual with a disability who can, with or without reasonable accommodation, perform the essential functions of the job that the individual holds or desires.
- 10.32.2 A disability is defined as: a physical or mental impairment which substantially limits a major life activity; a record of having that type of impairment; or being regarded as having that type of impairment.

- 10.32.3 The College may screen out disabled individuals who cannot perform the essential functions of the job, even with accommodation, and those who pose a direct threat to their own health or safety, or to the health or safety of others.
- 10.32.4 The ADA places a number of limitations on the conduct of medical examinations and inquiries. The College may not make pre-employment medical inquiries, but may ask about the ability of the applicant to perform job-related functions. Medical examinations may be used only after a conditional offer of employment has been extended. An offer of employment may be conditioned on the results of the examination only if: (1) all entering employees in the same job category are subjected to the examination regardless of whether or not they have a disability; and (2) the information obtained is treated as a confidential medical record and kept in a medical file separate from other personnel information.
- 10.32.5 As for current College employees, the ADA permits medical inquiries and medical examinations if they are both job-related and consistent with business necessity. Testing current employees or applicants to determine the illegal use of drugs is not considered a medical examination for purposes of the Act.
- 10.32.6 An employee with a disability and his or her supervisor should work together to arrange for necessary and reasonable accommodations. The accommodation may or may not be what was originally requested by the employee, but will be in compliance with the provisions of the ADA.
- 10.32.7 It is the employees responsibility to inform his or her supervisor of the need for an accommodation to perform the essential functions of his or her job. In the event the employee does not feel it is appropriate to inform his or her supervisor of a needed accommodation, he or she may inform the Human Resources Office.

### 10.33 Older Workers Benefit Protection Act.

The Older Workers Benefit Protection Act (OWBPA) amends the Age Discrimination in Employment Act (ADEA) in several important ways. As its main focus, the OWBPA reverses the United States Supreme Courts ruling in Public Employees Retirement System of Ohio v. Betts, 492 U.S.158 (1989). In Betts, the Supreme Court held that so long as employee benefit plans are not intended to avoid the ADEA in other aspects of employment, such benefit plans may offer older employees lower benefits than those offered to younger employees.

- 10.33.1 OWBPA restored and codified the earlier policy of the Equal Employment Opportunity Commission which allows an employer to observe the terms of a bona fide benefit plan, as long as the employer provides older workers the same

or better benefits as younger workers. If the benefits offered to younger workers are better than the benefits offered to older workers, the employer must prove: (1) that the cost of providing those benefits to older workers would exceed the cost of providing the benefits to younger workers; and (2) that the benefits offered to older workers cost the employer at least as much as the benefits offered to younger workers.

10.33.2 OWBPA also permits an employer to deduct from severance payments and long-term disability benefits the value of certain other employer-provided benefits, and also establishes offsets that are permitted against several benefits in connection with an early retirement incentive program.

10.33.3 Additionally, OWBPA imposes specific minimum conditions that must be met for an effective release of potential age discrimination claims under the ADEA. Employers must show the following in order for a release to be considered knowing and voluntary: (1) the waiver must be written in plain English; (2) the waiver must specifically refer to rights or claims arising under the ADEA; (3) the employee must receive something of value in addition to anything of value to which the employee is already entitled; (4) the waiver cannot bar the employee's right to pursue claims that may arise after the waiver is signed; (5) the employee must be given at least twenty-one (21) days to consider whether to sign the agreement, or at least forty-five (45) days if the waiver is offered in connection with an exit incentive; (6) the employee has at least seven (7) days following the signing of the waiver in which to revoke it; and (7) the employer must advise the employee in writing to consult an attorney. Slightly different rules apply to waivers signed in connection with group layoffs, lawsuits, or pending Equal Employment Opportunity Commission charges.

10.33.4 OWBPA Enforcement and Remedies. The enforcement procedures and available remedies are the same as provided for the ADEA.

#### 10.34 Social Security.

Social Security is an insurance program of the federal government to which all employees must contribute and from which employees may benefit whenever they meet the minimum conditions of eligibility, namely: disability prior to the age sixty-two (62), reduced benefits at age sixty-two (62), or full payment at the age of sixty-five (65). Employees are encouraged to learn about Social Security benefits and the amounts of contributions deducted from their paychecks. Deductions are made from the employees salary based on contribution rates designated by the federal government. In addition to the employees contribution, the College contributes an equal amount into the Social Security fund.

### 10.35 Medicare.

Along with Social Security deductions, a Medicare tax is deducted from employees salaries at the end of each pay period.

### 10.36 Unemployment Compensation.

The College provides unemployment insurance under the provisions of the New Mexico Unemployment Compensation Act (NM-UCA). The cost of this coverage is borne totally by the College. The Colleges Employment Services Division determines an employees eligibility for unemployment compensation based on the circumstances of each case and the provisions of the NM-UCA.

### 10.37 Family Medical Leave Policy.

This policy is adopted to implement the federal Family and Medical Leave Act of 1993 (FMLA) pursuant to the terms, conditions, and limitations of the Act. In the event of any conflict between the provisions of this or any other leave policy of the College and the provisions of the FMLA, the latter shall prevail.

- 10.37.1 To be eligible for leave under the Act, an employee must have worked for the College for a total of twelve (12) months, during which the employee must have worked a total of 1,250 hours.
- 10.37.2 Pursuant to the Family and Medical Leave Act, employees are permitted up to twelve (12) work weeks of unpaid leave per year during any twelve (12) month period. Family and medical leave can be requested for the following reasons:
  - 10.37.2.1 Childbirth and infant care;
  - 10.37.2.2 Placement of a child with the employee for adoption or placement of a child with the employee by a state agency for foster care (entitlement to leave for birth or placement of a child expires twelve (12) months after the birth or placement of the child);
  - 10.37.2.3 Care of the employees spouse, son or daughter or parent with a serious health condition; and
  - 10.37.2.4 The inability of the employee to perform his or her job duties due to his or her own serious health condition, or the necessary absence from work of an employee to receive medically necessary treatment.
- 10.37.3 The twelve (12) month period within which each employee may take twelve (12) weeks of leave under the FMLA shall be a rolling twelve (12) month period, measured backward for each employee from the first time each such employee uses leave under the FMLA.

10.37.4 Accrued Sick, Annual, or Personal Leave shall be utilized for any FMLA-qualifying purpose, and the amount of such leave will be counted against the twelve (12) week FMLA entitlement if employee is properly notified by the College. If the requested leave period extends beyond the employee=s accrued number of paid days of leave, the remaining FMLA-qualifying leave will be unpaid.

(Example: An employee who sought leave due to his or her own serious medical condition and inability to perform his or her job duties, has accrued six (6) weeks Sick Leave. The employee must use the six (6) weeks of paid Sick Leave and may thereafter use the remaining six (6) weeks of unpaid leave available under this policy.)

10.37.5 An employee seeking FMLA-qualifying leave shall obtain a ACertification of Health Care Provider form from the Human Resources Office. The employee shall have the form completed by the employees physician or that of the employee=s spouse, parent, or child if the requested leave is due to the serious health condition of such qualifying family member. The Certificate must be returned to the Human Resources Director. It shall be the College=s responsibility to review the certification of the physician and determine if the requested leave may be classified as FMLA leave. The employee shall also complete an Leave Request Form provided by the Human Resources Office; this form must be approved by the employees supervisor.

10.37.6 The College will notify the employee in writing within two (2) business days, absent extenuating circumstances, how the leave will be designated.

10.37.7 If the College learns that leave is for an FMLA purpose after leave has begun, the College may determine that the entire or some portion of the paid leave period may be retroactively-counted as FMLA leave, to the extent that the reasons for leave qualify under FMLA.

10.37.8 The College may not designate leave as FMLA leave after the employee returns to work, unless:

10.37.8.1 The employee was absent for an FMLA reason and the College did not learn the reason for the absence until the employees return, in which case the College must notify the employee within two (2) business days of the designation. Similarly, the employee has two (2) business days to notify the College that the employee wants to designate the times as FMLA leave; or

- 10.37.8.2 The College has requested medical certification which has not yet been received or the parties are in the process of obtaining a second or third medical opinion, in which case the employer should make a preliminary designation, and so notify the employee, at the time leave begins, or as soon as the reason for the leave becomes known. Upon receipt of the requisite information from the employee or of the medical certification which confirms the leave is for an FMLA reason, the preliminary designation becomes final. If the medical certifications fail to confirm that the reason for the absence was an FMLA reason, the College must withdraw the designation (with written notice to the employee).
- 10.37.9 **Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that (a) requires in-patient care in a hospital, hospice, or residential medical care facility, or (b) requires continuing treatment by a health care provider and which, if left untreated, would likely result in an absence from work of more than three days, or (c) involves pre-natal care. A serious health condition does not include voluntary cosmetic treatments (unless inpatient care is required) or routine physical examinations.
- 10.37.10 An employee seeking leave for a foreseeable reason such as the birth or placement of a child or for planned medical treatment, shall provide the College with at least thirty (30) days advance notice of the leave. If thirty (30) days advance notice is not possible under the circumstances, (e.g. in the case of a premature birth), the employee shall give such notice as is practicable, (e.g., within one or two business days of the day the employee learns of the need for leave). An employee who fails to give notice of leave as required herein may be denied such leave until the notice requirements are met.
- 10.37.11 If the adequacy of medical certification is questioned by the College, the College may require the employee to seek the opinion of a second physician who is not regularly employed by the College, at the Colleges expense. If the opinions of the first and second physicians differ, the College may require the employee to obtain a third opinion, at the Colleges expense, from a physician agreed upon by the employee and the College. The third opinion shall be final and binding.
- 10.37.12 Spouses employed by the College are limited to a combined total of twelve (12) work weeks per year for the birth or placement of a child, or to care for a parent. However, for other FMLA-qualifying leaves, such as to care for a spouse or child, or for the treatment of the employees own serious health condition, each spouse may take up to twelve (12) weeks a year.

- 10.37.13 Intermittent leaves and reduced work schedules are allowed when such are medically necessary or will not be unduly disruptive to the educational programs and are approved by the employees supervisor.
- 10.37.14 If an eligible AInstructional Employee@ (as defined, below) seeks intermittent leave or reduced-schedule leave for the care of a spouse, son or daughter, or parent, or for the employees own serious health condition, and the leave is foreseeable on the basis of planned medical treatment, and the employee would be on leave for more than twenty percent (20%) of the work days during the period, the employee must choose either to:
- 10.37.14.1 take leave for a period or periods of a particular length, not greater than the length of the planned medical treatment; or
  - 10.37.14.2 transfer temporarily to an equivalent position, which better accommodates recurring periods of leave.

Note: Instructional Employees include instructors, para-professionals, and other employees whose duties principally involve the direct provision of instructional services to students. In the event an Instructional Employee involuntarily takes additional leave time under Subparagraph 10.37.14, the entire leave time shall be counted against the employees available leave under the FMLA and any College leave policy.

- 10.37.15 If any employee requests intermittent leave or leave on a reduced work schedule to care for a seriously ill family member or for the employees own serious health condition, and the need for leave is foreseeable based upon planned medical treatment, the employee may be temporarily transferred to an available alternative position with equivalent pay and benefits, if the employee is qualified for the position and the position better accommodates recurring periods of leave than the employees regular job.
- 10.37.16 The responsibilities of Instructional Employees near the end of academic terms (e.g., administering examinations, grading papers, etc.) requires that the College be able to limit leave taking by Instructional Employees at such times as follows:
- 10.37.16.1 Leaves beginning more than five (5) weeks before the end of a semester: If an Instructional Employee starts a leave more than five (5) weeks before the end of a semester, the College may require the employee to continue the leave until the end of the semester if:

- the leave is of at least three (3) weeks duration; and
- the employee would return from leave during the three (3) week period preceding the semesters end.

10.37.16.2 Leaves beginning five (5) weeks or less before the end of a semester: If an Instructional Employee begins a leave five (5) weeks or less before the end of a semester, the College may require the employee to continue the leave until the end of the semester if:

- the leave will last more than two (2) weeks; and
- the employee would return from leave during the two (2) week period before the semesters end.

10.37.16.3 Leaves beginning three (3) weeks or less before the end of a semester: If an Instructional Employee starts a leave three (3) weeks or less before the end of a semester, the College may require the employee to continue the leave until the end of the semester if the leave will last more than five (5) working days.

10.37.17 All requests for Family Medical Leave must be approved by the employees supervisor and the Human Resources Director. Employees are to report once a week to their immediate supervisor on their status and intention to return to work.

10.37.18 During the period of leave, the College will maintain the employee under the Colleges group health plan, if enrolled; however, the employee is responsible for continuing to pay his or her monthly portion of the premium. If an employee fails to make payment of the employees share of health insurance premiums for thirty (30) days after such payment is due, coverage of such employee shall be discontinued. If group health plan coverage is discontinued due to employee=s failure to pay, the employee will be eligible for benefits under COBRA.

10.37.19 If the employee fails to return to work following leave under the FMLA for any reason other than (1) the continuation of the FMLA-qualifying circumstances upon which the need for leave was originally based, or (2) circumstances beyond the control of the employee, the employee shall be required to reimburse the College for the cost of health insurance premiums the College paid to maintain coverage for the employee during the leave period.

10.37.20 An employee other than a Key Employee who has taken Family Medical Leave will be restored to his or her previous position or to a position of equivalent pay,

benefits, and other terms and conditions of employment. Equivalency of positions shall be determined on the basis of College policy. A key employee may be denied reinstatement if it would create a substantial and grievous economic injury for the College. A Key Employee is one whose compensation is within the highest ten percent (10%) of the work force of the College.

- 10.37.21 In each College building there shall be posted a notice to employees, describing the provisions of the FMLA, provided and approved by the Wage and Hour Division of the United States Department of Labor.

## **Chapter 11**

### **Other Policies and Procedures**

#### **11.1 First Aid Kits.**

First Aid Kits are located within each department. A listing of all First Aid Kit locations will be kept at the Human Resources Office.

#### **11.2 Promotion and Transfer Policy.**

11.2.1 Professional and Support Employees. New positions and job vacancies may be filled from within a department by promotion or transfer of qualified and interested persons. If it is determined that a new position or vacancy will not be filled from within the department, the administrative unit must then seek a pool of qualified applicants as defined under the Employment Policies and Practices.

11.2.2 Positions Covered. All Regular and Temporary positions or vacancies are covered by this promotion and transfer policy.

11.2.3 Promotion or Transfer. All promotions or transfers are based on training, experience, and past performance without regard to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition, status as an armed forces veteran, or any other prohibited basis. The Department Director shall be responsible for determining whether a transfer or a search is in the best interest of the College.

11.2.4 Support. If an employee is interested and believes he or she has the experience, education and skill required to fill an available position, he or she may apply for the position at the Human Resources Office. Promotion or transfer during the employees probationary period is discouraged. Any employee who is promoted or transferred during the probationary period will be required to start a new probationary period in the new position.

- 11.2.5 When the qualifications of two (2) or more employees are substantially similar, seniority of the applicants shall be the decisive factor used to determine the successful candidate. A Regular Full-Time Employee with less seniority may receive consideration over a more senior Regular Part-Time Employee.
- 11.2.6 Seniority. When employees ability, skill, training, credentials and other relevant qualifications are determined to be equal, seniority shall determine priorities with regard to promotions, transfers and reductions in force. Nothing in this policy shall be deemed to override qualifications of employees as the primary consideration with respect to promotions, transfers or reductions in force.
- 11.2.6.1 Definition. Seniority is defined as an employees length of continuous employment at the College.
- 11.2.6.2 Eligibility. This policy applies to all Regular Full-Time Employees and to Regular Part-Time Employees who work at least half-time. Temporary or Occasional Employees, or Regular Part-Time Employees who work less than part-time do not accumulate seniority.
- 11.2.6.3 Computing Seniority. Seniority is computed from the first day of employment, but no employee is entitled to exercise any seniority rights until he/she has completed a six (6) month probationary period.
- 11.2.6.4 Special Provisions Regarding Seniority. An employee on approved leave does not lose accumulated seniority but does not accumulate additional seniority during the leave period. Within a department, seniority shall be based on length of service in the employee=s present department. An employee who has been subject to a reduction in force due to lack of funding and who is then reinstated within one (1) year shall retain accumulated seniority to the date of layoff.

### 11.3 Drug-Free Workplace and Employee Drug and Alcohol Testing Policy.

The College is committed to providing a drug-free, healthful and safe workplace. Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner. In addition, the College complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 which stipulate that the College must provide a drug-free workplace policy as a condition of receiving grants from federal agencies.

The College wishes to promote the health, safety and welfare of its employees by striving to

eliminate the negative effects of substance use, and to assist those employees who have a drug or alcohol-related problem with rehabilitation. This policy defines prohibited conduct related to drug and alcohol abuse by employees and provides guidelines for taking steps toward employee=s rehabilitation and positive performance.

- 11.3.1 Drug and Alcohol Testing. The Colleges drug and alcohol testing policy has been established in order to increase workplace safety, improve productivity, serve as a deterrent to current and future drug use on the job, reduce absenteeism, and to comply with state and federal laws governing drug and alcohol testing.
- 11.3.2 The College=s drug and alcohol testing policy is intended to comply with all state and federal laws and is designed to safeguard employee privacy rights to the fullest extent of the law. This drug and alcohol testing policy was established to demonstrate and strengthen the Colleges commitment to a drug-free workplace.
- 11.3.3 It is the policy of the College to maintain a safe, drug-free work environment conducive to effective business operations. The College requires that its personnel and operating practices be consistent with the highest standards of health and safety. To meet these objectives, the College has adopted this drug-free workplace and drug and alcohol testing policy for all current and prospective employees.
- 11.3.4 Individuals Subject to Testing. All College employees and prospective employees will be required to submit to random drug and alcohol testing.
- 11.3.5 No prospective employee will be asked to submit to testing unless an offer of employment is forthcoming. An offer of employment by the College, however, is conditioned on the prospective employee testing negative for drugs and alcohol. Prospective employees will be asked to sign a Drug Testing Consent Form, which is attached to this policy.
- 11.3.6 Tested Substances. The College=s drug and alcohol testing program is limited to testing for substance abuse of the following:
  - 11.3.6.1 COCAINE
  - 11.3.6.2 THC (Marijuana);
  - 11.3.6.3 AMP (Amphetamines);
  - 11.3.6.4 OPI (Opium);
  - 11.3.6.5 PCP (Hallucinogenic); and
  - 11.3.6.6 ALCOHOL (Beer, Wine and Liquor).

Any other substances that may be tested using the same method used to test for controlled substances will not be tested and, if found will not be reported.

- 11.3.7 Definition of Drug. For purposes of this policy, the term drug includes over-the-counter medication, prescription medication, and all controlled substances, such as inhalants, the use of which is unlawful under state or federal law. Over-the-counter medication and prescription medication, taken as medically-directed, are excluded. However, it is strongly-recommended that any employee who uses prescription drugs inform their supervisor if the use may impair the employees ability to perform any assigned essential functions of the job safely and efficiently.
- 11.3.8 An employee=s unlawful use, possession, purchase, distribution, dispensation, manufacturing, or being under the influence of any illegal drug without medical authorization during the work day while on the College campus or while performing services on behalf of the College is strictly prohibited.
- 11.3.9 Notice of Testing. The Human Resources **Department** will notify employee(s) by telephone that they have been scheduled to submit to a drug and alcohol test. If the Human Resources Director cannot get in touch with the employee(s), the Drug Testing Administrator will identify alternate employee(s) for drug and alcohol testing.
- 11.3.10 If an employee refuses to submit to a scheduled drug and alcohol test, the College will consider his or her actions in violation of policy and the employee may be subject to immediate disciplinary action, up to and including termination of employment.
- 11.3.11 Third Party Administrator and Licensed Laboratory. Any drug and/or alcohol testing requested by the College will be conducted by a qualified third party Test Administrator who is licensed by the state of New Mexico to conduct such testing. Employees to be tested will be provided the address and telephone number of the third party Test Administrator.
- 11.3.12 Costs of Testing. The College will pay the cost of any drug and alcohol testing that it requires or to which it requests its employees or prospective employees submit, including retesting of a confirmed positive result. Any additional tests that the employee requests will be paid for by the employee.

- 11.3.13 Notice of Results. If the employee is asked to submit to a drug or alcohol test, the College will notify the employee of the results within one week after it receives them from the laboratory. To preserve employee confidentiality, the employee will be notified verbally and in writing whether the test was negative or confirmed positive. As with employee medical records, drug and alcohol testing records will be maintained in a locked, restricted-access file in the Human Resources Office.
- 11.3.14 Random Drug and Alcohol Tests. Unannounced random drug and alcohol tests will be conducted on current College employees in an unbiased fashion on an annual basis (July 1st through June 30th of each year). College employee ID numbers and names will be kept in a computer spreadsheet, and selected for random testing based on a random number generator. ~~(Remove)- Mobile Blood Services, Inc.~~ (New Mexico-licensed laboratory) will generate the employee names and random numbers, which will then be disclosed to the Human Resources Director.
- 11.3.15 Post-Accident Drug and Alcohol Tests. Any employee involved in an on-the-job accident (inclusive of approved travel on behalf of the College) will be required to submit to drug and alcohol tests immediately after an on-the-job vehicular or non-vehicular accident.
- 11.3.16 Reasonable Suspicion Drug and Alcohol Tests. In the event a supervisor and a member of the College executive staff observe behavior by an employee indicative of drug and/or alcohol use, the employee will immediately be placed on Leave Without Pay until the results of a drug and alcohol test are made available to the College by the testing laboratory.
- 11.3.17 Follow-Up Drug and Alcohol Tests. Follow-up drug and alcohol tests will be conducted and used to monitor an employee after he or she has tested positive for illegal drug and/or alcohol use and has been referred to an Employee Referral Program. Follow-up drug tests will be conducted randomly for a period of one year and used to monitor an employee after he or she has been found to use drugs and has been referred to an Employee Referral Program.
- 11.3.18 Pre-Employment Drug and Alcohol Tests. No prospective employee will be asked to submit to testing unless an offer of employment is forthcoming. An offer of employment by the College is conditioned on the prospective employee testing negative for drugs and alcohol.
- 11.3.19 Positive Test Results. In the event the College receives notice that an employee's test results are confirmed positive, the employee will be provided a forty-eight

(48) hour period in which to provide an adequate explanation for the positive test result. The employee may request, in writing, to have the same sample retested at a laboratory of the employees choice at the College=s expense.

- 11.3.19.1 In the event the employee fails to provide the College with an adequate explanation for the positive test result within the aforementioned 48-hour period (e.g., a physicians statement or confirmation that the employee is taking prescribed medication, the positive test results were inaccurate) the employee will immediately be placed on Leave Without Pay.
  - 11.3.19.2 If it is concluded that the employees positive drug and alcohol test is due to drug or alcohol abuse, the employee will be referred to a reputable drug treatment program at the employees expense (Employee Referral Program).
  - 11.3.19.3 Failure to comply, or to complete an Employee Referral Program in a reasonable period of time shall be grounds for dismissal. A reasonable period of time shall be defined by a physicians written statement or a Employee Referral Program written statement.
  - 11.3.19.4 The employees Leave Without Pay shall be in effect until such time as the employee can provide documentation by a physician or a drug and alcohol treatment program representative establishing that the employee is drug and/or alcohol free and is able to return to work.
  - 11.3.19.5 Employees on Leave Without Pay under these circumstances will not be allowed to utilize any Sick Leave or Annual Leave accruals, except for situations in which a qualified physician identifies a serious medical condition as defined in the FMLA or the ADA.
  - 11.3.19.6 The College will make a good faith effort to reinstate an employee who provides documentation by a physician or a drug and alcohol treatment program representative establishing that the employee is drug and/or alcohol free and is able to return to work.
  - 11.3.19.7 The College does not guarantee reinstatement and reserves the right to eliminate the employees position or to fill it with another individual.
- 11.3.20 Grievance Procedures. If an employee believes that a positive drug and/or alcohol test result has affected a condition of employment, or a decision relative to Leave Without Pay is unjust or inequitable, the employee is encouraged to make use of

the Colleges Grievance Resolution Process as described in Chapter 8, above.

- 11.3.21 Confidentiality. The College will make every effort to keep the results of drug and alcohol tests confidential and shall only release the test results on a need-to-know basis. The employee will be asked for his or her consent before test results are released to any unauthorized individual or agency.
- 11.3.22 If the employee is to be referred to a treatment facility for evaluation, the employees test results will also be made available to the employees counselor.
- 11.3.23 The results of drug and/or alcohol testing in the workplace will not be used against the employee in any criminal prosecution.

#### 11.4 Prohibited Behavior.

Drug and alcohol use by College employees has an adverse effect on their job performance, creates dangerous workplace situations and serves to undermine the communities confidence in the College. Therefore, the College:

- 11.4.1 Prohibits the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance in the workplace, while on duty or while officially representing the College in any capacity on or off a College work site;
- 11.4.2 Prohibits the consumption of alcoholic beverages and the College in any capacity on or off a College work site.

Employees may not report to work under the influence of controlled substances or intoxicants to any degree. Employees may not bring or store any open containers of alcoholic beverages on any College property or work site or in the employees vehicle while the vehicle is on College property. Drug and alcohol use is prohibited in all College facilities, on all College property, in any College-owned vehicle and at any College-sponsored activity.

Note: as a condition of employment, all employees must abide by this policy. Employees who violate this policy may be subject to disciplinary action up to and including termination.

#### 11.5 Prescription Drugs.

If an employee is taking physician-prescribed medication, the College recommends that the employee inform his or her immediate supervisor of the potential side effects of that medication if the employee has reason to believe that those side-effects may affect his or her ability to perform the essential functions of the job, or work safely.

- 11.5.1 In such cases, the employee may be required to provide an appropriate statement from his or her physician that confirms the side effects of the medication.
- 11.5.2 Self-Identification. Employees who voluntarily self-identify that they may be impaired due to drug or alcohol use may be referred to the referral services listed in this policy. Employees shall not be disciplined for announcing impairment due to drug or alcohol use, but will be disciplined for showing up to work while impaired. Employees are encouraged to voluntarily seek assistance before drug or alcohol-related performance problems result in disciplinary action.
- 11.5.3 Supervisory Responsibilities. Supervisors are not responsible for diagnosing the reasons behind an employees inappropriate behavior or performance. Supervisors who are concerned that an employees performance and/or inappropriate behavior may be the result of illegal use of drugs or alcohol are expected to consult with the Human Resources Director regarding contacting an appropriate referral agency and/or action to be taken.
- 11.5.4 Examples of performance problems may include, but are not limited to:
- 11.5.4.1 Absenteeism (excessive Sick Leave, repeated unexcused absences, excessive tardiness);
  - 11.5.4.2 On-the-job absenteeism (excessive absence from work station; excessive trips to water fountain or rest room);
  - 11.5.4.3 Unsafe behavior (readily preventable/unexplainable accidents, needless risks, disregard for safety);
  - 11.5.4.4 Lowered job efficiency (work requires greater effort, missed deadlines, increased errors, loss of interest, poor decision making);
  - 11.5.4.5 Confusion (difficulty recalling instructions, increased difficulty in handling complex assignments);
  - 11.5.4.6 Erratic work patterns (alternate periods of high and low productivity, inconsistent quality);
  - 11.5.4.7 Reporting to work in an obviously abnormal condition such as slurred speech, disorientation, drunken behavior, withdrawal, drowsiness, constricted pupils, nausea, mood swings, increased alertness, violent.
  - 11.5.4.8 Problematic interpersonal relations (over-reaction to real or imagined

criticism, wide mood swings, increased irritability, unreasonable resentment, increased complaining); or

- 11.5.4.9 Abnormal behavior (inappropriate personal appearance, borrowing money from co-workers).
- 11.5.5 Employee Responsibilities. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or with the Human Resources Director in order to receive assistance or referrals to appropriate resources in the community.
- 11.5.6 If, after a positive drug and/or alcohol test result and/or self-identification, it is determined that the employee requires assistance and possible professional help, the supervisor should immediately speak with the Human Resources Director. The Human Resources Director will then facilitate the employees entrance into an appropriate referral program.
- 11.5.7 If it is determined that the employee needs emergency assistance (e.g., the employee is expressing thoughts or behaviors of suicide or is unable to function), the first priority shall be for the employee to receive immediate medical attention. The employee or the employees supervisor or coworker should dial 9-1-1 in order to request immediate emergency medical assistance.
- 11.5.8 Under no circumstances should a supervisor send an impaired employee home without a chaperone. A family member of the impaired employee or the Colleges Security Office should be contacted in order to request the impaired employee be accompanied home.
- 11.5.9 Employees with drug and/or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take Leave Without Pay. Such leave may be granted if the employee agrees, in writing, to abstain from use of the problem substance, abides by all College policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the College any undue hardship.
- 11.5.10 Employees with questions on this policy or issues related to drug and/or alcohol use in the workplace are encouraged to raise their concerns with their supervisor or the Human Resources Director without fear of reprisal.

## 11.6 Consequences of Violating the Drug-Free Workplace and Employee Drug and Alcohol Testing Policy.

Compliance by all employees with the terms and conditions of the Colleges Drug-Free Workplace and Employee Drug and Alcohol Testing Policy is a condition of continued employment with the College.

Any acts in violation of this policy are inconsistent with the Colleges interest, and any employee who violates this policy will be subject to immediate disciplinary action, up to and including termination of employment.

11.6.1 Evidence of use, sale, or possession of prohibited drugs may be reported to the appropriate law enforcement agencies.

11.6.2 The following Notice will be published on the College website and posted in departments throughout the College campus and in the Human Resources Office:

### Notice of Colleges Drug and Alcohol Testing Policy

An individuals refusal to submit to a drug and/or alcohol test will preclude employment with the College.

No prospective employee will be asked to submit to drug and/or alcohol testing unless an offer of employment is forthcoming. An offer of employment by the College is conditioned on the prospective employee testing negative for drugs and alcohol. Prospective employees will be asked to sign a Drug Testing Consent Form (available for review at the Human Resources Office).

The College retains the right to test employees randomly and/or after any accident involving employees, clients or College property.

## 11.7 Assistance Available.

Recognizing that employees with alcohol or drug-related problems may require professional help, the College provides assistance through referrals for any employee who wishes to seek confidential counseling.

11.7.1 Employees may contact the Human Resources Office (505-454-2502 extension 1063) to obtain the current referral phone numbers, or the employee may contact the referrals directly.

## 11.7.2 Employee Referral Programs

- 11.7.2.1 Alcoholism and Drug Abuse Helpline: 505-425-3577
- 11.7.2.2 Alcoholism and Drug Abuse After Hours Helpline: 800-432-2159
- 11.7.2.3 Alcoholism/Drug Abuse Treatment Referrals: 800-996-3784
- 11.7.2.4 National 24-Hour Help and Referral Las Vegas Samaritan House: 505-425-6333

## 11.7.3 Other Referral Services

- 11.7.3.1 Las Vegas Medical Center Suicide Intervention: 505-454-2100 or Toll Free: 800-466-5970. Address: Hot Springs Blvd., Las Vegas, New Mexico 87701
- 11.7.3.2 Victory Outreach Ministries: 505-445-7063. Address: 138 N 1st, Raton, New Mexico 87740

## 11.8 Drug and Alcohol Testing Policy Consent and Release Agreement.

A copy of the Colleges Drug and Alcohol Testing Policy Consent and Release Agreement is attached to this Handbook as Attachment E.

## 11.9 Right to Inspect Public Records.

Under the Inspection of Public Records Act (Chapter 14, Article 2 NMSA 1978) every person has the right to inspect public records of the College, except as provided in the Act. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the officers and employees of the College. The Board of Trustees of the College, its officers and employees are committed to full compliance with the Act and hereby implement this policy to comply therewith.

11.9.1 Under the Inspection of Public Records Act, every person has a right to inspect any public records maintained by the College, except:

- 11.9.1.1 letters of reference concerning employment, licensing or permits;
- 11.9.1.2 letters or memorandums which are matters of opinion in personnel files or students= cumulative files;

- 11.9.1.3 attorney-client privileged information;
  - 11.9.1.4 public records containing the identity or identifying information relating to an applicant or nominee for the position of a public institution of higher education;
  - 11.9.1.5 records pertaining to physical or mental examinations and medical treatment of persons confined to any institution; and
  - 11.9.1.6 as otherwise prohibited by law.
- 11.9.2 As provided in Section 14-2-8 (B) of the Inspection of Public Records Act, nothing in the Act shall be construed to require the College to create a public record that it does not otherwise maintain.
- 11.9.3 A person who wishes to inspect public records may submit a request to the Custodian of Records, orally by email or in writing. The Director of Human Resources has been designated as the Custodian of Records for the College. Note: procedures and penalties prescribed by the Public Records Act apply only to written requests. A written request must contain the name, address, and telephone number of the person making the request. The request must describe the records sought in sufficient detail to enable the custodian of records to identify and locate the requested records.
- 11.9.4 Written requests to inspect public records should be submitted to the attention of the Director of Human Resources, located in the Administration Building of Luna Community College, 366 Luna Drive, Las Vegas, New Mexico, 87701, (505) 454-2500.
- 11.9.5 The Custodian of Records must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the Custodian receives a records inspection request. If inspection is not permitted within three (3) business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request.
- 11.9.6 If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the Custodian of Records explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen (15) calendar days after the Custodian receives the request for records inspection.

11.9.7 If a person requesting a records inspection would like a copy of a public record, a reasonable fee may be charged. The fee for documents, which are eight and one-half by eleven inches or smaller, is \$.50 per page. The fee for larger documents is \$1.00 per page. The Custodian of Records may request that applicable fees for copying public records be paid in advance. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request.