

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – Human Resources

INDEX

SECTION 10: HUMAN RESOURCE POLICIES

Persons Covered

Administration of Policies

SECTION 20: COLLEGE’S RIGHT TO MANAGE, DISCIPLINE AND DISCHARGE

I. Management Rights

II. Discipline

III. Discharge for Probationary Employees

IV. Release of Employee(s) from Duty

V. Written Statements on Reasons for Discharge

VI. References

VII. Garnishment of Wages

SECTION 30: CONFLICT OF INTEREST

I. Conflict of Interest

II. Disclosure

III. Grants

SECTION 40: POLITICAL ACTIVITIES

I. Political Activities

II. Uncompensated Leave

III. Reduction of Workload

IV. Public Affairs

SECTION 50: PERSONNEL FILES

I. Access

II. Adverse Material

SECTION 60: REDUCTION IN FORCE

SECTION 70: RECRUITMENT, SELECTION AND EMPLOYMENT

I. Recruitment and Selection of Regular Positions

II. Nepotism

III. Criminal Background Investigations

IV. Verification of Applicant's Information

V. Offers of Employment

VI. Probationary Period

VII. Employment Contracts

VIII. Reassignment

IX. Additional Compensation

SECTION 80: EMERITUS POSITIONS

SECTION 90: HOLIDAYS

- I. Compensation
- II. Observation
- III. Floating Holiday Time

SECTION 100: HEALTH RELATED CONDITIONS AND COMMUNICABLE DISEASES

- I. Communicable Diseases
- II. Safe Environment

SECTION 110: LEAVES

- I. Annual Leave
- II. Sick Leave
- III. Sick Leave Bank
- IV. Bereavement Leave
- V. Jury Duty/Subpoena
- VI. Military Leave
- VII. Public Service Leave
- VIII. Leave Without Pay
- IX. Flexible Schedule
- X. Unapproved Leave
- XI. Work Related Injury or Illness

SECTION 120: OVERTIME AND PAID COMPENSATORY LEAVE TIME

SECTION 130: RETIREMENT

- I. Retirement
- II. Social Security
- III. Optional Retirement Plans

SECTION 140: RESERVED

SECTION 150: EMPLOYEE INSURANCE COVERAGE

SECTION 160: EMPLOYEE PROFESSIONAL DEVELOPMENT

- I. Employee Development Leave

SECTION 170: TUITION WAIVERS

- I. Eligibility
- II. Tuition Waiver Benefit

SECTION 180: GRIEVANCE

SECTION 190: WHISTLEBLOWER POLICY

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – Human Resources

SECTION 10: HUMAN RESOURCES POLICIES

Approved: May 18, 2009

The Human Resources policies establish a framework and set standards that guide employees of Flathead Valley Community College. Employees share responsibility for adhering to and participating in the well-being of the College in the best interest of the students and community that we serve. All employees are expected to be familiar with these policies and the Employee Handbook. The College will make all decisions in accordance with Montana state and federal laws, regulations, board policy, and applicable collective bargaining agreements in order to ensure sound, fair, and legal processes. In the case of any discrepancy, the state or federal law will become the prevailing policy.

I. PERSONS COVERED

These policies and procedures shall apply to all College employees to the extent that they do not conflict with state or federal law or the provisions of any collective bargaining agreement to which the College is a party.

II. ADMINISTRATION OF POLICIES

These personnel policies and procedures shall be administered by the President, or designee, in accordance with the policies established by the Board of Trustees and accepted administrative procedures

REFERENCES: Executive Order 11246; Section 503 of the Rehabilitation Act of 1973; Section 4212 of Vietnam Era Veterans Readjustment Assistance Act; Americans with Disabilities Act; Equal Pay Act; Montana State Constitution, Article X, Section 7; Civil Rights Act of 1991; ADEA; M.C.A 49-2-205; Employee Handbook

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – Human Resources

SECTION 20: COLLEGE'S RIGHT TO MANAGE, DISCIPLINE AND DISCHARGE

Approved: May 18, 2010

I. MANAGEMENT RIGHTS

College employees shall recognize the prerogatives of the College as employer to operate and manage college affairs in such areas as, but not limited to:

- A. direct employees;
- B. hire, promote, transfer, assign, and retain employees;
- C. relieve employees from duties because of lack of work or funds or under conditions where continuation of such work would be inefficient and nonproductive;
- D. maintain the efficiency of college operations;
- E. determine the methods, means, job classifications, and personnel by which college operations are to be conducted;
- F. take whatever actions may be necessary to carry out the missions of the College in situations of emergency; and
- G. establish the methods and processes by which work is performed

II. DISCIPLINE

The College shall administer disciplinary action, including discharge from employment, in accordance with collective bargaining agreements, law, and the principles of due process and progressive discipline. Progressive discipline is a method of dealing with unsatisfactory performance or misconduct of employees, and is designed to provide the employee with an opportunity to become aware of and correct the misconduct or substandard performance and restore the employee as a productive member of the workforce.

The College recognizes there may be instances when progressive discipline is inappropriate, and immediate discipline or discharge from employment is necessary.

Administrators may be given no more than twelve (12) months written notification of termination.

III. DISCHARGE FOR PROBATIONARY EMPLOYEES

Probationary employees may be terminated any time prior to completion of the six (6) month probationary period. During a probationary period of employment, the employment may be terminated for any lawful reason without a showing of cause based upon the recommendation of the supervisor and subject to review by the Executive Director of Human Resources, and the approval of the President. Such terminations are not subject to due process or the grievance procedure.

IV. RELEASE OF EMPLOYEE(S) FROM DUTY

The President, may relieve employee(s) from duty for reasons identified in 39-31-303 M.C.A., collective bargaining agreements, other relevant statutes and Board policies.

V. WRITTEN STATEMENTS ON REASONS FOR DISCHARGE

In accordance with Section 39-2-801, MCA, the College shall, upon demand, provide a discharged employee with a written statement of reasons for the discharge.

VI. REFERENCES

Only the President, or designee, is authorized to respond on behalf of the College to requests for information regarding the job performance of a current or former employee.

VII. GARNISHMENT OF WAGES

In accordance with Section 39-2-302, MCA, the College shall not discharge or lay off any employee because of attachment or garnishment served on the employer against the wages of the employee.

REFERENCES: 39-2-801-804; 39-2-501; 39-2-901-915, 39-31-303 M.C.A.

*History: Adopted November 12, 1986; Revised March 14, 1989; Revised October 22, 2001; Revised May 18, 2009, Revised November 23, 2015; Revised July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 30: CONFLICT OF INTEREST

Approved: May 18, 2009

I. CONFLICT OF INTEREST

This policy is intended to complement the state statutes on standards of conduct for public employees and is not intended to supersede or conflict with those standards.

Employees of Flathead Valley Community College must endeavor to avoid actual or apparent conflicts of interest between their college duties and obligations and their personal and professional activities outside of the college. Any violation of this policy may result in disciplinary action up to and including termination. A conflict of interest exists:

- A. When an employee has a personal interest in a matter that may be inconsistent or incompatible with the employee's obligation to exercise the employee's best judgment in pursuit of the interest of the college; or
- B. When a non-college activity unreasonably encroaches on the time an employee should devote to the affairs of the college; or
- C. When an employee's non-college activities impinge on or compromise the allegiance, commitment, or performance the college has the right to expect from the employee.

An employee may not:

- A. disclose or use confidential information acquired in the course of official duties in order to further substantially the employee's personal economic interests;
- B. accept a gift of substantial value or a substantial economic benefit tantamount to a gift;
 - i. that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
 - ii. that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the employee for official action taken; or
- C. receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:
 - i. the employee reimburses the College for the salary paid for performing the function from which the employee is absent; or

- ii. the employee's salary from the College is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

An employee may not acquire an interest in any business or undertaking that may be directly and substantially affected to its economic benefit by official action to be taken by the College.

An employee may not:

- A. use public time, facilities, equipment, supplies, personnel, or funds for the employee's private business purposes;
- B. engage in a substantial financial transaction for the employee's private business purposes with a person whom the employee inspects or supervises in the course of official duties;
- C. assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the College;
- D. assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from the College;
- E. perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or,
- F. solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the employee regulates in the course of official duties without first giving written notification to the College President.

No college employee may engage in any activity, including lobbying, on behalf of an organization of which the employee is a member while performing the employee's job duties. The provisions of this subsection do not prohibit an employee from performing charitable fundraising activities or any other non-paid professional activity if approved by the College President or authorized by law.

II. DISCLOSURE

In the event that it is necessary for an employee to recommend or approve an expenditure of college funds to any individual or business in which the employee has a significant financial interest, the employee shall make this fact known to the President in writing, prior to taking action. This requirement includes personnel actions, but excludes textbook adoption, if the employee is identified as the author or editor.

III. GRANTS

No college employee, officer or agent may participate in the selection, award and administration of a contract supported by a grant award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties listed above, has a financial or other interest in or a tangible personal benefit from, a

consideration for a contract. Further, FVCC's employees, officers or agents may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.

REFERENCES: 2-2-104-105; 2-2-121 M.C.A.

History: Adopted November 12, 1986; Revised October 22, 2001; Revised May 18, 2009, Revised November 23, 2015, Revised March 21, 2016; Revised July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 40: POLITICAL ACTIVITIES

Approved: May 18, 2009

I. POLITICAL ACTIVITIES

No college employee may use public time, facilities, equipment, supplies, personnel, or funds for any campaign activity persuading or affecting a political decision unless the use is:

- A. authorized by law; or
- B. properly incidental to another activity required or authorized by law, such as the function of an elected public official, the official's staff, or the legislative staff in the normal course of duties.

The College may not include in the pay due to any employee, the name of any candidate or any political mottoes, devices, or arguments containing threats or promises, express or implied, calculated or intended to influence the political opinions or actions of college employees. Nor shall the College exhibit any handbill or placard containing any threat, promise, notice, or information that, in case any particular ticket or political party, organization, or candidate is elected, work will cease, in whole or in part, or will be continued or increased; the College will be closed; the salaries or wages of employees will be reduced or increased; or other threats or promises, express or implied, intended or calculated to influence the political opinions or actions of employees.

No college employee may attempt to coerce, command, or require any employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No college employee may solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at the place of employment.

II. UNCOMPENSATED LEAVE

Employees may be granted uncompensated leave during campaigning and/or during actual service in an elective or appointive office.

III. REDUCTION OF WORKLOAD

Employees may be granted an uncompensated reduction of workload during campaigning and/or actual service in an elective or appointive office.

IV. PUBLIC AFFAIRS

All College personnel are encouraged to fulfill their civic responsibilities by engaging in community public activities compatible with their obligations to the College. Employees will speak and act as private citizens at such activities unless specifically authorized to do otherwise by the President.

REFERENCES: Section 2-2-101-144, 13-35-226; 39-2-104 M.C.A.

*History: Adopted November 12, 1986; Revised July 27, 1992; Revised October 22, 2001; Revised May 18, 2009; Revised November 23, 2015; Revised July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI –HUMAN RESOURCES

SECTION 50: PERSONNEL FILES

Approved: May 18, 2009

For each employee, the College shall maintain an official personnel file in the office of Human Resources. An employee's position title(s), duration of employment, and salary are public information and shall be released on request. Other records may be confidential and access to them is limited. Employees are entitled, upon advance request, to review their official personnel file.

I. ACCESS

- A. Access to individual personnel files will be limited in accordance to law.
- B. The President, or designee, may disclose confidential personnel data with the written consent of the employee or as provided by law.
- C. The following shall have access to an employee's personnel file:
 - 1. The employee (except for confidential placement files and letters of recommendation);
 - 2. The direct supervisor and employees above the supervisor in a direct line of authority;
 - 3. The Executive Director of Human Resources and employees working under the supervision of the Executive Director of Human Resources.
 - 4. Agents of the College, including its attorneys, auditors, and various federal and state agencies.

Nothing in this policy prohibits those having authorized access to employee personnel records, as provided in this policy, from relying on the content of those records when responding to a request for employment information from organizations to which the employee has applied for employment.

- D. An employee may file a written response to information contained in their personnel file which becomes a permanent part of the record. The response must be filed within 10 working days of the date on which an employee is made aware of the information. A copy shall be provided to the employee's supervisor.
- E. Medical information will be kept in separate files. As provided in the ADA, access is

restricted to supervisors and managers when identifying restrictions on the employee's work or duties or identifying necessary accommodations; first aid and safety personnel, when appropriate, if the disability might require emergency treatment, and on request from government officials investigating compliance with the ADA.

II. ADVERSE MATERIAL

No disciplinary notices or materials that may be used to support disciplinary action shall be placed in a personnel file that does not bear the signature of the employee indicating they have been shown the material, or a statement by a supervisor that the employee has been shown the material and refused to sign. A copy of any such material shall be furnished to the employee.

REFERENCE: Americans with Disabilities Act, 42 U.S.C. §12110, et seq.; 2-17-550-553 M.C.A "Governmental Internet Information Privacy Act"; Collective bargaining agreements

*History: Adopted November 12, 1986; Revised October 22, 2001; Revised May 18, 2009, Revised November 23, 2015; Revised July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 60: REDUCTION IN FORCE

Approved: May 18, 2009

Whenever the Board of Trustees determines that it is necessary to reduce the number of employees because of lack of work or funds, programmatic changes, or under conditions where the Board determines that the continuation of such work is inefficient or nonproductive, the Board may initiate a reduction in force.

REFERENCE: 39-31-303, M.C.A.; Collective Bargaining Agreements

History: Adopted April 11, 1989; formerly included in Section 900 of Personnel/Compensation, policy 908; Revised October 22, 2001; Revised May 18, 2009; Revised November 23, 2015; Revised July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 70: RECRUITMENT, SELECTION AND EMPLOYMENT

Approved: May 18, 2009

I. RECRUITMENT AND SELECTION OF REGULAR POSITIONS

All vacancies for regular positions (excluding acting, temporary, or interim appointments) shall be posted. Regular employees shall have a total of five working days in which to apply as internal applicants. In time-sensitive hires, a position may be advertised internally and externally simultaneously. If, in the judgment of the responsible administrator and the President, one of the internal applicants meets the requirements and performance expectations for the position, (s)he may be hired for that position. This decision shall not be subject to the grievance procedure. If in the judgment of the responsible administrator and the President, none of the internal applicants meets the requirements and performance expectations for the position, the opening may be advertised. This decision shall not be subject to the grievance procedure.

II. NEPOTISM

The College shall adhere to Sections 2-2-301 through 2-2-304, MCA regarding nepotism.

III. CRIMINAL BACKGROUND INVESTIGATIONS

All offers of employment for regular positions will be made based on the successful completion of a criminal background investigation.

IV. VERIFICATION OF APPLICANT'S INFORMATION

All information submitted by an applicant is subject to verification. Submission of false or misleading information is grounds for rejection of the applicant or termination of employment. All application materials submitted by an employee will become a part of his/her personnel file.

V. OFFERS OF EMPLOYMENT

All offers of employment are approved by the President or her/his designee.

VI. PROBATIONARY PERIOD

All non-contractual new hires serve a six-month probationary period. The purpose of the probationary period is to allow the supervisor to orient an employee to the requirements and expectations associated with the position to determine whether the employee demonstrates satisfactory knowledge, skills, and abilities to perform the assigned duties; and to assess the employee's suitability for continued employment. If approved by the Executive Director of Human Resources, the six-month period may be extended for a specified period of time not to exceed an additional three (3) months.

The probationary period does not represent a guarantee of continuing employment. During the probationary period, an employee may be terminated for any lawful reason without a showing of cause based upon the recommendation of the supervisor and subject to review by the Executive Director of Human Resources, and the approval of the President. Such terminations are not subject to due process or the grievance procedure.

VII. EMPLOYMENT CONTRACTS

The College shall enter into individual, written, employment contracts with non-classified employees. Such contracts shall carry the signature of the President and the employee. Contracts for employees, excluding the President, shall be for a maximum of twelve months. If the contract is not signed by the employee and/or returned within the designated time period, the contract will be considered null and void.

VIII. REASSIGNMENT

Employees may be reassigned to other positions at the discretion of the President.

IX. ADDITIONAL COMPENSATION

In accordance with 2-2-104 M.C.A., a public employee may not receive earning from two separate public employment positions that overlap for the hours being compensated. unless: (i) the employee reimburses the College for the salary paid for performing the function from which the employee is absent; or (ii) the employee's salary from the College is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

REFERENCES: 2-2-301 – 304, 39-2-904 M.C.A; Collective Bargaining Agreements

*History: Adopted November 12, 1986; (Adopted Employee Orientation June 9, 1987); Revised July 11, 1989; Revised July 27, 1992; Revised April 25, 1994; Revised October 22, 2001; Revised May 18, 2009; Revised November 23, 2015; Revised July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 80: EMERITA/EMERITUS POLICY

Approved: May 18, 2009

Flathead Valley Community College Board of Trustees reserves the right to confer the distinction of Emerita/Emeritus to members of the faculty or to administrative staff who have served the institution with distinction over a lengthy career.

Flathead Valley Community College Board of Trustees may bestow recognition of Emerita/Emeritus Status to retired, full-time faculty and administrators for their distinguished service to college.

The FVCC Board of Trustees sees the title of Emerita/Emeritus as a unique and special honor. The Board reserves the title for a few select individuals and it is the Board's expectation that only the most outstanding faculty or administrators will be recommended for this unique honor. Emerita/Emeritus status is granted to retiring full-time faculty and administrators in recognition of dedicated service at Flathead Valley Community College. It is an earned rank and as such entitles its holders to commensurate rights and privileges.

History: Adopted November 12, 1986; (Adopted Employee Orientation June 9, 1987); Revised July 11, 1989; Revised July 27, 1992; Revised April 25, 1994; Revised October 22, 2001; Revised May 18, 2009, Revised November 23, 2015; Reviewed July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 90: HOLIDAYS

Approved: November 23, 2015

Holidays are a day during the normal work week, Monday through Friday, on which the College offices are closed. Full-time regular employees shall receive regular pay for all holidays and part-time regular employees shall receive holiday pay on a prorated basis. No employee is entitled to pay for any holiday which occurs when the employee is not regularly employed, e.g. not scheduled to work, seasonal layoffs or leaves without pay. Holidays are not eligible for termination payout.

I. COMPENSATION

Full-time and part-time regularly scheduled employees receive paid holiday leave or compensation if they are in an active pay status on either the last scheduled working day immediately preceding a holiday or on the first scheduled working day immediately after the holiday. If an employee fails to work either day without advance approval of the supervisor, the employee will forfeit holiday pay. A newly hired employee who begins work on the day after a holiday is not entitled to holiday pay. Employees may not designate a holiday as their final work day when terminating.

II. OBSERVATION

The following State of Montana legal holidays will be observed:

- New Year's Day – January 1
- Martin Luther King Jr. Day – Third Monday in January (This day may be exchanged for the Monday or Friday of Spring Break to accommodate scheduling needs of the college)
- President's Day – Third Monday in February
- Memorial Day – Last Monday in May
- Independence Day – July 4
- Labor Day – First Monday in September
- Thanksgiving Day – Fourth Thursday in November
- Friday after Thanksgiving
- Christmas Day – December 25

Holidays that fall on a Sunday are observed on the following Monday and holidays falling on a Saturday are observed on the previous Friday. Christmas or New Year's Day will have alternative observance days as follows:

Christmas/New Year's official holiday date	Observed on
Saturday	Friday and Monday
Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday and Tuesday
Wednesday	Wednesday, Thursday and Friday
Thursday	Thursday and Friday
Friday	Thursday and Friday

III. FLOATING HOLIDAY TIME

Three floating holidays shall be granted each year to non-faculty staff members and shall be considered as an exchange for the Columbus Day Holiday, the Veteran's Day Holiday and the State General Election Day Holiday which were formerly observed by employees on specific days. Although the Montana State General Election Day occurs only on even numbered years, FVCC grants a floating holiday in lieu every year.

If an employee does not utilize the floating holidays within the fiscal year they were earned, they are lost and not eligible for payout. These three floating holidays will be used for time during the Winter Holiday Break to allow employees to enjoy an extended holiday schedule. Anyone wishing to make different arrangements must get approval from their supervisor and the Human Resources department prior to the holiday.

REFERENCE: 1-1-216; 2-18-603, M.C.A.

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 100: HEALTH RELATED CONDITIONS AND COMMUNICABLE DISEASES

Approved: May 18, 2009

I. COMMUNICABLE DISEASES

The College recognizes that students, staff, faculty, and administrators with communicable diseases including, but not limited to measles, influenza, viral hepatitis-A, viral hepatitis-B, and tuberculosis, may wish to continue to engage in as many of their activities as their condition allows.

II. SAFE ENVIRONMENT

A safe environment is sought for all students and employees. Precautions shall be taken to ensure that a student's or employee's medical condition does not present a health and/or safety threat to any other individuals on the campus.

FLATHEAD VALLEY COMMUNITY COLLEGE
Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 110: LEAVES

Approved: May 18, 2009

I. ANNUAL LEAVE

Annual leave is defined as leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with concurrence of the employer.

1. Annual leave for qualified employees is earned in accordance with the provisions of Section 2-18-611-617, M.C.A.
2. The employer may not terminate or separate an employee from employment or engage in any other act for purposes of circumventing the employee's rights with regard to annual leave.
3. An employee who terminates employment for a reason not reflecting discredit on the employee is entitled upon the date of termination to cash compensation for unused annual leave, assuming that the employee has worked the qualifying period.

II. SICK LEAVE

1. Sick leave for qualified employees is earned in accordance with the provisions of Section 2-18-618, M.C.A.
2. Abuse of sick leave is cause for dismissal and forfeiture of the lump-sum payments provided for in state law.

III. SICK LEAVE BANK

Employees may donate a yearly maximum of 40 hours of their accrued sick leave credits to another regular employee for a qualified catastrophic medical event. An employee may receive a fiscal year maximum of 240 hours of donated sick leave credits. The donating employee must maintain a minimum balance of 40 hours of sick leave. The leave will be donated on an hour-for-hour basis.

IV. BEREAVEMENT LEAVE

Up to two days of paid bereavement leave may be granted to attend to matters upon the event of a death or funeral attendance for an immediate family member (spouse, children, dependents, parents, grandparents, siblings, and the same relatives of the employee's spouse in like degree) with approval from the President. Other individuals may be included with prior approval of the President.

V. JURY DUTY/WITNESS SUBPOENA

Paid leave will be granted to an employee who is under proper summons as a juror or subpoenaed as a witness if all fees and allowances are submitted to the Human Resources Office within the pay period. However, if an employee elects to use annual leave to serve on a jury, the employee may retain the juror fees. An employee is not required to remit any expense or mileage allowance paid by the court.

Employees will be required to provide court documentation to the Human Resources Office and inform their supervisor as soon as feasible.

VI. MILITARY LEAVE

Military leave will be administered in accordance with 10-1-1006, 1007, 1009, M.C.A.

VII. PUBLIC SERVICE LEAVE

Employees shall be granted leave without pay for public service in accordance with 39-2-104 M.C.A. for employees elected or appointed to public office in the city, county or state. The leave shall not exceed 180 days per year while performing public service. Employees shall be restored to their prior position. An employee granted such leave shall return to work within ten (10) days of completion of the public service unless they are unable to do so because of illness or disabling injury certified to by a licensed physician.

VIII. LEAVE WITHOUT PAY

1. Leave without pay may be granted for a maximum of one calendar year upon approval of the President. Sick leave and annual leave, if applicable, must be exhausted prior to taking leave without pay. Employees on unpaid leave are not eligible for holiday pay and may use college property only if approved by the President.
2. Maternity/paternity leave without pay may be granted for a maximum of one calendar year to an employee unable to perform employment duties as a result of pregnancy, post-pregnancy complications, or other essential parenting responsibilities. Sick leave, if applicable and annual leave must be exhausted prior to taking maternity/paternity leave.

IX. FLEXIBLE SCHEDULE

A flexible schedule may be granted with approval of the supervisor and President or designee.

X. UNAPPROVED LEAVE

Unapproved leaves constitute unauthorized absence from assigned duties. The College will be reimbursed for an unauthorized absence by deducting the appropriate amount from the employee's pay. An unapproved absence will be grounds for disciplinary action up to and including termination of employment.

XI. WORK RELATED INJURY OR ILLNESS

Return to work after a job-related injury or illness requires a medical release form from the attending health care provider. If the provider recommends that the employee return to work with job-activity restrictions, the return must have approval of the Director of Human Resources and it is the supervisor's responsibility to ensure that the approval is in place before the employee returns to work.

REFERENCE: 10-1-1006, 1007, 1009 M.C.A; 39-2-104 M.C.A; 2-18-601, 612-618 M.C.A.; Uniformed Service Employment and Reemployment Rights Act (USERRA) of 1995

History: Adopted November 12, 1986; Revised February 10, 1987; Revised October 13, 1987; Revised March 14, 1989; Revised May 14, 1991; 1995 Amendment: deleted "W.A.I.M.S.," substituted "professional;" Revised November 26, 2001; Revised May 18, 2009, Reviewed November 23, 2015; Revised January 28, 2019; Revised July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 120: OVERTIME, COMPENSATORY TIME, AND FLEXIBLE TIME OFF

Approved: May 18, 2009

Non-exempt employees are individuals covered by the federal Fair Labor Standards Act and are entitled to overtime pay or compensatory time in specified situations. Non-exempt status is based on assigned duties and responsibilities and is determined in accordance with the Fair Labor Standards Act, state and federal law. Compensatory time is leave with pay approved for time worked beyond the standard forty (40) hour workweek.

Overtime is time worked by a non-exempt employee in excess of forty (40) hours per week. A work week is seven (7) consecutive 24-hour periods beginning Sunday at 12:01 a.m. through the following Saturday at 12:00 midnight. Hours not physically worked, i.e., holidays, annual leave, sick leave or jury duty do not count as time worked for purposes of calculating overtime or compensatory time unless collectively bargained otherwise.

- A. **Non-exempt** employees are eligible to receive overtime pay at a rate of one and one-half times the regular rate of pay for time worked over forty (40) hours per week. Time to be worked in excess of forty (40) hours per week must have prior supervisor approval. Employees may elect, with supervisor approval, to receive compensatory time off at a rate of one and one-half times each additional hour worked over forty (40) hours per week in lieu of overtime pay. Compensatory time may be accumulated to a maximum of 240 hours (160 hours of overtime) and shall be cashed out, upon termination, at the employee's final regular rate. Compensatory leave time must have prior supervisory approval.
- B. **Exempt employees**, due to the nature of their jobs, are not entitled to payment for overtime. If employees are working a large number of hours, a supervisor may allow the exempt employees flexible time off at the supervisor's discretion. Flexible time off is not accrued on an hour for hour basis and it cannot be cashed out.

REFERENCES: Collective Bargaining Agreements; Procedure

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 130: RETIREMENT

Approved: May 18, 2009

I. RETIREMENT

Retirement programs are governed by applicable state and federal laws and College policy. The College is required to participate in the Montana Public Employees' Retirement Administration (MPERA) and the Montana Teachers' Retirement System (MTRS) in accordance with Title 19 M.C.A. In accordance with 19-3-505 M.C.A, the College does not participate in the purchase of retroactive employer contributions or interest and applies this policy indiscriminately for all employees and former employees.

II. SOCIAL SECURITY

As recommended by a regular employee vote and determined by a vote of the Board of Trustees, the College does not participate in Social Security for its regular employees, MPERA and MTRS employees in accordance with the Social Security Act.

III. OPTIONAL RETIREMENT PLANS

The College shall sponsor a voluntary, employer matched 403(b) retirement savings plan for all regular employees. The College shall provide optional retirement plans for voluntary employee contribution in accordance with IRS regulations.

REFERENCES: M.C.A. TITLE 19; Collective Bargaining Agreements, Social Security Act Section 218

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 140: RESERVED

Approved:

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 150: EMPLOYEE INSURANCE COVERAGE

Approved: May 18, 2009

Insurance benefits such as medical, dental, vision, life, and long term disability are available to eligible employees through the plans adopted by the President on behalf of the Board of Trustees.

Legally-mandated insurance coverage such as medical, unemployment and workers' compensation shall be provided in accordance with state and federal law.

REFERENCES: 39-51-101, et seq.; 39-71-4101, et seq. M.C.A., Patient Protection and Affordable Care Act (2010), 42 U.S.C. §18001, et seq.

History: Adopted November 12, 1986; Revised October 22, 2001; Revised May 18, 2009; Revised November 23, 2015; Revised July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 160: EMPLOYEE PROFESSIONAL DEVELOPMENT

Approved: May 18, 2009

Employee professional Development is a critical component in the delivery of educational and support services. The College believes that its success is largely determined by the motivation and competence of its employees. This motivation and competence is to be encouraged and developed as part of the responsibilities of all supervisors and administrators.

In order to assist in the achievement of this goal, the College may provide financial assistance for employees to enroll in college courses, participate in development and training programs, and attend relevant conferences, seminars and workshops.

I. PROFESSIONAL DEVELOPMENT LEAVE

- Full-time exempt, professional, and administrative employees who have completed a minimum of six (6) consecutive years of employment with the College may apply for a professional development leave for the purpose of work related study of College services.
- The paid leave may be for one-year at 50% salary and benefits or six months at 100% salary and benefits.
- Failure to return to the College from a professional development leave requires the employee to reimburse the College for all salary and benefits paid while on leave.
- Employees returning from professional development leave shall be reinstated to their former or an equivalent position unless their position has been abolished due to reduction in force.

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI –HUMAN RESOURCES

SECTION 170: TUITION WAIVERS

Approved: November 23, 2015

I. ELIGIBILITY

- A. All employees who are employed in a regular position at the College are eligible for the tuition waiver benefit. The employee's legal dependent may utilize the tuition waiver benefit. A dependent includes the employee's spouse as defined in the MUS Employee Benefits Plan, and financially dependent children under the age of 24 and as defined by the Internal Revenue Code. A maximum of two waivers may be used during a semester. Employees are required to complete a request for waiver application for each term and sign a statement verifying eligibility. False certification of dependent eligibility for the tuition waiver is cause for discharge and the employee shall be required to repay the cost of the waiver. An employee must remain employed the entire academic term during which the tuition waiver is utilized. If an employee terminates his/her employment prior to the end of the academic term, the employee shall be required to repay the cost of the waiver.
- B. Members of the FVCC Board of Trustees who are actively serving in a term of office are eligible for the tuition waiver benefit.
- C. Others may be eligible per their applicable collective bargaining agreement.
- D. Non-credit class tuition waiver policy is determined by the Continuing Education department.

II. TUITION WAIVER BENEFIT

The tuition waiver is solely for the cost of residential tuition. Registration, course fees, lab fees, or any other mandatory fees will not be waived. Designated paperwork must be completed by the employee in a timely manner for approval of the tuition waiver.

REFERENCES: Collective Bargaining Agreement

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 180: GRIEVANCE

Approved: May 18, 2009

The intent of the College is to secure, at the lowest possible level, equitable solutions to individual grievances. If an employee seeks formal resolution of a grievance matter in any forum or by any set of procedures other than those established in this policy, whether administrative or judicial, the employer shall have no obligation to proceed further with the matter.

The grievance procedures shall be located in the Employee Handbook and the College's collective bargaining agreements.

REFERENCES: Collective Bargaining Agreements

History: Adopted August 8, 1988; Revised October 22, 2001; Revised May 18, 2009, Revised November 23, 2015; Reviewed July 22, 2019

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 190: WHISTLEBLOWER POLICY

Approved: May 18, 2009

The general purpose of this policy is to provide guidelines for reporting suspected improper or wrongful conduct within Flathead Valley Community College (FVCC), as well as protect from retaliation any College employee or other member of the FVCC community who makes a good faith report of suspected improper or wrongful conduct. This policy applies to all employees including students and volunteers.

FVCC is responsible for the proper use of its resources. The College is committed to conducting its affairs in full compliance with the law and with its own policies and procedures. Such adherence strengthens and promotes ethical and fair practices and treatment of all members of the College and those who conduct business with the College. The College has internal controls and procedures that are intended to prevent or deter improper conduct. Although controls are in place, there may be intentional and/or unintentional violations of laws, regulations, policies and procedures.

FVCC encourages all faculty, staff, students, and volunteers, acting in good faith, to report suspected or actual improper or wrongful conduct. A good faith report means an allegation made with the honest belief that misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation. This policy provides for confidentiality and confirms that any person who makes a good faith report of suspected improper or wrongful conduct will be protected from retaliation by the College or anyone within its control.

No individual who in good faith reports a violation or suspected violation shall suffer harassment, retaliation, or adverse employment, academic or educational consequence as a result of reporting such incidents. The President shall address all reported concerns or complaints either personally or through an appropriate designee as quickly as possible.

REFERENCES: Chapter 1 – Doctrine, Section 40 Code of Ethics, FVCC Board Policy