



**Flathead Valley Community College**  
**Employee Handbook**

## **Welcome!**

Flathead Valley Community College is an innovative college, proud of our outstanding faculty and staff. We are honored to serve students and support the mission of student success in our diverse and engaging academic community.

As a member of the Flathead Valley Community College staff, you are an essential part of our campus community. We're happy to welcome you to Flathead Valley Community College.

This Flathead Valley Community College Employee Handbook provides current information regarding the policies and procedures that define your role and responsibilities as a faculty or staff member, as well as the college's responsibilities to you.

I encourage you to familiarize yourself with the content of this handbook, and to refer to it whenever you have a question regarding Flathead Valley Community College's employment policies. You are always welcome to ask questions of your supervisor or our supportive team in human resources. Many of these policies are based on federal and state law and therefore, it is important that you not only understand the policies but also the legal guidelines that support them.

I am sure you will find that this handbook is informative and useful, and that you will reference this valuable resource frequently. If you have any questions, please contact the Office of Human Resources.

A handwritten signature in black ink that reads "Jane A. Karas". The signature is fluid and cursive, with a large initial "J" and "K".

Jane A. Karas, President

Flathead Valley Community College

# 1. INTRODUCTION

**Mission of the College:** Flathead Valley Community College (FVCC) promotes excellence in lifelong learning, focused on student success and community needs.

## About This Handbook

This handbook provides general descriptions of policies, programs, and benefits, as well as guidelines for job performance and job behavior relating to employees who work at FVCC. Employees support the faculty, students, and college in their educational and research missions. Employees include administrative, faculty, professional, and classified positions.

Some college staff positions are covered by a labor agreement. In such cases, certain policies and procedures may be different and are determined by the specific labor agreement. Employees holding such jobs should obtain a copy of the labor agreement from their union steward to determine those differences.

Throughout this handbook:

- The term “supervisor” is used to refer to an individual who has supervisory responsibility for others regardless of title within the college.
- Links to other specified pages and sections within this handbook - as well as to sections of the college’s website and to external websites - are underscored and highlighted in blue. Readers viewing this handbook online may click on these links to reach the referenced page, section, or website.

## Disclaimer

In summarizing the terms and conditions of staff employment at FVCC, this handbook does not provide a detailed description of all employment policies and practices; each college department/unit may adopt additional policies particular to its functions. From time to time, policies and programs of the college may change; these changes will be summarized in periodic notices. To be sure you have current information, check online at <http://hr.fvcc.edu/policy-procedures/> or confer with your supervisor, or contact the Office of Human Resources. Without notice, FVCC may change any statement in this handbook concerning rules, policies, tuition, fees, curricula, courses, procedures, benefits, or other matters. Accordingly, an employee should check the most current information if there is any doubt about the application of a policy.

While this handbook sets forth the current employment practices, policies, and benefits applicable to employees, it does not constitute in itself an employment contract or an assurance of continued employment. Either the employee or FVCC may end the employment relationship.

## **Questions**

For questions that are not answered in this handbook, employees are encouraged to ask their supervisor or visit FVCC's Board Policies website at <http://hr.fvcc.edu/policy-procedures/>.

The Office of Human Resources is located in Blake Hall, Room 151. Employees may access the Office of Human Resources web page at <http://hr.fvcc.edu/>.

## **History and Structure of the College**

FVCC was established by Flathead County voters on April 1, 1967. On September 25, 1967, with 611 students, FVCC held its first classes.

FVCC operates under the supervision of a Board of Trustees, whose members serve without pay. The college's revenue comes from student tuition and fees, government contracts and grants, endowment and gifts, and other sources. The college's organization chart can be found in Paycor in the Company section.

FVCC is committed to a drug-free, alcohol-free, and tobacco-free workplace.

## **Accreditation and Memberships**

FVCC is accredited by the Northwest Commission on Colleges and Universities (NWCCU) and is reviewed on a seven-year cycle. The last comprehensive review and reaffirmation occurred in spring of 2021. FVCC is scheduled for a Mid-Cycle Self-Evaluation Report and visit in Spring 2023.

Six FVCC Career and Technical programs have been awarded specialized accreditations:

- Surgical Technology AAS is accredited through the Commission on Accreditation of Allied Health Education Programs (CAAHEP), in cooperation with the Accreditation Review Council on Education in Surgical Technology and Surgical Assisting (ARC-STSA).
- Medical Assistant AAS is accredited by the Commission on Accreditation of Allied Health Education Programs upon the recommendation of the Curriculum Review Board of the American Association of Medical Assistants Endowment (CRB-AAMAE).

- Paramedicine AAS is accredited through the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) through the Commission on Accreditation of Allied Health Education (CAAHEP).
- Physical Therapist Assistant AAS is accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE).
- Medical Laboratory Technology AAS is accredited through the National Accrediting Agency for Clinical Laboratory Sciences (NAACLS).
- Registered Nursing ASN is accredited through the National League for Nursing Commission for Nursing Education Accreditation (NLN CNEA).

Three FVCC Career and Technical programs have been approved by State Boards:

- Surveying AAS has been approved by the Montana State Board of Professional Engineers and Professional Land Surveyors.
- Practical Nursing AAS has been approved by the Montana State Board of Nursing. Graduates are eligible to take the National Council Licensure Examination (NCLEX-PN).
- Registered Nursing ASN has been approved by the Montana State Board of Nursing. Graduates are eligible to take the National Council Licensure Examination (NCLEX-RN).

FVCC is an Accredited Test Facility for the American Welding Society (AWS ATF).

## **Memberships**

FVCC is an institutional member of various organizations, including American Association of Community Colleges, Association of Community College Trustees, College and University Professional Association, Montana Association of Community College Trustees, Mountain States Association of Community Colleges, NASPA, and Association of Student Financial Aid Administrators.

## **2. EMPLOYMENT**

Flathead Valley Community College is an excellent place to work, providing a challenging work environment and competitive rewards. This combination is reinforced by strong benefits and workplace opportunities, the ability of employees to maintain an effective integration between their work and personal lives, and the personal satisfaction of advancing the goals of our community.

### **Joining Flathead Valley Community College**

The Office of Human Resources and the supervisor seeking to fill a position vacancy work together on recruiting, screening, and selecting candidates. Job opportunities are posted on the website at <http://hr.fvcc.edu>.

Offers of employment are contingent upon receipt of satisfactory employment verifications and reference checks, and outcome of a criminal background check and/or other job-related screenings. The hire is subject to the approval of the President. Hiring decisions are not subject to the grievance process.

FVCC is committed to:

- Affirmative Action as an integral part of the process of recruitment, selection, placement, transfer, and promotion.
- Consideration of all qualified candidates; and
- Non-discrimination in employment practices and procedures.

## **How to Apply**

FVCC requires all applicants to submit an FVCC online application for posted job openings. Applicants may view and apply for open positions by visiting <https://hr.fvcc.edu/job-openings>. Depending on the position, applicants may be required to upload additional documents to their online application, such as: letter of application, resume and transcripts. In order to be considered for employment, applicants must complete the application process. Incomplete applications will not be considered. FVCC only accepts applications for posted job openings and does not accept or retain emailed application materials nor does it accept paper applications or materials in lieu of the online application process.

## **Good Faith Search**

FVCC is an equal opportunity employer. Good faith efforts are made to provide diverse candidate pools that include members of groups underrepresented in the college's workforce. All searches are conducted in compliance with the laws of the United States, the State of Montana, local jurisdictions, and the Affirmative Action Plan of the college. FVCC provides all people an equal opportunity for education and employment without regard to race, color, religion, creed, political ideas, sex, gender identity, sexual orientation, age, marital status, veteran status, service in the uniformed services as defined by state and federal law, physical or mental disability, national origin or ancestry except as authorized by law. All college administrators, faculty, and staff are responsible for applying equal opportunity. This responsibility includes assurance that employment and admission decisions, personnel actions, and administration of benefits to students and employees rests upon criteria that adhere to the principle of equal opportunity.

The college prohibits retaliation against a person for bringing a complaint of prohibited discrimination, for assisting someone with a complaint of discrimination, or for participating in any manner in an investigation or resolution of a complaint of discrimination.

## **Affirmative Action**

FVCC is a federal contractor that actively participates in affirmative action planning in the areas of recruitment and retention. For each employment and promotional opportunity, FVCC actively seeks women, minorities, veterans, and persons with disabilities to maintain a college community that is based on equal opportunity, reflects the diversity of American society, and improves opportunities for women, minorities, veterans, and persons with disabilities.

## **Accommodation of Disabilities**

FVCC reasonably accommodates persons with disabilities. The Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act of 2008, is a federal anti-discrimination statute that provides protections to persons with disabilities in employment, public accommodations, state and local government services, and telecommunications. Employees with a disability (as defined under the ADA, as amended) may be eligible for a reasonable accommodation that allows them to perform the essential functions of their position. A reasonable accommodation may include such things as changing the physical layout of the workplace, restructuring job duties, or modifying the work schedule.

## **Employment Eligibility**

FVCC ensures that all employees, as well as all other individuals paid through the college payroll system, are legally eligible to be employed in the United States. Failure to meet eligibility requirements will make a candidate ineligible for hire or result in the withdrawal of an offer or termination of employment of an employee.

Falsifications, misrepresentations, misleading statements, or omissions during the application and recruitment process will result in denial of employment, or if discovered after being employed, will constitute good cause for FVCC to immediately terminate employment, regardless of when or how discovered.

FVCC is committed to providing a safe environment and to protect the health, welfare, and safety of all employees, students, and visitors. Hiring qualified individuals to fill positions contributes to the success of the college in meeting its mission and strategic priorities.

## **Background Checks**

Background checks are required for all candidates who are offered employment. Conducting background checks of candidates prior to hire helps determine the overall employability of candidates while ensuring the protection of current employees, property, and information of the organization.

## **Applicability**

A background check will be conducted for all individuals selected during the hiring process for college positions. This may include all candidates for regular, student and temporary employee positions within the college. FVCC reserves the right to background check any current employee.

## **Disclosure of Convictions**

All individuals applying for positions, including internal candidates, are required to disclose felony conviction information as part of the application process. Falsification of information as part of the application process is grounds for denial or termination of employment.

Additionally, employees have an ongoing obligation to inform their supervisor if they:

- Are convicted of a crime
- Are added to any sexual or violent offender registry
- Have a license or certification to practice that expires, or that is suspended or revoked, or
- Are excluded, suspended, debarred, or otherwise ineligible to participate in federal programs.

Supervisors, in turn, should notify the Office of Human Resources in such instances.

## **Types of Background Checks**

There are numerous types of background checks, depending upon the position and function, including but not limited to:

- County/State criminal check
- Credit check
- Driving record check
- Federal felony and misdemeanor check
- National Criminal File check
- Sex offender registry check, and
- Social Security number check.

Additionally, background checks include verifications of past and/or current employment, education and professional references.

Driving record checks may be conducted for individuals who require driving as a function of the position or who regularly operate college vehicles. Similarly, credit checks may be conducted for candidates who apply to positions with significant financial responsibility and accountability, including but not limited to those employees who handle financial transactions. Background checks, education and employment verifications, and reference checks are conducted by the Office of Human Resources or its agents or designees.



Drug and alcohol testing is required prior to hire and at various times during employment in positions requiring such testing as provided by MT Department of Transportation regulations. A physical examination is required for some positions where specified occupational health and safety standards must be met.

### **Use of Information from a Background Check**

The information obtained through a background check is considered only insofar as it is relevant to performance in the position and/or as it relates to the issues of safety and security of people, property, and other college resources. A plea of guilty, a finding of guilty by a referee, jury, or court, or a conviction of a crime will be considered in determining the eligibility of an individual for employment. A conviction of a crime is not an automatic bar from employment; FVCC considers the nature and gravity of the offense or conduct, the time that has passed since the offense or conduct and/or completion of the sentence, and the nature of the job held or sought.

### **Consequences**

Where it relates to existing employees, the following situations are subject to corrective action, up to and including termination of employment:

- Failure to obtain and maintain required licensure and/or certification
- Inclusion to a sexual or violent offender registry, and
- A criminal conviction, discovered at any time during employment.

### **Fair Credit Reporting Act**

FVCC will advise the individual of any adverse findings and provide the individual with an opportunity to explain the situation and/or provide proof of error, in compliance with the Fair Credit Reporting Act (FCRA) and any other legal requirements.

If any reported information is used in denying a placement to a candidate, a representative of the Office of Human Resources will:

- Notify the candidate that the adverse action was taken by the college
- Provide to the candidate the name, address, and phone number of the reporting agency
- Inform the candidate of the right to a copy of the report to be provided by the agency, and
- Inform the candidate of the right to dispute the information with the reporting agency.

## **Onboarding – New Employee Orientation**

The employee onboarding process helps new employees quickly learn how FVCC works, how to succeed here, and how to take advantage of the many resources and benefits the college offers to enrich their quality of life.

The Office of Human Resources facilitates the new employee orientation process. For more information call the Office of Human Resources at 406-756-3981.

## **Probationary Period**

The probationary period is the initial six months of service in a non-contracted position. This time is intended to give individuals an opportunity to acclimate to their position, to learn from their supervisors the goals and performance expectations for the position, and to demonstrate their ability to fulfill those expectations.

Employees who apply and receive a transfer or promotion are in a probationary period for the initial six months in the new position. Successful completion of the probationary period does not guarantee continued employment. During a probationary period of employment, the employment may be terminated at the will of either the employer or the employee on notice to the other for any reason or for no reason. Probationary termination is not subject to grievance.

## **Employment Contracts**

Employment contracts are issued for administrative, faculty, and professional employees. Contracts for employees, excluding the President, are for a maximum of 12 months within a fiscal year. Contracts are signed by the employee and the President. If an employment contract is not signed by the employee and/or returned by the designated deadline, the contract shall be considered a declination of appointment.

New employees will be issued an employment contract prorated from the date of hire to the end of the fiscal year. Contracts will not be issued until after receipt of all required employment documents.

## **Personnel Files**

The Office of Human Resources maintains a personnel file for every employee. The file includes the record of transactions relating to employment at FVCC. The file is confidential and is not provided to persons outside the college without the employee's consent, legal authorization, or subpoena/court order. Employees interested in reviewing their personnel file may request an appointment from the Office of Human Resources.

## **Transfer and Promotion**

FVCC values its employees and encourages them to continue to develop and consider other college job opportunities as part of their personal and professional growth.

## **Service Requirement**

Employees are encouraged to be in their current position for at least 12 months prior to applying to transfer. On rare occasions, mutual agreement is reached between the current supervisor, new supervisor, and the Office of Human Resources to allow for a transfer within the first 12 months.

## **Qualifications**

To be considered for transfer to another position, an employee must meet the minimum qualifications of the position and apply for the position. Background checks may be conducted for employees who are offered a transfer. The check will be completed prior to the start date in the new position. The transfer is contingent upon a successful background check.

## **Application**

For employees to be considered for open positions, they must follow the posted application process and submit all required application materials via the online application.

## **Selection Process**

The hiring manager and search committee members, in consultation with the Office of Human Resources, review applications and determine which applicants will be invited to interview for a position.

## **Supervisor Notice**

Employees are encouraged to discuss their career plans and opportunities with their supervisor. Employees must notify their supervisor at the point when they become the candidate of choice.

## **Transfer Date**

The supervisor shall coordinate the transfer date of the employee. Split positions for cross training purposes are encouraged.

## **Accrued Leave**

When a current employee transfers to another position, the employee retains the leave accruals from the former position as applicable to the new position, such as vacation and sick leave accruals.

## **Lateral Transfer**

An employee's wage or salary may not increase upon lateral transfer to a position of the same pay grade or salary range.

## **Promotion**

An employee who transfers to a position in a higher pay grade or salary range may be eligible for a wage or salary increase. The amount of the increase is based on compensation guidelines for the appropriate classification.

## **Reassignment**

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

## **Rehire**

FVCC considers reemployment of former employees when the prior employment record and the current qualifications warrant consideration.

A rehired employee is considered to be a new employee with no prior FVCC service for the purposes of accruing paid time away from work, service recognition, and qualifying for health and dental care plans, financial protection programs, and other benefits. Additionally, the rehired employee is subject to the probationary period requirements.

## **Performance Evaluations**

Performance evaluations for regular employees are conducted annually on the employee's anniversary date, although they may be conducted more frequently. Individuals with supervisory responsibilities are expected to facilitate the creation of performance objectives and monitor performance and behaviors of their employees. Employees are expected to understand the expectations of their position, assist in the creation of performance objectives, and monitor progress toward their objectives throughout the year.

The Performance Evaluation process promotes:

- **Effectiveness:** By accomplishing high-priority objectives.
- **Efficiency:** By demonstrating productive and collegial behaviors.
- **Engagement:** By knowing why employees' contributions are valued

An evaluation should be completed and reviewed with each employee annually. The supervisor and employee should both sign the evaluation. Signing the evaluation does not indicate agreement only receipt of the evaluation. While there is no formal appeal process, the employee may include additional comments or a response to the evaluation.

A copy of an employee's evaluation is placed in the employee's personnel file in the Office of Human Resources. The results of an employee's evaluation should be used to facilitate the creation of the employee's performance and development objectives for the next year.

## **Professional Development**

Employee development is a critical component in the delivery of educational and support services. The college may provide time away from work and financial assistance for employees to participate in training, attend relevant conferences, seminars and workshops, or enroll in college courses.

## **Staff Recognition**

FVCC offers a variety of employee recognition programs, awards, and activities. These include:

- Length of Service Recognition
- Emerita/Emeritus Award
- Employee Appreciation Lunch
- Eagle Award
- Annual Holiday Party

Employees are honored with Length of Service Recognition after their 5th, 10th, and 15th anniversaries and in five-year increments thereafter. They are honored annually at the all-staff in-service program.

## **Employee Assistance**

Employees are expected to meet the college's and their department's standards of work performance. Work performance encompasses many factors, including:

- Quality of work performance
- Attendance/punctuality
- Personal and professional conduct
- Job proficiency
- Behaviors
- General compliance with all college and department/unit policies and procedures

Employees who are not performing as expected are advised of the inadequate performance and counseled on needed improvement. The employee assistance process is designed to encourage development by providing employees with guidance in areas that need improvement.

The intent of this process is to formally document problems while providing an employee with a reasonable time within which to improve performance. If an employee does not meet work performance standards, the college may begin a written disciplinary action plan. If an employee fails to meet the expectations, the consequence may be discipline up to and including termination of employment. There are infractions that warrant immediate termination of an employee or are egregious enough to warrant immediate discipline.

Employees will receive a copy of any disciplinary action plan and may attach additional comments of their own. A copy of the disciplinary action is placed in the employee's personnel file in the Office of Human Resources.

## **Resolving Workplace Issues**

Employees who believe they have not been treated fairly or who have concerns about other workplace matters, and who have been unsuccessful in reaching a satisfactory resolution through discussion with their supervisor or within their department may discuss their concerns with the executive director of human resources. Employees who raise these types of concerns in good faith can do so without concern of retaliation.

For differences of opinion relative to performance evaluation, the judgment of the supervisor normally prevails. Employees may include a rebuttal letter with their evaluation if they disagree with their supervisor's evaluation.

## **Grievance**

If an employee seeks formal resolution of a grievance matter in any forum or by any set of procedures other than those established in *FVCC Board Policy VI, Section 180*, whether administrative or judicial, FVCC shall have no obligation to proceed further with the matter.

## **Procedures**

The purpose of this procedure is to promote the prompt, just, and efficient resolution of complaints. Any complaints involving discrimination, sexual harassment, sexual misconduct, or stalking are addressed in *FVCC Board Policy Chapter 1, Section 60: Discrimination & Sexual Harassment Policy* and the *Discrimination Grievance Procedure*.

All complaints must be filed within thirty (30) business days after the complainant knew or reasonably should have known about the complaint. Complaints shall be filed in writing.

### **Informal Complaint Procedure**

Before a formal complaint may be filed, the employee must first attempt to resolve the issue with the supervisor or the department's supervisor. If the complaint or allegation is against the supervisor or the department's supervisor, the employee may contact the Executive Director of Human Resources.

### **Formal Complaint Procedure**

A complaint under this procedure must commence within thirty (30) business days from the date of the act or omission that caused the complaint, or from the date that the employee knew or reasonably should have known of such act or omission.

#### **Step 1**

To initiate a formal complaint, the employee must bring the matter in writing to the supervisor or the department's supervisor. The written complaint must contain the following information:

- name of complainant
- date(s) of the act(s) or omission(s) that caused the complaint
- name of the employee involved in the complaint (respondent)
- summary and explanation of the facts which form the basis of the complaint
- names of potential witnesses (if applicable)
- list and attachments of supporting documents
- description of remedy requested
- signature of the complainant and date ("initiation date")

The respective supervisor or department supervisor will schedule and conduct a meeting with the respondent within fifteen (15) business days of the initiation date. The employee and the respondent may each bring an advocate to this meeting. The advocate shall not make a presentation or represent the employee bringing the complaint or the responding party during the meeting. The parties should make an effort to resolve the complaint during the meeting.

#### **Step 2**

If the complaint is not resolved within twenty (20) business days of the initiation date, the employee may submit the written complaint to the Executive Director of Human Resources. The Executive Director of Human Resources will review the findings of fact and recommend either dismissal of the complaint or a specific remedy limited to resolving the act or omission for which the complaint was filed.

During the course of deliberation, the EDHR may confer with the parties to the complaint and with other individuals at his/her discretion. The EDHR will review the case and issue a response within fifteen (15) business days of receipt of the Step 2 written complaint and a copy shall be provided to the President.

The President will review the EDHR's report and may accept or reject the suggested resolution. Implementation of a specific remedy rests with the President, whose decision is the final campus disposition of the complaint. The President must provide the employee with a rationale for the final disposition.

At any time during the formal complaint process, the deadlines may be extended due to extenuating circumstances if both the complainant and respondent agree to the extension. If the employee does not file the next step within the designated timeframe, the complaint will be considered resolved.

## **Whistleblower**

The Whistleblower policy encourages reports regarding suspected improper or wrongful conduct within the college, as well as protects from retaliation any college employee or other member of the college community who makes a good faith report of suspected 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 FVCC or anyone within its control.

Examples to report include any situation that willfully violates an FVCC policy, an applicable law or regulation, involves fiscal misconduct, theft or fraudulent activity, wage, benefit or hours abuses, misuses FVCC property or equipment, or involves conflicts of interest.

Reports shall be made directly to the FVCC President.

## **Non-Retaliation**

College policy prohibits the taking of any retaliatory action for reporting or inquiring about alleged improper or wrongful activity.

## **Encourage Reporting**

FVCC employees are encouraged to report in good faith all information regarding alleged improper or wrongful activity that may constitute:

- Circumstances of substantial, specific, or imminent danger to an employee's or the public's health and/or safety
- Discrimination or harassment



- Fraud
- Noncompliance with FVCC policies/procedures
- Unethical or unprofessional conduct
- Violations of local, state, or federal laws and regulations
- Academic, scientific, or research misconduct
- Other illegal or improper practices or policies.

FVCC is firmly committed to a policy that encourages timely disclosure of such concerns and prohibits retribution or retaliation against any employee who, in good faith, reports such concerns. No employee will be exempt from the consequences of misconduct or inadequate performance by reporting their own misconduct or inadequate performance.

### **Protection from Retaliation**

Any FVCC employee who, in good faith, reports such incidents as described above will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, discharge, or other discrimination including but not limited to discrimination in compensation or terms and conditions of employment that are directly related to the disclosure of such information. In addition, no employee may be adversely affected because they refuse to carry out a directive which constitutes fraud or is a violation of local, state, federal, or other applicable laws and regulations.

### **Reporting Process**

Employees should submit a timely report with evidence of alleged improper activity as described above by contacting their immediate supervisor, department chair, dean or vice-president. Any instances of alleged retaliation or retribution should be reported in the same manner.

Where the employee is not satisfied with the response of the supervisor, department chair, dean, or vice-president, or is uncomfortable for any reason addressing such concerns to one of these individuals, the employee may contact the Office of Human Resources or the Vice-President of Academic Affairs.

All reports will be handled as promptly and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.

### **Management Rights**

FVCC employees and their representatives shall recognize the prerogatives of the college to operate and manage its affairs in such areas as, but not limited to:

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

## **Resignation of Employment**

Classified employees are expected to give 10 business days of notice when resigning their employment with the college. It is expected that all other employees will provide 30 business days of working notice to provide for the transition of responsibilities.

Employees should submit their resignations in writing to their supervisor. Employees may not use vacation or any other type of paid absences to extend their termination date or on their last workday. Employees may not resign on days such as holidays and during college closures.

## **Involuntary Termination of Employment**

The Board of Trustees, upon recommendation from the President, may relieve employees from duties in accordance with MCA 29-31-303, other relevant statutes, and Board policy. Some violations of policy and rules are serious enough to result in immediate termination of employment. These include but are not limited to:

- Egregious conduct
- Criminal conviction
- Failure to meet employment eligibility requirements
- Falsification of employee records, timekeeping records/reports, reasons for absence, or other FVCC records
- Flagrant insubordination
- Fraud
- Gross dereliction of duty
- Improper disclosure or use of private or confidential information
- Intentional destruction of FVCC property
- Job abandonment
- Physical violence or the threat of it
- Academic or research misconduct

- Serious violations of FVCC policy or state/federal law
- Theft
- Unauthorized use of FVCC information systems or data
- Unprofessional conduct
- Violations of FVCC's discrimination, harassment, sexual harassment, or non-retaliation policies

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

## **Reduction in Force**

Conditions may arise which necessitate a reduction in force due to reorganization, lack of work, and/or lack of funding, or under conditions where the Board of Trustees determines that the continuation of such work is inefficient or nonproductive.

Recommendations for reduction in force shall consider the elimination of temporary positions prior to the elimination of regular positions. Reductions will be made in accordance with collective bargaining agreements (CBA). The President will make the recommendation to the Board of Trustees in consultation with the Executive Director of Human Resources and the Executive Staff.

Employees terminated or temporarily laid off due to a reduction in force will be offered reinstatement for a period of six months after the last day of employment if their prior position is reinstated. Employees offered reinstatement will have 10 calendar days to accept and return to employment. Notification will be sent to the employee's address on file, and employees will forfeit reinstatement rights if they have not responded within the 10 calendar days.

## **Post Resignation/Termination**

### **Exit Interview**

Employees leaving FVCC may be requested to complete an exit interview prior to their departure from the college.

### **Employment References and Verifications**

The President, or designee, is authorized to provide employment references. The Office of Human Resources provides employment verifications with dates of employment, job title, and salary.

### **Unemployment Compensation**

Employees who are no longer employed by FVCC may be eligible for unemployment compensation. Former employees who have questions about whether they are eligible for unemployment compensation should contact the appropriate state Department of Labor.

## **FVCC Property**

Before their last day of work, employees leaving FVCC must return the following: technology devices, keys or access cards, and any other college property and/or materials. If items are not returned, the college will take all appropriate action to recover its property.

## **Unused Leave Accruals**

Unused accruals of vacation is paid in a single payment in the pay period following an employee's last pay period and the employing department's notice to the Office of Human Resources that the employee's employment has ended.

## **Appeals to Involuntary Termination**

Employees wishing to appeal their termination of employment (other than employees covered by a collective bargained agreement) may follow the grievance procedure. The decision of the Board of Trustees will be the final decision for the college.

## **Interns and Volunteers**

On occasion, individuals (who are not employees) may donate their time and services to FVCC.. FVCC requires a careful review of the possible arrangement to ensure the safety of the individual and that no conflict of interest exists. Interns and volunteers shall be at least 16 years of age.

### **Interns**

The Fair Labor Standards Act (FLSA) requires employers to pay employees for all work that is being performed. The pay requirement does not apply to interns if:

- The training, even though it includes actual operations of the facilities of the employer, is similar to training that would be given in a vocational school or academic credit is being given for the training;
- The training is for the benefit of the individual;
- The individual does not displace regular employees, but works under close supervision;
- The employer does not derive immediate advantages from the activities of the individual;
- The individual is not necessarily entitled to a job at the end of the training period; and
- The employer and the individual understand that the individual is not entitled to wages for the time spent in training.

If all factors are met, the individual will be considered an intern and not an employee under FLSA, which may change from time to time.

## **Volunteers**

The FLSA requires employers to pay employees for all work that is being performed. This pay requirement does not apply to volunteers at a nonprofit institution based on the nature of the entity that receives the services and if:

- The individual does not receive (nor expect to receive) any benefits from those for whom the services are performed;
- The activity is less than a full-time occupation;
- No regular employees are displaced;
- The services are offered freely without pressure or coercion; and
- The services are of the kind typically associated with volunteer work.

If all factors are met, the individual will be considered a volunteer and not an employee under the Department of Labor's standards, which may change from time to time. The supervisor shall have the volunteer complete a Volunteer Form prior to work; the supervisor will submit the completed form to the Controller in the Business Services Department.

## **3. REQUIREMENTS IN THE WORKPLACE**

The college is a diverse, vibrant community. The policies outlined in this section are intended to help promote a welcoming, positive, and safe work environment for all employees.

### **Civility and Mutual Respect**

As members of the college community, FVCC staff, faculty, and students are expected to interact with each other with respect and consideration. When an employee's conduct varies from this expectation, it is the responsibility of the supervisor of the person engaging in the inappropriate conduct to address it. Inappropriate conduct covers a broad range of behavior from rude, obnoxious, bullying behavior to threats of violence. The level of danger in the behavior determines the action that the supervisor should take.

For guidance on identifying potential threatening or violent behavior and for the best ways to deal with these incidents, contact the Office of Human Resources.

### **Expected Behavior**

Each FVCC employee is expected to treat other employees with civility and respect, recognizing that disagreement and informed debate are valued in an academic community.

## **Unacceptable Behavior**

Demeaning, intimidating, threatening, bullying, or violent behaviors that affect the ability to learn, work, or live in the college environment and depart from the standard for civility and respect. These behaviors have no place in the academic community.

## **Violation**

An employee who displays inappropriate conduct is subject to disciplinary action up to and including termination of the offending party from the college, consistent with FVCC's disciplinary procedures.

## **Visitors**

Visitors, vendors, contractors, and the families of members of the community are required to always display appropriate conduct. Noncompliant behavior will lead to removal from the campus.

## **Emergencies**

In an emergency, employees should call 911 immediately, and then contact the Campus Resource Officer at 406.471.1558

To report a non-life-threatening crime or incident, employees will complete a campus incident report within 24 hours to the Campus Resource Officer at 406.407.1558

FVCC uses Omnilert, a unified emergency notification system, to alert individuals in the event of an emergency. This system delivers emergency messages through SMS messaging to mobile phones, emails, and voice messages to personal phones.

Examples of emergency notifications may include active shooter, earthquakes, or evacuations. All employees and students are automatically enrolled into FVCC's Emergency Alert System through their campus email address. Mobile phone numbers are automatically enrolled for students that have provided their phone number to FVCC. Employees are highly encouraged to register for the Omnilert system at <https://www.fvcc.edu/about/conduct-compliance/campus-safety>.

Employees are encouraged to talk with their supervisors regarding emergency preparedness in their work area. For more information about FVCC's Emergency Response visit <https://www.fvcc.edu/about/conduct-compliance/campus-safety>.

FVCC's annual crime report can be located at <https://www.fvcc.edu/about/conduct-compliance/campus-safety>.

## **Violence**

Violence is behavior that causes harm to a person or damage to property or causes fear for one's safety or the safety of others. Examples of violent behavior include physical contact that is harmful and expression of intent to cause physical harm. Such behavior is unacceptable in the college community.

## **Weapons**

No person, including students, employees, visitors and vendors may bring, possess, conceal, brandish, use or be in possession of a weapon, or give the appearance of being in possession of a weapon, on FVCC owned or controlled property or at activities under the jurisdiction or sponsorship of the college.

A weapon is defined as an instrument, article or substance that is designed, used or likely to be used to commit a criminal offense, cause bodily harm or property damage. Weapons include, but are not limited to, any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nunchucks, or brass or other metal knuckles, or other potential dangerous items.

Allowable exceptions include use in conjunction of an instructional program with prior presidential approval and in accordance with state and federal law enforcement. Violation of the policy will result in discipline, up to and including employee termination, student expulsion, or any other remedy provided by law. Violation by third parties may result in exclusion from campus, events, and any other remedy provided by law.

## **Orders of Protection**

Employees who have obtained restraining or personal protection orders are encouraged to provide a copy of the order to the Office of Human Resources in order for the college to provide assistance in the workplace.

## **Reporting Violence – Responsibility to Act**

Anyone who believes they have been treated in an inappropriate manner should contact their supervisor. It is then the responsibility of the supervisor to work with the individuals involved in addressing the situation, so that all members of the college community can work together in a professional way. Additional assistance is available in the Office of Human Resources.

Employees have an ongoing obligation to inform their supervisors if they are convicted of a crime, added to any sexual or violent offender registry, if their license or certification to practice expires, is suspended or revoked, or they are excluded, suspended, debarred, or otherwise ineligible to participate in federal programs. Supervisors, in turn, should notify the Office of Human Resources in such instances.

Anyone who is involved in or witnesses violent behavior on FVCC campuses should report the incident as follows:

- In an emergency situation that poses imminent danger: Call 911.
- In a non – emergency situation: Call the FVCC Campus Resource Officer at 406-407-1558.
- In a situation that does not involve imminent danger or for advice on the appropriate course of action: Notify a supervisor or department chair. Alternatively, the observer may report the incident to the Office of Human Resources, or the Office of the Vice President of Academic Affairs.

## **Consequences**

Where it relates to existing employees, the following situations may be subject to corrective action, up to and including termination of employment:

- A criminal conviction, discovered at any time during employment,
- Inclusion to a Sexual and Violent Offender Registry, and
- Failure to obtain and maintain required licensure and/or certification.

## **Resources**

For guidance on identifying or reporting concerning, potentially threatening or violent behavior, contact the FVCC CARE Team (formerly BIT/Behavioral Intervention Team). The mission of the CARE Team is to promote a safe and productive learning, living, and working environment by addressing the needs of students and staff through coordination and assessment of information and developing a supportive plan.

If you sense something that does not seem right, the team asks that submit a [CARE Referral](#) or contact the Dean of Students at (406) 756-3812. FVCC CARE Team reviews reports regarding behavior and determines the best course of action to support individuals and intervene before the behavior escalates.

## **Conflict of Interest**

FVCC employees have a fundamental obligation to act in the best interests of the college and not allow outside activities or financial interests to interfere with that obligation. As part of this responsibility, employees are expected to apply their time and effort appropriately and use FVCC resources toward college ends. Employees must use their position, time, and college resources in a manner that doesn't detract from their college responsibilities. If an employee's actions provide inappropriate personal advantage, or are detrimental to FVCC's mission, they present a conflict of interest that must be avoided or managed appropriately.

In the event an employee must recommend or approve an expenditure of FVCC, or grant awarded funds to any individual or business in which they have a financial interest, the employee shall make this fact known to the President in writing, and gain approval prior to taking action. This requirement includes any personnel actions but excludes textbook adoption if the employee is identified as the author or editor. A violation will be subject to disciplinary action up to and including termination.



## **Political Activities**

college employees may not use work time or any work resources such as facilities, supplies, or staff, for any type of political or campaign activity to persuade or affect a political decision unless the use is:

- Authorized by law; or
- Properly incidental to another activity required or authorized by law

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

## **Public Activities**

Employees 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.

## **Drug and Alcohol-Free Workplace**

FVCC is committed to maintaining a drug and alcohol-free workplace in compliance with applicable laws. The unlawful possession, use, distribution, sale, or manufacture of controlled substances is prohibited on college premises and, if witnessed, employees must notify their immediate supervisor and the Office of Human Resources.

Despite Montana law, marijuana remains a controlled substance under federal law. As such, marijuana use, or possession is prohibited across FVCC campuses. FVCC receives federal funding, such as financial aid, grants, and contracts. As such, the college is required to continue to prohibit the use, possession, and distribution of all federal controlled substances – including marijuana. Consequently, such activity will remain prohibited by college policy and the FVCC Code of Conduct.

The possession, use, or distribution of alcohol and/or illegal drugs by its employees on college property, in vehicles owned or operated by the college, or at any work location or other site at which college duties are being performed by employees is prohibited.

Employees using prescription or non-prescription drugs which may impair their work performance must notify their immediate supervisor of this use and of any possible effects.

Employees must, as a condition of employment, comply with this policy and notify their immediate supervisor of any criminal drug statute conviction or nolo contendere plea for a violation occurring in the workplace no later than five business days after such conviction. The supervisor shall notify the Office of Human Resources immediately upon notice from the employee. The federal granting agency must be notified, as appropriate, of the conviction within 10 business days of learning of the conviction.

Violations of this policy will result in disciplinary action up to and including termination and may have legal consequences. At the discretion of the employer, an employee violating this policy may be required to satisfactorily complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

On occasion alcohol may be served at FVCC sponsored events in accordance with special provisions in Board Policy. Violation of this policy is subject to corrective action, up to and including termination of employment.

## **Smoking and Tobacco-Free Campus**

FVCC is committed to complying with the Montana Clean Indoor Air Act, and further supports a healthy, comfortable, and productive work environment for all employees, students and visitors to its campuses.

Therefore, FVCC prohibits any form of smoking including the use of electronic cigarettes (E-cigarettes) or any form of tobacco usage on its campuses. Failure to comply will result in disciplinary action as stipulated by FVCC Policy for student infractions and the appropriate disciplinary process as set forth in CBAs and/or Board of Trustees Policy for employees.

## **Dress Code/Personal Appearance**

Departments or their supervisors may set standards of personal appearance and hygiene as reasonable and appropriate for the safety, type of work, and operation of the department or educational environment. Professional and business casual dress is highly encouraged in the workplace.

## **Mail and Phone Use**

### **Mail System**

The purpose of the FVCC mail service is to support the necessary communication of FVCC business. The FVCC mail system should not be used for receiving or sending personal mail or other deliveries. FVCC stationery is for college business use only, not for personal correspondence. It may not be used for political purposes or for purposes of organizations or activities not sanctioned by the college.

### **Phones**

Personal phone calls (regardless of which phone is used) and the use of personal cell phones or other electronic devices for non-work communication can affect an employee's productivity and efficiency, as well as workplace safety. Employees should limit personal phone usage in the workplace.

#### Phone Use Instructions:

- **Local outside line:** 8 + area code + number
- **Long distance:** 8 + 1 + area code + number + access code (be sure to hesitate and wait for a stutter tone between number and access code.)
- **Toll free:** 8 + 1 + 800
- **Last number redial:** On hands-free calls, press the line key twice that is the green key next to your window). Or, lift the receiver, then press the line key once. The last number you dialed is automatically redialed.

## Communication

### Media

Requests from the media for interviews, statements or photographs or any media on behalf of the college or as an official communication must be preapproved and coordinated by the Executive Director of Communications and Marketing.

### Emergency Closures

In the event of an emergency campus closure, local radio and television stations will be notified, information will be shared on social media platforms, and the campus emergency notification system will be activated.. Essential personnel may still be required to report to work during an emergency closure.

### Internal

Employees should use the Employee Newsletter as the primary method of internal communication. Other internal communications methods include publishing in the privy press, emailing small employee groups (such as 'supervisors'), holding zoom forums, or posting to social media (for internal and external information) Information is submitted for internal communications methods through the marketing request form.

'All Employee' emails should be related to urgent and official business of FVCC and its mission. It should not be used for the solicitation of contributions, charities or participation in personal activities that are not sponsored by the college without prior presidential approval. 'All Employee' emails are not to be used for information that is or would be more appropriately communicated using other methods of internal communication. For security purposes, mass emails or 'All Employee' emails should be preapproved by the President's Office, Executive Director of Communication and Marketing, or the employee's executive supervisor. Other group emails should be sent to the smallest email distribution list possible, and supervisors should review 'All Employee' emails prior to being sent.

## **Use of Computers and Networks**

It is the policy of Flathead Valley Community College to maintain access to electronic communication and computing networks for the purpose of supporting its fundamental activities, which include education, instruction, research, and administration.

The use of these resources is a privilege that is extended to FVCC employees for the explicit purpose of conducting FVCC business within the scope of their positions. As users of these services and facilities, employees have access to valuable college resources, sensitive/confidential data, and internal and external networks. Employees are required to adhere to these guidelines and to behave in a responsible, ethical, and legal manner that respects FVCC's good name in electronic dealings with those inside and outside the college. Violation the use of computers and networks policies and guidelines is subject to corrective action, up to and including termination of employment.

## **Acceptable Use Guidelines**

Acceptable use means respecting the rights of other computer users, the integrity of the physical facilities and all pertinent license and contractual agreements. Employees are also subject to federal, state and local laws governing many interactions that occur on the Internet. These policies and laws are subject to change as state and federal laws develop and change.

FVCC electronic resources are primarily intended for execution of college business, with incidental personal use permitted. Incidental personal use is determined to be occasional and short-term use that does not:

- Adversely affect a staff member's work performance or productivity;
- Cause the college to incur undue cost;
- Impede the performance of the college's networks and systems; or
- Violate any college policy or applicable laws or regulations.
- Employees may use only the computers, computer accounts, and computer files for which they have authorization.
- Employees are responsible for appropriate use of all resources assigned to them, including the computer, the network address or port, software and hardware. Therefore, employees are accountable to the college for all use of such resources. As an authorized FVCC user of resources, employees may not enable unauthorized users to access the network by using an FVCC computer or a personal computer that is connected to the FVCC network.
- The college is bound by its contractual and license agreements respecting certain third party resources; employees are expected to comply with all such agreements when using such resources.
- Employees should make a reasonable effort to protect their passwords and to secure resources against unauthorized use or access. Employees must configure hardware and software in a way that reasonably prevents unauthorized users from accessing FVCC's network and computing resources. Employees may not share their own or use another individual's computer account.

- Employees must not attempt to access restricted portions of the network, operating system, security software or other administrative applications without appropriate authorization by the system owner or administrator.
- Employees must comply with the policies and guidelines for any specific set of resources to which they have been granted access. When other policies are more restrictive than this policy, the more restrictive policy takes precedence.
- Employees must not use FVCC computing and/or network resources in conjunction with the execution of programs, software, processes, or automated transaction-based commands that are intended to disrupt (or that could reasonably be expected to disrupt) other computer or network users, or damage or degrade performance, software or hardware components of a system.
- Use of FVCC's electronic resources by any employee to send threatening or harassing content or messages or to view, download, retransmit, distribute, or otherwise communicate content or messages that may violate the college's policy on Discrimination and Harassment and/or Policy on Sexual Harassment, is prohibited.
- Use of the college's electronic resources by faculty, staff, student employees, contractors, temporary personnel, vendors, and visitors to intentionally display, hold, send, view, print, download, retransmit, distribute, or otherwise communicate content which the college may deem to be indecent, obscene, sexually explicit, or pornographic is prohibited by college policy absent a legitimate academic purpose.
- Use of the college's electronic resources by anyone to display, hold, send, view, print, download, retransmit, distribute, or otherwise communicate child pornography is illegal and therefore strictly prohibited. Any occurrence of child pornography material is a violation of federal and state statutes and must be immediately reported to the Office of Human Resources.

## **Email**

FVCC provides email access and services to all of its employees for the explicit purpose of conducting and communicating FVCC business. The use of FVCC's email system must be consistent with FVCC's policies and educational goals and comply with local, state and federal laws.

Each staff member is provided with a User ID and an email address for the conduct of college business. A staff member's User ID and email password is not to be shared with anyone. The college User ID and its associated password are the property of the college.

Internal and external Email, voice mail, and text messages are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the company.

## **System Use**

College electronic resources are primarily intended for execution of college business, with incidental personal use permitted. Incidental personal use is determined to be occasional and short-term use of the college's electronic resources that does not:

- Adversely affect a staff member's work performance or productivity
- Cause the college to incur undue cost
- Impede the performance of the college's networks and systems, or
- Violate any college policy or applicable laws or regulations.

Under no circumstances will employees give others access to any system that they do not administer.

## **Downloading Music, Movies, or Other Electronic Content**

Employees must abide by the terms of all software licensing agreements and copyright laws. Employees must not make copies of or make available on the network copyright material, including without limitation, software programs, music files, video files, still and digital images, radio and television broadcasts, and written text, unless permitted by a license, by the consent of the copyright owner, by a fair use limitation under copyright law, or by permitted copying under the Digital Millennium Copyright Act (DMCA) when made by a library or archive for preservation purposes or when incidental to computer maintenance and repair. Infringement of copyrighted material is subject to corrective action, up to and including termination of employment.

## **Privacy**

The college places a high value on privacy and recognizes its critical importance in an academic setting. However, given that the college information systems are provided for the purpose of conducting Flathead Valley Community College business, the college maintains the right to access system accounts. Although the college does not routinely monitor the content of communications or transmissions using college infrastructure, at times, legitimate reasons exist for persons other than the account holders to access these services. Examples include, but are not limited to:

- Ensuring the ongoing operations of the college systems or business operations;
- Responding to valid legal requests or demands for access to college systems and records; or
- Investigating suspected violations of college policies, regulations, or rules.

## **Social Media**

Employees are expected to use social media representing FVCC in a responsible manner that does not violate any college policy. All employees managing accounts on behalf of FVCC must have completed the FVCC Social Media training through the communications and marketing department and be approved by the Executive Director of Communications and Marketing. Employees using college electronic resources are responsible for abiding by all policies.

## **Solicitation**

FVCC premises or resources are not to be used for the solicitation of business other than official college business. Solicitation is prohibited during the working time of the employee, or the working time of the employee being solicited.

## **Equipment and Facilities**

FVCC equipment and facilities provided for use by employees, such as offices, office furniture, phones, mobile devices, tablets, and personal and network computers, their files, and peripherals, are college property and are always fully accessible to the college. Employees may not use college facilities, supplies, vehicles, or equipment for personal reasons unless authorized to do so by their supervisor.

## **Security of Confidential Information**

Information contained in FVCC's electronic and paper files and records, is to be used for its intended purposes only. Inappropriate employee access to, use of, or disclosure of such information is subject to disciplinary action up to and including termination of employment.

## **Workplace Safety**

FVCC is committed to maintaining a safe, hazard-free workplace. It is the responsibility of each employee to maintain safe working habits on the job and to follow any safety guidelines or requirements provided by the supervisor. Unsafe working conditions and work-related accidents should be reported immediately to your supervisor. Within 24 hours of the accident reports should be completed in the Office of Human Resources.

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 Executive 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.

## **Patents and Inventions**

Patentable discoveries or inventions occasionally result from the research and educational activities at the college. FVCC desires to assure that all such discoveries and inventions are properly disclosed and used for the greatest possible public benefit. The college also desires to protect the patent rights in the discoveries and inventions made by members of FVCC, including staff, and to abide by federal law, college policy, and patent regulations of agencies and other sponsors providing funds for programs.

Any discovery or invention by an employee is subject to review if the employee:

- Makes the discovery or invention within the normal field of his or her employment responsibility and activity with the college, without regard to location or salary source (specifically including individuals employed at affiliated hospitals and institutions), or
- Makes use of FVCC resources, except the college library.

## **Copyright / Works Made for Hire**

Copyright-protected works created by employees in the performance of an administrative duty for the college are works made for hire. In accordance with United States copyright law, FVCC owns copyright in such works and all revenues derived therefrom.

- A. Works which are produced by an employee in connection with an approved and sponsored research project are treated in accordance with the agreement negotiated with the sponsor. In the absence of such agreement or to the extent such agreement does not fully address the ownership of works produced, such works shall be treated in accordance with Sections B or C of this section.
- B. When an employee is assigned work or responsibilities (to include official release time and sabbatical leaves) for the specific purpose of developing computer programs, electronically delivered courses, visual aids, video tapes, manuals, public relations material, or other copyrightable works, the works produced pursuant thereto and all royalties therefrom shall be the property of FVCC. Such assignment shall be indicated either on the individual employment contract or in a separate document countersigned by the employee. Should the college and the employee agree to a division of royalties, such division must be included in the contract or in a separate document countersigned by the employee. If the college does not wish to copyright the work, the employee may obtain a written release from the President and may then copyright the work in his/her own name. Upon written request for release by the author, the college will respond within thirty (30) days.
- C. When an employee develops copyrightable works other than those defined in Paragraphs A or B above, he/she shall have sole right of ownership and disposition of such works. When such works are produced, developed, or authored through the use or with the aid of college facilities, personnel, or other resources, FVCC must be reimbursed for the fair market value of the use of any such facilities, personnel, or resources, except those considered part of the normal academic environment including library facilities. Manuscripts or works of art designed for publication in media where no remuneration is given the author(s) are exempt from this reimbursement requirement.

## **4. WORKPLACE COMMITMENT**

Flathead Valley Community College is committed to providing a respectful, accessible, and inclusive environment for all members of its community. An inclusive workforce and environment increases effectiveness and efficiency in the way we work and learn, promotes the development of new ideas, and enhances the college's ability to continue to be innovative in an increasingly complex, competitive, and diverse world.



FVCC is committed to creating and sustaining a productive, collaborative, and safe work environment. If an employee has knowledge of an action taken by an employee of the college that conflicts with or is in violation of policies, he or she must act on that knowledge and contact their supervisor or the Office of Human Resources.

## **Discrimination and Harassment**

FVCC does not discriminate or permit discrimination by any member of its college community against any individual on the basis of race, color, religion, creed, political ideas, sex, gender identity, sexual orientation, age, marital status, veteran status, service in the uniformed services as defined by state and federal law, physical or mental disability, national origin or ancestry.

Harassment, whether verbal, physical, or visual, that is based on any of these characteristics, is a form of discrimination. This includes harassing conduct affecting tangible job benefits, interfering unreasonably with an individual's academic or work performance, or creating what a reasonable person would perceive is an intimidating, hostile, or offensive environment. Prohibited sex discrimination includes sexual harassment and sexual violence.

Examples of discrimination and harassment may include:

- Refusing to hire or promote someone because of the person's protected status;
- Demoting or terminating someone because of the person's protected status;
- Jokes or epithets about a person's protected status;
- Teasing or practical jokes directed at a person based on his or her protected status;
- Displaying or circulating written materials or pictures that degrade a person or group; or
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group.

## **Title IX and Sexual Misconduct**

It is the policy of Flathead Valley Community College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the college's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. For more information about Title IX, visit <https://www.fvcc.edu/about/conduct-compliance/title-ix-and-sexual-misconduct>.

## **Sexual Harassment**

It is FVCC's policy that no member of its community, students, faculty, administrators, staff, vendors, contractors, or third parties may sexually harass any other member of the community. Sexual harassment is any unwelcome conduct of a sexual nature, which includes, but is not limited to the following: unwelcome sexual advances; the use or threatened use of sexual favors as a basis for academic or employment decisions; conduct that creates a hostile, intimidating or offensive academic or working environment; conduct that has the effect of unreasonably interfering with an individual's work performance; and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently

severe, persistent, or pervasive to limit a person's ability to participate in or benefit from an educational program or activity.

Examples of sexual harassment may include:

- Pressure for a dating, romantic, or intimate relationship;
- Touching, kissing, hugging, or massaging;
- Pressure for or forced sexual activity;
- Unnecessary references to parts of the body;
- Remarks about a person's gender or sexual orientation;
- Sexual innuendoes or humor;
- Obscene gestures;
- Sexual graffiti, pictures, or posters;
- Sexually explicit profanity;
- Stalking or cyberbullying;
- Email and Internet use that violates this policy; or
- Sexual assault.

## **Sexual Violence Statement**

Sexual violence is a prohibited form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability. Some examples of sexual violence may include rape, sexual assault, sexual battery, and sexual coercion.

## **Additional Guidance**

### **Investigation and Confidentiality**

All reports describing conduct that is inconsistent with these policies will be promptly and thoroughly investigated. Complaints about violations of these policies will be handled discreetly, with facts made available to those who need to know to investigate and resolve the matter.

### **Retaliation**

The college prohibits retaliation against anyone for registering a complaint pursuant to these policies, assisting another in making a complaint, or participating in an investigation under the policies. Anyone experiencing any conduct that he or she believes to be retaliatory should immediately report it to a designated Title IX Coordinator.

## **Resolution**

If a complaint of discrimination, harassment, or sexual harassment is found to be substantiated, appropriate corrective action will follow, up to and including separation of the offending party from the college, consistent with college procedures.

## **Employee Responsibilities**

All members of the college community are responsible for creating a working, learning, and living environment that is free of discrimination and harassment, including sexual harassment. It is important to contact one of the designated Title IX liaisons if any of the following occurs:

- A person believes they have been subjected to conduct or comments that may violate these policies.
- A person believes they have been retaliated against in violation of these policies.
- A person has been told about or witnessed conduct that you think may violate these policies.

## **Vendors, Contractors, and Third Parties**

FVCC's policies on discrimination, harassment, and sexual harassment apply to the conduct of vendors, contractors, and third parties. If a member of the college community believes that he or she has been subjected to conduct by a vendor, contractor, or third party that violates these policies, the community member should contact a designated Title IX coordinator. FVCC will respond as appropriate, given the nature of its relationship to the vendor, contractor, or third party.

## **Academic Freedom**

While FVCC is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this policy are neither legally protected expression nor the proper exercise of academic freedom.

If you believe you have been discriminated against or harassed OR if you become aware of possible discriminatory or harassing conduct by others.

- Contact the Title IX Coordinator
- [Report it](#)
- Consider keeping a written, dated record of events

If you think you may have offended or harassed someone:

- Don't assume others will tell you when they feel offended or harassed by what you say and do.
- Examine how others respond to what you say and do.
- Apologize as soon as possible.
- Change your behavior.

## **Consensual Relations**

Amorous relationships that might be appropriate in other circumstances are deemed extremely unwise when they occur between a member of FVCC such as faculty, administrator, employee, student, advisor, or coach and a person for whom he/she has a professional responsibility. Such relationships may also result in an appearance of unfair advantage occurring from the consenting relationship. In the event that a sexual harassment complaint is subsequently filed, it will be exceedingly difficult for the accused to defend himself or herself on the grounds of mutual consent. This also applies to student relationships where there is a power differential such as work study or student leaders. Employees are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism or bias.

## **Accommodation of Disabilities**

FVCC reasonably accommodates persons with disabilities. Employees that have a disability as defined under the Americans with Disabilities Act (ADA) may be eligible for a reasonable accommodation that allows them to perform the essential functions of their position. A reasonable accommodation may include such things as changing the physical layout of the workplace, restructuring job duties, or modifying the work schedule.

The Executive Director of Human Resources is designated as the Americans with Disabilities Act (ADA) Coordinator for employees and the Coordinator of Disability Services is designated for students. A standing ADA Advisory Committee comprised of the Executive Director of Human Resources, the Coordinator of Disability Services, the Vice President of Administration and Finance, the Dean of Students, and the Director of Facilities will monitor the institution's compliance with ADA and make appropriate facility, budget recommendations, and other recommendations as to overcome barriers for individuals with disabilities.

## **5. BENEFITS**

The college is committed to providing a choice of cost-effective, high-quality benefit plans so employees can choose the plans and coverage that best fit their personal needs.

### **Eligibility**

In general, employees must be scheduled to work at least 20 hours per week (half-time or greater) to be considered benefits eligible. Benefits eligibility is determined by the following criteria:

- Permanent employees regularly scheduled to work at least 20 hours per week or 40 hours over two weeks for a continuous period of more than six months in a 12-month period.
- Temporary or seasonal employees scheduled to work at least 20 hours per week or 40 hours over two weeks for a continuous period of six months or more, or who do so regardless of schedule.

**Note:** Student employees who occupy positions designated as student positions by a campus are not eligible to join the plan.

An employee's college wage or salary must be sufficient to cover benefit plan deductions. An employee and their legal dependent(s) (spouse, children and others if defined as dependents by Internal Revenue Service (IRS) regulations) may be covered by the college's benefit plans. Employees are required to provide proof of dependent relationship(s) for health insurance enrollment for any additional covered individuals, such as marriage or birth certificate.

## **Health Benefits**

FVCC offers an array of health plans to benefits-eligible employees through the Montana University System (MUS) Employee Benefits. The plans differ in the amount of monthly contributions an employee pays and in how the cost of health care services are covered.

The [Benefits Summary](#) can be viewed online. If there is a conflict between the legal plan documents and this summary, the legal plan documents will control.

Medical (includes Prescription Drug), Dental, Basic Life and Accidental Death and Dismemberment, and Long-Term Disability are mandatory coverages. Voluntary coverages include Supplemental Life Insurance, Supplemental Accidental Death and Dismemberment Insurance, Vision Hardware, Long-Term Care and Flexible Spending Accounts.

## **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

When an employee's FVCC benefit coverage has terminated, the employee may be entitled to continue certain college benefits under COBRA.

Under COBRA, terminating employees are entitled to continue health, dental, and flexible spending account (FSA) participation provided the former employee remits premiums on a timely basis. Employees and their dependents may be allowed to continue individual or family coverage for a specific period of time. Information on eligibility requirements and terms for continuation of coverage under COBRA are available on the [MUS Choices website](#).

## **Benefits Continuation upon Retirement**

Employees who retire from FVCC and are eligible for a Montana Teachers' Retirement System (TRS) or Montana Public Employees' Retirement System (PERS) pension benefit; AND are participating in the college sponsored health and dental plan at the time of retirement may be eligible to continue certain health and dental plan coverage after retirement by paying the premium on a timely basis. Employees will be offered this coverage at the time of retirement and have 63 days to accept, or forever forfeit eligibility. There is no employer contribution toward retiree benefits.

Employees who terminate their employment from the college prior to the last working day of the month will be responsible for a prorated portion of their monthly health benefits, unless their annual work schedule or contract is fulfilled. This amount will be deducted from the employee's last pay.

## **Financial Benefits**

FVCC offers a variety of ways to provide financial protection to benefits-eligible employees and their family. These include:

- Supplemental Employee, Spouse, Dependent Accidental Death and Dismemberment Insurance
- Supplemental Employee, Spouse, Dependent Life Insurance
- Long-Term Disability Coverage

## **Flexible Spending Accounts**

The college offers two types of pre-tax spending accounts:

- [Health](#) Flexible Spending Account
- [Dependent Care](#) Flexible Spending Account

## **Tuition Benefits**

Permanent employees and legal dependents (spouse, and children under the age of 24 as defined as dependents by Internal Revenue Service (IRS) regulations) have access to financial assistance to take FVCC credit-level courses. Tuition waivers are available to eligible Classified, Administrator, Adjunct, Faculty, and Professional employees to:

- Enroll in FVCC college courses
- Participate in development and training programs

An application for tuition waiver and a signed statement attesting eligibility must be completed each semester. False certification of dependent eligibility for the tuition waiver is cause for discipline, up to and including termination of employment, and the employee will be required to repay the costs of the waiver. All waivers are subject to audit.

### **Administrator, Faculty and Professional Employees Tuition Waiver Guidelines**

- Tuition for FVCC credit-level courses will be waived for regular permanent employees working a minimum of 20 hours per week. Building fees, lab fees and mandatory course fees cannot be waived.

- All FVCC employees are eligible for a Continuing Education full tuition waiver on **designated** classes and workshops that have sufficient enrollment and fee structure to permit tuition-free students. Up to two legal dependents may each receive a 100% tuition waiver on one eligible class or workshop per semester (for a total of two classes). Other Continuing Education classes, workshops, and campus are eligible for a 50% tuition waiver. Up to two dependents may each receive a 50% tuition waiver on one eligible class or work per semester (for a total of two classes).

To have the tuition waiver applied to dependents, employees must call Continuing Education to register. Employees and dependents are responsible for 100% of the Supply Fees. Employees or dependents who receive the 50% tuition waiver are not eligible for a full tuition waiver for the same class. It is the responsibility of the employee to check if a course qualifies for the tuition waiver.

- Work-related classes may be taken during the employee's work schedule with prior supervisor and Human Resources approval.
- Non-work related classes may be taken, with prior supervisor approval, during scheduled work time, but the release time must be made up within the week granted.

#### **Classified Employees Tuition Waiver Guidelines**

- Classified employees may enroll in FVCC credit-level courses tuition free, provided such classes do not conflict with the Employee's work responsibilities. Supervisory approval is required.
- Any employee covered by the Classified CBA and two of their legal dependents may enroll in credit-level classes at the college tuition free. Only the lab fees shall be paid by the Employee.
- Any employee covered by the Classified CBA and two of their legal dependents may also enroll tuition free in designated Continuing Education classes or workshops. Designated classes or workshops are those which the Continuing Education Center has determined can remain self-supporting with tuition-free students participating. The service charge and any lab fees will not be waived. No more than two legal dependents may enroll, tuition free, in any credit-level course or Continuing Education classes at the same time.
- An employee may be granted release time to take classes, conferences, or workshops during their working hours provided these activities are directly related to the employee's work assignment. This determination shall be made by the employee's direct supervisor, appropriate administrator, and the Human Resources Director or her/his designee.

#### **Adjunct Faculty Employees Tuition Waiver Guidelines**

Adjunct faculty employees are eligible for a tuition waiver equal to the number of credits taught during the current semester. Employees may choose to either use the waiver or delegate it to a legal dependent to be used during the current semester or the immediately following semester. Credits are not accumulative, may

not be split, and can be used only by one employee or one legal dependent per semester. Tuition is waived on a space available basis after all other paying students have had an opportunity to register providing said courses do not conflict with academic responsibilities. Building fees, lab fees and mandatory course fees cannot be waived.

## **Retirement Benefits**

### **Montana State Retirement Systems**

Flathead Valley Community College offers retirement benefits that allow employees to save and/or invest part of their college income for the future. Regular employees will participate in either Montana Teachers' Retirement System (TRS) or Montana Public Employees' Retirement System (PERS) in accordance with state law, (19-3-316 M.C.A. and 19-20-605 M.C.A.).

### **Social Security**

FVCC does not withhold Social Security taxes from wages for students, any employee who is contributing to PERS/TRS, or who has retired from PERS/TRS, as part of the Windfall Elimination Provision. When FVCC was first formed, its employees had the option of contributing to both Social Security and PERS/TRS or just to PERS/TRS. The employees voted to contribute for the latter and as a result neither FVCC nor its employees contribute to Social Security. Contributions are made to Medicare.

### **Optional Retirement Plans**

In lieu of Social Security, FVCC offers a variety of optional retirement plans including 403(b) and 457 plans. The college will match up to 7% of a regular employee's contributions to their 403(b) plan annually, and employees are vested after one year of continuous employment. The designation amount and investment elections are individually controlled by the employee. Employees can also voluntarily elect to participate in additional savings plans with the college's authorized vendor. FVCC's 403(b) and 457 retirement plans are subject to Internal Revenue Service (IRS) regulations and other federal and state laws.

### **Leaves of Absence**

Flathead Valley Community College offers a variety of leaves of absence for eligible employees. Each leave of absence varies in its provisions with respect to availability, duration, holding the position, benefits available, and contributions for those benefits, collective bargained agreements, as well as documentation and approvals. The Office of Human Resources may require documentation to support the need for the leave of absence at any time.



## **Types of Leaves of Absence**

The college offers numerous types of leaves of absence in recognition of the diverse needs of its employees as well as to be compliant with federal and state laws:

- Family and Medical Leave of Absence (FMLA Leave) in accordance with Family and Medical Leave Act
- Military Leave and its components are provided for by these Acts:
- Active-Duty Leave, under the Family and Medical Leave Act (FMLA)
- Military Caregiver Leave, under FMLA
- National Defense Authorization Act (NDAA)
- The Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Workers' Compensation Leave
- Medical Leave
- Maternity/Paternity Leave
- Public Service Leave

## **Service Time Accrual While on Leave**

A paid leave of absence enables an employee to return to active employment at the end of the leave without loss of service credit accrued at the time the leave began. Employees who return to active employment following an approved leave of absence will not lose prior service credit. While on an unpaid leave of absence, employees do not accrue vacation, floating holidays, paid sick time, or holiday time. Employees do not accrue service credit during unpaid time off, unless on Active-Duty Leave.

While on an approved medical and/or FMLA leave of absence, employees may not work outside the college or provide services where they receive any form of direct or indirect compensation.

## **Family and Medical Leave Act (FMLA)**

In accordance with the Family and Medical Leave Act (FMLA), the college will grant an eligible employee up to a total of 12 work weeks of leave during a 12-month rolling period for one or more of the following reasons:

- For the birth and care of a newborn child of the employee
- For the placement of a child with the employee for adoption or foster care
- To care for an immediate family member (spouse, dependent child, or parent) with a serious health condition, and
- The employee's own serious health condition, which causes the employee to be unable to work.

## **Eligibility for FMLA Leave**

FMLA leave is available to employees who have worked at least 1,250 hours during the past continuous 12 months of service.

Employees who qualify for FMLA leave are entitled to up to a total of 12 weeks of leave in a rolling 12-month period during which time the employee's benefits may be continued. This leave may be on a continuous or intermittent basis. Employees will return to their job or an equivalent job immediately following the expiration of their FMLA leave. FMLA leave time runs concurrently with any other leave.

### **Notification and Request for FMLA Leave**

The employee must complete the Leave of Absence Request and submit it at least thirty (30) days in advance of the start of a planned FMLA leave or within five working days following the start of an unplanned FMLA leave. The Leave of Absence Request and, if required, the Certification for Health Care Provider form, must be submitted to the Office of Human Resources for approval of the designated leave period. The Office of Human Resources or its official designee may require medical or other documentation at any point during the FMLA leave.

### **Benefits While on FMLA Leave**

Employees on FMLA leave may continue certain benefits while on the leave. Employees on an FMLA Leave may receive pay by using their sick and vacation accruals but must exhaust all applicable paid time off before taking an unpaid leave. An employee will be required to continue to pay his/her contribution for benefits.

If an employee is still unable to return to work after six months from the onset of the personal health condition, the employee may apply for Long-Term Disability benefits. Unauthorized or misuse of sick time is subject to corrective action, up to and including termination of employment.

### **Returning from FMLA Leave**

At the expiration of an FMLA leave, employees return to the same or equivalent position held when the leave began.

Employees on leave for a personal health condition must submit medical certification of ability to return to work to the Office of Human Resources. An employee may not return to work without appropriate medical documentation.

If the leave of absence extends longer than the approved period, the employee must request an extension prior to the expiration of the FMLA leave. If an extension is needed, it is expected that the employee will request the extension at least two (2) weeks prior to the expiration of the leave. If the employee does not return from leave of absence and does not request and receive an extension, his or her employment will be subject to termination.

In some instances, employees may return to work with restrictions that may limit their ability to perform the essential functions of their job. In this event, a reasonable accommodation may be requested from the Office of Human Resources.

## **Military Leave**

### **Eligibility**

Military leave and its components are provided for by these Acts:

- Active-Duty Leave, under FMLA
- National Defense Authorization Act (NDAA), and
- The Uniformed Services Employment and Reemployment Rights Act (USERRA).

Military leave is administered according to Montana Code Annotated Title 10-1-10. An Active Duty leave under FMLA is granted by the college when service members of the Armed Forces' Reserve components, National Guard, retired service members, or Reservists are on active duty or called to active duty in support of a contingency operation.

Similarly, the National Defense Authorization Act provides up to 12 weeks of leave for a qualifying obligation when service members of the regular Armed Forces are deployed to a foreign country under a certain call or order to active duty. Employees who continue active military duty beyond a one-month period are placed on a Military leave.

The college provides broad re-employment protections for members of uniformed services following periods of military service in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

### **Notification and Request for Military Leave**

An employee must provide advance written notice of the need for Military leave to the Office of Human Resources unless circumstances make such notice unreasonable, or the employee is prevented from doing this by military necessity.

### **While on Military Leave**

An employee who has been employed for a period of least six months will be given leave of absence with pay for up to 120 hours in a fiscal year. Employees not eligible for paid leave or beyond 120 hours may choose to use vacation leave during the absence. The employee's accrued sick leave will be available when the employee returns to employment with the college. (MCA 10-1-1009)

### **Returning from Military Leave**

To be eligible for reinstatement with the college after Military leave, an employee must:

- Have given, if possible, advance notice to the college of the need for leave
- Report for reemployment in a timely manner, and

- Be honorably discharged from military service.

Employees who take Military leave and who remain qualified for their position, will be reinstated to employment with the college according to MCA 10-1-1007 and the following military service time frames:

<b>Active Military Service Period</b>	<b>Reinstatement*</b>
Less than 120 days	Reemployed by the college to the position (with the pay, benefits, seniority, and other job perquisites) they would have attained with reasonable certainty if they did not take Military Leave.
More than 91 days	Reemployed by the college to the position (with the pay, benefits, seniority, and other job perquisites) they would have attained with reasonable certainty if they did not take Military Leave or a position of similar seniority, status, and pay.

\* For employees who incur a disability or aggravate a disability during service that causes them not to be qualified for the position they would have held if no interruption of employment occurred, the college will provide them with a position that is equivalent in seniority, status, and pay.

<b>Active Military Service Period</b>	<b>Time Allowed to Return to Work</b>
1-30 days	The next regularly scheduled workday after travel home and an eight-hour rest period
31-180 days	The next regularly scheduled workday within 14 days of termination of military duty
181 or more days	The next regularly scheduled workday within 90 days of termination of military duty

The deadlines listed above are extended in the case of disability incurred while on active military duty.

### **Military Caregiver Leave**

Under FMLA, employees can request a Military Caregiver leave to care for a military service member who is the employee’s spouse, child or parent with a serious illness or injury incurred in the line of active duty as a member of the Armed Forces, including the National Guard or Reserves, and is:

- Undergoing medical treatment, recuperation, or therapy;
- Assigned as an outpatient to a military medical treatment facility;
- Assigned to a unit providing command and control of Armed Forces' members who are receiving outpatient medical care; or
- On the temporary disability retired list.

If the Military Caregiver leave is approved, the college will grant up to 26 weeks of leave during a single, 12-month period to eligible employees to care for the service member in their family as described above. Employees who do not take all 26 weeks of leave during the single, 12-month period will forfeit the remaining part of the leave.

### **Notification and Request for Military Caregiver Leave**

Employees are expected to notify the Office of Human Resources a minimum of thirty (30) days prior to the start of a Military Caregiver Leave. The Leave of Absence Request must be submitted for approval of the designated leave period.

### **Benefits While on Military Caregiver Leave**

An employee on a Military Caregiver leave to care for a family member may use all accrued time as available but must exhaust all applicable paid time off before taking an unpaid leave. An employee on an FMLA leave also may continue certain benefits while on leave.

### **Returning from Military Caregiver Leave**

The 26-weeks of Military Caregiver leave can include leave taken for other FMLA-qualifying reasons. A single, 12-month period begins on the first day employees take leave to care for seriously ill or injured service members and ends 12 months after that date, regardless of which method is used to determine other types of FMLA leave.

If the leave needs to extend longer, the employee must request this extension prior to the expiration of the leave. The Office of Human Resources will advise the employee's department that the employee is not returning at the end of the leave. Reinstatement of employees in their position or equivalent position is determined on a case-by-case basis. The employment of employees who do not return from a Military Caregiver leave and who do not request and receive an extension may be subject to termination.

### **Workers' Compensation Leave**

Employees who sustain occupational injuries or illness while at work may be entitled to workers' compensation. To qualify as work-related, an injury or illness must arise out of or in the course of employment. Employees must immediately notify their supervisor and/or the Office of Human Resources of any work-related illness or injury. Employees suffering from a work-related illness or injury may be approved for a Workers' Compensation leave.

Employees have the option to use sick leave or receive Workers' Compensation pay. As applicable, an employee may receive Workers' Compensation pay after exhausting sick leave. An employee is not permitted to receive sick leave pay and Workers' Compensation pay simultaneously.

If it is determined by a health care provider that as a result of a work-related injury or illness, an employee is not able to perform the normal duties of the employee's position, but is able to perform other meaningful tasks, the employee may be provided a modified duty assignment within the college. If a modified duty assignment is not available and the employee is unable to return to work, employment may be terminated.

## **Medical Leave**

Medical leave may be granted for a maximum of one calendar year upon prior approval of the President. All accrued leave must be exhausted prior to taking leave without pay. If continuing health insurance, the employee will be responsible for the full cost of the college's contribution and the employee's contribution. Health insurance will be cancelled if the contribution is not received according to the set schedule.

### **Eligibility for Medical Leave**

Employees who need to take a medical leave to care for their own personal serious health condition, but do not qualify for an FMLA leave, may apply for a medical leave. A medical leave may be granted, subject to the approval of the President, if the employee has:

- Been employed by the college less than one year;
- Worked for the college fewer than 1,250 hours in a rolling 12-month period; or
- Exhausted the 12-week FMLA leave.

### **Approval of Medical Leave**

Employees must complete a Leave of Absence Request and medical documentation certifying the serious health condition and submit it to the Office of Human Resources at least 30 days in advance (except in an emergency). The department may elect to hold the position, subject to approval by the President.

### **Benefits While on Medical Leave**

Employees may use any accrued leave during an approved medical leave. They may also elect to continue certain benefits while on the leave and will be responsible for the full cost of the college's contribution and the employee's contribution. Health insurance will be cancelled if the contribution is not received according to the set schedule.

## **Returning from Medical Leave and Termination**

Employees on leave for a personal health condition must submit medical certification of ability to return to work to the Office of Human Resources. Employees may not return to work without appropriate medical documentation. If the employee does not return from leave on the designated date, it will be considered a voluntary termination of employment.

## **Maternity/Paternity Leave**

Maternity/Paternity leave without pay may be granted for a maximum of one calendar year to an employee unable to perform employment duties because of pregnancy, post pregnancy complications, or other essential parenting responsibilities. All accrued leave must be exhausted prior to taking a Maternity/Paternity leave and the employee will be responsible for the full cost of the college's contribution and the employee's contribution. Health insurance will be cancelled if the contribution is not received according to the set schedule.

## **Public Service Leave**

Public Service leave without pay may be granted to an employee appointed or elected to public office for a maximum of 180 days per year. An employee granted such leave shall return to work within 10 days of completion of the public service.

# **6. PAID TIME AWAY FROM WORK**

Paid time away from work is intended to provide employees the time they need to rest, relax, and recharge, as well as to fulfill their personal responsibilities. Paid time away from work is provided through several programs, including college scheduled holidays, vacation time, and sick leave.

## **Eligibility**

Eligibility for paid time away from work is determined by the following criteria:

- The employee must be employed by FVCC in a permanent benefits-eligible position
- The employee must be compensated from the FVCC payroll system

Paid status means being at work or utilizing:

- Holidays
- Floating Holidays
- Approved vacation Leave
- Approved sick Leave
- Personal Leave (3 days faculty only)
- Jury Duty/Subpoena Duty

- Bereavement Absence
- Military Reserve Training Leave
- Professional Development Leave

Paid time away from work may not be taken before it is accrued, it cannot be cashed out, and no payment will be made to an employee in lieu of vacation, holiday, or sick leave time except at termination of employment and in accordance with State law.

## Holidays

Non-faculty employees scheduled for work are paid for the following holidays observed by the college:

- New Year's Day
- Martin Luther King Jr. Day (This day may be exchanged for the Monday or Friday of Spring Break to accommodate scheduling needs of the college.)
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Black Friday
- Christmas Day

Usually, holidays that fall on a Sunday are observed on the following Monday and holidays falling on a Saturday are observed on the previous Friday. Employees in part-time positions are paid on a prorated full-time equivalency (FTE) basis for scheduled college holidays.

Per Board Policy, Christmas or New Year's Day will have alternative observance days as follows:

<b>Christmas/New Year's official holiday date</b>	<b>Observed on</b>
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



In certain circumstances, employees may be scheduled to work on a day that the college observes as a holiday. In such cases, non-exempt employees will receive holiday pay at one and one-half (1 ½) times their regular hourly rate for the hours actually worked on the holiday and an alternate workday off (as outlined below) unless collectively bargained otherwise.

If a holiday falls on an employee's scheduled day off, the employee will receive an alternate workday off. This alternate day off must be scheduled with supervisor's approval within 30 days of the holiday. For example, if a holiday falls on a Thursday when an employee is not scheduled to work, the employee may take another day off within 30 days of the college holiday with prior supervisory approval.

Scheduling of vacation or worked holidays is always at the mutual convenience of the employee and the employing department/unit and requires the prior approval of the supervisor.

To be eligible for holiday benefits, an employee must be in a pay status on the employee's last regularly scheduled working day before the holiday and the employee's first regularly scheduled working day following the holiday.

### **Floating Holidays**

Non-faculty employees can earn each year three floating holidays by working on the Indigenous Peoples day holiday, the Veteran's Day holiday and the State General Election Day holiday, which were formerly observed holidays. Although the Montana State General Election Day occurs only on even numbered years, FVCC grants a floating holiday in lieu every year to eligible employees.

These three floating holidays shall be considered as exchange holidays and will only be used for time during the Winter Holiday Break to allow employees to enjoy an extended holiday schedule. If an employee does not utilize the floating holidays during the Winter Holiday Break, they may not use them at any other time, and they are not eligible for payout.

Floating holiday time is not available for use during an unpaid leave of absence. Part-time employees receive the percentage of floating holiday time proportionate to the percentage of full-time equivalency (FTE) that they are scheduled to work.

The following conditions apply to the use of floating holidays:

- Employees do not have the option to take Indigenous Peoples Day, Veteran's Day or Election Day holidays, or any other time, in lieu of floating holidays.
- No payment is made to an employee in lieu of floating holidays.
- Employees who transfer from one department/unit to another eligible staff position retain their earned floating holidays.

### **Vacation Leave**

Vacation leave is defined as any day that the college is open on which the employee is not obligated to work. Vacation leave is available to non-faculty employees for personal business, family sickness, and

religious observance. Annual vacation leave is administered in accordance with MCA 2-18-611/612. Employees are eligible to use vacation leave after being continuously employed for six months.

**Vacation Accrual for Employees in Non-Faculty Positions**

Vacation is calculated by multiplying the vacation factor per accrual base hour by the employee’s accrual base hour. The vacation factor per hour is based on qualified work time. For each of these hours, the employee receives vacation time based on the fraction of an hour indicated by the vacation factor per accrual base hour. Vacation is not accrued on hours of unpaid absence.

Vacation leave is earned at the vacation factor per month. Employees earn vacation leave on the 16<sup>th</sup> and first day of each month at the monthly rate listed in the following table. A part-time or hourly employee accrues vacation leave proportionate to the percentage of full-time equivalency that the employee is scheduled to work.

<b>Qualified Service</b>	<b>Vacation Factor per Accrual Base</b>	<b>Approximate Vacation Earned</b>
1 day through 10 years	.058	15 working days
10 years, 1 day through 15 years	.069	18 working days
15 years, 1 day through 20 years	.081	21 working days
20 years, 1 day or more	.092	24 working days

Accrued vacation leave cannot exceed two times the annual accrual. If the vacation balance of an employee exceeds the maximum accrual at the end of the calendar year or when employment is terminated, the excess vacation leave is forfeited. Employees and their supervisors must ensure that vacation leave is scheduled to avoid losing it.

Vacation leave must be scheduled in advance and must be scheduled by employees and their supervisors when it is mutually convenient. Scheduling vacation leave on short notice for emergency purposes is at the discretion of the supervisor, who may request documentation of the reason for the emergency. The supervisor may limit the amount of vacation leave taken at one time in consideration of departmental needs. Departments may specify periods due to workflow considerations when no scheduled time off may be taken.

The following conditions apply to the use of vacation leave:

- Vacation leave may not be taken before it is accrued.
- No payment is made to an employee in lieu of vacation leave, except at termination of employment, or upon change to a faculty appointment.
- Employees who transfer from one department to another eligible staff position retain their accrued vacation leave.
- Holidays: When an FVCC holiday falls during an employee’s approved paid time off, the day is paid as Holiday leave rather than as vacation leave.

Vacation leave balances are maintained in the college-approved time entry system. Employees should report their vacation leave usage as they take the time off.

## **Transfer and Separation**

When an employee transfers to another position in the college, the employee and supervisor should ensure that the college time entry system is up to date and accruals are approved by the supervisor. Employees who transfer from one position to another eligible staff position retain their accrued vacation leave, up to the maximum allowed.

When an employee's primary role is changed from staff to faculty, all accrued but unused vacation leave will be paid out upon transfer to the faculty status.

On separation from the college, the employee and supervisor must approve all vacation and time balances in the college time entry system to ensure the employee receives the correct accrual payout. Employees who separate from the college are paid their unused vacation leave accruals up to the maximum allowed.

## **Sick Leave**

Flathead Valley Community College provides paid time away from work as a form of income protection for employees who are unable to work because of illness or injury. Sick leave is available to all regular employees.

Sick leave is administered in accordance with MCA 2-18-601. Employees are eligible to use sick leave after being continuously employed for 90 days. Sick leave may be used for:

- A. Sickness suffered by an employee or a member of the employee's immediate family; or
- B. The time that an employee is unable to perform job duties because of:
  - i. a physical or mental illness, injury, or disability;
  - ii. maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;
  - iii. parental leave for a regular employee as provided in MCA [2-18-606](#);
  - iv. quarantine resulting from exposure to a contagious disease;
  - v. examination or treatment by a licensed health care provider;
  - vi. short-term attendance, at the college's discretion, to care for a relative or household member who is not an immediate family member (spouse, dependents, parents, grandparents, grandchildren, siblings, and the same relatives of the employee's spouse in like degree) until other care can reasonably be obtained;
  - vii. necessary care for a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
  - viii. death or funeral attendance of an immediate family member (as defined above) or, at the college's discretion, another person.

## **Sick Leave Accrual for Employees**

Sick leave credits are earned at the rate of 12 working days for year of service, or eight hours per month, without restriction as to the number of working days that may be accumulated. Sick leave is not accrued on hours of unpaid absence. A part-time or hourly employee accrues sick leave proportionate to the percentage of full-time equivalency (rate of .046 multiplied by hours worked) that the employee is scheduled to work.

Employees earn sick leave on the 16<sup>th</sup> and first day of each month. Sick leave shall be reported in increments of 30 minutes or greater.

Employees shall notify their supervisor prior to the beginning of work time regarding not reporting to work for sick leave purposes. Scheduled sick leave for medical appointments or procedures should be arranged in consideration of departmental needs. Sick leave needed for emergency purposes shall be communicated to the supervisor as soon as possible, who may request documentation of the reason for the emergency. Departments may specify periods due to workflow considerations when no scheduled time off may be taken.

The following conditions apply to the use of sick leave:

- Sick leave may not be taken before it is accrued.
- No payment is made to an employee in lieu of vacation leave, except at termination of employment.
- Employees who transfer from one department to another eligible staff position retain their accrued sick leave.
- Holiday: When a college holiday falls during an employee's approved paid time off, the day is paid as holiday time rather than as sick leave.
- Abuse of sick leave is cause for termination and forfeiture of the lump-sum payment upon termination.
- Sick leave charges in excess of earned sick leave will be charged to available accrual balances at the employee's option.
- The college may require a physician's statement to substantiate the use of sick leave and that an employee is physically able to return to work.

Sick leave balances are maintained in the college-approved time entry system. Employees should report their usage as they take the time off.

## **Transfer and Separation**

When an employee transfers to another staff position in the college, the employee and supervisor should ensure that the college time entry system is up to date and accruals are approved by the supervisor. Employees who transfer from one staff position to another eligible staff position retain their accrued sick leave.

On separation from FVCC, employees and supervisors must approve all time balances in the college time entry system to ensure employees receive the correct accrual payout. Employees who separate from the

college are paid 25 percent of their unused sick leave accruals up to the maximum allowed. Cashed out sick leave may not be reinstated in the event of a rehire.

An eligible employee who is away from work for more than seven calendar days should also apply for a Family and Medical Leave Act (FMLA) Leave.

### **Sick Leave Bank**

Employees may donate a yearly maximum of 40 hours of their accrued sick leave credits to another regular employee. A full-time employee may receive a yearly maximum of 240 hours of donated sick leave credits, and a part-time employee may receive a yearly maximum of 240 hours prorated by full-time equivalency (FTE). The donating employee must maintain a minimum balance of 40 hours of sick leave accruals.

Employees are eligible to receive donated credits if:

- They are eligible to receive sick leave; AND,
- They have exhausted all of their sick, vacation, and any other available leave

Sick leave bank credits may be used for a debilitating, life-threatening, or catastrophic disability due to illness, surgery, or injury and is unable to perform the duties of his/her position. Or it may be used to provide for the medical care of an immediate family member (spouse, dependents, parents) for a debilitating, life-threatening, or catastrophic disability due to illness, surgery, or injury. Other individuals may be included with prior approval of the President. Examples of a catastrophic illness or injury include, but are not limited to:

- Serious, debilitating illness, impairment, or physical/mental condition that involves treatment in connection with an overnight stay in a hospital, hospice, or residential medical facility.
- High intensity/high frequency of treatment encounters necessary for a chronic or long-term condition that is so serious that, if not treated, would likely result in an extended period of incapacity or death.
- Terminal illness, such as cancer, etc.

Employees must complete the Sick Leave Bank Donation Request and Medical Certification form for consideration. Approval for donations from the sick leave bank shall be made by a Sick Leave Bank Committee.

Sick leave credit donations shall be made in no less than four-hour increments; shall be donated within 20 working days after the recipient has exhausted their leave credits; and will be used in the order in which they were donated. Any unused sick leave credits shall be returned to the donor(s). Donated sick leave credits may be used by recipient on a retroactive basis, beginning the day after their annual and sick leave credits are exhausted. Employees wishing to request or donate sick leave credits should contact the Office of Human Resources.

Union members should refer to their respective collective bargaining agreements for unique Sick Leave Bank stipulations.

## **Personal Leave**

Faculty members receive three days of personal leave per full academic year. Faculty are not eligible for vacation leave. No payment will be made to faculty in lieu of personal leave.

## **Jury Duty / Subpoena**

FVCC encourages participation in jury duty. Employees are allowed to be absent with pay for jury duty but are expected to report for their regularly scheduled work on times when not required to perform jury duty.

Employees have the option to take leave and retain the pay received for jury duty service or to receive their regular pay and remit the jury duty pay to the college. Employees must provide appropriate documentation (Jury Duty Summons) with as much notice as possible to the supervisor. Employees may be required to provide proof of jury duty service upon return to work.

Employees served with work related or civic related subpoenas may continue to receive college pay. A copy of the subpoena or court summons must be provided to the Office of Human Resources. An employee with a private or personal subpoena must use leave accruals to account for time away from the office.

## **Bereavement Leave**

In the event of a death of an immediate family member (spouse, dependents, parents, grandparents, grandchildren, siblings, and the same relatives of the employee's spouse in like degree), a maximum of two days of paid leave of absence may be authorized by the president to benefits-eligible employees to make arrangements for and to attend the funeral or memorial service.

The employee's supervisor must be notified as soon as practical. If the employee wishes to take additional time off, then paid sick leave may be used with supervisory approval. The college may require proof of the relationship to the immediate family member and substantiation of service attendance.

## **Military Reserve Training**

The college grants time off for mandatory periods of training to eligible employees with pay accruing at a rate of 120 hours in a calendar year in accordance with Montana Code Annotated Part 10. Employees should contact the Office of Human Resources for instructions.

## **Professional Development Leave**

Professional development leave is available to all full-time, exempt, professional and administrative employees who have completed a minimum of six consecutive years of employment. Professional

development leaves are granted for either 12 months at 50 percent pay or six months at 100 percent pay. A maximum of five percent of eligible staff or one full-time equivalent (FTE), whichever is greater, may be granted professional leave during one fiscal year.

A professional development leave must be clearly job related for the employee. Employees will only be approved for one professional leave during their employment with FVCC. The request will be reviewed, supported, or not supported by the supervisory chain of command, and comments provided to the President. The President will make the final recommendation to the Board of Trustees.

Professional development leave applications shall be submitted to the employee's supervisor by January 1 for approval for the following fiscal year. The application should contain the following information:

- Requested dates of leave;
- Details of how the leave will clearly contribute to the effectiveness and/or competencies of the employee;
- Detailed description of the activities the employee will be engaged in, the research conducted, the course of study considered, and how these activities meet the conditions of the leave; and
- A statement of all compensation to be received from other employment or other sources directly related to the leave. Any compensation more than the individual's FVCC salary shall be remitted to FVCC.

Recipients of professional development leave will be returned to their former or equivalent position. Within one month after completion of leave, recipients shall submit a thorough reflection and evaluation of the professional development gained and shall propose recommendations of action for implementation at the college to the Board of Trustees.

Failure to return to the college from a professional development leave will require the recipient to reimburse the college for all salary and benefits paid while on leave.

### **Documentation of Absence**

The college may require documentation from an employee for requests for absence prior to the absence, or upon the employee's return to work. Documentation or justification is not required for vacation time unless an emergency necessitates short notice.

## **7. COMPENSATION**

Flathead Valley Community College is committed to establishing compensation programs that attract, retain, and engage talented staff in an environment that promotes fairness and competitiveness, and is in compliance with applicable federal and state laws and regulatory requirements.

## **Job Descriptions**

The establishment of pay rates begins with documenting job content via a job description. Job descriptions detail the responsibilities, qualifications, skills and abilities, and physical requirements for each job and as such are required for all employees. Job descriptions also provide a basis on which to develop and assess most employment-related activities. These include goal and expectation setting, performance review and appraisal, pay determination, succession planning, and training and development.

## **Salary Structures and Pay Grades**

Salary structures are tools that help ensure employees are paid in a manner that is appropriate and competitive. This is accomplished by organizing jobs that are similar in level, scope, responsibility, and labor market into groupings known as pay grades. FVCC has several salary structures and each job is assigned to one based on the type of work performed.

Pay grades represent various levels of work in the college, levels include classified, professional, or faculty. Jobs that have lower levels of responsibility are placed at lower pay grades. As jobs change in complexity, education requirements, experience, scope, responsibility, breadth, and depth, pay grades generally increase as well.

Each pay grade has an associated pay range that represents the minimum and maximum wage rates/salaries for a job. Determining the specific point in the pay range at which an employee is to be paid is dependent on several factors, including but not limited to the value of the job in the labor market, and the knowledge, skills, and abilities of the employee. Pay rates should fall within the established pay ranges; at no time should an employee's pay rate be less than the minimum of the range.

## **Review of Positions**

FVCC has an established process for assessing positions and granting pay adjustments based on job growth, market comparisons, equity, and overall job performance. Employees may be eligible for pay adjustments based on several factors, including but not limited to the date of hire, job performance, labor market conditions, current position in the pay range, and budget considerations.

## **Designation of Staff Jobs**

There are several types of employment at Flathead Valley Community College; they include full-time and part-time employees, regular and temporary employees, and student employees. In addition, staff positions are classified as either exempt or non-exempt.



Staff jobs are divided into two general categories referred to as exempt and non-exempt, as defined by the Fair Labor Standards Act (FLSA), the federal law that governs overtime, minimum wage, child labor, and recordkeeping.

### **Exempt Employees**

Exempt employees are exempt from the minimum wage and overtime provisions of the FLSA. This exemption is determined by evaluating the duties and responsibilities required of the employee against the criteria outlined in the FLSA. A job is classified as exempt if its duties and responsibilities are primarily executive, managerial, or administrative, or if it requires an advanced educational degree or knowledge and experience in a field considered to be professional. Exempt employees fulfill their duties without a focus on the amount of time it takes. Therefore, exempt employees are paid a set salary that does not vary between pay periods based on the quality or quantity of work and are not eligible to receive overtime for hours worked beyond 40 hours in a workweek.

### **Non-Exempt Employees**

Non-exempt employees do not qualify, by the nature of their work and responsibilities, for exemption from the overtime or minimum wage provisions of the FLSA. Non-exempt employees are paid by the hour and must receive no less than one and one-half times their regular rate of pay for hours worked in excess of 40 hours in a workweek.

Questions or concerns about staff compensation should be directed to the staff member's immediate supervisor.

### **Part-Time Employees**

Part-time employees work less than 40 hours per week.

### **Temporary and Regular Employees**

Temporary employees are non-students hired to work on a temporary basis, typically on a fixed, short-term assignment or from an employment agency. Regular employees have an expectation of continued employment; however, there is never a guarantee of continued employment.

## **8. WORK HOURS AND PAYROLL**

By defining work schedule and payroll policies, the college promotes a shared understanding – and ensures consistency and fairness among employees regarding these matters.

## **Workday**

The most common college office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. However, each department determines the hours of work for its employees as necessary to staff its operations.

Departments and supervisors may set and adjust individual employee schedules to meet department's operational needs. The most common full-time schedules total 40 hours per week.

The college's workweek generally starts at 12:01 a.m. Sunday and ends at 12:00 a.m. the following Saturday. Most work schedules continue throughout the year, but some are partial year (for example, 9, 10 or 11-months). Employees who work such shortened schedules are considered full-time during the months when they work their full workweek.

## **Tardiness**

Employees are expected to be at their place of work, prepared to work, during the entirety of work hours established by their supervisors. An employee is tardy if he or she fails to report to the assigned workplace, prepared to work, and at the scheduled time. This includes returning from breaks and meal periods. Each department defines the punctuality standards for its operations and communicates them to employees. Employees who expect to be late must notify their supervisors according to department procedures.

Excessive tardiness is grounds for corrective action, up to and including termination of employment. Supervisors may adjust work schedules to accommodate an employee's scheduling needs. However, if a non-exempt employee is not at work, the individual is not paid for that time, unless he or she has arranged in advance with their supervisor to use paid time off, such as vacation or paid sick time.

A non-exempt employee may not be paid for time not at work – for example, when tardy – and may not work any hours (such as to compensate for tardiness) without being paid for them. The employee must be paid according to the time actually worked, even if this time does not coincide with the planned work schedule. Time worked outside of schedule must be pre-approved by the employee's supervisor.

## **Unscheduled Absence**

If an employee takes an absence not scheduled in advance with the supervisor, the employee must notify the supervisor and give the expected return date and time.

Lack of notice to the supervisor for an absence of three consecutive days indicates that the employee has abandoned the job and is grounds for termination of employment. Lack of notice during an absence of less than three days is subject to corrective action, up to and including termination of employment.

## **Excessive Absences**

Excessive absences, including patterns of unexcused absences, is subject to corrective action, up to and including termination of employment. Excessive absences will be considered based on operational impact and the needs of the department.

## **Overtime**

Non-exempt employees are paid for the hours worked beyond 40 hours in a workweek at the rate of one and one-half times their hourly rate. Prior supervisory approval is required in order to work overtime. Overtime is accrued only on hours physically worked unless collectively bargained otherwise.

## **Compensatory Time**

Non-exempt employees may receive compensatory time off for the hours worked beyond 40 hours in a workweek at the rate of one and one-half times each additional hour worked in lieu of overtime pay, with prior supervisory approval. Compensatory time may be accumulated to a maximum of 240 hours (160 hours of additional time) and shall be cashed out upon termination at the employee's final rate of pay. Compensatory time is accrued only on hours physically worked unless collectively bargained otherwise.

Exempt employees may be granted paid compensatory time at the discretion of their supervisor. This compensatory time may not be cashed out upon termination.

## **Reporting Time**

Non-exempt employees are required to report accurately all work hours, as well as paid time away from work in the college time entry system. Non-exempt employees are encouraged to submit each day's hours on a daily basis but are required to report their time no less than semi-monthly. Exempt employees must accurately report all paid time away from work on a semi-monthly basis. Supervisors must approve all time reported by their direct reports in the college's time entry system. Late entry of time will result in pay being issued the following pay period.

Anyone falsifying the reporting of time worked or paid time away from work is subject to corrective action, up to and including termination of college employment.

## **Meal Periods**

Meal periods for non-exempt employees are unpaid and range from a minimum of 30 minutes to a maximum of one hour. However, for certain employees who are required to remain on duty or on call through the lunch period, the lunch period is part of the paid work shift. Employees are not allowed to shorten or eliminate scheduled lunch periods to alter the beginning or ending of a workday. In a work

period of 7.5 hours or more, a meal period of at least 30 minutes must be provided and taken before the end of five hours of work.

### **Rest Periods**

In work situations where employees are free to move about and visit restrooms from time to time, formal rest periods are not designated. Therefore, many departments do not have formal rest breaks. However, employees who are substantially bound to one work site and to continuous tasks with limited freedom to move about should have a specific rest break each half- day and employees who work at least four but less than seven hours per day are eligible for one such rest break per day.

Rest breaks are paid and do not exceed 15 minutes and may not be accumulated or used to shorten the beginning or ending of a workday. Rest breaks are scheduled at the discretion of the supervisor.

### **Pay Dates**

All employees are paid semi-monthly on the 15<sup>th</sup> (or last preceding workday if the 15<sup>th</sup> falls on a weekend or holiday) and on the last working day of the month. Hourly employees are paid for time worked in the previous pay period, i.e., work 9/15 – 9/30, payroll processing 10/1 – 10/14, pay 10/15. The college's normal work week begins at 12:01 a.m. on Sunday and ends at midnight on Saturday.

Time records for hourly employees are due in the Office of Human Resources no later than 3 working days after the end of the pay period (the 15<sup>th</sup> or last working day of the month.) The payroll schedule is published on the HR website. The time record must be completed with a correct budget code and approved by both the employee and the supervisor. Late submission of time records will result in pay being issued the subsequent pay period.

### **Direct Deposit**

Direct deposit is the standard method of paying staff through the college's payroll system. Employees who elect direct deposit will have their pay deposited into their bank account on pay day, even if an employee is absent from work or inclement weather closures. Employees with direct deposit can split their paycheck between multiple bank accounts. Individual paycheck and tax documents can be viewed online and printed through the Human Resources Information System (HRIS)

## **Exempt Pay Deductions**

Employees in positions classified as “exempt” in accordance with the Fair Labor Standards Act (FLSA) receive a salary that does not vary based on the amount or quality of work performed and does not vary between pay periods. However, the FLSA identifies several situations where it is appropriate to deduct from an exempt employee’s pay; these situations are:

- Absences for one or more full days for personal reasons, other than sickness or disability;
- Absences for one or more full days due to sickness or disability if deductions are made under a bona fide plan, policy or practice of providing wage-replacement benefits for these types of absences;
- Unpaid disciplinary leaves or suspensions of one or more full days imposed in good faith for violations of serious workplace conduct rules;
- Full or partial day absences for a Family and Medical Leave Act (FMLA) qualifying absence
- Full or partial day for new employees not eligible for leave accruals
- Partial week worked during the first or last week of the employee’s employment; and
- Penalties imposed in good faith for violating safety rules of “major significance.”

## **Garnishment of Wages**

The college will garnish an employee’s wages in accordance with the law.

## **Travel**

### **Expenses**

Employees will be advanced or reimbursed for authorized FVCC related expenses and travel in accordance with FVCC business office procedures. Travel must be conducted utilizing the most efficient cost-efficient manner possible, i.e., travel out of state in a private car cannot exceed the cost of a commercial flight. Reimbursement will be made based on the least expensive form of travel taking into consideration the travel time to reach the destination.

The President may authorize travel reimbursement for the following purposes:

- To fulfill teaching obligations away from the college
- To transact business of the college, such as fulfilling a contract with other educational agencies, contacting community and governmental groups, and travel to another college site.
- To attend educational and professional meetings
- To travel with student groups for student activities or classes
- Any other travel the President believes to be in the best interest of the college.

## **Non-Employee Travel**

Non-college employees, who are called upon to contribute time and service as consultants or advisors, may have travel expenses reimbursed as authorized by the President.

## **Vehicles**

College-owned vehicles will be used for authorized travel as available. When one is not available, reimbursement for travel in a private vehicle will be made. The college is not responsible for any damages that may occur to a private vehicle while traveling on college business.

The FVCC fleet includes five vehicles that are available for official college business: two SUVs, one minivan, and two 15-passenger buses. Forms to reserve vehicles can be obtained [online](#).

Employees driving vehicles need to complete the form for each reservation and must have a photocopy of their current driver's license on file in Business Services. Smoking is not permitted in college vehicles.

Employees driving vehicles must have a:

- Photocopy of current driver's license for all vehicles use on file in Business Services
- Commercial driver's license (CDL) for bus use

## **Required Employee Information**

Employees are required to ensure that their home addresses and telephone numbers are current in the human resources information system. These phone numbers are used for emergency or disaster notifications at the college. Employees must also include a contact, whether a family member or friend, who could be contacted in case of an emergency. Employees may indicate if they do not wish this information to be shared.

Changes of name and marital status should be reported to the Office of Human Resources. Name changes must be accompanied by a copy of the Social Security card bearing the new name to be used in the payroll system.

It is important to notify the Office of Human Resources of any changes in family circumstances that will affect those who are covered by or who are beneficiaries of the employee's benefits and retirement plans. For retirement plans, employees must notify the providers directly.

## **9. WORK / LIFE RESOURCES**

The college offers a number of resources, such as, wellness program, tuition waivers and other services, to help employees maintain a better integration between their work and personal lives.

## **Flexible/Remote Work Arrangements**

FVCC recognizes that employees may face competing demands from their work and personal lives and supports alternative work arrangements where possible. Flexible or remote work arrangements are a key component of work/life effectiveness and a source of many added benefits, such as improved productivity, enhanced employee engagement, and opportunities for cross training.

An important consideration in setting up an alternative work arrangement is determining how the work will be completed. Although personal needs are a factor in any such arrangement, is based on evaluation of work duties and employee engagement, and department requirements remain the primary consideration. This arrangement does not required management to agree to future flexible/remote work.

The approval or denial of a request for a flexible/remote work arrangement is at the supervisor's discretion. The Agreement must be signed and approved by the employee's supervisor, the head of the department, and submitted to Human Resources prior to implementation. Schedules may be adjusted during holiday weeks. Any non-exempt employee's flexible work schedule cannot exceed 40 hours for any workweek even if the other week of the pay period has fewer hours. The hours scheduled for work must not exceed those hours budgeted for the position.

An employee's work schedule must meet operational needs, must be agreed to in advance, the scheduling cannot interrupt services, and the corresponding number of hours off can be granted for the same period.

Examples of flexible scheduling include a schedule in which an employee works four days of 10 hours each for a total of 40 hours in the week. When an employee uses vacation, floating holiday, or sick time, the amount of paid time away from work used is equal to the scheduled work hours for that day.

## **College Library Privileges**

FVCC employees are granted library borrowing privileges with an authorized library card.

## **Cultural and Recreational Opportunities**

FVCC offers many cultural and recreational opportunities to employees. It is known for the quality of its theater and music programs, which employees may attend at modest cost. The Culinary Program offers Chef's Tables, and the campus has a nationally renowned Logger Sports team.

## **President's Council**

As part of FVCC's charter, the President's Council, provides service to the college community by advising college leaders on the opinions, concerns, and experiences of its employees. This takes place in monthly

meetings with the President and other college administrators. Members are regular full-time or part-time employees in good standing. Service on the President's Council is subject to supervisory approval.

### **Copies and Document Retrieval**

Copies of documents may be provided at a cost of .25 cents per page and the hourly rate of pay for the employee providing the service. Proper identification and advance notice must be provided in writing to the department. Documents will not be released until proof of identity, written authorization to release the records, and payment has been received.

### **Employee Directory**

The directory for faculty and staff can be found online at <https://www.fvcc.edu/directory>.