Proposed Policy Changes – Section 5 Personnel Policy
December 3, 2012

NOTES: If it is highlighted in yellow, it is NOT currently in the manual, and is a suggested addition. If it is in red, it is what is currently in the manual.

5.0.0000 Personnel Policy

0.0030 Record Confidentiality

Consistent with legal requirements and the needs of TMCC, TMCC staff members are required to ensure the confidentiality of certain records relating to co-workers and work or information of a proprietary or confidential nature. Disclosure of confidential or proprietary information/records can be made only under specified conditions, and staff members should not disclose such information to anyone unless properly authorized. Examples of confidential or proprietary information/records include:

- Personnel Records: Personnel records, including discipline, medical, payroll records and employee references, may be subject to federal and/or North Dakota legal requirements. Maintenance and disclosure inquiries should be directed to the Human Resource Manager.

0.0040 Personnel Records

Each individual personnel file is regarded as confidential, and is treated as such. Personnel files are maintained by the Human Resources Manager, with payroll information also maintained in the Fiscal Office. In accordance with legal requirements, access to personnel information is on a need-to-know basis, typically restricted to the staff member’s immediate supervisor, department head and President insofar as access relates to their professional and/or administrative duties.

In addition, any medical information provided in support of Family and Medical Leave, disability accommodation, or other medical information submitted by the staff member or medical provider is segregated from other personnel information, in a separate staff member file, pursuant to HIPAA, and other legal requirements, and access to this information is severely restricted on a specific need-to-know basis.

5.1.0000 Hiring Process – Overview  (NOTE: This section was in the Appendix. Recommend replacing what is in Section 5 with this.)

1. Scope: These procedures apply to the recruitment, hiring, and promotion process for all TMCC employees, with the exception of summer youth programs and part-time employees. The President, Vice President, and Comptroller and Human Resource Director are exempt and are selected based on the recommendation of the President, with concurrence of the Board of Directors. The President is also exempt and will be hired by the Board of Directors, with involvement of the Board of Trustees will assist in the selection of the President.

2. The College is an Equal Opportunity Employer, which abides by the policy of providing equal employment opportunities without discrimination to all applicants and employees regardless of race, religion, color, gender, national origin, age, disabilities, sexual orientation or marital status, except as allowed by the Indian Preference
provision of the Indian Civil Rights Act of 1964, as amended. In adhering to this policy the college abides by the requirements with Title IX.

3. Code of Conduct Policy, Confidentiality Statement, and Conflict of Interest Statement form shall be signed by all hiring committee members. This is addressed below under Orientation Rating / Interview Committee.

4. Compliance – These procedures are intended to comply fully with all applicable tribal, state, and federal laws, regulations and TMCC policies. These procedures are to be interpreted so as to comply with an existing law or law subsequently passed.

5. Oversight: The President is responsible to ensure the integrity of the procedures established by this policy. To assure that the process is clear and understood, the President will be responsible for training the key administrators regarding this policy. If the process has been substantially violated or abused, the President may order that an error be corrected, that a portion of the process be redone, that a member of the committee be excluded from further deliberations, that the process be terminated, or that some other remedial action be taken to assure the integrity of the process. If the recommendation of the Hiring committee is not agreeable to the President, the position will be re-advertised, closed, or eliminated.

6. Amendment: This policy may be amended as necessary by the Board of Directors.

SECTION II: RECRUITMENT

7. Vacant/New Position: The supervisor or director shall submit a request to fill a new and/or vacant position to the President on the New Employee Requisition Form. The supervisor or director is responsible for completing all necessary forms for obtaining required authorizations. After proper authorization and final approval by the President, the supervisor or director shall submit the necessary documentation to the Human Resource Manager who will advertise the position.

8. Position Classification: Positions are classified on the basis of duties and responsibilities. Class specifications indicate the title, duties, scope of work, and recommended qualifications.

9. Position Announcement Content: The Job Announcements shall contain as applicable:

a) Position Title
b) Opening and Closing dates
c) Range of Salary
d) Qualifications
e) Duties and Responsibilities
f) Proficiency Requirements
g) References
   1. Two professional
   2. One character
h) Conditions of Employment
   1. Travel may be required
   2. Valid State Driver’s License
   3. Physical Examination
   4. Background security investigation
   5. Drug testing
i) Indian Preference
j) Veterans Preference
k) How to apply
l) Equal Opportunity Employer

10. Vacancy Procedure: It shall be the responsibility of the Human Resource Manager to advertise all permanent and faculty vacancies through the TMCC website, Job opportunities bulletin board and internal email and with Job Service of North Dakota, local radio and newspapers, regional and national employment sites as needed, and to post notice of vacancy immediately in the department and on the TMCC web page. Whenever possible, notice of vacancy shall be posted for a minimum of 10 working days.

SECTION III: APPLICANT PROCESS:

11. Application Packet/Submission: Applications must include an Application for Employment form, letter of application, curriculum vitae/resume, work experience, college transcripts, three letters of reference, and, if applicable, proof of Indian blood and/or veteran preference. The packet will be determined to be incomplete if any required documents are missing; thus the application will not be considered.

12. Transfers: Persons who desire to apply for a new position at the College are required to make their wishes known through a written notification to their supervisor.

13. Full time regular employees who apply for a position within the College will receive five “in house” preference points if the written notification to their supervisor is included with the application packet (either a copy of what was given to the supervisor directly or an email that was sent to the supervisor).

14. Application Period: Applications may be submitted for a set period of time and to include “or until filled.”

15. Search Extension: The recruitment period may be extended when the applicant pool has only one qualified applicant.

16. Search Reopened: The application process may be reopened should the committee decide not to recommend a candidate to the President. The President has the authority to reopen a search with notification to the Board of Directors.

SECTION IV: RATING/INTERVIEW COMMITTEE

17. The Head of the Department and Human Resource Manager will oversee the hiring process.

18. Membership: The Rating/Interview Committee shall consist of five (5) members to include the Head of the Department. The rating/interview committee members must remain the same throughout the process.

19. Committee Selection: The Head of the Department will chair and serve as a member shall be on the selection committee and shall select two (2) members from their department; and the Human Resources Manager will randomly select two (2) at large members from. The two members at large “outside of the department” will be selected at random by the Human Resources Director. Two additional individuals are selected to serve as alternates.

20. Orientation: The Human Resource Director will conduct an orientation meeting to explain roles, duties, expectations, timelines, and the board-approved hiring process to the committee members. All members must sign a statement verifying they will adhere to the College Code of Ethics Policy, Confidently Statement, and Conflict of Interest Statement.

SECTION V: APPLICANT SCREENING PROCESS
21. Minimum Qualifications: The Human Resource Manager will present qualified applicants and complete applications for the Rating/Interview Process to the Rating/Interview Committee. The committee may request to examine all the application packets for further determination of qualifications.

22. Timing: The rating/interview process will begin within ten working days after the closure of a vacancy announcement.

23. Scoring: Rating/Interview Committee members shall rate each applicant on the Applicant Screening Process Hiring Matrix (see Appendix A5-1).

24. Recommendation: The Rating/Interview Committee shall evaluate the applications and submit scores and recommendations to the Human Resource Manager. If the recommendation is to interview, the Human Resource Manager and Department Head will set up appropriate interviews. If no interview is required, the final recommendation will be forwarded to the President for approval. The Board will be informed of all approved hires.

25. Time Frame: If applicable, candidates selected for interviews shall be given at least five days’ notice.

SECTION VI: INTERVIEW PROCESS

26. Materials: Prior to the interview, the Rating/Interview Committee will receive from the Human Resource Director, the following materials on each candidate: application packet, schedule of interviews, interview questions, and Individual Rating Sheet.

27. Questions: The committee, with consultation from the Department Head and Human Resource Manager, will draft interview questions (a minimum of 5) prior to the interview. The committee will submit a draft of interview questions to the Human Resource Manager for final approval of appropriate questions.

28. Set Time: Each applicant shall be afforded the opportunity to have an interview of approximately equal length and will be asked the same questions. Specific questions pertaining to benefits must be referred to the Business Office.

29. Score: At the conclusion of each interview, the committee shall score the candidate. The committee may discuss as a group each candidate immediately after the interview. All committee members will sign each Interview Rating Sheet and submit the form to the Human Resource Manager.

30. Ranked List: The Department Head shall submit the interview scores to the Human Resource Manager. The candidate with the top interview score and an alternate candidate will be forwarded for reference checks. NOTE: A combination of the application and the interview scores will be used for the final recommendation for hire.

31. The Interview Rating Sheet will be added as an addendum.

SECTION VII: REFERENCE CHECKS

32. Timing: Reference and background checks will begin immediately by the Human Resource Manager prior to the submission of the recommendation of candidate(s) to the President.

SECTION VIII: CONFIRMATION PROCESS

33. Recommendation: The Human Resource Manager will forward the committee’s recommendation of the top candidate and, if applicable, an alternate, to the President.
34. Hiring: The President will approve or deny the recommended candidate for hire. The Board of Directors will be notified by the President of the recommendation for approval or denial. Requirements for Employment: Selected candidates, as required by policy, must submit to a drug test and physical exam and background check. Any required physical exams will be paid for by the College, up to $100, with appropriate documentation. If a finalist fails to satisfy the position requirements, the President will revoke the offer of employment.

Section X: Emergency Appointment

1. Vacancy: Any vacancy, which arises due to retirement, resignation, death, injury, illness, reassignment or other reason, may be filled by the President as a temporary appointment not to exceed 120 days. Emergency hires must be with the concurrence of the Board of Directors.

REMOVE this entire section; replace it with above (which was in Appendix).

1.0020 Recruitment:

1. Vacant / New Position: The supervisor or director shall submit a request to fill a new and/or vacant position to the President. The supervisor or director is responsible for completing all necessary forms for obtaining required authorizations. After proper authorization and final approval by the President, the supervisor or director shall submit the necessary documentation to the Human Resource Manager who will advertise the position.

2. Vacancy procedure: It shall be the responsibility of the Human Resource Manager to advertise all permanent vacancies with Job Service of North Dakota, local radio and newspapers, regional and national employment sites, and to post notice of vacancy immediately in the department and on the College web page.

1.0030 Applicant Process:

1. Applicant Packet/Submission: Applications must include an, letter of application, curriculum vitae, resume, work experience, college transcripts, three letters of reference, and, if applicable, proof of Indian blood and/or veteran preference. The packet will be determined to be incomplete if any required documents are missing; thus the application will not be considered.

2. Search Extension: The recruitment period may be extended when the applicant pool has only one qualified applicant.

3. Search Reopened: The application process may be reopened should the committee decide not to recommend a candidate to the President. The President has the authority to reopen a search with notification to the Board of Directors.

1.0040 Rating/Interview Committee:

1. The Head of the Department and Human Resources Manager will oversee the hiring process.

2. Membership: The Rating / Interview Committee shall consist of five (5) members to include the Head of the Department. The Rating/Interview Committee members must remain the same throughout the process.
3. Committee Selection: The Head of the Department shall be on the selection committee and shall select two (2) members from that department and two (2) at-large members will also be selected. The two members at-large from “outside of the department” will be selected at random by the Human Resources Manager. Two additional individuals are selected to serve as alternates.

4. Orientation: The Human Resource Manager will conduct an orientation meeting to explain roles, duties, expectations, timelines and the board-approved hiring process to the committee members. All members must sign a statement verifying they will adhere to the College Code of Ethics Policy, Confidentiality Statement and Conflict of Interest Statement.

1.0050 Section V: Applicant Screening Process

1. Minimum Qualifications: The Human Resource Manager will present qualified applicants and complete applications for the Rating / Interview Process to the Rating / Interview Committee. The committee may request to examine all application packets for further determination of qualifications.

2. Scoring: Rating/Interview Committee members shall rate each application on the Applicant Screening Process Hiring Matrix (See Appendix A5-1).

3. Recommendation: The Rating/Interview Committee shall evaluate the applications and submit scores and recommendations to the Human Resource Manager. If the recommendation is to interview, the Human Resource Manager and Department Head will set up appropriate interviews. If no interview is required, the final recommendation will be forwarded to the President for approval. The Board will be informed of all approved hires.

1.0060 Interview Process

1. Materials: Prior to the interview, the Rating/Interview Committee will receive from the Human Resource Manager, the following materials on each candidate: Application packet, schedule of interviews, interview questions, and Individual Rating Sheet.

2. Questions: The committee, with consultation from the Department Head and Human Resource Manager, will draft interview questions (a minimum of 5) prior to the interview. The committee will submit a draft of interview questions to the Human Resource Manager for final approval and appropriate questions.

3. Set Time: Each applicant shall be afforded the opportunity to have an interview of approximately equal length and will be asked the same questions. Specific questions pertaining to benefits must be referred to the Business Office.

4. Score: At the conclusion of each interview, the committee shall score the candidate. The committee may discuss as a group each candidate immediately after the interview. All committee members will sign each Interview Rating Sheet and submit the form to the Human Resources Manager.

5. Ranked List: The Department Head shall submit the interview scores to the Human Resource Director. The candidate with the top interview score and an alternate candidate will be forwarded for reference checks. NOTE: A combination of the application and the interview scores will be used for the final recommendation for hire.

6. (See Appendix A5-1)
1.0070 Reference Checks
   1. Timing: Reference and background checks will begin immediately and be completed by the Human Resource Manager prior to the submission of the recommendation of candidate(s) to the President.

1.0080 Confirmation Process

   1. Recommendation: The Human Resource Manager will forward the committee's recommendation to the top candidate and, if applicable, an alternate, to the President.

   2. Hiring: The President will approve or deny the recommended candidate for hire. The Board of Directors will be notified by the Human Resources Manager of the recommendation for approval or denial.

   3. Requirements for Employment: Selected candidates, as required by policy, must submit to a drug test and physical examination. Any required physical exams will be paid by the College. If a finalist fails to satisfy the position requirements, the President will revoke the offer of employment.

   4. For the complete hiring policy/procedure (See Appendix A5-1).

5.2.0000 Definition of Employees

2.0010 Exempt Employees

   Exempt employees are defined as employees who, based on duties performed and manner of compensation and who supervises employees or are administrators (classification of positions of level 6 and above) shall be exempt from the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions. Exempt employees shall be paid an established bi-weekly or annual salary and are expected to fulfill the duties of their positions regardless of hours worked. Exempt employees are not eligible to receive overtime compensation or compensatory time off, and are not required to adhere to strict time record keeping and attendance rules for pay purposes; however, exempt employees should adhere to regular work hours and make prior arrangements for full day absences whenever possible.

2.0020 Non-Exempt Employee

   Non-exempt employees are defined as employees who, based on duties performed (classification of positions of levels 1 through 5) and manner of compensation shall be subject to all FLSA provisions. Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time and one-half) rate. Overtime hours must have prior approval through formal request from the supervisor with President's concurrence.

5.4.0000 New Employee Processing Procedure

4.0060 Position Classifications—Replace with highlighted below

   Positions are classified on the basis of duties and responsibilities. Class specifications indicate the title, duties, examples of work and recommended qualifications. These are used as a basis for classifying positions and assigning class titles.
1. The class title of each position is the official title, which is used on payroll records, budget documents, personnel, and other official records and publications. The department may use functional titles for other purposes.

2. The Human Resource Manager is responsible for job analysis, position classification and maintenance of the job evaluation program. Classification of a position will be reviewed on request of the supervisor or of the employee acting with the knowledge of the supervisor. Before a new position is established, it shall be classified by the Human Resource Manager and receive proper approval by the Board of Directors.

4.0060 Position Classifications / Placement of Current Positions

Initial placement/classification of positions (grade, length of service and level) will be conducted by the President's assigned Staff Pay Grade and Compensation Plan Committee to include which may include the supervisor of that department followed by a review and approval by the following Placement Committee members:

* Vice President
* Human Resource Director
* Comptroller

Any concern or issue resulting from initial placement shall go back to the Staff Pay Grade and Compensation Plan Committee for review and clarification.

Final Approval of Placement shall be conducted by the President.

This is currently in the manual, but only for faculty; recommend adding it for staff:

Exceptional Expertise: Administrative discretion on Exempt Support and Support Staff salaries should be implemented in areas of exceptional expertise. The purpose of the Salary and Wage Schedule is to ensure that is equitable for the personnel at the College. The underlying principle behind equity is that personnel with the same experience and qualifications should receive the same compensation.

All must have prior approval by the Board.

Definition: Any candidate, who exemplifies expertise in a difficult to fill area, shall be given consideration of a one-time higher salary above the institutional salary scale which can/will be negotiated and approved by the Board of Directors.

4.0090 Nepotism (NOTE: This may also be listed under the Conflict of Interest Statement in the Fiscal Policies)

Family may be employed in the same or different departments of the college provided there is no direct supervision between them. The fact that an employee is in the same family as another employee in the same or different department shall not be used as a basis for denying to the employee the rights, privileges, or benefits of regular appointment or regular job status. Alternative arrangements for supervisory decisions must be made before employment of a family member. An employee shall not participate in college decisions involving a direct benefit to a family member. Such decisions include, but are not limited to, initial appointment or hiring, retention, promotion, salary and leave of absence. An employee may not give preferential or favored treatment
in the supervision or management of another college employee who is a family member. The college reserves the right to reassign employees or duties when deemed a prudent business or management practice. An employee shall not participate in institutional academic decision making involving a direct benefit to a family member. Alternative arrangements for academic decisions must be made for family members. Academic decisions include, but are not limited to, acceptance to an academic program, evaluation of the honors, and recommendations for awards or employment.

5.5.0000 Staff Salary and Wage Scale

5.0010 Evaluation Process

7. The HR Department will input data from the employee evaluation review into the electronic tracking system. Recommend deleting this as HR does not have an electronic tracking system.

5.9.0000 Personnel Staff Annual Salary Notification

9.0010 Personnel salary notifications follow approved salary scales. The salary notification year is from January 1 to December 31 for the non-teaching staff.

9.0050 Payroll Checks
Payroll is prepared based upon contracts, salary notifications, and authorized deductions.

1. The time sheets and checks shall be reviewed and signed on each scheduled payday. The paychecks shall require the signatures of two authorized check signers.
2. Time sheet forms shall be printed and filed in the Payroll Office.
3. Employees may elect direct deposit by completing the appropriate form.
4. An itemized statement of all deductions from the staff member's wages accompanies each paycheck.
5. Pay advances are not available.

5.11.0000 Absences and Leaves

11.10 Absences and Leaves

1. Planned absences of more than a week in duration shall be requested of the immediate supervisor. The Leave Request Form shall be submitted two weeks in advance of such absence. Leave requests of more than two consecutive weeks need to be submitted and approved by the Supervisor and the President.

4. To receive holiday pay, you have to be paid for at least 24 hours during that week (hours worked and/or paid leave).

5.12.0000 Sick Leave

2. Sick leave accrues on the basis of 4 hours per pay period with unlimited accumulation; however, you must be paid for at least 24 hours during each week to earn sick leave.
5.13.0000 Annual Leave

4. To earn Annual Leave, you must be paid for at least 24 hours during each week.

5.15.0000 Administrative Leave

6. Military Leave—An employee who is either an enlisted person or an officer in the National Guard or Armed Forces Reserve shall be granted military leave annually with the following limitations: Military leave with pay may be granted to all employees up to a maximum of 15 calendar days. The military leave year is from July 1 to June 30. REPLACE with highlighted below.

6. Military Leave – TMCC follows the Uniformed Services Employment and Reemployment Rights Act. The act applies to persons who perform duty, voluntarily or involuntarily, in the “uniformed services” which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health service commissioned corps, as well as the reserve components of each of these services. Certain disaster response work is considered “service in the uniformed services”.

Re-employment is provided for service members returning from a period of service in the uniformed services if those service members meet these criteria:
- You must have held a job with TMCC prior to service
- You must have given notice that you were leaving the job for service in the uniformed services (unless notice was precluded by military necessity or otherwise impossible or unreasonable)
- The cumulative period of your service must not have exceeded five years, except under special circumstances
- You have not been released from service under dishonorable or other punitive conditions, and
- You must report back to TMCC in a timely manner or have submitted a timely application for reemployment.

Time Limits for Returning to Work:
- Less than 31 days of service:
  You must report to work at the beginning of first regularly scheduled work period after the end of the calendar day of duty and time to return home safely and had an 8 hour rest period.

- 31 to 180 days of service:
  You must report to work no later than 14 days after the end of the calendar day of duty.

- 181 days and more:
  You must apply for reemployment no later than 90 days after the end of the calendar day of duty.

- If you have a service connected injury or illness, reporting or application deadlines are extended for up to two years, if you are hospitalized or convalescing.

Benefits:
- You may decide to have your Health Insurance benefits continued while performing your military service for a period of up to 24 months. You may be responsible for up to 102% of the monthly premium while you are active duty.
- If you decide not to continue your Health Insurance while performing your military service, you may reinstate your insurance when you return to work, without a waiting period.
You may continue your contributions to your pension plan. TMCC will make contributions to your account, only if you elect to use Annual Leave during your military leave. The vesting schedule will continue during your military service.

Military Family Leave:
- You may be eligible to take up to 26 weeks of leave in a single 12 month period
- You may use leave for any qualifying emergency when a covered military member is on active duty or called to active duty status in support of a contingency operation.

Qualifying Emergency:
- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities that you and TMCC may agree upon.

5.16.000 **Compliance Family and Medical Leave Act**

Must comply with Federal guidelines with the Federal Medical Leave Act (FMLA) (see http://www.dol.gov/esa/whd/fmla/). Replace with highlighted below.

The FMLA entitles eligible employees of covered employers to take paid or unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

An “eligible employee” is an individual who has worked for TMCC for at least 1,250 hours during the previous twelve months, and has been employed at a worksite where TMCC employs at least 50 employees within a 75 mile radius.

Eligible employees are entitled to:

*Twelve workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee’s spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” or

*Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin (military caregiver leave).

A “child” must be under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability. A “spouse” does not include a “life partner”. A “parent” does not include a “parent-in-law”.
A “serious health condition” means an illness, injury, impairment or a physical or mental condition that involves:
1. Any period of incapacity or treatment in connection with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility.
2. Any period of incapacity requiring absence from work or school, or other regular daily activities, or more than 3 calendar days, that also involves continued treatment by a (or under the supervision of) health care provider.
3. Prenatal care or continuing care for a chronic or long term health condition that is incurable or so serious that if not treated, would likely result in a period of incapacity of more than 3 calendar days.

At the employee’s or TMCC’s option, certain kinds of paid leave may be substituted for unpaid leave. FMLA and annual or sick leave under TMCC’s benefits policies may run concurrently.

An employee is not required to use the FMLA leave in one block or at one time. Leave can be taken intermittently or on a reduced schedule, provided that for a serious health condition of the employee or to care for someone with a serious health condition, it is medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. A married couple is limited to a combined total of 12 or 26 workweeks of leaving during any 12 month period.

TMCC uses a “rolling year” to determine their 12 month calendar period which is determined by going backwards 12 months from the date Family Medical Leave is first taken. The leave may be taken on consecutive days and weeks or intermittently so long as the total days do not exceed the equivalent of twelve weeks in the “rolling year” and so long as the serious health condition of the employee or family member continues to be medically verified.

An employee who fraudulently obtains FMLA leave from TMCC is not protected by FMLA’s job restoration or maintenance of health benefits provision.

Employees shall make a written request for the leave at least thirty (30) days prior to the commencement of the leave period when the leave is “foreseeable”. The employee is also responsible for notifying the employee’s immediate supervisor.

TMCC may require medical certification or recertification (no more often than every 30 days) that the leave is needed due to the employee’s own serious health condition or that of a family member. A second opinion may be requested at the college’s expense.

TMCC may also require verification from a social service agency in the case of an adoption or foster placement. When the leave period is completed, the employee will be returned to the same position or a similar position with equivalent compensation and benefits. If a reduction in force would have caused the position to be eliminated, this reinstatement does not apply.

Employees utilizing family leave will be provided health related benefits at the same level received while actively employed, if on paid or unpaid leave. While on leave, the employee is required to pay the same portion of the premium paid while actively employed.
- TMCC is not obligated to maintain health insurance coverage if an employee’s premium is late; payment is due by the first day of each month.
- If premium rates or benefits change for employees not on leave, an employee on FMLA leave is entitled or subject to the same changes.

The employee granted such a leave will not lose any employment benefits accrued prior to the leave; however sick and annual leave will not accrue during the period of the leave, unless they are on paid leave.
Procedure to Request Leave

1. If possible, an employee shall notify the Human Resources’ department and their supervisor of the date the employee will need a family and medical leave at least 30 days before a leave is to begin. If 30 days’ notice is not practicable, the employee should give the notice at least two business days after the need becomes known to the employee. The employee is encouraged to provide a written notice, but a verbal notice is sufficient. The notice must provide sufficient information to make TMCC aware that the employee needs a family and medical leave, and the anticipated timing and duration of the leave.

2. Upon TMCC’s request, an employee must support his or her request for a leave necessitated by a family member’s or the employee’s own serious health condition, with a form completed by the employee’s or family member’s health care provider (Certification of Health Care Provider for Employee’s or Family Member’s Serious Health Condition – Form WH-380-E or Form WH-380-F). The form must be provided to the HR Manager within 15 calendar days after the request and on TMCC’s form. Failure to provide the certification may result in a denial of the leave request.

3. Intermittent or Reduced-Leave Schedule
   a. Leave increments are limited to minimum of one-hour periods of time for all employees.
   b. An employee should follow the regular notice procedures when requesting an intermittent or reduced-hour leave. If the leave is taken because of the birth or placement of a child, leave may be taken intermittently or on a reduced schedule only if TMCC agrees. If the leave is taken to care for a sick family member or for the employee’s own serious health condition, leave may be taken intermittently or on a reduced schedule when medically necessary.

Response to Leave Request

1. Regardless of the type of leave requested, TMCC will:
   a. Determine the reason for any requested leave.
   b. Decide whether it is a FMLA-qualifying leave.
   c. Decide whether TMCC will require the employee to substitute available paid leave (sick or annual) for family and medical leave.

2. If the leave qualifies as a FMLA leave, TMCC will provide the employee with written Notice of Eligibility and Rights & Responsibilities (Form WH-381), which will include:
   a. An explanation that the leave is designated as, and will be counted against, the annual FMLA leave entitlement, including the substitution of otherwise available paid leave.
   b. Any medical certification requirement, that is required and an explanation of the consequences for failing to furnish one.
      1. TMCC may require medical certification to support a request for leave because of a serious health condition, and may require second and third opinions (at TMCC’s expense) and a fitness for duty exam to return to work.
   c. Any requirement for the employee to make premium payments to maintain health benefits and the arrangement for making such payment.
   d. Any requirement for the employee to present a fitness-for-duty certificate to be restored to employment.
e. An explanation of the employee's right to restoration to the same or an equivalent job upon returning from leave.
f. Any requirement that the employee periodically report on his or her status and intention to return to work.

1. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the FMLA Leave Request Form, you will be required to provide reasonable notice to your supervisor of your intended return date.

5.21.000 Termination / Resignation Procedure

21.0020 Leave Payout

Upon resignation, an employee is eligible to receive annual leave pay, if they have completed three full months of continuous service. Half the work days in a pay period are considered a complete pay period in computing annual leave pay for an eligible employee.

67 Appendix A5-14 Master’s Degree Scale, A5-15 Doctoral Degree Scale, A5-16 CTE Scale

It has been recommended this be removed as it is not done and has not been budgeted for.

Incentive Bonus: Faculty members who have accomplished the objectives of their IPDP’s and have received Peer Review, Department Chair and Dean of Academic approval will receive a bonus.
SECTION 5 PERSONNEL POLICY

SECTION 5: PERSONNEL

5.0.0000 INTRODUCTION
5.1.0000 HIRING PROCESS - OVERVIEW
5.2.0000 DEFINITION OF EMPLOYEE
5.3.0000 FRINGE BENEFITS
5.4.0000 NEW EMPLOYEE PROCESSING PROCEDURE
5.5.0000 STAFF SALARY AND WAGE SCALE
5.6.0000 FACULTY APPOINTMENTS
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5.0000 PERSONNEL POLICY

0.0010 INTRODUCTION

Every employee of the Turtle Mountain Community College has a part in the educational research and service effort of the institution. It is an effort, which can best be carried out within a harmonious employer-employee relationship. To this end, the College endeavors to provide working conditions and compensation based on fair and equitable standards.

An employee or a group of employees has the right to discuss with supervisors or other appropriate officers any condition of employment without discrimination.

0.0020 EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

The College is an Equal Opportunity Employer, which abides by the policy of providing equal employment opportunities without discrimination to all applicants and employees regardless of race, religion, color, national origin, age, gender, disabilities, sexual orientation or marital status, except as allowed by the Indian Preference provision of the Indian Civil Rights Act of 1964, as amended. In adhering to this policy, the College abides by the Title IX requirements.

5.10000 HIRING PROCESS—OVERVIEW

1.0010 SECTION I: GENERAL PROVISIONS

1. Scope: These procedures apply to the recruitment, hiring, and promotion process for all TMCC employees, with the exception of summer youth programs and part-time employees. The Vice-President and Comptroller are exempt and are selected based on the recommendation of the President with concurrence of the Board of Directors. The President is also exempt and is selected by the Board of Directors with involvement of the Board of Trustees.

2. Code of Conduct Policy, Confidentiality Statement, and Conflict of Interest Statement form shall be signed by all hiring committee members

3. Oversight: The President is responsible to ensure the integrity of the procedures established by this policy. To assure that the process is clear and understood, the President will be responsible for training the key administrators regarding this policy. If the process has been substantially violated or abused, the President may order that an error be corrected, that a portion of the process be redone, that a member of the committee be excluded from further deliberations, that the process be terminated, or that some other remedial action be taken to assure the integrity of the process. If the recommendation of the Hiring Committee is not agreeable to the President, the position will be re-advertised, closed, or eliminated

1.0020 SECTION II: RECRUITMENT

1. Vacant/New Position: The supervisor or director shall submit a request to fill a new and/or vacant position to the President. The supervisor or director is responsible for completing all necessary forms for obtaining required authorizations. After proper authorization and final approval by the President, the supervisor or director shall submit the necessary documentation to the Human Resource Manager who will advertise the position.

2. Vacancy Procedure: It shall be the responsibility of the Human Resource Manager to advertise all permanent staff vacancies with Job Service of North Dakota, local radio and newspapers, regional and national employment sites, and to post notice of vacancy immediately in the department and on the College web site. Whenever possible, notice of vacancy shall be posted for a minimum of 10 working days.

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1.0030 SECTION III: APPLICANT PROCESS

1. Application Packet/Submission: Applications must include a letter of application, curriculum vitae, resume, work experience, college transcripts, three letters of reference, and, if applicable, proof of Indian blood and/or veteran preference. The packet will be determined to be incomplete if any required documents are missing; thus the application will not be considered.

2. Search Extension: The recruitment period may be extended when the applicant pool has only one qualified applicant.

3. Search Reopened: The application process may be reopened should the committee decide not to recommend a candidate to the President. The President has the authority to reopen a search with notification to the Board of Directors.

1.0040 SECTION IV: RATING/INTERVIEW COMMITTEE

1. The Head of the Department and Human Resource Manager will oversee the hiring process.

2. Membership: The Rating/Interview Committee shall consist of five (5) members to include the Head of the Department. The Rating/Interview Committee members must remain the same throughout the process.

3. Committee Selection: The Head of the Department shall be on the selection committee and shall select two (2) members from that department and two (2) at large members. The two members at large “outside of the department” will be selected at random by the Human Resources Director. Two additional individuals are selected to serve as alternates.

4. Orientation: The Human Resource Manager will conduct an orientation meeting to explain roles, duties, expectations, timelines, and the board-approved hiring process to the committee members. All members must sign a statement verifying they will adhere to the College Code of Ethics Policy, Confidentially Statement, and Conflict of Interest Statement.

1.0050 SECTION V: APPLICANT SCREENING PROCESS

1. Minimum Qualifications: The Human Resource Manager will present qualified applicants and complete applications for the Rating/Interview Process to the Rating/Interview Committee. The committee may request to examine all application packets for further determination of qualifications.

2. Scoring: Rating/Interview Committee members shall rate each applicant on the Applicant Screening Process Hiring Matrix. (See Appendix A5-1).

3. Recommendation: The Rating/Interview Committee shall evaluate the applications and submit scores and recommendations to the Human Resource Manager. If the recommendation is to interview, the Human Resource Manager and Department Head will set up appropriate interviews. If no interview is required, the final recommendation will be forwarded to the President for approval. The Board will be informed of all approved hires.

1.0060 SECTION VI: INTERVIEW PROCESS

1. Materials: Prior to the interview, the Rating/Interview Committee will receive from the Human Resource Manager, the following materials on each candidate: application packet, schedule of interviews, interview questions, and individual Rating Sheet.

2. Questions: The committee, with consultation from the Department Head and Human Resource Manager, will draft interview questions (a minimum of 5) prior to the interview. The committee
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will submit a draft of interview questions to the Human Resource Manager for final approval of appropriate questions.

3. Set Time: Each applicant shall be afforded the opportunity to have an interview of approximately equal length and will be asked the same questions. Specific questions pertaining to benefits must be referred to the Business Office.

4. Score: At the conclusion of each interview, the committee shall score the candidate. The committee may discuss as a group each candidate immediately after the interview. All committee members will sign each Interview Rating Sheet and submit the form to the Human Resource Manager.

5. Ranked List: The Department Head shall submit the interview scores to the Human Resource Manager. The candidate with the top interview score and an alternate candidate will be forwarded for reference checks. NOTE: A combination of the application and the interview scores will be used for the final recommendation for hire.

6. (See Appendix A5-1).

1.0070 SECTION VII: REFERENCE CHECKS

1. Timing: Reference and background checks will begin immediately and be completed by the Human Resource Manager prior to the submission of the recommendation of candidate(s) to the President.

1.0080 SECTION VIII: CONFIRMATION PROCESS

1. Recommendation: The Human Resource Manager will forward the committee’s recommendation of the top candidate and, if applicable, an alternate, to the President.

2. Hiring: The President will approve or deny the recommended candidate for hire. The Board of Directors will be notified by the Human Resource Manager of the recommendation for approval or denial.

3. Requirements for Employment: Selected candidates, as required by policy, must submit to a drug test and physical examination. Any required physical exams will be paid by the College. If a finalist fails to satisfy the position requirements, the President will revoke the offer of employment.

4. For the complete hiring policy/procedure (See Appendix A5-1).

5.2.0000 DEFINITION OF EMPLOYEE

A person hired to provide services to a company on a regular basis in exchange for compensation and does not provide services as part of a business/contractor/consultant.

2.0010 EXEMPT EMPLOYEE

Exempt employees are defined as employees who, based on duties performed and manner of compensation and who supervises employees or are administrators, (classification of positions of level 6 and above) shall be exempt from the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions. Exempt employees shall be paid an established bi-weekly or annual salary and are expected to fulfill the duties of their positions regardless of hours worked. Exempt employees are not eligible to receive overtime compensation or compensatory time off, and are not required to adhere to strict time, record keeping, and attendance rules for pay purposes;

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however, exempt employee should adhere to regular work hours and make prior arrangements for full day absences whenever possible.

2.0020 NON-EXEMPT EMPLOYEE

Non-exempt employees are defined as employees who, based on duties performed (classification of positions of levels 1 through 5) and manner of compensation shall be subject to all FLSA provisions. Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time-and-one-half) rate. Overtime hours must have prior approval through formal request from the supervisor with President’s concurrence.

2.0030 NOTICE OF EMPLOYMENT

When a new hire or in-house transfer employee is hired by a department, the Program/Department Administrator must complete the Notice of Hiring Memorandum with assistance of the Human Resources Director (See Appendix A5-2).

2.0040 TERMS OF APPOINTMENT

The general terms and conditions of each appointment to the staff will be stated in writing, and a copy of the appointment document will be given to the appointee. Any subsequent extensions or modifications of an appointment and any special understanding or any notices incumbent upon either party shall be confirmed in writing and a copy given to the appointee. Each staff member will be given a manual and will be advised at the time of initial appointment of the institutional process for evaluation. This may be accomplished by a published description of the process in this manual.

2.0050 EMPLOYEE CATEGORIES

1. ADMINISTRATORS: Upper Levels are those positions under contract and includes the positions of President, Vice-President, Comptroller, and Human Resource Manager.

2. FULL-TIME FACULTY: Faculty appointments are professional appointment accomplished through contracts between individual faculty members and College. Faculty contracts consist of 198 days which constitute the academic year. The functions of a full-time faculty member are divided into the four categories: teaching, advising, scholarship, and service to the College and the community. Faculty full-time Teaching Credit Load is a minimum 12 credit hours-maximum credit load 15/16 hours. The duty and primary professional responsibility of all full-time faculty members is to the College, faculty must not engage in any other enterprises on a regular basis when such practices are in direct conflict with their services to the College.

3. ADJUNCT FACULTY: Part-time faculty members are hired to teach one or more courses. They are required only to meet their classes during prearranged times and attend meeting with Dean or Academic Programs as scheduled. The activities of part time faculty are coordinated and evaluated by the Dean of Academic Programs. Part-time faculty are coordinated and evaluated by the Dean of Academic Programs. Part-time faculty members are on contract in accordance with number of credits taught. Contracts are renewed each term.

4. FULL-TIME STAFF: (Includes 12-month instructors): Employees who are not in a temporary or probationary status who are regularly scheduled to work the organizations full-time schedule (40 hours per week). Employees are eligible for the full-time benefit package; and subject to the terms, conditions, and limitations of each benefit program. Full-time employees may be funded from grants and other funding sources. Full-time employees hired for a specific grant will be paid
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from that grant and are limited to employment for the duration of the grant. (See Benefits Table).

5. PART-TIME: Employees who are scheduled to work less than a full-time schedule. They receive all legally mandated benefits such as Workers Compensation Insurance, Unemployment, and Social Security Benefits. See Benefits Table below.

6. TEMPORARY: Employees hired as interim replacements, to temporarily supplement work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited and definite duration (typically not to exceed 120 working days). Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified, in writing, of a change. While temporary employees receive legally mandated benefits (such as Workforce Safety and Insurance Employer Service, Unemployment Insurance and Social Security Benefits), they are not eligible for any of the employers other benefit programs.

7. EMERGENCY APPOINTMENTS: The President may fill an emergency appointment not to exceed 120 work days. Emergency hires must be conducted only with the concurrence of the Board of Directors. Situations including natural disasters, grant requirements, and other labor shortages may justify an emergency hire.

8. TEMPORARY STUDENT EMPLOYEES: This classification is for students of the College hired to assist departments. These employees, with exception of College Work Study, receive all legally mandated benefits such as Workforce Safety and Insurance, Unemployment Insurance, and Social Security Benefits. These appointments are temporary based on need and availability of funds, and are limited to their College enrollment period.

9. INDEPENDENT CONTRACTORS: A person, business or corporation which provides goods or services to another entity under terms specified in a contract.

10. CONSULTANTS: A professional who provides expert advice in a particular domain or area of expertise.

11. ESSENTIAL POSITIONS: Essential employees are crucial to the College in times of natural disasters or a state of emergency. These positions would be required to maintain the College during these events. These positions are identified as the President, IT Department, Security, and Facilities personnel. These positions are a part of the Emergency Management Plan as designated.

5.3.000 FRINGE BENEFITS –
Details shall be made available from the Human Resource Manager and Fiscal Office.

3.0010 BENEFITS TABLE

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<thead>
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<th>Full-Time</th>
<th>Part-Time</th>
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### SECTION 5 PERSONNEL POLICY

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<tr>
<td>Workforce Safety and Insurance Employer Service</td>
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<td>Annual Leave</td>
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<td>Paid Holidays</td>
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**Optional – at Employee’s Expense**

<table>
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<tr>
<td>Voluntary Group Term Life insurance</td>
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</table>

#### 3.0020 SOCIAL SECURITY AND MEDICARE

Social Security and Medicare Benefits shall be provided for College employees through payroll deductions and from matching funds provided by the College.

#### 3.0030 WORKFORCE SAFETY and INSURANCE EMPLOYER SERVICE

All employees are protected by Workforce Safety and Insurance Employer Service against accidental injuries or occupationally incurred illness in the performance of their official duties.

1. All on-the-job accidents and injuries or occupationally incurred illnesses must be reported immediately to the employee’s supervisor and the Human Resource Manager. This is for the protection of the employee as well as the institution and is required by the Workforce Safety and Insurance Employer Service.

2. In case of absence due to illness or injury, for which Workforce Safety and Insurance Employer Service time-loss benefits are received, sick leave pay may be utilized to the extent of the difference between such benefits and the employee’s regular salary. The employee may elect to use Workforce Safety and Insurance Employer Service only, or use it in combination with sick leave.
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leave and/or annual leave. However, the employee's leave account shall only be charged that percentage of time which corresponds to the percentage of salary that the institution shall pay.
For the purpose of this policy, full-time instructors who do not earn annual or sick leave hours,
an allowance of 96 hours will be granted using a base of 14.8 hours per week. Upon using all accrued benefits, an employee will be placed on leave without pay for the remainder of the recovery period. The total time-loss payment shall not be more than the employee's regular pay.

3.0040 STATE UNEMPLOYMENT INSURANCE

The College participates in the North Dakota Unemployment Insurance Program, which provides unemployment benefits to eligible workers (See Job Service of North Dakota).

3.0050 RETIREMENT

1. Employer's Share — Effective July 1, 2004 all eligible full-time employees will receive the following contribution to the 401(k) retirement:
   1-10 years will receive an increase of 1% annually.
   11+ years will receive an increase of 2% annually to a maximum of 20%.

2. Employee Contribution — Employees may choose to contribute to their own 401(k) plan. Employer's and employees' portion cannot exceed the percentage allowable under the IRS code.

3.0060 SERVICE AWARD

The College administers a Service Award as follows:

1. Upon completion of the 10th year of employment, an employee will receive a $500 service award.

2. Upon completion of the 15th year of employment, an employee will receive a $500 service award.

3. Upon completion of the 20th year of employment, an employee will receive a $500 service award.

4. Upon completion of the 25th year of employment, an employee will receive a $500 service award.

5. Upon completion of the 30th year of employment, an employee will receive a $500 service award.

6. Upon completion of the 35th year of employment, an employee will receive a $500 service award.

3.0070 INSURANCE

1. Group Term Life Insurance and Accidental Death and Dismemberment (AD&D) — The College provides Group Term Life Insurance equal to $60,000 for each permanent full-time employee and AD&D which pays double in the event of an accidental death at no cost to the employee. After the age of 65 the benefit payment decreases to $30,000. The College also provides Dependent Group Term Life Insurance for each full-time permanent employee's dependents: $5,000 for spouse, $500 for children (birth to six months), and $2,500 thereafter.
2. Group Short Term Disability Insurance – The College provides group short-term disability insurance for each permanent full-time employee at no cost to the employee.

3.0080 OPTIONAL BENEFITS

Insurance

1. Long Term Disability – Each full-time faculty member may choose to participate or waive coverage. The College does not pay any portion of the monthly premium.

2. Voluntary Universal Life Insurance – Each full-time permanent employee may choose to participate or waive coverage. Eligible employees may elect coverage for their spouse and dependent children. The College does not pay any portion of the monthly premium.

3. Voluntary Group Term Life Insurance – Each full-time permanent employee may choose to participate or waive coverage. Eligible employees may elect coverage for their spouse and dependent children. The College does not pay any portion of the monthly premium.

4. Voluntary Enhanced Accidental Death and Dismemberment (AD&D) – Each full-time permanent employee may elect employee-only coverage or family coverage. The College does not pay any portion of the monthly premium.

5. Health Insurance – Each full-time permanent employee may choose to participate in the self-funded health plan. The College pays a major portion of the monthly premium; employee pays a minimum portion of premium. If a full-time regular employee chooses to stay on their spouse’s health insurance plan rather than take part in the TMCC health insurance, the employee may be reimbursed for the out of pocket deduction from their spouse’s salary up to the amount of the College premium would be if they choose the TMCC health plan. For example, a single plus one under spouse the maximum reimbursement amount would be the cost for the Colleges single plus one premium. The employee must provide documentation of the deduction annually.

6. Voluntary Dental Insurance – Full-time permanent employees may choose to participate in either a “low plan” or “high plan”. Eligible employees may elect employee only coverage or family coverage. The College will pay for first $15.00 per month of the Dental Premium. The employee pays for any additional cost.

3.0090 EMPLOYEE AND BOARD MEMBERS TUITION WAIVERS

1. It is the policy of the College to grant an institutional tuition and fees waiver to members of the Board of Directors and Board of Trustees and to full-time employees and to their legal spouse and legal children. Legal children as biological, legal guardianship, and step-children.

2. Waivers are granted after satisfactory completion of employee probationary period.

3. Waivers begin at the start of each semester.

4. The student granted a waiver must maintain satisfactory academic progress as defined by the College catalog.

5. Institutional tuition waivers are considered a resource toward the student’s financial aid budget.

3.0100 PAYROLL DEDUCTIONS

All employees shall sign a statement that authorizes the College’s Payroll Department to deduct any monies owed the College from their payroll and/or their accounts payable check(s). Santa Club
SECTION 5 PERSONNEL POLICY

Employees have the opportunity to save money for Christmas by having a payroll deduction for the dollar amount they choose. A Santa Club account will be opened for them based on the information they provide on the Account agreement Santa Club account form, at a local bank (See Appendix A5-3).

1. Vacation Account
   An employee has the opportunity to save money for a vacation by having a payroll deduction for the dollar amount they choose. A vacation account will be opened for them based on the information they provide on the account agreement Vacation Account form at a local bank (See Appendix A5-4).

2. Roger DeCoteau Scholarship Fund
   An employee has the opportunity to contribute to scholarship fund in memory of Roger DeCoteau, a former member of TMCC Board of Trustees.

3. Dollars for Scholars
   An employee has the opportunity to contribute to the Dollars for Scholars scholarship fund through payroll deduction (Contributions are 100% tax deductible).

4. Profit sharing – An employee may change the percentage contribution to their 401(k) by providing written notice to the Accountant

5. The College Foundation – An employee may contribute to the College’s Foundation.

3.0110 PAYROLL CHANGE NOTICE

Employees who wish to make changes to their voluntary payroll deductions may do so in writing and submitting it to the Payroll Accountant.

5.4.0000 NEW EMPLOYEE PROCESSING PROCEDURE

4.0010 QUALIFICATIONS FOR NEW EMPLOYMENT

The administration will employ persons on the basis of merit and fitness and will avoid favor of discrimination based on race, color, creed, gender, national origin, religion, disabilities, or sexual orientation in its educational programs, admissions, activities, or employment practices. However, the administration shall reserve the right to make inquiry into any employee’s connection with any group or organization which advocates the overthrow of the U.S. Government by force of violence.

1. A new employee will be subject to a background check.

2. A new employee must pass a drug test before employment or contract is offered.

3. The Human Resource Manager in consultation with the supervisor/department head will determine clearance for employment. Disqualification of a candidate will be based on:

   1. Falsification of an application or authorization information.
   2. Unsatisfactory background check as it relates to the position.

4. Appropriate tests may be required to relate qualifications of an applicant to the requirements of a position.

5. A new employee is required to complete a medical statement form and will be required to have a physical examination signed by a qualified medical provider stating that the employee is fit to perform their job duties.

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4.0020 NEW EMPLOYEES

New employees shall complete the following forms if applicable (See Appendix A5-5 to A5-8). New employees shall receive a copy of his/her specific job description/duties. This shall include a general description of the job and specific duties of the job.

1. Exemption from North Dakota Income Tax Withholding, F-309 (See Appendix A5-5).
2. Department of the Treasurer, Internal Revenue Service Form W-4 (See Appendix A5-6).
4. Confidential Employee History, 05340, 1 (See Appendix A5-8).

4.0030 NEW EMPLOYEE ORIENTATION

New employees shall be given a job orientation and opportunity to familiarize themselves with the College Personnel Policy Manual. Each employee must sign and date a statement acknowledging that he/she received and read the College Personnel Policy Manual. New employees should contact the Human Resource Manager for appropriate fringe benefit package information.

4.0040 PROBATIONARY PERIOD

New employees are on a probationary basis for the first ninety calendar days of institutional service. During this period, the employee may be released without cause. An individual on probation is not entitled to due process. Based on the employee’s performance evaluation by the supervisor, the probation period may be extended.

4.0050 REINSTATEMENT

A former full-time employee who resigned or separated while in good standing will be allowed credit for prior service in establishing eligibility for employment benefits provided they are full-time status in reemployment and this occurs within one (1) year from last day of employment.

4.0060 POSITIONS CLASSIFICATIONS

Positions are classified on the basis of duties and responsibilities. Class specifications indicate the title, duties, examples of work, and recommended qualifications. These are used as a basis for classifying positions and assigning class titles.

1. The class title of each position is the official title, which is used on payroll records, budget documents, personnel, and other official records and publications. The department may use functional titles for other purposes.

2. The Human Resource Manager is responsible for job analysis, position classification, and maintenance of the job evaluation program. Classification of a position will be reviewed on request of the supervisor or of the employee acting with the knowledge of the supervisor. Before a new position is established, it shall be classified by the Human Resource Manager and receive proper approval by the Board of Directors.

4.0070 TRANSFERS

1. Persons who desire to apply for a new position at the College are required to make their wishes known through a written notification to their supervisor.

2. Full-time regular employees who apply for a position within the College will receive five “in house” preference points.
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3. Temporary transfers, not to exceed one year, between departments of staff or faculty are permitted with the approval of the supervisors involved and the President.

4. In the event of transfer, the employee's accrued leave becomes the obligation of the department to which he/she transfers.

5. When an employee changes from a lower position to a higher position as defined by the position classification, the employee will start at the salary for the position that is equal to or greater than their present salary based on the salary scale. However, should the employee be hired into a lower position, they will start at grade level for that position.

6. Transfer employees who are full time regular, serve a 60 calendar day probationary period. Based on the employee's performance evaluation by the supervisor, probation may be extended up to an additional 30 calendar days.

4.0080 CODE OF CONDUCT

1. INTRODUCTION

The Turtle Mountain Community College (TMCC) is committed to ethical and professional conduct. The College's leadership expects that each individual performing any activities on behalf of the College will adhere to those standards in the performance of their duties.

It is the responsibility of each individual faculty, staff member, or student employee acting on behalf of the College to comply with legal and regulatory requirements, policies, and procedures that apply to their particular duties. In addition, it is the responsibility of supervisors to adequately train individuals and to monitor their compliance.

There may be instances when a policy or regulation appears difficult to interpret or to apply, in those cases, clarification should be sought through the normal supervisory channels. If necessary, further questions should be directed to the administrative office that has responsibility for the oversight of that policy.

To maintain the highest standards of business conduct, the College depends on each individual to report known or suspected violations relative to the business of the College. Violations may include but are not limited to such subjects as: applicable federal, state, and tribal laws; regulations; government contract and grant requirements; College policies and procedures; or this Code of Conduct. Failure to report known or suspected violations is in itself a breach of College ethical standards and can lead to discipline, up to and including separation from the College. In addition, making an intentionally false report of a violation will result in disciplinary action.

Individuals should understand that the College encourages reporting of violations and makes available numerous options for reporting. Individuals are encouraged to report violations to their immediate supervisor, but may also report to the administration. College policy states that all reports will be investigated.

Reports of suspected violations may be made confidentially or anonymously. However, the more information given, the easier it is to investigate the suspected violation. The College will take all appropriate steps to ensure the level of confidentiality desired; however, sometimes the College's legal obligations to investigate or address a violation will override the individual's wish for confidentiality.
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In addition to this Code of Conduct, there are multiple College policies and procedures that apply to individuals at the College which also encourage reporting.

1. The College’s policy and procedures regarding harassment or discrimination (See 5.30.000 HARASSMENT POLICY).

2. The College’s policy regarding Ethical Conduct in Research, Scholarship, and Creative Activity (See 5.31.0000 COPYRIGHT AND ROYALTY PROCEDURES).

3. The College’s policy regarding Student Financial Aid Statement of Ethical Principles and Code of Conduct (See www.tm.edu).

4. The College’s policy regarding Employee Responsibilities and Activities: Theft and Fraud (See 5.4.0080 CODE OF CONDUCT).

5. The College’s policy on Conflict of Interest (See Board of Trustees Policy Manual II.12.000 CONFLICT OF INTEREST).

6. Technology use policy (See www.tm.edu).

7. The Student Handbook (See www.tm.edu).

8. The faculty and staff policies (See www.tm.edu).

Reports of conduct/inconsistent with the Code of Conduct will be investigated following the procedures set forth in the above policies.

It is expected that all individuals, comply with this Code. It is expected that faculty and staff will try to use good judgment and best efforts to spend the College’s funds including reimbursable expenses. It is expected that individuals will not make any false record or communication of any kind. It is expected that individuals will make every effort to communicate completely, accurately, and in a timely manner. It is expected that individuals will only collect that personal information necessary for the College’s business. It is expected that individuals will retain customer information for only as long as required by the College’s record retention schedule. It is expected that access to information will be limited to those with a legitimate business reason to have access.

If it is determined that this Code of Conduct or other policies, regulations, laws, grants, or contracts referenced above have been violated, the offending faculty or staff will be disciplined with penalties up to and including possible termination of employment. In some circumstances, individuals may be subject to civil and criminal charges and penalties.

The College prohibits retaliation against those who participate in reporting or investigating conduct contrary to law and policy. Further, College policies and grievance procedures also prohibit retaliation.

Each new employee will review the College’s Code of Conduct and sign a statement certifying that the employee has read and agrees to comply with the Code.

The College’s policies or documents emphasize the Turtle Mountain Community College’s commitment to ethical and professional conduct.

This policy will outline employment conduct responsibilities and requirements of personnel of the College.

1. Every employee shall conduct him/herself in a manner to further the College’s mission of providing high quality, professional, courteous, and efficient customer services to all community members.
SECTION 5 PERSONNEL POLICY

2. Employees of the College are expected to perform the duties and responsibilities in their position in a manner that upholds the public’s trust and reflects the highest ethical standards.

3. Any employee whose actions violate the College’s Code of Conduct or these procedures may be subject to disciplinary action.

4. The philosophical foundation of the College is embedded in the system of values that stem from the heritage and culture of the Anishinabe people and expressed in the Seven Teachings of the Tribe.

5.5.0000 STAFF SALARY AND WAGE SCALE

5.0010 INTRODUCTION

It is the policy of the College to adopt, maintain, and apply an equitable compensation plan for all employees. All employees are employed to perform the duties set forth in a written position description approved by the governing body. Each position description shall detail the requirements of the position which shall serve as the sole basis for establishing the pay grade of the position. Like positions and classes shall be assigned similar pay grades. Pay grades shall serve as the primary basis for employee compensation. No employee shall suffer any reduction in compensation solely as a result of the adoption of this policy (See Appendix A5-9 Position Grade Evaluation).

5.0020 YEARS OF SERVICE

1. New hires and transfers would be allowed up to five (5) years of prior directly related experience on their initial placement with supporting documentation. The maximum amount that any employee can be granted is five steps.

2. In extreme situations, such as difficult to fill positions, a new employee may be hired at a higher level with years of experience considered for a lateral type of placement from a previous job. However, each and every case must be presented to the Board of Directors for approval.

5.0030 PERFORMANCE EVALUATION

The College expects excellence from every employee in the daily performance of their duties and responsibilities. Their performance is measured through fair and equitable evaluations. The process of evaluation is essential for the continuous and measurable improvement of the employee.

Purpose:

The purpose is to provide a fair and equitable means for employees to be assessed on quality and quantity of work performance; and to improve performance standards and goals.

Objectives:

a. Provide a formal annual review of each employee’s work performance based on their job description.

b. Document work performance of each employee.

c. Identify requirements for training and development of individual employees.

d. Provide professional development as a result of the evaluation.

5.0010 EVALUATION PROCESS

Annual Employee Evaluation Review

All Evaluation Reviews shall be done by April 30 of each year. This shall include faculty and staff.
SECTION 5 PERSONNEL POLICY

One Month before the Review (by March 30th):

1. The supervisor will provide written notification to the employee that the annual employee evaluation review will be scheduled.

2. Both employee and supervisor review the current employee job description.

3. The supervisor determines the performance factors that will be rated (a minimum of 6 factors) and, with the employee, develops any additional performance factors (based on the job description or specific duty assignments) that need to be added to the evaluation review form, and shares this information with the employee.

4. The supervisor gives the employee the Self-Evaluation Form to complete within a 2 week time period (by April 15th).
   a. Each Self-Evaluation Form will have an attached Rating Factor Guide to assist the employee in rating their performance on the identified factors to be rated.
   b. Where useful or relevant, the employee will provide their supervisor examples to support the rating.
   c. The employee returns the completed Self-Evaluation Form to the supervisor.

Two Weeks before the Review Day (starting April 15th):

5. Using the job description and Self-Evaluation Form, the supervisor prepares the written review using the Employee Evaluation Review Form. The supervisor will rate each performance factor as “Outstanding,” “Exceeds Requirements,” “Competent,” “Requires Improvement,” or “Unsatisfactory.” The supervisor will schedule the review date, time, and location with the employee. The following process will be followed:
   a. Rate a minimum of six (6) performance factors by checking the appropriate rating block. If a factor does not apply to the work requirements of this position, check the “Factor Not Applicable” box.
   c. Written comments are required for all factors.
   d. Complete the “Overall Employee Rating” section according to the factor ratings and by assessing the overall effectiveness of the employee’s job performance during the rating period.

Employee Evaluation Review Day (by April 30th):

6. The supervisor and employee meet for the employee evaluation review. The employee is given an opportunity to provide comments, the required signatures are collected on the form, and photocopies are made for the employee and supervisor with the original sent to the Human Resource (HR) Department for filing in the personnel file.
   a. If all ratings were “competent” or above, the employee has completed the review.
   b. If any ratings are below “competent”, the employee is required to proceed to follow-up (See section 8).

7. All departments will participate in review tracking. The HR Department will input data from the employee evaluation review into the electronic tracking system. This database will document
each of the administrators/faculty/staff evaluations in determining institutional status and recommendations made for improvement or salary adjustment.

Follow-Up (if needed):

8. If any ratings were below “competent,” the employee shall have 120 calendar days to improve performance. The supervisor and employee will discuss specific goals and expectations. A written plan of improvement will be completed and signed by both parties. If an employee refuses to sign they are recommended for termination. A midpoint progress meeting will be scheduled within the first 60 calendar days.

9. A mid-point meeting will be held, progress is updated, and next steps are planned. A final meeting, within the 120 calendar days, will be scheduled. Coaching and performance monitoring will continue to the end of the 120 calendar days.

10. The final progress meeting is held. If the employee has made “competent” progress in areas of concern; the Follow-Up Form is signed by both parties, and the original is given to the HR. The data is entered into the tracking system by the HR Department.
   a. If the employee has not made “competent” progress, the supervisor will schedule a meeting to include the supervisor, employee, and HR Director to discuss employment options. The employee maybe recommended for termination.

Probationary Employees

Each new employee is placed on a 90 calendar day probation period. Each new employee shall receive an orientation that consists of, at a minimum, institutional mission, goals, and processes, and a review of the job description and responsibilities. The supervisor shall be responsible for the orientation, in coordination with the HR department.

The following timeline marks key days for probationary employees:

Day 0 (Begin Employment) → by Day 45 (Mid-Point Review) → beginning Day 60 (Written Notification to Probationary Employee) → by Day 80 (Review is held, decision is made) → Day 90 (end of probation)

Mid-Point Review (by Day 45):

1. The supervisor will provide written notification to the employee that the mid-point employee probationary review is upcoming. The supervisor will schedule a meeting.

2. The mid-point meeting is held, progress is updated and next steps are planned. A final meeting, within the 35 calendar days, is scheduled. Coaching and performance monitoring continue to the end of the 45 calendar days.

One Month before the end of the Probationary Period (beginning Day 60):

3. The supervisor will provide written notification to the employee that the employee probationary review is upcoming with the date, time, and location.

4. The supervisor reviews the job description that was given to the employee at the time of hire.

5. Using the job description and observations, the supervisor prepares the written review using the Employee Evaluation Review Form. The supervisor will rate each performance factor as “Superior,” ”Exceeds Requirements,” “Competent,” “Requires Improvement,” or “Unsatisfactory.” The supervisor will schedule the review date and time with the employee.
SECTION 5 PERSONNEL POLICY

a. Rate performance factors by checking the appropriate rating block. **If a factor does not apply to the work requirements of this position, check the “Factor Not Applicable” box.**

b. A Rating Factor Guide follows each review form to assist in giving an accurate assessment of performance.

c. Written comments are required for any and all factors.

d. Complete the “Overall Employee Rating” section according to the factor ratings and by assessing the overall effectiveness of the employee's job performance during the rating period.

Two Weeks before the end of the Probationary Period (by Day 80):

**Probationary Review Day:**

6. The supervisor and employee meet for the probationary review. The employee is given an opportunity to provide comments, the required signatures are collected on the form, photocopies are made for the employee and supervisor, and the original is sent to the Human Resource Department for filing in the personnel file.

   a. If all ratings were “competent” or above, the employee is finished with the review.

   b. If any rating is below “competent”, consultation with the HR Department is recommended.

7. HR Tracking.
   Each department will participate in review tracking. HR Department will input data from the employee evaluation review into the system.

**Follow-Up:**

8. If areas for improvement were identified and after consultation with the HR Director, and the department elected to retain the employee, the supervisor shall, no later than 90 calendar days, complete the Follow-Up Form.

9. The supervisor and employee will discuss specific goals and expectations. The written plan of improvement will be completed and signed by both parties. A midpoint progress meeting will be scheduled within the first 45 calendar days.

10. The midpoint meeting is held and progress is updated and next steps are planned. A final meeting, within the 90 calendar days, is scheduled. Coaching and performance monitoring continue to the end of the 90 calendar days.

11. The final progress meeting is held. If the employee has made “competent” progress, the Follow-Up Form is signed by both parties and the original is sent to the HR Department. The data is entered into the tracking system and the next annual review is scheduled.

   a. If the employee has not made “competent” progress, the supervisor will schedule the final meeting between the supervisor, employee, and HR. The employee is recommended for termination.

**Evaluation Forms**

(See Appendix A5-10 to Appendix A5-13).
5.6.0000 FACULTY APPOINTMENTS

6.0010 PROCEDURE

The procedure leading to appointment of a faculty member (See 5.1.0000).

6.0020 TERMS OF EMPLOYMENT

The general terms and conditions of employment of the faculty will be stated in writing, and a copy of the employment contract will be supplied to the faculty member. Any subsequent extensions or modifications of the employment and any special understanding or any notices incumbent upon either party shall be confirmed in writing and a copy given to the faculty member. Each faculty member will be advised at the time of initial employment of the institutional process for evaluation of faculty. This may be accomplished by a published description of the process in this manual.

6.0030 TIME DEADLINES FOR LETTER OF INTENT

The institution shall make a reasonable effort to notify faculty members of the conditions of their renewals by April 15, and no later than May 1. Failure to provide this information shall not result in an automatic award of a renewed appointment, but a faculty member not receiving such information after a request to the President may appeal to a Special Review Committee for assistance in securing a response. Failure by a faculty member to accept the terms and conditions within one month of the date they were offered, shall relieve the institution of any obligation to reappoint the faculty member.

6.0040 NONRENEWAL OF FACULTY

In all cases, written notice of non-renewal shall be given to the faculty member in advance of the expiration of his/her contract, as follows:

1. No later than March 1 of the academic year if the contract expires at the end of that academic year; or, if a one-year contract, the appointment must be terminated during the academic year.

2. Non-renewal - When a decision not to renew an appointment has been reached, the faculty member involved shall be informed of that decision in written form by the body or individual making the decision, and if the faculty member so requests, he or she will be advised of the reasons which contributed to that decision. The faculty member may also request a reconsideration of the decision by the deciding body and a written confirmation of the reasons given in explanation of the non-renewal.

3. Peer Review Committee – In so far as the faculty member alleges that the non-renewable decision was based on inadequate consideration, a Peer Review Committee shall review the faculty member’s allegations and determine whether the decision was the result of inadequate consideration in terms of relevant standards of the institution. If the Peer Review Committee believes that adequate consideration was not given, it shall request reconsideration, indicating the aspects in which it believes the consideration may have been inadequate.

The Peer Review Committee shall provide copies of its findings to the faculty member, the recommending body or individual, the President, and other appropriate administrative officers.

4. Grievance procedures – If a faculty member alleges that the non-renewal decision was based significantly on considerations of academic freedom, rights guaranteed by the United
SECTION 5 PERSONNEL POLICY

States Constitution, or right previously conferred by written agreement, the allegation shall be given preliminary consideration by a Peer Review Committee.

This committee shall seek to settle the matter by informal methods. A statement that the faculty member agrees shall accompany the allegation to the presentation, for the consideration of the faculty committees or such reasons and evidence as the institution may allege in support of its decisions. If the difficulty is unresolved at this stage, and if the Peer Review Committee so recommends, the matter shall be heard by the Board of Directors. The faculty member making the complaint shall be responsible for stating the grounds upon which it is based, and the burden of proof shall rest upon the faculty member. If the faculty member succeeds in establishing a prima facie case before the Board of Directors, it shall be incumbent upon those who made the non-renewal decision to come forward with evidence in support of their decision.

6.0050 TERMINATION OF APPOINTMENT BY A FACULTY MEMBER

A faculty member may terminate an appointment effective at the end of the academic year, provided that he or she gives notice in writing at the earliest possible opportunity, but no later than May 1, or one month after receiving notification of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

6.0060 DISMISSAL DURING A CONTRACT PERIOD

The College, only for adequate cause, may affect dismissal of a faculty member before the end of the specified term. Adequate cause shall be defined to include the following behaviors: (1) Demonstrated incompetence or dishonesty in teaching or research, (2) Substantial and manifest neglect of duty, (3) Personal and moral conduct which substantially impairs the individual’s fulfillment of his institutional responsibilities, (4) A physical or mental inability to perform assigned duties, and (5) Failed or refusal of drug screen or test.

1. Schedule of written notice for dismissal - A faculty member selected for dismissal under this section shall be given written notice of dismissal citing reasons for such dismissal.

2. Pending final decision of dismissal, the faculty member may be suspended or placed on administrative leave with or without pay (See section 5.25.0000 for Grievance Policy.

3. Administrative actions other than dismissal - If the administration determines the conduct of faculty member, although not constituting grounds for termination, dismissal or justified imposition of a sanction, the faculty member must be informed in writing of the sanction. No faculty member shall be subjected to demotion in status or reduction in salary.

4. Other requirements for termination or dismissal - The termination or dismissal of any faculty member will not become final until the following steps have taken place in the order listed: (1) Notification of intent to terminate or dismiss, and (2) The faculty member has been informed of rights of due process and given an opportunity to answer the charges and to have representation at the employee’s own expense.

5. Budget restrictions - Budget restrictions may require a reduction in force. The College reserves the right to implement budget adjustments when faced with funding restrictions.
SECTION 5 PERSONNEL POLICY

5.7.0000 FACULTY SALARY AND WAGE SCALE

7.0010 INTRODUCTION

The purpose of the Faculty Salary and Wage Scale is to provide an equitable salary structure at the College. The underlying principle is that personnel with the same level of education, experience, and qualifications should receive the same compensation.

The level of education on the Faculty Salary and Wage Scale is divided into three categories: Masters, Specialist, and Doctoral.

This scale was adopted and became effective July 1, 2004 and supersedes all other faculty scales.

7.0020 SALARY DIMENSIONS

The salary scale has one dimension. Both new and current full-time faculty will be placed on the salary scale based on criteria spelled out in the Faculty Salary and Wage Scale.

7.0030 SALARY AND WAGE SCALE

(See Appendix A5-14 to A5-15).

7.0040 PREVIOUS EXPERIENCE

New full-time hires with a master's or doctoral degree and possessing prior post-secondary full-time annual academic teaching experience will be given credit, year for year, up to 5 years (step 4 on the salary scale).

New full-time hires who have had officially issued full-time teaching contracts from non-post-secondary institutions while holding a master's or doctoral degree will receive 25 percent credit for placement on master's scale with a maximum cap of five years (step 4 on the salary scale).

7.0050 TMCC EXPERIENCE

Experience at the College will be computed using the following formula:

1. The number of days in the contract year is 198. From the date of employment, determine the number of remaining contract days to the end of the contract period; and then divide the remaining number of contract days by the number of days in the contract year to get a percentage. If the percentage is fifty percent or more, one year of experience will be given, if the percent is less than fifty percent, no credit for experience will be given.

2. The President, with the concurrence of the Board of Directors, will determine applicable previous experience and date of employment. Employees will have the right to a hearing process as established by the Board if the employee feels that the determination was inaccurate.

3. Faculty who have a master's degree who were employed prior to July 1, 2004 will retain their current experience status as indicated by their current placement on the salary scale that was in place on June 30, 2004.

7.0060 EXCEPTIONAL EXPERTISE

Administrative discretion regarding salaries will be utilized in areas of exceptional expertise. The purpose of the Salary and Wage Schedule is to provide a structure that is more equitable for the personnel at the College. The underlying principle behind equity is that personnel with the same experience and qualifications should receive the same compensation.

All salary adjustments must have prior approval by the Board of Directors.
SECTION 5 PERSONNEL POLICY

Definition: Any candidate, who exemplifies expertise for difficult areas to recruit, shall be given consideration of a one-time higher salary above the institutional salary scale which can/will be negotiated and approved by the Board of Directors.

7.0070 PLACEMENT ON FACULTY PROFESSIONAL STATUS SCALE

For placement on Faculty Professional Status Scale (See Appendices A5-14 to A5-15).

7.0080 ADJUNCT FACULTY

1 Credit = $1,050
2 Credit = $1,450
3 Credit = $1,850
4 Credit = $2,250
5 Credit = $2,650

Note: Adjunct faculty with fewer than 10 students in a course will be paid on a percentage basis or at a rate determined by the Academic Dean.

5.8.0000 CAREER and TECHNICAL EDUCATION SCALE

8.0010 INTRODUCTION

The purpose of the Career and Technical Education Salary and Wage Scale is to provide and equitable salary structure at the College. The underlying principle is that personnel with the same level of education, experience, and qualifications should receive the same compensation.

This scale is effective July 1, 2004 and supersedes all other Career and Technical Education personnel scales.

8.0020 SALARY DIMENSIONS

The salary scale has one dimension. Both new and current full-time Career and Technical Education personnel will be placed on the salary scale based on criteria spelled out in the following Career and Technical Education Salary Scale.

8.0030 SALARY AND WAGE SCALE

(See Appendix A5-16).

8.0040 PREVIOUS EXPERIENCE

.01 New full-time hires that come into the institution with prior post-secondary full-time annual academic teaching experience will be given credit, year for year, up to 5 years.

.02 New full-time Career and Technical Education personnel who have officially issued full-time teaching contracts from non-post-secondary institutions will receive 25% credit for placement on the scale. For example, new Career and Technical Education personnel with four years prior teaching experience will be placed at year one on the scale with a maximum cap of five years (step four on the salary scale).

8.0050 TMCC EXPERIENCE

Experience at the College will be computed using the following formula:

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SECTION 5 PERSONNEL POLICY

1. The number of pay periods in a contract year is 20. From the date of employment, determine the number of remaining contract days to the end of current contract period; and then divide the remaining number of contract days by the number of days (10 x 20 pp = 200 day) in the contract year to get a percentage. If the percentage is fifty percent or more, employees are eligible for a salary increase effective beginning the next contract year.

2. The President or his/her designee with the concurrence of the Board of Directors will determine applicable previous experience and date of employment. Employees will have the right to a hearing process as established by the Board if he/they feel that the determination was inaccurate.

3. Faculty who were employed prior to July 1, 2004 will retain their current experience status.

8.0060 EXCEPTIONAL EXPERTISE

Administrative discretion on Exempt Support and Support Staff salaries should be implemented in areas of exceptional expertise. The purpose of the Salary and Wage Schedule is to provide a structure that is equitable for the personnel at the College. The underlying principle behind equity is that personnel with the same experience and qualifications should receive the same compensation.

All must have prior approval by the Board.

Definition: Any candidate, who exemplifies expertise in a difficult to fill area, shall be given consideration of a one-time higher salary above the institutional salary scale which can/will be negotiated and approved by the Board of Directors.

5.9.0000 PERSONNEL STAFF ANNUAL SALARY NOTIFICATION

9.0010 SALARY NOTIFICATION

Personnel salary notifications follow approved salary scales. The salary notification year is from January 1 to December 31 for the non-teaching staff. For teaching staff the contract year will begin on the date the faculty are called back to work (normally the last week of August and continue for 198 days, normally the third week in May).

1. The President, Vice President, Comptroller, and Human Resource Manager are excluded and will be issued contracts.

2. The President or a designee is responsible for signing contracts.

9.0020 INITIAL FORMS

Initial forms are located in the new employee processing procedure (See 'New Employee Processing Procedure, section 5.4.0000).

9.0030 TIME SHEETS

Time sheets are required of temporary employees, work-study, and tutors. Time sheets must also be signed by the employee to show they agree with it and to present and certify the precise reason why sick or annual leave was taken. In case of absence of the employee, the immediate supervisor may initial the employee signature line where the staff member signs, any change must be requested in writing by the employee and approved by the immediate supervisor. Time sheets shall be submitted on each scheduled payday (See Appendix A5-17).

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9.0040 SUPERVISORY LEAVE REPORTS

Exempt and non-exempt employees will submit the Supervisory Leave Report form on the Monday prior to each pay day.

9.0050 PAYROLL CHECKS

Payroll is prepared based upon contracts, salary notifications, and authorized deductions.

1. The time sheets and checks shall be reviewed and signed on each scheduled payday. The paychecks shall require the signatures of two authorized check signers.

2. Time sheet forms shall be printed and filed in the Payroll Office.

3. Employees may elect direct deposit by completing the appropriate form.

9.0060 PAY DAY

Payday checks are distributed every two weeks. The direct deposits will be deposited into the employees' accounts on Thursday of pay week, and the check distribution will be made directly to the employee no sooner than the Friday of pay week.

9.0070 PAYROLL SCHEDULE

(See Appendix A5-18).

9.0080 SCHEDULED HOLIDAYS

During the calendar year, under normal conditions, the staff will observe the following legal holidays:

- College Founding Day-2nd Monday in October
- Veteran's Day-Same date as Federal
- Mitchif Day-early November
- Thanksgiving Day-4th Thursday in November
- Christmas Day-December 25
- New Year's Day-January 1
- Martin Luther King, Jr. Day-3rd Monday in January
- President's Day-3rd Monday in February
- Good Friday and Monday following Easter
- Memorial Day-Last Monday in May
- Independence Day-July 4
- Labor Day-1st Monday in September

1. In most cases, academic calendar is not scheduled in conflict with the above recognized holidays. When a holiday falls on Sunday, the following Monday is observed. When a holiday falls on Saturday, the Friday preceding shall be observed.

2. Leave for special religious holidays may be observed with the advance approval of the supervisor and President.

3. The supervisor may allow leave during student breaks. Such leave shall be charged to earned annual leave or taken without pay.

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9.0090 BUDGET RESTRICTIONS

The College reserves the right to implement budget adjustments when faced with funding restrictions.

5.10.0000 WORK SCHEDULE

10.0010 NORMAL WORK DAY

The normal workday will be between 8:00 a.m. and 4:30 p.m. with a one-half hour lunch break. Hours may vary if circumstances warrant a change in the schedule.

10.0020 OVERTIME

Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time and one half) rate. Overtime hours must have prior approval through formal request from the supervisor with the President’s concurrence. With prior arrangement from the supervisor and President, support personnel working beyond the normal work day will be allowed equivalent release time to be taken within the month.

10.0030 BREAK PERIOD

An employee will be allowed break periods of 15 minutes each half day to be arranged with the supervisor. Omitting the break period may not shorten the workday.

5.11.0000 ABSENCE AND LEAVES

11.0010 ABSENCE AND LEAVES

1. Planned absences of more than a week in duration shall be requested of the immediate supervisor. The Leave Request Form shall be submitted two weeks in advance of such absence.

2. Leave requests of one day or less in duration shall be requested at least three days in advance (when possible). Exception: if an emergency warrants, discretion will be used.

3. Failure to report absences and leave is a form of fraud and will result in disciplinary action. The disciplinary action taken can range from a letter of reprimand, suspension without pay, or termination. The length of the absence(s) and the number of offenses will be considered in determining the appropriate disciplinary action.

5.12.0000 SICK LEAVE

12.0010 SICK LEAVE

Sick leave is a benefit granted by the College to full-time permanent employees of 40 hours or more per week and is not a benefit to be used for vacation. It is an insurance benefit that allows employees to build a reserve of days they can use for extended illnesses. Excess abuse of this privilege may be grounds for termination.

1. Sick leave is earned on the basis of continuous service from date of employment for all employees that are eligible for annual leave.

2. Sick leave accrues on the basis of 4 hours per pay period with unlimited accumulation.

3. The College may require medical verification of illness.

4. The employee utilizing sick leave should call within the first half hour of work or arrange for a relative or friend to notify their supervisor.
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5. When a holiday occurs during a paid sick leave, the holiday is not considered a day of sick leave.

6. No payment will be made for accumulated sick leave when an employee terminates their employment.

7. Upon ending employment, the College shall be reimbursed for any unauthorized or unearned sick leave taken or it shall be deducted from the employee's last paycheck. If the employee does not have sick leave, they will be required to use their annual leave. If the employee does not have either, leave without pay will be used.

8. Unsolicited sick leave can be donated. An employee can receive sick leave from fellow employees for a period of actual need not to exceed 30 calendar days or a maximum of 160 hours per year. Request must be in writing and approved by the supervisor with concurrence of the President.

9. Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.

10. Sick leave is to be used for the employee's medical and dental appointments and illness. Sick leave may also be used to take immediate family members under your care to appointments or to care for them in time of illness (See Family Friendly Act Provision).

11. Employees will be credited with hours or days worked for time when they are on sick leave.

5.13.000 ANNUAL LEAVE

13.0010 ANNUAL LEAVE EARNED

1. Annual leave taken is computed in ½ hour increments.

2. Annual leave with pay for 12 month employees is earned on the basis of continuous service from the date of employment as follows:
   
   Four Hours Per Pay Period – 1st thru 5th year
   Six Hours Per Pay Period – 6th thru 11th year
   Eight Hours per Pay Period – 12 Years and Over of Service

3. All employees hired prior to July 1, 2000 currently earning 10 hours annual leave are exempt from the above.

13.0020 ANNUAL LEAVE USE

1. After July 1, 2001, leave will be carried over into the following calendar year.

2. Each employee will be required to use all leave in excess of 240 hours by December 31 of each year or lose it.

3. When a holiday occurs during annual leave, the holiday is not considered to be a day of annual leave.

13.0030 ANNUAL LEAVE CARRY FORWARD

1. Employees will be allowed to carry over the maximum of 240 hours at the end of the calendar year. All annual leave in excess of 240 hours at end of calendar year will be lost (Use or lose will be in effect).

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2. At the end of each calendar year, the Business Office will determine each employee's leave balance.

13.0040 LEAVE PAYOUT UPON TERMINATION

1. When an employee terminates employment after three months of continuous service, the employee will be encouraged to use all accrued annual leave. If this is not possible, the employee will be compensated an amount equal to their hourly rate of pay (at the time their employment is terminated) times the number of hours of their current annual leave balance.

2. In case of death, an employee's beneficiary will be entitled to payment of all current earned and unused annual leave, less appropriate taxes.

5.14.0000 LEAVE REPORT

14.0010 PURPOSE

1. The purpose of the Leave Report is to insure that all absences are reported to the Business Office on a timely basis. This will allow the Business Office to report leave balances more accurately. It is the responsibility of the supervisor to insure that all absences are reported.

2. The information requested on the form is as follows: Name, Social Security Number, Department, Pay Period, and Pay Period beginning date and ending date. This information can be taken from the Pay Period Schedule for the current calendar year.

3. The entries in a date column are the dates corresponding to the DAY in the Day column for the first or second week of the pay period. The entries in the HOURS LEAVE BY TYPE column are the number of hours of leave to be charged and the appropriate Leave Code.

4. The Supervisor’s Report is to be signed by both the employee and the supervisor to acknowledge the leave and to attest to the accuracy of the entry.

5. The Supervisor’s Report is to be submitted to the Business Office no later than the close of business on the Monday following the end of a pay period.

6. LEAVE REPORT (See Appendix A5-19).

14.0020 FILING OF LEAVE RECORDS

The Human Resource Manager or his/her designee shall maintain a current file of all leave records. The Human Resource Manager shall maintain a current leave file of all leave records and make them available to the employee.

5.15.0000 ADMINISTRATIVE LEAVE

1. Bereavement Leave

Absence from work because of death in the family may be excused without loss of pay for a maximum of three days. The immediate family shall include husband, wife, father, mother, brother, sister, mother-in-law, father-in-law, children including step-children, grandparents, and grandchildren of the employee. In cases of death in the employee's extended family, absence from work may be excused without loss of pay for a period of one day for an in-state funeral and three days where interment is out-of-state. The extended family shall include sister-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, foster parents, foster children, and aunts and uncles, nieces and nephews of the employees. The College may require verification.

2. Funeral Leave
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An employee may be allowed leave without loss of pay because of a death of a friend or a relative not designated as part of the immediate or extended family. Funeral leave may be allowed up to four hours with supervisor’s approval. Funeral Leave cannot be used in conjunction with Bereavement Leave.

3. MATERNITY/PATERNITY LEAVE

Fifteen days of leave with pay may be granted to women immediately prior to or following delivery. The leave must be taken consecutively. Maternity leave will be granted only after three months of full-time, permanent employment. Annual leave and sick leave may also be used for pregnancy and delivery. Maternity leave cannot be accumulated. Five days of leave with pay will be granted to men immediately prior to or following partner’s delivery.

4. JURY DUTY

An employee may be allowed leave with pay for jury or other legal duty when subpoenaed for such services. The employee may retain any compensation received for such duty.

5. COURT APPEARANCES

An employee who is personally interested in or party to a criminal or civil action or who voluntarily appears as a witness must charge his absence against earned annual leave or take leave without pay. If an employee is subpoenaed (involuntary), the employee will not be charged leave.

6. MILITARY LEAVE

An employee who is either an enlisted person or an officer in the National Guard or Armed Forces Reserve shall be granted military leave annually with the following limitations: Military leave with pay may be granted to all employees up to a maximum of 15 calendar days. The military leave year is from July 1 to June 30.

7. COMMUNITY SERVICE

Because community service positively influences accreditation, employees are encouraged to perform community service. An employee is allowed to charge 4 hours per pay period as paid community service hours. Employees performing community service after hours are encouraged to report the activity to the supervisor (See Appendix AS-20).

8. STORM DAYS

Official closing of the College during periods of severe weather will be announced over local radio stations (KEYA and KBTO) when necessary by the President, Vice-President, or designee.

ESSENTIAL POSITIONS: Essential employees are crucial to the College in times of natural disasters or a state of emergency. These positions would be required to maintain the College during these events. These positions are identified as the President, IT Department, and Security and Facilities personnel. These positions are a part of the Emergency Management Plan (See Section 5.33.0000).

5.16.0000 COMPLIANCE

Must comply with Federal guidelines with the Federal Medical Leave Act (FMLA) (see http://www.dol.gov/esa/whd/fmla/).
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5.17.0000 LEAVE WITHOUT PAY

1. Leave without pay will be granted for the following reasons: 1) an employee has exhausted all other leave 2) an employee did not sign appropriate leave and was AWOL from duties, and 3) an employee requests time off for personal reasons.

2. Leave without pay may be authorized by the supervisor for a period of less than 21 working days. The supervisor shall send copies of such leave authorization to the President, the Business Office, the immediate supervisor, and for the employee's personnel file.

3. Leave without pay for more than 21 days shall require approval from the President.

4. Failure of an employee to report for duty on expiration of leave without pay is cause for automatic termination.

5. Leave of absence will be granted with assurance of reinstatement to the same position or to other employment pending available funding. A reasonable notice will be given. Employees who do not apply for reinstatement within the time specified will be automatically terminated.

6. Employees while on leave shall retain their years of service rights and accumulated benefits but shall earn no additional benefits.

7. Employees while on Leave Without Pay is in a non-pay status and do not earn Annual or Sick Leave.

5.18.0000 DEVELOPMENTAL LEAVE/RELEASE TIME

The purpose for "Developmental Leave" is to enhance the goals and objectives of the College and to improve the knowledge, skills, and abilities of employees who chose to do so. The purpose of "Release Time" is to allow employees who meet the required criteria, to receive time off from work to pursue types of training and/or college classes to improve their knowledge, skills, and abilities, which will in turn enhance the goals and objectives of the College which would not fall under the category of "Developmental Leave".

1. Eligibility - Upon approval by the supervisor, affirmation from the President, and final approval by the Board of Directors; a full-time employee who has worked at the College for three consecutive years or three consecutive contract years may be eligible for twelve months of developmental leave. If the position does not require the degree being sought, the institution will not pay for the cost of training.

2. Application Procedure - Prior to leave being granted, a formal proposal must be developed in writing explaining in detail the purpose of the developmental leave. Employees seeking developmental leave must make their intentions known to the College administration before the December All Day Board Meeting. The proposal is due for the Board’s consideration by the December meeting of each year or 160 days before the leave is to begin. The proposal shall present a clear and detailed narrative and must include the following:

   (1) Purpose;
   (2) Dates to be considered;
   (3) Cost to the College, Applicant, and Other financial resources;
   (4) Alternative ways of handling distribution of work responsibilities, if applicable;
   (5) List of courses in the program of study to be taken;
   (6) How the leave will benefit the institution; and

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(7) Signed contract to return to the institution upon completion of the developmental leave.

3. Signed contract – A contract shall be signed by the employee to return to the institution for a two year period of time immediately following the completion of the developmental leave. An employee who fails to fulfill this obligation of the contract with the institution will reimburse all funds expended on the employee’s behalf, or possible legal action may be taken against the employee.

4. Conditions
   
   a. Developmental leave shall be no longer than three consecutive months unless "special consideration" was made prior with the President and approved by the Board.

   b. In cases where the institution requires an employee to upgrade or enhance their knowledge, skills, and abilities, the institution may pay for the cost of training as required.

   b. In all cases of developmental leave, employee is encouraged to find alternative funding sources such as scholarships, fellowships, stipends, or any other monetary compensation from external or outside sources and report such resources to the President.

5. Any employee proposing to take developmental leave should seek external funding. In such cases where an employee is successful in obtaining external funding, a leave of absence for developmental leave may be granted for up to one full year or twelve consecutive months.

6. All requests for leave are to be submitted through the appropriate institutional channels. In the case of developmental leave, the Board of Directors shall grant final approval. A decision will be rendered at the regularly scheduled March Board of Directors meeting or 60 days prior to the start of the requested developmental leave.

7. Upon the employee’s return to the institution with their bachelor’s, master’s, or doctorate degree, they will return to the same position they held prior to their leave.

8. If the employee quits school prior to the end of the developmental leave and does not complete the term for which enrolled, it shall be reported by the President to the Board for final determination.

9. Transcripts should be submitted to the Human Resource Manager, who will report status to the President.

10. Other Benefits - Employees while on leave without pay or external development leave shall not lose their years of service rights and accumulated benefits but will not earn annual leave and sick leave or advance years for employer’s contribution in the 401 (k) retirement plan.

5.19.0000 EDUCATIONAL LEAVE

Subject to the approval of their supervisor, an employee may be allowed up to four hours per week of release time (16 hours per month) for enrolling in college courses.

5.20.0000 INSTITUTIONAL TUITION WAIVER POLICY

20.0010 STUDENTS WHO CANNOT PAY

1. The College may award institutional tuition waivers to any student who does not receive financial assistance and who is an enrolled member of a federally recognized Indian Tribe as evidenced by an official Certificate of Indian Blood quantum.
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2. At the regular June Board meeting, the Comptroller will report the name, credit hours, and dollar amount waived for each student who receives an institutional tuition waiver for that academic year. This policy took effect during the 1998 Summer Session.

5.21.0000 TERMINATION/RESIGNATION PROCEDURE

21.0010 EMPLOYMENT TERMINATION/RESIGNATION PROCEDURE

An employee leaving the service of the College under any circumstance shall be required to report to the Human Resource Officer for final processing.

.01 The employee terminating employment shall complete an exit checkout sheet that includes the following (See Appendix A5-21):

(1) Library materials have all been returned.

(2) Leave is updated.

(3) All College Equipment is returned.

(4) All keys have been returned and all miscellaneous items have been taken care of.

(5) All reports, current assignments, and requested exit paperwork have been submitted.

.02 The Human Resource Officer shall provide the employee with final disposition of the following items:

(1) The College annuity package,

(2) Insurance coverage, and

(3) Social Security procedures.

.03 Failure to follow the above policies may result in the College holding the employee's final check. The final check shall not be released to the separating employee until after the employee completes the exit procedure of the College.

21.0020 LEAVE PAYOUT

An employee is eligible to receive annual leave pay if they have completed three full months of continuous service. Half the work days in a pay period are considered a complete pay period in computing annual leave pay for an eligible employee.

1. The last day of service is the termination date. Accrued annual leave pay shall be paid in addition to the payment for days worked.

5.22.0000 LAY-OFF

The legal right to ‘lay-off’ an employee exists in the same authority as the right to appoint. In the event of the discontinuance of a position because of an organizational or procedural change, diminished work load, lack of funds, grant terminated, or ended or other conditions, the employee concerned shall be given at least two weeks’ pay in lieu of two weeks’ notice. A copy of the employee’s lay-off letter shall be sent to the Human Resource Manager. The employee may be eligible for Unemployment Insurance.

5.23.0000 REDUCTION IN FORCE

The legal right to “lay-off” an employee exists in the same authority as the right to appoint. In the event of the discontinuance of a position because of an organizational or procedural change, diminished work load, lack of funds, grant terminated or ended, or other conditions; the employee concerned shall be
SECTION 5 PERSONNEL POLICY

given at least two weeks’ notice. A copy of the employee’s lay-off letter shall be sent to the Human Resource Manager. The employee may be eligible for Unemployment Insurance (See Appendix A5-22 for Lay-Off/Reduction in Force Procedure).

A Reduction in Force is not a condition to file a Grievance.

5.24.0000 DISCIPLINARY AND DISMISSAL POLICY

24.0010 DISCIPLINARY AND DISMISSAL POLICY

1. An employee failing to perform their job related duties or violation of policy shall be disciplined by their supervisor with any of the following actions and not necessarily in this order and may not include all procedures depending on the severity of the infraction:

   (1) An oral reprimand shall be issued to the employee with documentation (date, time, and incident) placed in the permanent employee file. After six months, the documentation of the oral reprimand may be expunged from their permanent employee file.

   (2) A written reprimand (date, time, incident, and proposed corrective action) will be issued to the employee following the initial oral reprimand; a copy will be filed in the permanent employee file for one year, after which the reprimand will be expunged.

   (3) An employee may be suspended from work without pay for a period of not more than ten days. In such cases, the supervisor shall notify the employee, the President, and the Human Resource Manager immediately in writing, stating the reason for recommending the suspension and the employee’s right to appeal. The Human Resource Manager will inform the Comptroller.

   (4) In each case of dismissal/termination, the supervisor shall notify the President in writing the reason(s) for recommending the dismissal/termination of employee. The President reviews the recommendation of the dismissal/termination and makes a formal investigation and, upon finding the recommendation for dismissal/termination justified, will issue a letter of dismissal/termination to employee. The letter will state the reasons for dismissal/termination and the process of appeal. The Human Resource Manager will be notified and will inform the Comptroller.

2. Any employee who disputes or wants to appeal a disciplinary action (See Grievances, section 5.25.0000).

5.25.0000 GRIEVANCES

Prior to filing a grievance, the employee and supervisor along with the Human Resource Manager or designee, if needed, will attempt to resolve the issue of the employee.

A grievance is any complaint or dissatisfaction with any aspect of their employment with the College that affects productivity. Complaints are to be handled at the lowest possible level to ensure quick, effective, and equitable responses. It is the responsibility of the employee to initiate the grievance procedure within five (5) working days of the incident or action, or when the person has reasonable knowledge or belief that a complaint/dissatisfaction with his/her employment exists, preferably within thirty (30) working days. It is important to note that timeliness is of the utmost importance as waiting too long may result in the supervisor rejecting the grievance.

The following process will be adhered to when filing a grievance:

1. Any employee who believes that he/she has a justifiable complaint must first discuss the complaint with his/her immediate supervisor. The complaint must be presented in written
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or oral form but with documentation. A written grievance must state specifically what action or policy has been violated or is in question, and any other specific facts which the employee believes are relevant to the action. The employee must also state what relief they are seeking. The supervisor shall give the aggrieved an answer within seven (7) days.

2. If the response is unsatisfactory to the employee or the manner cannot be resolved at the first level (above), the employee may file a written grievance to the Human Resource Manager within five (5) working days of the receipt of the response from the supervisor. The Human Resource Manager will schedule a hearing with the Grievance Committee within five (5) working days of the receipt of the written grievance. The written grievance/complaint shall include the following information:

- The basis for the grievance,
- The efforts made to resolve the matter,
- The issues to be heard by the Grievance Committee,
- All persons or entities that may be called as witnesses, and
- The relief/remedy sought by the employee.

3. The Grievance Committee will meet within five (5) working days with the employee and the supervisor to hear both sides of the matter being grieved. The Grievance Committee will be made up of three (3) Program Directors and Department Chairs selected from a pool of all Program Directors and Department Chairs and two (2) representatives selected from the pool of non-manager personnel. Each year a new pool of Grievance Committee members will be selected at random. These five (5) selected representatives must:

- Work outside the aggrieved employee’s department,
- Not have been previously involved with the issue grieved,
- Not be related to or have a close personal or professional relationship with any of the essential parties involved in the grievance, and
- Not have any conflict of interest which would interfere with their ability to be fair and impartial.

The Human Resource Manager will chair the hearing, but will not vote on the matter. The Grievance Committee will hear and review all aspects of the issue. They will determine correctness of policy interpretation along with fairness and logic of decisions previously reached. The Grievance Committee may render their decision immediately or may take matter under advisement for consideration, and may consult College authorities or experts for advice. A written decision will be made within five (5) working days to be shared with the President and upon approval of the decision by the President; all parties will be sent a written reply of the decision.

Recommendations of decisions by the Grievance Committee are binding and final. Any attempt to influence or contact members of the Grievance Committee is a violation and may constitute reason to terminate the grievance process.

Grievance filed against the President will be heard by the College Board of Directors.
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25.0010 GENERAL POLICY

1. Employees covered by these procedures shall have freedom to seek resolution of their grievance without fear of restraint, interference, coercion, discrimination, or retaliation. This principle shall apply equally to any employee taking part in the presentation and resolution of a grievance.

2. Employees are expected to follow normal administrative channels in presenting their grievances so their issues will be settled whenever possible at the supervisory level.

3. In the event that a grievance is filed against the President and is not resolved, the Board of Directors assumes jurisdiction of the grievance.

25.0020 DEFINITION AND EXCLUSIONS

The term “grievance” means an employee’s expressed feeling of dissatisfaction with aspects to their working conditions and working relationships, which are outside of his/her control.

1. The term “grievance” covers such matters as:
   (1) Working conditions and environment.
   (2) Relationships with supervisors, employees, and other officials.
   (3) Any disciplinary action that doesn’t apply to application of personnel policies or employment agreements.

2. The procedures are restricted to questions of the applications of established policies and are not subject for grievance action.

3. Employees who hold temporary or probationary appointments or trial period that have not been completed are not given the right to a hearing. Their grievances are subject to consideration and adjustment upon appropriate inquiry.

25.0030 INITIATION

A grievance action shall be initiated in writing by employees either individually or jointly within 15 working days of the alleged violation.

25.0040 RESPONSIBILITY

Authority to administer the policy and responsibility for informing employees shall be with the head of the employing departments. It shall be the responsibility of supervisors to hear promptly and courteously all grievances registered in good faith by employees under their supervision and make reasonable adjustment of any complaints that arise in day-to-day relationships.

The persons initiating the grievance action shall be notified of the grievance procedure by the responsible supervisor within three (3) working days after the written grievance is filed.

1. Written presentation must contain information regarding identity, the office in which employed, the specific nature of the grievance, and, if appropriate, the corrective action desired. If he/she desires to present the grievance in a hearing before a grievance committee composed of staff members, written presentation should contain such a request. The employee will be given three (3) working days for the purpose of presenting the grievance.

2. In all cases of a grievance, the employee or employees will receive a written decision within 15 working days of the filing of a written grievance.
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25.0050 GRIEVANCE COMMITTEE

The Grievance Committee shall consist of five staff members selected from the staff at large excluding the President, Vice President, Comptroller, Human Resource Manager and the person the grievance is filed against. There will also be three alternates selected. This committee shall serve for a period of one year. Human Resource Manager is responsible for having such committee in place.

25.0060 HEARING

The hearing shall be conducted expeditiously and in a manner to obtain a clear understanding of the facts in an informal fashion. Both sides of the issue will be examined via testimony from witnesses chosen by individuals representing the conflicting viewpoints. The Grievance Committee reserves the right to determine which witnesses it will hear after considering the possible relevancy of their testimony to the matter at hand.

5.26.0000 HEARING PROCESS

The Committee will only consider grievances in written form and presented to them through the Human Resource Manager. The committee shall permit the employee to appear in person to present their grievance and shall have the right to be accompanied, represented and advised by a representative of his/her choosing in presenting the grievance. The hearing shall be completed within 30 calendar days after the request for a hearing is submitted to the Human Resource Manager. The following procedure shall be followed:

1. Committee hears grievance and makes decision.
2. If grieving employee does not agree with decision of committee, grievance will be presented to President for concurrence.
3. If not satisfied with decision of President, final decision rests with the Board of Directors.
4. (See format of “Grievance” in Appendix A5-23).

26.0010 GRIEVANCE FILE

When a cause goes beyond the level of informal discussion, the employee’s supervisor shall create a grievance file for all documentation relating to resolution of the grievance. The file may not be destroyed until the statute of limitations of civil suit has expired.

5.27.0000 DRUG AND ALCOHOL TESTING POLICY

Effective March 2006, the College adopted the Turtle Mountain Band of Chippewa Tribal Drug and Alcohol Policy (See Appendix A5-24).

5.28.0000 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program has been designed to assist employees who have completed their probation period in prevention, assessment, education, and rehabilitation of problems that affect job performance.

28.0010 INSURANCE COVERAGE

(See Fiscal Office for health insurance policy).

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28.0020 RESPONSIBILITIES

1. The College will provide employees with adequate information on the Employee Assistance Program by providing training to supervisors on referring individuals to the EAP, and continually update employees on various educational initiatives available. This needs to be completed at least once a year.

2. Supervisor responsibilities in EAP: The following information should be used as a general guideline for dealing with performance problems and for making an administrative referral to the EAP:

   (1) Observe. Changes in employee behavior can signify that individuals have personal concerns that are interfering with their work performance.

   (2) Document. The supervisor needs to document observable, verifiable facts. Complete and accurate documentation is essential when dealing with employee performance problems.

   (3) Prepare. When supervisors have observed deteriorating performance or unfavorable changes in personal or work patterns, their options to assist an employee include, discussing performance difficulties with the individual before the difficulties become serious enough to involve higher supervision. The individual should be told about the availability of the EAP.

   (4) Confront. A private discussion should be scheduled to advise the employee that corrective actions must be taken for unacceptable work behavior, assistance is available through the EAP, and further steps may be taken if the employee’s performance does not improve in 45 working days. It is important that the supervisor is specific about the behavior and is consistent in the evaluation of all employees reporting to them, fair by referring only to job performance, and firm and clear about what improvements are expected in job performance.

   (5) Follow up. After the initial performance discussion with the employee and after advising the individual of the availability of the EAP, the supervisor will continue to observe and document performance. If the employee’s job performance has not improved in 45 working days, another meeting should be scheduled. The employee’s work record again should be reviewed and informed that work problems must be corrected or his/her job may be in jeopardy.

28.0030 MAINTENANCE OF RECORDS

The designated EAP contact person within the institution will maintain and secure all files pertinent to the EAP. These files will be kept separate from the employee’s personnel files.

28.0040 CONFIDENTIALITY

Client records maintained by an EAP should adhere to Federal regulations on the confidentiality of alcohol and drug abuse records (PL 93-282) and the Privacy Act of 1974 (PL 93-579). EAP designated contact should be knowledgeable with these regulations and are bound by the restrictions of these confidentiality and privacy regulations.

28.0050 RESOURCES

The EAP contact person should maintain current information about drug addiction and alcoholism treatment services and other resources. These include self-help groups, appropriate health care, community service, and other professionals.

28.0060 REFERRAL PROCESS

The program is designed to assure that no person with a problem will have job security or promotional opportunity jeopardized because of a request for assistance or treatment through the EAP. However, in

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no instance will participation protect the employee from disciplinary action for continued substandard job performance or policy infractions.

There are three ways in which an employee may become involved in the Employee Assistance Program:

1. Self Referrals - Occurs at the employee’s own initiative. The employee, recognizing a possible need for assistance, consults with an EAP contact person before job performance problems become an issue. No feedback is given to supervisors under this type of referral. Employees with problems for which the EAP can provide guidance or assistance are encouraged to voluntarily seek information, referral, and related services on a confidential basis by contacting the EAP.

2. Administrative Referrals - Initiated by supervisors or Human Resource Manager. When an employee fails a random drug test, the Human Resource Manager will refer the employee to the program. When serious performance problems are recognized, supervisors can refer an employee to the program. Supervisors are given feedback about the employee’s level of cooperation in dealing with personal problems that may be causing poor performance. Problems that affect work performance are a legitimate concern. One of the functions as a supervisor is to monitor performance by employees and take whatever corrective action is required. Early identification and referral of the employee can result in improved job performance and assist the individual in becoming more productive. The program should be viewed not as a disciplinary method, but as another option or tool for supervisors to use in correcting difficult performance problems.

3. Members of the employee’s immediate family are also encouraged to seek information and assistance on a confidential basis by contacting the EAP.

28.0070 DOCUMENTATION

Documentation of problems and concerns is essential in order to identify and intervene with an employee. The EAP contact person will document referrals and/or use of the EAP by maintaining the following information:

1. Employee(s) involved,
2. Date of initial contact,
3. Referral by the supervisor or employee initiated contract,
4. Agency or individual where referred, and
5. Follow-up conducted appropriate to the problem.

28.0080 LEAVE

In instances where employees utilizing the EAP are required to be away from their workstations for an extended period of time, they may use earned annual leave, sick leave benefits, or Leave without Pay (LWOP) in accordance with the current College policies governing such leave.

28.0090 EVALUATION

There should be a periodic review of the EAP to provide an objective evaluation of operation and performance.
SECTION 5 PERSONNEL POLICY

5.29.0000 DRUG-FREE CERTIFICATION REQUIREMENTS

This certification is required by the regulations implementing the Drug-free Workplace Act of 1988, 34CFR Part 85, Subpart F. The regulations, published in the January 31, 1989-Federal Register, require certification by grantees, prior to award that a drug free workplace will be maintained. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments and suspension or termination of grants of government-wide suspension or debarment (See 34 CFR 85, Sections 85.615 and 85.620).

1. College Certification regarding Alcohol and Other Drug-Free Workplace Requirements. This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988. All College employees will certify on an annual basis that they fully understand the College’s Drug-Free Workplace Requirements Policy. False certification or violation of the certification shall be grounds for suspension or termination.

2. Employees of the College shall sign the following certification indicating they understand the Alcohol and Other Drug-Free Workplace Requirements (See Appendix A5-26).

5.30.0000 HARASSMENT POLICY

The College will not tolerate harassment of its employees. Any form of harassment related to an employee’s race, color, gender, religion, national origin, sexual orientation, age, or disabilities is a violation of this policy and will be treated as a disciplinary matter. For these purposes, the term “harassment” includes, but is not necessarily limited to: slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual’s race, color, gender, religion, national origin, sexual orientation, age, or disability. Harassment will also include unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature.

Violation of this policy by an employee shall subject that employee to disciplinary action, up to and including dismissal. If an employee feels that they have been harassed by any other employee or student and vice versa because of race, color, gender, religion, national origin, sexual orientation, age or disabilities, the employee should immediately report this to his or her immediate supervisor. The supervisor will promptly notify the Human Resource Manager, who will take steps to investigate the matter and where appropriate, and recommend to the President disciplinary action. If the employee does not feel the matter can be discussed with the supervisor, the employee should arrange for a conference with the Human Resource Manager to discuss the complaint. Harassment of employees in connection with their work by non-employees will also be a violation of this policy. Any employee who becomes aware of any harassment of an employee by a non-employee or non-employee by employee should report such harassment to his or her supervisor or to the Human Resource Manager, who is responsible for investigating all such incidents. Appropriate action will be taken against any non-employee who violates this policy. All incidents shall be reported to the President.

Consequences for false reporting/accusing an individual of sexual or other forms of harassment will include disciplinary action, up to and including dismissal/termination according to the report/accusation and conclusion. Legal actions will be taken against non-employees.

5.31.0000 COPYRIGHT AND ROYALTY POLICY PROCEDURES

31.0010 DEFINITIONS

1. College - Turtle Mountain Community College.

2. Author - Originator or maker of instructional materials.
SECTION 5 PERSONNEL POLICY

3. Instructional materials - films, filmstrips, slides, tapes, models, records, programmed units, articles, essays, books, computer software, and other creative work.

31.0020 POLICY

1. The College will share in the copyright and the sales if any part of the costs of producing such property was supported by the College. Costs of producing such properties will include portions of the employee’s salary, whether during the academic year or summer period and whether part of regular salary or overload, paid by grant or contract funds.

2. If professional services are utilized in developing the materials, copyright will be held by the College and have the right to reproduce and use the materials in courses and programs.

3. In the language of copyright and patent law, these are “shop rights”. As part of this proviso, a faculty or staff author is granted the right to remove the materials from use after five years from the date of initial distribution. Internal use by the College will involve no financial responsibility to the author.

4. An agreement will be developed between College and faculty or staff for publishing or selling materials developed by faculty or staff.

31.0030 AGREEMENT

The agreement will be formal and contain the following stipulations:

1. If the materials were developed outside of the regular teaching or other College assignment of the employee involved and without specific employment for such development, the author(s) will receive a 15 percent royalty based on the list (selling) price of the materials. The 15 percent will be passed on to the employee biannually.

2. If the materials are developed by the employee during released work-time or overload, or summer employment specifically granted for such development, royalty will be 7.5 percent. Payment will be passed on to employee biannually.

3. The College will agree to publish the materials or to have them published, and to offer for sale within two years of the date of the copyright. If the materials are not published and offered for sale within the two-year period, the College agrees to turn the materials back to the author for disposition as they see.

31.0040 COMMERCIAL

The College may desire to sell the materials to a commercial publisher on a royalty basis. Payments will be made as follows:

.01 Royalty payments by the publisher will be divided (60 percent to author and 40 percent to the College).

.02 Rights to the materials will revert to the College in the event that the College sells the materials outright to a commercial publisher.

.03 In this event, disposition of the materials may be covered by a new agreement between the College and the author.

5.32.0000 SMOKING/SMOKELESS TOBACCO POLICY

The College is dedicated to provide a healthy environment for all staff, students, and citizens. Smoking and other tobacco use can be hazardous to the health of both users and non-users.
SECTION 5 PERSONNEL POLICY

The College will provide smoke-free facilities. This is a ban on using smoking and smokeless tobacco within all the buildings on all campuses. In order to keep the smoke from entering the facilities from outdoors, smoking will not be permitted in front of the main campus buildings. Smoking is permitted ONLY in designated areas at least 20 feet from door entrances on all campuses or in personal vehicles (See M).

Only in the case of cultural ceremonies will the use of tobacco be allowed.

All individuals on all College campuses share in the responsibility of adhering to and enforcing this policy. Any violation by staff and faculty shall be referred to the appropriate supervisor. One written warning will be given to the staff member with a copy placed in his or her personnel file. Further violations shall be considered insubordination, which shall be dealt with accordingly based on established policies and procedures (See 5.24.0000 DISCIPLINARY AND DISMISSAL POLICY).

Any violation by students shall be referred to the Dean of Student Services. One written warning will be given to the student and a file will be established to record the incident. Further violations shall be considered a violation of the Student Code of Conduct and shall be dealt with accordingly based on established policies and procedures (See Student Handbook – Smoking Policy – page 43).

Citizens who come to the campus shall be asked to comply with the established policy. If the individual fails to comply with the request, the incident should be reported to the President and security personnel. The individual will be asked to leave the College property.

5.33.0000 EMERGENCY MANAGEMENT PLAN

Introduction

An emergency is any sudden large-scale event that threatens the school, staff, students and/or visitors. There are many events, natural and man-made, accidental and malicious, that can cause harm to members of the College community and affect operations.

The College must plan and teach all members of the environment how to respond and be safe in any emergency situation.

33.0010 EMERGENCY PLAN PROCEDURE

(See appendix A5-26).

5.34.0000 COLLEGE AND FACILITIES GROUND USE

1. INTRODUCTION

Facilities and grounds are principally for use for College programs, activities, and operations. Requests for use will be determined in accordance with the time, place, and manner restrictions expressed in this policy.

a. This policy is intended to assist in responsible care of institutional resources and to protect the safety of persons and the security of property.

b. This policy supports the goals of the TMCC’s Mission statement (See http://www.tm.edu).

c. Focus the human, fiscal, environmental, technological, and physical resources of the College on institutional values and priorities.

This policy applies to requests for temporary use of all or part of a College building, facility, or outdoor space for any planned meeting, conference, or event. The Facility Manager will coordinate
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with the Switchboard Operator, Executive Administrative Assistant in administering these use requests.

a. For questions regarding assignment of academic use, contact the Office of the Academic Dean, 477-7876

b. For questions regarding Anishinabe Cultural and Wellness Center, contact the Anishinabe Cultural and Wellness Director, 477-7868.

(See facilities and grounds use procedure, Appendix A5-27).

5.35.0000 ACTING CHIEF EXECUTIVE OFFICER

In the President’s absence, his designee shall serve as Chief Executive Officer for the College (See III.3.0070.18).

5.36.0000 AMENDMENTS AND EXCEPTIONS

All policies included in this manual are in effect unless otherwise revised or amended by official action of the Board of Directors.

5.37.0000 ADMINISTRATION

The President is responsible for the administration of these policies
6.0.000

FACULTY

Section 6

This document is not intended to be a contract of employment or an offer of employment.

Faculty appointments are professional appointments accomplished through contracts between individual faculty members and TMCC. Policies in this section are considered to be part of the terms of faculty contracts and, where applicable, supersede policies described elsewhere in TMCC policies.