

PERSONNEL POLICY
AND
PROCEDURE MANUAL

SECTION 5

SECTION 5: PERSONNEL

5.0.0000	PERSONNEL POLICY
5.1.0000	HIRING PROCESS
5.2.0000	NEW EMPLOYEE PROCESSING PROCEUDRE
5.3.0000	FRINGE BENEFITS
5.4.0000	EMPLOYEE ASSIGNMENT AND EXPECTATION
5.5.0000	STAFF SALARY AND WAGE SCALE
5.6.0000	PERFORMANCE EVALUATION
5.7.0000	FACULTY APPOINTMENTS
5.8.0000	FACULTY SALARY INFORMATION
5.9.0000	ADJUNCT FACULTY WAGE SCALE
5.10000	PERSONNEL STAFF ANNUAL SALARY NOTIFICATION
5.110000	WORK SCHEDULE
5.12.0000	ABSENCE AND LEAVES
5.13.0000	SICK LEAVE
5.14.0000	ANNUAL LEAVE
5.15.0000	SUPERVISOR APPROVED TIME/EFFORT AND ATTENDANCE REPORT
5.16.0000	OTHER LEAVE
5.17.0000	FAMILY AND MEDICAL LEAVE ACT
5.18.0000	LEAVE WITHOUT PAY
5.19.0000	DEVELOPMENTAL LEAVE
5.20.0000	EDUCATIONAL RELEASE TIME
5.21.0000	TERMINATION/RESIGNATION PROCEDURE
5.22.0000	REDUCTION IN FORCE
5.23.0000	DISCIPLINARY AND DISMISSAL POLICY
5.24.0000	GRIEVANCES
5.25.0000	DRUG AND ALCOHOL TESTING POLICY
5.26.0000	EMPLOYEE ASSISTANCE PROGRAM
5.27.0000	DRUG-FREE CERTIFICATION REQUIREMENTS
5.28.0000	HARASSMENT POLICY
5.29.0000	COPYRIGHT AND ROYALTY POLICY PROCEDURES
5.30.0000	SMOKING/E-CIGARETTES/SMOKELESS TOBACCO POLICY
5.31.0000	EMERGENCY MANAGEMENT PLAN
5.32.0000	ACTING CHIEF EXECUTIVE OFFICER
5.33.0000	AMENDMENTS AND EXCEPTIONS
5.34.0000	ADMINISTRATION

5.0.0000 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.

0.0030 PERSONNEL FILE

Turtle Mountain Community College shall maintain a system of confidential personnel records.

A separate personnel record folder shall be created at the time of employment and shall be kept on each employee.

At the time of termination, the employee's personnel folder shall be transferred to the inactive section and be retained as a source of confidential information regarding the employee's employment.

All personnel record folders shall be kept under lock and key. Access to, and release of, information contained in the personnel records shall be limited to authorized chain of command only and viewed on a "need to know" basis.

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 and includes information such as the employee's job application, resume, records of training, and records of education, performance evaluations, commendations/recognitions, disciplinary actions and salary information. All personnel files shall be maintained in the Human Resource office throughout the tenure of the employee. Payroll information is maintained in the Fiscal Office and retained as required by law.

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

0.0050 UPDATED INFORMATION

It is the responsibility of each employee to promptly notify TMCC of any changes in personal data, **including transcripts, licensures etc.** Personal mailing addresses, telephone numbers, educational accomplishments and other such status reports should be accurate and current at all times.

0.0060 DISCLOSURE

Employees must give permission to disclose information to third parties. Disclosure refers to information dissemination about an employee to people or outside agencies and can include such things as employment verifications or reference requests. Unless either the employee's consent is obtained or judicial process requires disclosure, the employer should disclose only directory information such as name, address and dates of employment.

0.0070 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. This includes all faculty and staff. All employees are designated as either non-exempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

0.0080 EXEMPT EMPLOYEE

Exempt employees are generally faculty, managers, or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

0.0090 NON-EXEMPT EMPLOYEE

Non-exempt Employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are NOT exempt from the law's requirements concerning minimum wage and overtime.

0.0100 TERMS OF APPOINTMENT

The general terms and conditions of each appointment will be stated in writing, and a copy of the appointment document will be given to the appointee upon request to the Human Resource Manager. Each staff member will be given information on where to locate the policy manual on the website or provided a printed copy upon request.

0.0110 EMPLOYEE CATEGORIES

1. **ADMINISTRATORS:** Include the positions of President, Vice-President, Comptroller, Information Technology Director, Financial Aid Director, Dean of Academic Programs, Career & Technical Education Director, Facility Manager, Dean of Student Services, 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 20 pay periods 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. Faculty teaching a minimum load may be subject to additional assignments. 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:** An adjunct faculty member is hired temporarily to teach a per-term basis. They are required only to meet their classes during prearranged times and attend meetings with their supervisor (Dean of Academic Programs, CTE Director or Teacher Education Director) as scheduled. The activities of part time adjunct faculty are coordinated and evaluated by their supervisor (Dean of Academic Programs, CTE Director, or Teacher Education Director) Adjunct faculty members are on contract in accordance with number of credits taught. Contracts are renewed each on a term by term basis. (See 5.7.0080)
4. **FULL-TIME STAFF:** 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 from that grant and are limited to employment for the duration of the grant.
5. **NINE-MONTH STAFF:** ~~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) during the academic year. Nine-month staff may be funded from grants and other funding sources. Nine-month staff hired for a specific grant will be paid from that grant and are limited to employment for the duration of the grant.~~
6. **PART-TIME REGULAR:** 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 as well as other benefits.
7. **TEMPORARY:** Employees hired as interim replacements, ~~with Board approval, who are hired to temporarily supplement workforce or to assist in the completion of a specific project. Employment assignments in this category are of a limited and definite duration (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.
8. **INDEPENDENT CONTRACTORS:** A person, business or corporation which provides goods or services to another entity under terms specified in a contract.
9. **CONSULTANTS:** A professional who provides expert advice in a particular domain or area of expertise.
10. **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, Vice President, Comptroller, IT Department, and Facilities personnel. These positions are a part of the Emergency Management Plan as designated.

5.1.0000 HIRING PROCESS—OVERVIEW

1.0010 SECTION I: GENERAL PROVISIONS (See Appendix A5-1)

~~These procedures apply to the recruitment, hiring and promotion process for all Full-time employees. The position of President is exempt and is selected by the Board of Directors with involvement of the Board of Trustees. The Vice President position is also exempt and is selected based on the recommendation of the President with concurrence of the Board of Directors.~~

~~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 or designee 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.~~

~~Full-time regular employees who apply for a position within the College will receive five “in-house” preference points.~~

~~The employee’s accrued leave becomes the obligation of the department to which they are hired.~~

~~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.~~

~~In-house employees moving into a different funding source or position will provide a two-week notice to immediate supervisor upon accepting a position in another department unless other mutual arrangements for transition have been made between supervisors and employee.~~

1.0020 SECTION II: POSITION 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.~~

~~1.0030 SECTION III: RECRUITMENT PROCESS~~

~~**Vacated Position:** The supervisor and HR Manager will complete the Employee Request Form and submit it to the President with position description attached. Upon approval of the President advertising will begin.~~

~~**New Position:** The supervisor will create a position description. The supervisor and HR Manager will complete the Employee Request Form and submit it to the President with position description attached. If the President concurs, the HR Manager will present to the Board of Directors for approval. Upon Board of Director approval, the Employee Request Form will be signed by the President and advertising will begin.~~

~~**Advertising:** The position will be advertised through the TMCC website, job opportunities bulletin board, internal mail and other media, Job Service North Dakota, local radio and newspapers and regional and national employment sites (as needed). Notice of vacancy will be posted for a minimum of 10 working days.~~

~~All advertising will include a statement that the College is subject to Veterans Preference and also offers Indian Preference to Indians who:~~

- ~~a. Claim preference in accordance with Section 703(i) of Title VII of the Civil Rights Act of 1964 as amended; and~~
- ~~b. Are suitable and qualified for employment.~~

~~The advertisement will include a statement that a background investigation and a favorable suitability determination are conditions of employment.~~

~~1.0040 SECTION IV: SCREENING PROCESS~~

~~To be considered for open positions at TMCC, prospective applicants must submit a signed Application for Employment, cover letter, curriculum vitae and/or resume, official college transcripts, three current (within 1 year) dated letters of reference, and, if applicable, enrollment documentation from a federally recognized tribe and/or veterans preference. Required licensure/certification as specified in the position vacancy announcement is also required. The packet will be determined to be incomplete if any required documents are missing; thus the application will not be considered.~~

~~All completed applications must be submitted to the Human Resource Manager who will determine which applicants meet qualification requirements per vacancy announcement.~~

~~The vacancy period may be extended by the President when the applicant pool has no qualified candidates. The President has the authority to reopen a search with notification to the Board of Directors.~~

~~1.0050 SECTION V: HIRING COMMITTEE~~

~~MEMBERSHIP~~

~~The head of the department and Human Resource Manager will oversee the hiring process. The Hiring Committee will consist of five (5) members to include the head of the department. The~~

Hiring Committee members must remain the same throughout the process. The Head of the Department will chair and serve as a member on the hiring committee and will select two (2) members from their department/area. The Human Resource Manager will randomly select two (2) at large members from outside of the department.

The Human Resource Manager will conduct an orientation meeting to explain roles, duties, expectations, timelines and the board-approved hiring process to the committee. All members must sign and have in their personnel file the Confidentiality, Ethics, and Conflict of Interest in Hiring form.

RATING PROCESS

The Human Resource Manager will present all qualified applicants with complete applications to the Hiring Committee. The Human Resource Manager will also provide verification to the Hiring Committee of each applicant meeting minimum qualification requirements. The committee may request to examine all complete application packets for further determination of qualifications.

A rating matrix is developed for each specific position by the Human Resource Manager using the established template. The Hiring Committee will rate each applicant and submit scores to the Human Resource Manager, who will total all applicant scores.

The committee will make a recommendation (interview, hire or re-advertise) based on scoring. If the recommendation is to interview, the Human Resource Manager will set up interviews (see Interview Process). If no interview is recommended, the recommendation will be forwarded to the President for approval (See Reference Checks).

INTERVIEW PROCESS

The Human Resource Manager will schedule interviews based on the recommendations of the hiring committee. Interview times and dates will be shared with all committee members. Prior to interviews the Human Resource Manager, with consultation from the head of department and committee, will draft interview questions (a minimum of 5). An appropriate task or tasks may be required to demonstrate qualifications of an applicant to the requirements of a position.

At each interview the committee will receive the application packet, interview questions and individual rating sheet for each candidate. Each candidate will be afforded an interview of approximately equal length and will be asked the same questions.

At the conclusion of each interview, the Hiring Committee may discuss, as a group, each candidate. The Hiring Committee will rate each applicant and submit scores to the Human Resource Manager, who will total all applicant scores. A combination of the applicant rating form and interview rating sheet scores will be used for the final recommendation, through a formal motion second and vote.

REFERENCE CHECKS

Reference checks will begin immediately and be completed by the Human Resource Manager.

RECOMMENDATION

The Human Resource Manager will forward the committee's recommendation of the top candidate and, if applicable, an alternate, to the President along with a document listing of all qualified applicants and their ranking scores.

HIRING

The President will approve or deny the recommended candidate for hire. The President may make final confirmation for hire upon receiving concurrence of Board of Directors who will also be provided the document listing of all qualified applicants and their ranking scores for each hire made by TMCC.

All candidates will be notified by Human Resources if they were approved for hire or not selected for the position.

SCREENING

All selected applicants must consent to a post-offer, pre-employment background check and drug test. These will be performed in accordance with policy governing these matters.

ORIENTATION

The Human Resource Manager will provide an orientation program for all new employees to acquaint them with TMCC's policies, procedures and benefits.

5.1.0000 HIRING POLICY

Turtle Mountain Community College is committed to hiring individuals who will best meet the needs of the Institution consistent with budget limitations, with the goal of ensuring safety for students and staff, and in compliance with applicable tribal, state and federal law. The President is responsible to ensure the integrity of the hiring process is adhered to.

Vacated Positions:

Upon receipt of a written resignation, the supervisor will accept the resignation by signing and dating, and notify Human Resources.

After being determined by the President that the position is essential in the operation of the College and that there are adequate financial resources to pay for the position, the Human Resource Manager will be notified to advertise for the position.

New Positions:

The Supervisor will create a position description. If the President determines that the position is essential in the operation of the College and that there are adequate financial resources to pay for the position, the

Human Resource Manager will present the position description to the Board of Directors for concurrence. Upon Board of Directors concurrence, the Human Resource Manager will advertise for the position.

Posting a Position Vacancy:

The advertisement will include a statement that a background investigation and a favorable suitability determination are conditions of employment.

No vacancy will be filled until after the application deadline date.

Application Requirements:

To be considered for open positions, applicants MUST submit all of the required documentation to the Human Resource Manager:

- Signed Application for Employment
- Curriculum Vitae and/or Resume
- College transcripts (official transcripts may be requested)
- Documentation that supports the application for employment such as Indian preference and/or Veterans preference
- Licensure (if required for position)

The Application will be determined to be incomplete if any required documents are missing and the application will not be considered. No documentation will be accepted after the closing date.

Screening:

The Human Resource Manager will develop and maintain an established personnel system for screening applicants under this policy. The system will be reviewed annually and suggested changes will be forwarded to the Board for approval. The system will be developed in compliance with applicable state and federal laws governing Veterans and Indians preference. The President will be responsible for ensuring the established personnel system is adhered to.

All selected applicants must consent to a post-offer, pre-employment background check and drug test, following established TMCC policies.

Extending the Search:

The vacancy period may be extended by the President when the applicant pool has no qualified candidates. The President has the authority to reopen a search with notification to the Board of Directors upon recommendation of the hiring committee with documentation provided.

Hiring Authority:

The Hiring Committee will make the hiring recommendation to the President. The Human Resource Manager will bring the President's recommendation to the Board of Directors for concurrence.

Employment of all employees shall be "at will".

Orientation:

The Human Resources Manager and Supervisor will provide an orientation program for all new employees to acquaint them with TMCC policies and procedures, responsibilities of their position and benefit information.

5.2.0000 NEW EMPLOYEE PROCESSING PROCEDURE

2.0010 QUALIFICATIONS FOR NEW EMPLOYMENT

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

- a. Falsification of an application or authorization information.
- b. Unsatisfactory background check as it relates to the position.
- c. Unsatisfactory pre-employment physical or drug test.

A new employee, if required by position, must submit a completed medical statement form signed by a qualified medical provider stating that the employee is fit for duty. If required, the cost of the exam (up to \$100) will be reimbursed by the College with submitted receipt.

2.0020 NEW EMPLOYEES

New employees will complete required paperwork, forms, and fringe benefit package information on their first day of employment with the Human Resource Manager. ~~All required forms can be found at www.tm.edu.~~ New employees will also receive a copy of their specific job description/duties at this time.

2.0030 NEW EMPLOYEE ORIENTATION

New employees will attend an orientation session with the Human Resource Manager ~~and supervisor~~ and be given an opportunity to ask questions as well as familiarize themselves with the College. Each employee must sign and date a statement acknowledging that they received information on how to obtain a Policy Manual.

2.0040 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 (365 days) from last day of employment.

5.3.0000 FRINGE BENEFITS

Details shall be made available from the Human Resource Manager and Fiscal Office.

3.0010 BENEFITS TABLE

~~Full-time regular~~ Employees are entitled to benefits as indicated:

Benefit	Full-Time Staff (12 month)	Full Time Staff (9 months)	Full Time Faculty	Part-Time Regular Staff	Adjunct Faculty & Temporary
College's contribution to FICA/Medicaid	X	X	X	X	X
Workforce Safety and Insurance Employer Service	X	X	X	X	X
Unemployment Insurance	X	X	X	X	X
Short-Term Disability	X	X	X		
Life Insurance	X	X	X		
TMCC's Contribution to Retirement	X	X	X		
Annual Leave	X				
Sick Leave	X				
Paid Holidays	X	X	X		
Tuition Waiver	X	X	X		
Tuition Assistance			X		X
Optional – at Employee's Expense					
Health Insurance	X	X	X		
Dental Insurance	X	X	X		
Long Term Disability	X	X	X		
Voluntary Group Term Life insurance	X	X	X		
Voluntary Universal Life Insurance	X	X	X		
Accident Insurance	X	X	X		
Vision Insurance	X	X	X		

Note: Specific information on each of these benefits is available from the Human Resource Manager upon request.

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 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, **unless unsolicited donated sick leave is given in accordance with section 5.13.0020**. 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.

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 for continuous service as follows:

1. Upon completion of the 10th year of employment, an employee will receive a \$200 service award.

2. Upon completion of the 15th year of employment, an employee will receive a \$350 service award.
3. Upon completion of the 20th year of employment and in increments of five years thereafter, an employee will receive a \$500 service award.

3.0070 EMPLOYEE AND BOARD MEMBERS TUITION AND PARTIAL FEE WAIVERS

1. It is the policy of the College to grant an institutional tuition and partial fees waivers to members of the Board of Directors and Board of Trustees and to full-time regular employees, their legal spouse, and children. Legal children are defined as biological, having legal guardianship, or step-children.
2. Waivers are granted after satisfactory completion of employee probationary period (not applicable for Board members). If a Board member is appointed during the semester, the waiver is granted starting the first full semester of enrollment after appointment.
3. Waivers ~~begin~~ **are effective** at the start of each semester.
4. ~~The student granted a waiver will be reviewed on a semester basis for financial aid satisfactory academic progress as defined by the College catalog.~~ Students not meeting Financial Aid Satisfactory Academic Progress will be reviewed on a case by case basis to determine eligibility.
5. Institutional tuition waivers are considered a resource applied to the student's financial aid budget.
6. **If a waiver is granted, and a student receives funding from a program that covers cost of tuition, program dollars will be applied first to the cost of their tuition.** Only Student Activities Fee and Technology Fee will be waived. No other fees will be waived for any type of waiver.
7. Any other type of balance that is not waived will remain on the individual's account. Examples include but are not limited to lost library books, lost or damaged textbooks, or lost calculator.
8. **Employees attending classes during the work day must meet all guidelines as outlined in Policy Manual 5.19.0000 Developmental Leave or 5.20.0000 Educational Release Time.** ~~Waivers will not be granted for amounts in excess of TMCC regular tuition and fee schedule.~~

3.0080 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). All forms can be found on the Human Resources Forms tab at www.tm.edu.

1. Santa Club
Employees have the opportunity to save money for Christmas through a payroll deduction for the dollar amount they choose. A Santa Club account can be opened based on the information they provide on the designated form.
2. Vacation Account
An employee has the opportunity to save money for a vacation through a payroll deduction for the dollar amount they choose. A vacation account can be opened based on the information they provide on the designated form.
3. 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.

4. 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).

5. 401 K Plan

An employee may change the percentage contribution to their 401(k) by providing written notice to the Business and Human Resource Office.

6. The College Foundation

An employee may contribute to the College's Foundation. Contributions are 100% tax deductible.

3.0090 PAYROLL CHANGE NOTICE

Employees who wish to make changes to their voluntary payroll deductions may do so in writing and submitting it to the Business and Human Resource Office.

5.4.0000 EMPLOYEE ASSIGNMENT AND EXPECTATIONS

4.0010 TEMPORARY REASSIGNMENTS

1. Temporary reassignments between departments of staff or faculty are permitted with the approval of the supervisors involved and the President. These will not exceed one year.
2. In the event of transfer, the employee's accrued leave becomes the obligation of the department to which they transfer.

4.0020 CODE OF CONDUCT

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 expects reporting of violations and makes available numerous options for reporting. Individuals ~~are encouraged to must~~ report violations to their immediate supervisor, ~~but may also report to the~~ and/or 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.

In addition to this Code of Conduct, there are multiple College policies and procedures that apply to individuals at the College which also expects reporting. They can be found on the college website, student handbook and in the catalog.

1. The College's policy and procedures regarding harassment or discrimination (See 5.~~30~~.28.000 HARASSMENT POLICY).
2. The College's policy regarding Ethical Conduct in Research, Scholarship, and Creative Activity (See 5.~~31~~.29.0000 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.~~008~~20 CODE OF CONDUCT).
5. The College's policy on Conflict of Interest (See 4.9.000 Fiscal Policy: CONFLICT OF INTEREST).
6. IT Appropriate Use policy (See www.tm.edu).
7. The Student Handbook (See www.tm.edu).
8. The Personnel 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 employees comply with this Code. It is expected that employees will use good judgment and best efforts to spend the College's funds including reimbursable expenses. It is expected that employees will not make any false record or communication of any kind. It is expected that all employees will make every effort to communicate completely, accurately, and in a timely manner. It is expected that all employees will only collect personal information necessary for the College's business. It is expected that all employees 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 offender 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.

Administration shall reserve the right to make inquiry into any employee's connection with any group or organization which advocates the overthrow of the local or U.S. Government by force of violence.

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.
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.

4.0030 NEPOTISM

Relatives of persons currently employed by the college may be hired, but will not be under the direct supervision of the relative. No Program Director or Supervisor shall appoint, hire, promote, advance or advocate the appointment, employment, promotion, or advancement of an immediate family member in which the Program Director or Supervisor is serving.

The term "immediate family" is defined as husband, wife, father, mother, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, children, step-children, grandparents, and grandchildren.

The college reserves the right to re-assign employees or duties when deemed a prudent business or management practice.

4.0040 DRESS CODE

Employees of TMCC are expected to wear attire appropriate to their profession that is neat and clean and provides protection and safety as necessary.

Regardless of the employee's interaction with students, the public and other employees, each employee projects the reputation of the organization. Part of this impression depends on each employee's choice of dress.

Employees are expected to use good judgment and to show courtesy by dressing in a manner that is presentable and appropriate. At all times, employees are asked to be aware that, regardless of their interactions with others, TMCC is a place of business.

When employees attend business meetings or conferences either on or off campus, it is expected that they dress in appropriate business attire.

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.

5.0020 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.

5.0030 SALARY DIMENSIONS

The salary scale has two dimensions. Both new and current full-time staff will be placed on the salary scale based on criteria spelled out in the Staff Salary and Wage Scale.

5.4.0000 PREVIOUS EXPERIENCE

New full time hires and transfers would be allowed up to three (3) years of prior directly related experience on their initial placement with supporting documentation. The maximum amount that any employee can be granted is three steps.

5.00450 EXCEPTIONAL EXPERTISE/HARD TO FILL

In extreme situations, exceptional expertise and/or hard to fill positions may be considered a factor in salary determination, with approval by the President and concurrence from Board of Directors. ~~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 receive the same compensation.~~ In these instances, notification to the Board will be given prior to hire.

Definitions:

Exceptional Expertise – Any candidate who exemplifies expertise ~~for difficult areas to recruit.~~ Any candidate who possesses exceptional expertise in a particular area, with proper documentation, may receive additional compensation with administrative approval.

Hard to fill / recruit – Positions that are advertised for extended periods of time with no qualified applicants expressing interest.

5.0045 SALARY SCALE MOVEMENT

Employees may move through the salary scale after one (1) full year in a position if the following are met: a satisfactory performance evaluation.

5.6.0000 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 measureable improvement of all Full-Time and Part-Time TMCC employees.

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.
- e. Provide documented basis for salary scale movement.

6.0010 EVALUATION PROCESS

Annual Employee Evaluation Review

All Evaluation Reviews shall be done by March 15 of each year. This shall include faculty and staff. All evaluation forms and guides can be found under the Human Resources section on the website (www.tm.edu) and are available by request.

One Month before the Review (by February 15):

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. All performance factors will be rated. The supervisor will develop 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 March 1).
 - 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 March 1st 15th):

1. 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 all performance factors by checking the appropriate rating block.
 - b. A Rating Factor Guide follows each performance factor review form to assist in giving an accurate assessment of performance.
 - 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 March 15):

1. 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 along with completed Salary Scale Recommendation Form.
 - 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.

Follow-Up for Staff (if needed):

1. 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.
2. 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.
3. The final progress meeting is held.
 - a. 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. Note: There will be no opportunity for review of salary adjustment for this Annual Evaluation cycle.
 - b. 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.

Follow-Up for Faculty (if needed):

1. If any ratings were below “competent”, the employee shall have 120 calendar days beginning the next contract year 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 of the beginning of the next contract year.

2. A mid-point meeting will be held, progress is updated, and next steps are planned. A final meeting, will be scheduled. Coaching and performance monitoring will continue to the end of the follow-up period.
3. The final progress meeting is held.
 - a. 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. Note: There will be no opportunity for review of salary adjustment for this Annual Evaluation cycle.
 - b. 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

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):

1. The supervisor will provide written notification to the employee that the employee probationary review is upcoming with the date, time, and location.
2. The supervisor reviews the job description that was given to the employee at the time of hire.
3. 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.
 - a. Rate performance factors by checking the appropriate rating block.
 - b. A Rating Factor Guide follows each review form to assist in giving an accurate assessment of performance.
 - 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.

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

Probationary Review Day:

1. 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.

Follow-Up:

1. 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.
2. 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.
3. 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.
4. 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.

5.7.0000 FACULTY APPOINTMENTS

7.0010 PROCEDURE

The procedure leading to appointment of a faculty member under Employee Categories.

7.0015 QUALIFIED FACULTY – New policy will be inserted here.

7.0020 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.

7.0030 TIME DEADLINES FOR LETTER OF INTENT

The institution will notify faculty members of the conditions of their renewals by April 15. 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. Once a Letter of Intent is received by Human Resources stating the faculty member will not return the following academic year, applicable benefits will cease following benefit guidelines.

7.0040 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 April 15 of the academic year if the contract expires at the end of that academic year.
2. 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 President, 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 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.
4. 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.
5. 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 States Constitution, or right previously conferred by written agreement, the allegation shall be given preliminary consideration by a Peer Review Committee.
6. 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.

7.0050 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. The faculty member may 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.

7.0060 DISMISSAL DURING A CONTRACT PERIOD

The President, 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. 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.

7.0070 ADMINISTRATIVE ACTIONS OTHER THAN DISMISSAL

1. 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.
2. Budget restrictions - Budget restrictions may require a reduction in force. The College reserves the right to implement budget adjustments when faced with funding restrictions upon Board of Directors approval.

5.8.0000 FACULTY SALARY ~~AND WAGE SCALE INFORMATION~~

8.0010 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: Non-Master, Master, and Doctoral.~~

~~This scale was adopted and became effective July 1, 2014 and supersedes all other faculty scales.~~

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.

8.0015 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.

8.0020 SALARY DIMENSIONS

The salary scale has two dimensions. 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.

8.0030 PREVIOUS EXPERIENCE

New full time hires and transfers would be allowed up to three (3) years of prior directly related experience on their initial placement with supporting documentation. The maximum amount that any employee can be granted is three steps.

~~New full-time hires possessing prior post-secondary full-time annual academic teaching experience will be given credit, year for year, up to three (3) years.~~

8.0035 EXCEPTIONAL EXPERTISE/HARD TO FILL (See also 5.0040)

1. In extreme situations, exceptional expertise and/or hard to fill positions may be considered a factor in salary determination, with approval by the President and concurrence from the Board of Directors. In these instances, notification to the Board will be given prior to hire.

Definitions:

- a. **Exceptional Expertise** – Any candidate who exemplifies expertise ~~for difficult areas to recruit~~. Any candidate who possesses exceptional expertise in a particular area, with proper documentation, may receive additional compensation with administrative approval.
 - b. **Hard to fill / recruit** – Positions that are advertised for extended periods of time with no qualified applicants expressing interest.
2. Current and new faculty without a Master degree but who are in a *specialized area of expertise* with certification in Ojibwa Language from the Education Standards and Practice Board will be placed at the first level on the Master scale ~~provided they have administrative approval~~ with approval by the President and concurrence from the Board of Directors.
 3. Current and new faculty without a Master degree but who possess exceptional expertise in a particular area, with proper documentation, will be placed on the Master scale ~~provided they have administrative approval with President's concurrence~~ with approval by the President and concurrence from the Board of Directors.

8.0040 SALARY SCALE MOVEMENT

Employees may move through the salary scale after one (1) full year in a position if the following are met: a satisfactory performance evaluation.

5.9.0000 ADJUNCT FACULTY WAGE SCALE

An adjunct faculty member is hired temporarily to teach on a per-term basis. Human Resources maintains an Adjunct Pool that is maintained after Advertisement or notification in local newspaper of adjunct positions and how interested parties can have their application placed in the “adjunct pool”. Proposed courses will also be considered, if curriculum with objectives and syllabus are provided along with: Application for Employment, resume, 3 current letters of reference, and submitted copies of transcripts and/or documentation verifying degrees/credentials.

The adjunct pool is continuously open for applicants to apply to; there are no closing dates. Per semester, the pool is presented to TMCC’s Department Chairs for overall approval. To ensure fairness and equity, in all instances, even emergency hires, all adjunct faculty hired must be in the Adjunct Pool. The Dean of Academics, CTE Director, and Teacher Education Director are responsible and accountable for recommending adjunct faculty be hired by the President out of the approved Adjunct Pool. The Dean of Academics, CTE Director, and Teacher Education Director will be responsible for including adjunct selection information in quarterly board reports.

Adjunct faculty are an important component of the TMCC workforce. The following will be used to determine adjunct faculty contracts:

1 Credit	2 Credits	3 Credits	4 Credits	5 Credits
\$1050.00	\$1450.00	\$1850.00	\$2250.00	\$2650.00

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 Dean of Academic Programs and/or CTE Director.

This salary schedule will be reviewed bi-annually by the Board of Directors at the December meeting. Any changes approved by the Board of Directors will go into effect the following July 1.

5.10.0000 PERSONNEL STAFF ANNUAL SALARY NOTIFICATION

10.0010 SALARY NOTIFICATION

Personnel salary notifications follow approved salary scales. The salary notification year is from July 1 to June 30 for the non-teaching staff. For faculty, the contract year will begin on the date the faculty are called back to work. The Board of Directors will review and approve the salary scales annually.

1. The President and Vice President and Faculty are excluded and will be issued contracts.
2. The President or a designee is responsible for signing contracts.
3. Upon approval of the President’s contract by the Board of Directors, the Board will sign the President’s contract.
4. The President negotiates and signs the Vice President’s contract with Board of Director approval.

10.0020 TIME SHEETS

Part-time employees, temporary employees, work-study and tutors will submit a signed time sheet form on the Monday prior to each pay day. Time sheets must have the employee and supervisor signature prior to submission.

In case of absence of the employee, the immediate supervisor may initial the employee signature line where the employee member signs, any change must be requested in writing by the employee and approved by the immediate supervisor.

10.0030 SUPERVISOR APPROVED TIME/EFFORT AND ATTENDANCE REPORTS

Full-time exempt and non-exempt employees will submit the Supervisor Approved Time/Effort and Attendance Report form on the Monday prior to each pay day. Time sheets must have the employee and supervisor signature prior to submission. 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.

10.0040 PAYROLL

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

1. Time sheet forms are filed in the Business Office.
2. All employees are required to utilize direct deposit by completing the appropriate form.
3. An itemized statement of all deductions from the staff member's wages can be accessed by the employee through the online employee portal.

10.0050 PAY DAY

Payroll is distributed every two weeks. The direct deposits will be deposited into the employees' accounts on Thursday of pay week.

10.0060 PAYROLL SCHEDULE

The Payroll Schedule is located on the TMCC website.

10.0070 SCHEDULED HOLIDAYS

During the calendar year, under normal conditions, employees will observe the holidays listed below. When a holiday falls on Sunday, the following Monday is observed. When a holiday falls on Saturday, the Friday preceding shall be observed.

College Founding Day-2nd Monday in October

Veteran's Day-Same date as Federal

Michif Day-early November

Thanksgiving Day-4th Thursday in November

Native American Heritage Day – 4th Friday in November (Day after Thanksgiving)

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

5.11.0000 WORK SCHEDULE

11.0010 NORMAL WORK WEEK

The normal work week for all employees is Monday through Friday, 8:00 a.m. to 4:30 p.m. with a one-half hour lunch break. Hours may vary if circumstances warrant a change in the scheduled work hours, upon supervisor approval. 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.

11.0020 OVERTIME

Overtime hours must have **prior approval through formal request from the supervisor with the President's concurrence.** With prior approval from the supervisor and President or designee, non-exempt personnel working beyond the normal work day will be allowed equivalent release time to be taken within the month. Non-exempt employees are 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.

5.12.0000 ABSENCE AND LEAVES

12.0010 ABSENCE AND LEAVES

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

5.13.0000 SICK LEAVE

13.0010 SICK LEAVE

Sick leave is a benefit granted by the College to full-time regular staff 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; however you must be paid for at least 24 hours during each week to earn sick leave.
3. Medical verification of illness may be required.
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.
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 upon termination of employment.
7. Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.
8. 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.
9. Employees will be credited with hours or days worked for time when they are on sick leave.

13.0020 SICK LEAVE DONATION POLICY

Employees of TMCC can request consideration for unsolicited donation of sick leave through their immediate supervisor, once all other accumulated leave is exhausted. If the supervisor concurs with the request, the supervisor will make a written request for approval by the President. The President will inform all employees of approved requests. Donated sick leave must not exceed 30 calendar days or a maximum of 160 hours per calendar year.

5.14.000 ANNUAL LEAVE

14.0010 ANNUAL LEAVE INFORMATION

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

14.0020 ANNUAL LEAVE USE

1. Each employee will be required to use all leave in excess of 240 hours by December 31 of each year or lose it.
2. When a holiday occurs during annual leave, the holiday is not considered to be a day of annual leave.

14.0030 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).
2. At the end of each calendar year, the Business Office will determine each employee's leave balance.

14.0040 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.

5.15.0000 SUPERVISOR APPROVED TIME/EFFORT AND ATTENDANCE REPORT

15.0010 PURPOSE

1. The purpose of the Supervisor Approved Time/Effort and Attendance 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 employee and supervisor to insure that all absences are reported.
2. The information requested on the form is as follows: Name, Department, Pay Period, Pay Period beginning and ending date, funding source, and Time and Effort Description.
3. The Supervisor Approved Time/Effort and Attendance 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.
4. The Supervisor Approved Time/Effort and Attendance 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.

15.0020 FILING OF LEAVE RECORDS

The Business Office shall maintain a current file of all leave records.

5.16.0000 OTHER 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~~ four days. The term "immediate family" is defined as husband, wife, father, mother, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, children, step-children, grandparents, and grandchildren, step parents and domestic partner of the employee. The Supervisors may require verification of relationship.

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~~ four days ~~for an in-state funeral and three days where interment is out-of-state~~. The extended family shall include brother-in-law, sister-in-

law, foster parents, foster children, aunts, uncles, nieces and nephews of the employees. The supervisor may require verification at their discretion.

2. FUNERAL LEAVE

~~An employee may be allowed leave without loss of pay because of a death of a relative not designated as part of the immediate or extended family. Funeral leave may be allowed for up to four hours and can be will be deducted from earned leave with supervisor's approval. Funeral Leave cannot be used in conjunction with Bereavement Leave.~~ An employee may take earned leave with the supervisors' approval to attend a funeral not designated as part of the immediate or extended family.

3. MATERNITY/PATERNITY LEAVE

Fifteen days of leave with pay may be granted to employees immediately prior to or following delivery. The leave must be taken consecutively. Maternity/paternity leave will be granted only after three months of full-time, regular employment. Annual leave and sick leave may also be used for pregnancy and delivery. Maternity/paternity leave cannot be accumulated.

4. LEAVE OF ABSENCE

Staff: An employee may apply through their supervisor and be granted by the President an approved **unpaid** Leave of Absence for up to one full year or twelve consecutive months 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. Employees shall provide at least 30 calendar days notice of intent to return to work status at any time prior to the end of the leave of absence or 30 calendar days prior to the end of the leave of absence; failure to provide such notice at the end of the leave of absence will be deemed as resignation from employment.

Faculty: A faculty member may secure a one-time per semester leave of absence for one week or less without loss of pay by securing permission from the Dean of Academic Programs or **CTE Director** and by making satisfactory written arrangements for handling classes missed. College business, professional obligations or appearances, and emergencies are the usual reasons for a short leave.

A leave of absence from one to two semesters may be granted by the Board. The faculty member receives no salary unless a stipend for a developmental leave has been approved by the Board. A substitute is hired by the College to take the instructor's place. However, the faculty member may return to their post at the end of the leave without jeopardizing their employment status.

5. JURY DUTY

An employee may be allowed leave with pay for jury or other legal duty when subpoenaed for such services. ~~The employee may not retain any compensation received for such duty.~~

6. 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.

7. MILITARY LEAVE

The Uniformed Services Employment and Reemployment Rights Act (USERRA) enacted in 1994 covers all civilian employers and prohibit employment discrimination against members of the “Uniformed Services.” The term Uniformed Services means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Services, and any other category of persons designated by the President in time of war or emergency.

Particularly important for employers to understand a military crisis is that USERRA provides Uniformed Services members significantly enhanced job security.

Regular full-time and regular part-time employees who are members of any “Uniformed Service” will be granted leave without pay for required training or duty. The leave will be granted according to USERRA.

Reinstatement of Employment: the employee must return to work within the specified period according to USERRA after they are relieved from the military service. The following criteria apply:

- What date they gave notice to the employer prior to leaving;
- The cumulative period of active service did not exceed the initial request/requests;
- The employee was not dishonorably discharged from the military; and
- The employee reported back to the civilian job in a timely manner.

8. COMMUNITY SERVICE

Community service positively influences accreditation, and employees are encouraged to perform community service. An employee may be granted 40 hours maximum per year, with prior supervisory **and Presidential** approval.

9. STORM DAYS

Official closing of the College during periods of severe weather will be announced over local radio stations (KEYA and KBTO) and via the ALERTNOW system when deemed 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, Vice President, IT Department, Comptroller and Security and Facilities personnel. These positions are a part of the Emergency Management Plan.

5.17.0000 FAMILY AND MEDICAL LEAVE ACT

The federal Family and Medical Leave Act of 1993 provides workers up to 12 weeks of UNPAID and job-protected leave for certain family and medical reasons.

To be eligible for leave under the act, a worker must have worked for the same covered employer for a total of 12 months, and must also have worked for a total of 1,250 hours or more in the previous 12 months.

TMCC may provide unpaid medical/family leave to eligible employees who are temporarily unable to work due to a medical disability, to care for the employee’s child after childbirth, or placement for

adoption or foster care, or assist an immediate family member with an illness or disability (A family member for the purpose of this policy, shall be defined as the employee's spouse, son, daughter, or parent, including step-family relationships, household members and people under the employees care or guardianship).

The employee must be a regular full-time employee or regular part-time employee to be eligible for medical/family leave. As soon as an eligible employee becomes aware of a need for a medical/family leave of absence, preferably 30 days in advance when foreseeable, they must provide a satisfactory statement from a physician that verifies the existence and nature of the medical disability. The statement will contain the approximate date the leave is expected to begin, its anticipated duration, and the date the employee can be expected to return to work. Any changes in this information should be promptly reported to their supervisor. Failure to provide advance notice or medical certification as requested above may result in the denial of the leave request.

Eligible employees may be granted leave for the period of the disability, up to a maximum of twelve (12) weeks. Employees may use any accumulated sick and annual leave prior to the effective date of the medical/family leave.

The employer will continue to pay its share of the medical insurance benefits for the duration of the leave, not to exceed twelve (12) weeks. Employees must make arrangements with the TMCC to pay their portion of the medical insurance or other insurance premiums in force during the medical/family leave. Failure of the employee to make their share of these premium payments may result in the cancellation of coverage by the insurance carrier.

Accrual for benefits calculations, such as sick leave, annual leave, etc. will be suspended for the duration of the medical/family leave.

Before returning to work from medical/family leave, an employee may be required to provide a physician's verification that they may safely return to work. Employees returning from medical/family leave will return to their former position. If an employee fails to report to work at the expiration of the approved leave period, TMCC will assume that the employee has resigned.

5.18.0000 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 40 hours or less.
3. Leave without pay for more than 40 hours shall require written approval from the President.
4. Failure of an employee to report for duty on expiration of leave without pay may be cause for termination.
5. Employees while on leave shall retain their years of service rights and accumulated benefits but shall earn no additional benefits.
6. Employees while on Leave Without Pay are in a non-pay status and do not earn Annual or Sick Leave.

5.19.0000 DEVELOPMENTAL LEAVE

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. Development Leave is unpaid leave.

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 is eligible to apply for developmental leave.

Application Procedure – Applications are available in the HR department and must be submitted for approval to the Supervisor and forwarded to the President. Final approval must be requested to the Board no later than 160 days prior to start of requested leave. The request shall present a clear and detailed narrative and must include the following:

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

Signed commitment – A commitment 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.

Conditions:

- a. Developmental leave shall be no longer than ~~three~~ **six** 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 with approval by president and board of directors.

All requests for leave are to be submitted through the appropriate institutional channels and the Board of Directors shall grant final approval. A decision will be rendered 60 days prior to the start of the requested developmental leave.

Upon completion of the submitted program of study, the **employee** will return to the same position they held prior to their leave. If their position does not require them to have obtained the higher degree for their position, the employee will not be eligible for an increase in pay. If the employee fails to complete the submitted program of study **or withdraws from the program**, the issue shall be reported **to the President, who will then report ~~by the President~~** to the Board for final determination.

Transcripts should be submitted to the Human Resource Manager and supervisor upon the completion of each term, who will report status to the President.

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.

5.20.0000 EDUCATIONAL RELEASE TIME

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".

An employee may be allowed up to four hours per week of release time / 16 hours per month for enrolling in training and/or college courses.

1. Eligibility - Upon approval by the supervisor, a full-time employee beyond their probationary period is eligible to apply for release time.
2. Application Procedure – Applications are available in the HR department and must be submitted for approval to the Supervisor and President.

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 Supervisor and Human Resource Manager for final exiting.

1. The employee terminating employment shall complete an exit checkout sheet
2. The Human Resource Manager and/or Comptroller shall provide the employee with information on benefits continuation and 401k withdrawal or roll-over.
3. 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

Upon resignation, an employee may be eligible to receive annual leave payout.

5.22.0000 REDUCTION IN FORCE

In the event of the discontinuance of a position because of an organizational or procedural change, diminished workload, 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 Reduction in Force letter shall be sent to the Human Resource Manager. The employee may be eligible for Unemployment Insurance. A Reduction in Force is not a condition to file a Grievance.

5.23.0000 DISCIPLINARY AND DISMISSAL POLICY

23.0010 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 on the Disciplinary Action Form (date, time, incident, and proposed corrective action) and placed in the employee file. After one year, the documentation may be expunged from their employee file at the discretion of the President per employee request.
 - (2) A written reprimand will be issued to the employee with documentation on the Disciplinary Action Form (date, time, incident, and proposed corrective action) following or in lieu of the initial written warning and will be filed in the employee

file. After one year, the documentation may be expunged from their employee file at the discretion of the employee's request.

- (3) An employee may be suspended from work without pay for a period of not more than ten working days after consultation and approval from the President. In such cases, the supervisor shall notify the employee, 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 for payroll purposes.
 - (4) In each case of dismissal/termination based on job performance, 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 completes a formal investigation. Upon finding the recommendation for dismissal/termination is justified, the President 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.
 - (5) In cases of dismissal/termination not based on job performance, and written recommendation to the President is by someone other than the Supervisor, the President reviews the recommendation of the dismissal/termination and makes a formal investigation. Upon finding the recommendation for dismissal/termination is justified, the President 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 Section 5.25.240000, Grievances.

5.24.0000 GRIEVANCES

24.0010 DEFINITION AND EXCLUSIONS

The term "grievance" covers such complaints as:

1. Working conditions and environment.
2. Any disciplinary action that doesn't apply to application of personnel policies or employment agreements.
3. The procedures are restricted to questions of the applications of established policies and are not subject for grievance action.

The employee and supervisor along with the Human Resource Manager or designee, if needed, will attempt to resolve the issue of the employee prior to filing a grievance. Timelines are critical and must be adhered to.

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

1. Any employee who believes that they have a justifiable complaint must first discuss the complaint with his/her immediate supervisor. The complaint must be presented in written form, time and date stamped with documentation. The 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 resolution they are seeking. The supervisor shall give the aggrieved a written response within seven (7) working days.
2. If the response is unsatisfactory to the employee or the complaint cannot be resolved at the first level, the employee may file a written grievance to the Human Resource Manager within ten (10) working days of the receipt of the response from the supervisor. The Human Resource Manager will schedule a hearing with the Grievance Committee within ten (10) 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 complaint,
 - 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 ten (10) working days with the employee and the supervisor to hear both sides of the complaint being grieved. The Grievance Committee will be designated by the president. 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 complaint. 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 complaint under advisement for consideration, and may consult College authorities or experts for advice. A written decision will be made within ten (10) working days to be shared with the President. All parties will be sent a written reply of the decision.

Recommendations of decisions by the Grievance Committee will be forwarded to the President for final concurrence; once concurred the decision is 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 against the President may be heard by the College Board of Directors. The grievance to be considered valid must clearly state complaint being grieved with evidence and specifies what resolution is sought. The College Board of Directors shall give the aggrieved a written response within twenty (20) working days.

24.0020 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.

5.25.0000 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).

5.260000 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program has been designed to assist employees and family members in prevention, assessment, education, and rehabilitation of problems that affect job performance. TMCC will contract with an outside organization to provide employee assistance counseling.

26.0010 RESPONSIBILITY

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.
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) Meeting. A private meeting 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 30 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 specified allotted time frame, 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.

26.0020 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.

26.0030 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).

26.0040 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.

26.0050 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 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.

26.0060 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.

26.0070 LEAVE

In instances where employees utilizing the EAP are required to be away from their work 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.

5.27.0000 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).

5.28.0000 HARASSMENT POLICY

The College will not tolerate harassment of its employees. Any form of harassment (**verbal, written or physical conduct**) related to an employee's race, color, gender, religion, national origin, sexual orientation, **gender identity**, age, disability, **genetic information, marital status, amnesty or status as a covered veteran** 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:

- **Epithets, slurs, or negative stereotyping;**
- **Threatening, intimidating or hostile physical acts;**
- **Demeaning jokes; or**
- **Written or graphic material that demeans, degrades or belittles or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on TMCC premises or circulated in the workplace, on TMCC time or using TMCC equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means. ~~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~~**

Sexual harassment constitutes discrimination and is illegal under Federal and State law. For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, ~~graphic,~~ or physical conduct of a sexual nature.

For example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include:

- Unwanted sexual advances or requests for sexual favors;
- Sexual jokes and innuendo;
- Verbal abuse of a sexual nature;
- Commentary about an individual's body, sexual prowess or sexual deficiencies;
- Leering, whistling, or touching;
- Insulting or obscene comments or gestures;
- Display in the workplace of sexually suggestive objects or pictures; or
- Any other physical, verbal or visual conduct of a sexual nature.

These policies apply to all applicants, employees or anyone directly or indirectly associated with or otherwise contracted with TMCC (ex. Outside vendors, consultants or customers).

Conduct prohibited by these policies is unacceptable in the workplace and in any work related setting outside the workplace, such as during business trips, business meetings and business-related social events.

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~~ Individuals who believe they have been the victim of conduct prohibited by this policy statement or who believe they have witnessed such conduct 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.

When possible, TMCC encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and request that the behavior be discontinued. TMCC recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

TMCC encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. TMCC requests that the employee files their complaint within 180 days of the last incident; however, the Human Resource Manager will investigate all incidents, regardless of time.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination is a serious violation of this policy and will be subjective to disciplinary action.

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.

5.29.0000 COPYRIGHT AND ROYALTY POLICY PROCEDURES

37.0010 DEFINITIONS

1. College - Turtle Mountain Community College.
2. Author - Originator or maker of instructional materials.
3. Instructional materials - films, filmstrips, slides, tapes, models, records, programmed units, articles, essays, books, computer software, and other creative work.

37.0020 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.

37.0030 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.

37.0040 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.

5.30.0000 SMOKING/E-CIGARETTES/SMOKELESS TOBACCO POLICY

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

The College will provide smoke-free facilities. This is a ban on using smoking, e-cigarettes, 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 personal vehicles.

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 this policy. Any violation by employees shall be referred to the appropriate supervisor.

Individuals 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 security personnel. The individual will be asked to leave the College property.

5.31.0000 EMERGENCY MANAGEMENT PLAN

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 effect operations.

A copy of TMCC's Emergency Management Plan is available on the TMCC website.

5.32.0000 ACTING CHIEF EXECUTIVE OFFICER

In the President's absence, a designee shall serve as Chief Executive Officer for the College.

5.33.0000 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.

5.34.0000 ADMINISTRATION

The President is responsible for the administration of these policies.

5.35.0000 FITNESS FOR DUTY

TMCC is committed to providing a safe environment for all employees and students. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive and effective manner and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, to other employees, to TMCC or to the public. This policy will establish procedures by which TMCC can evaluate an employee's ability to safely and competently perform their duties when a health or safety problem arises.

35.0010 RESPONSIBILITIES

Employees are responsible for:

1. Managing their health in such a way that they can safely perform their essential job functions, with or without reasonable accommodation.
2. Notifying their supervisor when they are not fit for duty.
3. Notifying the supervisor when they observe a co-worker acting in a manner that indicates the co-worker may be unfit for duty. If the supervisor's behavior is the focus of concern, an employee may inform the President or designee.

Supervisors are responsible for:

1. Observing the attendance, performance and behavior of the employees they supervise.
2. For following the procedures when presented with circumstances or knowledge that indicate that an employee may be unfit for duty.
3. Confidentiality of medical records.

35.0020 DEFINITIONS

Employee – Faculty and staff employed by TMCC in any capacity, whether full or part time or temporary or regular status.

Supervisor – The person to whom an employee reports.

Fitness for Duty – Whether an employee is physically and mentally capable of safely performing the essential functions of their job with or without reasonable accommodation.

Fitness for Duty Evaluation – Evaluation by an impartial, independent health care professional with appropriate expertise in one or more of the following: medical conditions, psychological conditions, and/or conditions related to the use or abuse of alcohol or other substances.

35.0030 PROCEDURE

1. The supervisor who receives reliable information that an employee may be unfit for duty, or through personal observation believes an employee to be unfit for duty, will validate and document the information or observations as soon as is practicable.

- a. Observation must be made by two supervisors. Documentation by both supervisors must be completed on the Initial Impairment Observation Form and forwarded to Human Resources.
2. The determination by a supervisor to refer an employee for a fitness for duty evaluation must involve consultation with Human Resources. Supervisors requesting a fitness for duty evaluation will have completed the Initial Impairment Observation Form and forwarded it to Human Resources.
3. Actions that may trigger the need to evaluate an employee's fitness for duty include, but are not limited to: Problems with dexterity, coordination, concentration, memory, alertness, vision, speech, inappropriate interactions with coworkers or supervisors, inappropriate reactions to criticism, or suicidal or threatening statements.
4. The supervisor (and HR?) will present the information or observations to the employee at the earliest possible time in order to validate them, and will allow the employee to explain his or her actions, or to correct any mistakes of fact contained in the description of those actions. The supervisor will then determine if the employee should leave the workplace immediately for safety reasons.
5. In situations where there is a basis to think that a crime may have been committed and/or the employee is making threats to harm themselves or others, or is acting in a manner that is immediately dangerous to themselves or others, the supervisor will contact local law enforcement.
6. Employees being referred for a fitness for duty evaluation will be relieved of duties and paid on paid administrative leave pending completion of the evaluation and receipt of the results of the evaluation.
7. An impartial, independent health care evaluator with appropriate expertise will conduct a fitness for duty evaluation and provide TMCC with results.
8. TMCC will be responsible for the cost of fitness for duty evaluations.
9. If an employee is found to be unfit for duty, their employment status will be determined on a case by case basis, in accordance with TMCC policies. Applicable employee leave accruals will be used to cover continued approved leaves of absence from work.
10. Non-compliance with a request for a fitness for duty evaluation may constitute misconduct and be cause for disciplinary action per TMCC policies.
11. Application of this policy is not intended as a substitute for other TMCC policies related to performance. In addition, application of this policy is not a substitute for discipline. In any situation involving misconduct, disciplinary action may occur.
12. Confidentiality / Privacy – Records of fitness for duty evaluations will be treated as confidential medical records and be kept separate from existing department and personnel files. This information will only be shared on a strict “need to know” basis.
13. After an evaluation, information available to the supervisor will be limited to:
 - a. Whether a person is fit to resume their job duties
 - b. Whether a person is a direct threat to self or others
 - c. Whether a person needs specific reasonable accommodations