

# **CHAPTER 1**

## **GENERAL INFORMATION**

### **1.1 DEFINITIONS**

**Affinity** (Related by marriage)

**First Degree** - Spouse's Father, Mother, Child

**Second Degree** - Spouse's Brother, Sister, Grandchild, Grandparent

**Consanguinity** (Related by blood)

**First Degree** - Father, Mother, Spouse, Child

**Second Degree** - Brother, Sister, Grandchild, Grandparent

**Third Degree** - Great-Grandchild, Great-Grandparent, Aunt, Uncle, Niece, Nephew

**Duty Days:** The specific days an employee is scheduled to work.

**Exempt Employees:** Exempt status is determined by the Human Resources Office in conformity with the Fair Labor Standards Act (FLSA). Persons in exempt positions are paid on a monthly basis.

**Job Classification:** The official action taken by the Human Resources Office to assign job class and pay grade on the basis of the duties performed or proposed to be performed and responsibilities assigned to the position.

**Job Class:** A group of positions which are sufficiently similar in duties, authority, responsibilities, and minimum requirements that the same title and pay grade may be applied to each position in the group.

**Job Description:** A list of the responsibilities and duties assigned to a job and the minimum qualifications necessary to perform the job.

**Non-Exempt Employees:** Non-exempt status is determined by the Human Resources Office in conformity with the Fair Labor Standards Act (FLSA). Persons in non-exempt status positions are subject to overtime pay and are paid on a bi-weekly basis.

**Pay Grade:** A level on a salary schedule grouping positions of comparable responsibility or difficulty as determined by job classification.

**Pay Range:** The minimum through maximum pay limits for any pay grade on a salary schedule.

**Reassignments:**

**Promotion:** Movement to a position at a higher pay grade.

**Demotion:** Movement to a position at a lower pay grade.

**Lateral Transfer:** Movement to a position at the same pay grade.

**Reclassification:** Changes in the job duties sufficient to justify the assignment of the position to a different job class.

**Re-grade:** The assignment of a job to a different pay grade as a result of job reclassification or labor market change.

**Standards of Performance:** A list of the primary duties of a position for the purpose of measuring an employee's performance.

## **1.2 EMPLOYEE CLASSIFICATION**

Three types of positions are in general use at Amarillo College.

1. **Administrative:** All positions in the Administrative Salary Schedule as approved by the College President. The term includes professional, supervisory, and administrative positions.
2. **Faculty:** All instructional positions, department and division chairs, professional counselors, librarians, and other equivalent positions as approved by the College President.
3. **Classified:** All positions in the Classified Salary Schedule, as approved by the College President.

## **1.3 TYPES OF CLASSIFIED EMPLOYEES**

1. **Part-time personnel:** those persons who work 20 or more hours a week. Part-time personnel are eligible for prorated benefits.
2. **Full-time personnel:** those persons who regularly work a minimum of 40 hours per week and who are employed at least four and one-half continuous months or for a full semester of four full months or at least 90 working days in a school year. In the case of faculty, an assignment of more than nine (9) load hours each semester in an academic year constitutes full-time status. Full-time personnel are eligible for College benefits.
3. **Temporary personnel:** are hired for a designated time period and are eligible for college benefits if they meet the criteria defined in the full-time position definition.

## **1.4 PROBATIONARY PERIOD FOR CLASSIFIED EMPLOYEES**

Classified personnel serve a six-month probationary period. During this period, the employee will be given a performance evaluation after three months and six months of employment and may be terminated without prior notification. While on probation, classified employees are not eligible to

use the College grievance procedures, they are not eligible to take paid vacation leave, and are not eligible for vacation payoff upon separation.

A break in service, except in the case of layoff and recall within 30 calendar days, will require a new probationary period. (A "break in service" is defined as the time between an employee's separation from the College and rehire.) A probationary employee is eligible for all regular College benefits including holiday pay and all approved leaves except vacation leave. Vacation accrues during the probationary period but may not be taken until the probationary period is completed.

Administrators do not serve an initial probationary period upon employment.

### **1.5 DRESS CODE**

Employees must present a clean and neat appearance. Since College employees work in a variety of settings, they are expected to use good judgment in the type of clothing that is appropriate for their work situation. Supervisors are responsible for establishing and enforcing appropriate standards of dress for their employees.

### **1.6 CONFIDENTIAL INFORMATION**

Amarillo College has long recognized that proper management of personal information about an employee is an integral part of protecting the individual's right to privacy. In keeping with this philosophy, all information collected and retained in the employee's personnel file shall be considered confidential and remain in the care and custody of Human Resources staff, unless otherwise specified by law.

An employee has the right to review his/her personnel record; however, to ensure the integrity of the file a member of the Human Resources staff must be present while the record is reviewed. Upon providing notarized written consent from the employee, anyone may examine an employee's personnel file. Individuals in the employee's chain of command may examine the employee's file without consent of the employee. Copies of the personnel file contents requested by the employee will be made at the employee's expense.

### **1.7 EMPLOYMENT RECORDS**

The permanent personnel record of each employee's work history is the property of the College and will be maintained in the Human Resources Office. The record will contain the employment application, references, leave records, notice of disciplinary action, eligibility for benefits, and other employment related data. Each employee is expected to keep the Human Resources Office and appropriate supervisors informed of any change in the information originally recorded, especially when pertinent to name, address, telephone number, marital status, dependents, banking information, and education level.

## **1.8 PERSONNEL FORM 310**

The Amarillo College Personnel Form 310 is the primary official document that describes an employee's relationship with the College. All appointments, change of status, salary adjustments, leaves of absence, and termination actions will be processed on the Amarillo College Personnel Form 310. The form is initiated by the immediate supervisor and forwarded through administrative channels to the Human Resources Office for formal action.

## **CHAPTER 2**

### **WORK SCHEDULES**

#### **2.1 WORK HOURS AND SCHEDULE**

The normal work assignment for full-time employees is 40 hours per week. Part-time employees will be scheduled to meet the requirements of the activity to which they are assigned. Employees' work schedules will be determined by their immediate supervisor. Irregular work shifts may be scheduled in order to accomplish assigned duties. The supervisor may require overtime work of employees in order to accomplish assigned duties.

#### **2.2 WORK WEEK**

A work week begins at 12:01 a.m. on Saturday and ends at midnight the following Friday.

#### **2.3 REST PERIOD**

A paid fifteen minute rest period may be allowed for each four hours worked. The employee's supervisor is responsible for scheduling rest periods. Rest periods are not guaranteed, are subject to departmental work load, and may be denied if they adversely impact departmental work flow. Rest periods are not cumulative and can not be used to cover late arrival to work or early departure.

#### **2.4 MEAL BREAK**

A meal break is unpaid leave, shall normally be one hour, and is not cumulative. Scheduling meal breaks is the responsibility of the immediate supervisor. Meal breaks can not be used to cover late arrival to work or early departure. Exceptions to the regular time assigned for meal breaks require prior approval by the immediate supervisor.

#### **2.5 OVERTIME WORK**

The basic work load for non-exempt personnel is 40 hours per week. When overtime is required, all hours worked in excess of the standard 40 hours shall be paid at a rate of one and one half times the employee's regular hourly rate. Overtime work by non-exempt employees will be kept to a minimum consistent with requirements of orderly operation of the College and requires prior supervisory approval. Failure to obtain prior approval may result in disciplinary action. Blanket overtime authority may be issued to cover overtime requirements in departments with weekend, night, and emergency responsibilities. **All** hours worked must be reflected on the bi-weekly time sheet.

#### **2.6 HOLIDAY PAY**

Employees who are required to work holidays shall be credited with their normal holiday pay plus the hours worked on the holiday at their normal rate of pay. For purposes of overtime

calculations, official holidays are the only leave considered to be hours worked.

## **2.7 ATTENDANCE AND ABSENTEEISM**

Every employee of the College is expected to be on duty each duty day unless on excused leave of absence. Regular attendance is an essential condition of employment, and any employee who fails to maintain an acceptable record of attendance may be discharged. An employee who is absent from duty without leave, as specified in this handbook, shall forfeit compensation for times of absence. **If an employee cannot report to work he/she is responsible for notifying his/her supervisor as early as possible on or prior to the day he/she is absent.**

All absences will be recorded by the supervisor as excused or unexcused. Excused absences are defined in Chapter 5 and any absence not meeting the criteria shall be classified as unexcused. A doctor's statement may be required by the supervisor to validate absences due to illness. Failure to report to work without an approved excuse may result in disciplinary action, up to and including termination.

## **CHAPTER 3**

### **WAGE AND SALARY ADMINISTRATION**

#### **3.1 BASIC POLICY OF WAGE AND SALARY COMPENSATION**

Recognizing that our human resources are our most important asset, the goal of Amarillo College is to compensate employees fairly and equitably consistent with fiscal constraints and available funds. Compensation is determined through an evaluation of work performed and is based on skill, ability, education, training, experience, level of responsibility, physical and mental effort, and working conditions essential in the position. Prevailing rates paid for similar work in local labor markets and by comparable educational institutions are also considered.

#### **3.2 RECLASSIFICATION**

A supervisor or employee may request a position be considered for reclassification by submitting a written request to the supervisor or the appropriate administrator. These requests will then be forwarded to the Human Resources Office for action. Requests for reclassification should be made only if the duties of the position have changed significantly. When the request is received by the Human Resources Office, the position will be audited on the basis of a new Job Analysis Questionnaire and/or an onsite audit. A position will be audited no more than once each fiscal year. Audits will be evaluated between November 1 and February 28, unless there are extenuating circumstances. If the audit results in a change of classification, the new classification will become effective the beginning of the next fiscal year, September 1. All reclassifications are subject to approval by the Board of Regents.

#### **3.3 APPEALS ON RECLASSIFICATIONS**

1. If an employee or his/her supervisor believes a position is improperly classified, the employee may appeal the evaluation of the position.
2. If an employee believes his/her position is improperly classified, the employee should discuss the classification with the immediate supervisor.
3. If the supervisor agrees, the supervisor must submit a written request for review to the Human Resources Office.
4. The Director of Human Resources and the supervisor will meet to discuss the reclassification and if possible resolve the problem.
5. If no agreement is reached, the appeal will be forwarded to the President for final determination. The President may meet with the Director of Human Resources and/or the supervisor of the employee before making a decision.

### **3.4 NIGHT PAY**

Non-exempt employees who regularly work shifts between 11:00 p.m. and 7:00 a.m. are authorized to receive night pay compensation.

### **3.5 EVENING PAY**

Non-exempt employees who regularly work four or more hours after 5:00 p.m. are authorized to receive evening pay compensation.

### **3.6 CLASSIFIED EMPLOYEE EDUCATION AWARD**

In order to recognize and award classified employees for their efforts in continuing their education, the following monetary awards will be granted for classified employees who achieve, while employed at Amarillo College, educational requirements:

GED/HEP Diploma - \$100  
Certificate of Completion - \$250  
Associate Degree - \$500  
Bachelor Degree - \$1,000  
Master Degree - \$1,500  
Doctorate Degree - \$2,000

1. The award will be employee initiated and must be validated with documentation of completion followed by an official transcript showing completion of requirements for the degree or certificate of completion.
2. Degrees must be earned from a regionally-accredited college or university.
3. Master and Doctorate degrees require supervisor approval of the degree plan prior to beginning the course of study and must be job related.
4. A Certificate of Completion must be a college approved plan of study of a minimum of 30 credit hours.
5. Awards will be added to the employee's yearly base pay.

### **3.7 ACADEMIC ADVANCEMENT FOR ADMINISTRATIVE PERSONNEL**

In recognition of the special professional development value of graduate course work for administrative personnel, a monetary stipend of \$150 per year will be awarded for each three hours approved and completed. To receive the award the administrative employee must:

1. Receive prior approval for the specific course and/or degree plan from the appropriate President's Cabinet member.



2. Upon completion of the course, a copy of the approval document and an official transcript are to be attached to a completed Personnel Form 310.
3. The effective date of the stipend will be the first of the month following the submission of proper paperwork to the Human Resources office.
4. In unusual cases, exception to the graduate course level requirement may be approved by the President's Cabinet member, if sufficient justification is provided.
5. Any course work taken to meet minimum requirements of the Administrator's job description is not eligible for consideration.

### **3.8 TIME SHEETS**

Time sheets are the authorization and only basis for payment of wages and salaries to bi-weekly paid personnel and are used to meet College auditing requirements. Particular attention must be given to the completion of time sheets due to the importance of the information required.

The Human Resources Office will issue the initial time sheet for all new employees upon receipt of Personnel Form 310. Time sheets are due in the Human Resources Office no later than 12:00 noon the Friday that ends the pay period. Non-benefits-eligible personnel paid monthly on an hourly basis must have their time sheets in no later than 12:00 noon on the last work day of each month.

Time sheets must be filled out accurately, signed by the employee, and approved by the supervisor. All absences must be reported on the Employee Report of Leave Form 340. For hourly employees, the Employee Report of Leave Form 340 must accompany the time sheet and state the reason for the absence.

The employee is responsible for having his/her time sheet signed by the appropriate supervisor before it is submitted to the Human Resources Office. If an individual's immediate supervisor is not available to approve the time sheet, the second level supervisor may sign. The number of hours worked or absent should be recorded daily to ensure accuracy, all entries must be typed or in ink, and should an error be made in recording an entry, the corrected change must be initialed by the employee and the immediate supervisor. Falsification or unauthorized alteration of a time sheet is grounds for disciplinary action up to and including termination.

### **3.9 METHOD OF PAYMENT**

Amarillo College pays by direct deposit to the employee's account in a commercial financial institution. The College will issue a Payroll Advice showing the amount deposited in the employee's account and all payroll deductions.

An employee leaving the College will receive final payment at the next regularly scheduled pay date after termination of employment. If the probationary period is completed any unused vacation leave will be paid, providing all exit paperwork has been completed. Monthly paid

employees who leave on or before the 15th of the month will receive their vacation payoff in the month they terminate employment, those who leave after the 15th of the month will receive their vacation payoff at the end of the following month.

### **3.10 PAY DAY**

Paychecks will be deposited in employees' accounts every other Friday for bi-weekly paid personnel. Paychecks for monthly paid personnel will be deposited in the employees' accounts on the last working day of the month. TRS retirees who return to work and clock hour instructors will be paid on the 10<sup>th</sup> of each month.

## **CHAPTER 4**

### **EMPLOYMENT POLICIES AND PRACTICES**

#### **4.1 EMPLOYMENT POLICY**

Amarillo College is an equal opportunity employer. Amarillo College is non-discriminatory in employment regardless of race, religion, color, national origin, gender, age, disability or veteran status. This policy applies to all aspects of the employment process, including recruitment, hiring, placement, promotions, rates of pay or other forms of benefits, training, advertising, and testing.

The Human Resources Office will maintain liaison with minority group organizations, women's organizations, and the Texas Workforce Commission in an effort to recruit under represented qualified applicants for positions at the College.

#### **4.2 EMPLOYMENT AND PROMOTIONAL OPPORTUNITIES PROCEDURE**

The Employment and Promotional Opportunities Procedure is intended to provide equal-employment opportunity to all employees and job applicants. This procedure also provides detailed guidelines for filling all job vacancies. The recruiting and selecting procedures outlined in this Handbook have been developed with particular attention to upward mobility of College staff members and effective placement of outside job applicants.

1. When a job vacancy is anticipated for a full-time position, the supervisor will initiate the recruiting process by submitting a Personnel Requisition Form to the Human Resources Office.
2. The Human Resources Office will prepare a job vacancy announcement to be posted throughout the College and to be sent to community recruiting sources.
3. A position notice must be posted at least five working days before it is filled.
4. Open competitive opportunities for employment are available to all applicants who meet minimum qualifications for the vacancy.
5. Open positions will be posted on the bulletin board in the Human Resources Office and through newspapers and other publications as funds are available and as needed to attract an adequate candidate pool.
6. Applications will be retained in the Human Resources Office active file for one year.

#### **4.3 THREE WAYS A DEPARTMENT MAY FILL A POSITION VACANCY**

- 1. Departmental Promotional Opportunity Procedure:** The department in which a vacancy occurs may consider only qualified benefits-eligible employees within the same department.

##### **Procedure:**

- a. A Personnel Requisition Form must be completed and the intent to promote internally must be indicated on the form. The requisition must be signed by the appropriate President's Cabinet member and the President and sent to the Human Resources Office prior to the promotion decision.
- b. No recruiting effort will be required, but the Personnel Requisition Form will be retained in the Human Resources Office for documentation purposes.
- c. Should an employee not be selected for the vacancy under this procedure, the department will then contact the Human Resources Office and request that the vacancy be recruited through the College-wide Promotional Opportunities Procedure and/or the Open Recruiting Procedure.

##### **Employee Eligibility Determination**

- a. Any benefits-eligible employee in the department in which the vacancy exists who meets the established requirements for the vacancy is eligible for promotion.
- b. Questions relative to eligibility should be directed to the Human Resources Office.

##### **Selection**

- a. All eligible employees in the department shall be considered.
  - b. If more than one employee is considered for the vacancy, the most qualified will be selected.
  - c. Once an employee has been chosen for promotion, an Employment Review Form will be completed and returned to the Human Resources Office within five working days of the promotion decision. This form will be retained in the Human Resources Office for three years.
  - d. The department is responsible for notifying candidates of the disposition of the vacancy and for submitting proper personnel forms.
- 2. College-Wide Promotional Opportunity Procedure:** The department in which a vacancy occurs may consider only qualified benefits-eligible employees within the college.

## **Procedure**

- a. The completed Personnel Requisition Form is to be sent to the Human Resources Office when a vacancy occurs. The form must be signed by the appropriate President's Cabinet member and the President before being sent to the Human Resources Office.
- b. Recruiting will begin on the first day the vacancy is posted. Notices will be posted for five working days throughout the College.
- c. The recruiting period may be extended by notifying the Human Resources Office if a qualified employee is not selected in the allotted time.
- d. Should an employee not be selected for the vacancy under this procedure, the department will contact the Human Resources Office and request that the vacancy be recruited through the Open Recruiting Procedure.

## **Employee Application**

- a. Any benefits-eligible employee may apply by completing and submitting a Promotion/Transfer Request Form to the Human Resources Office.
- b. The Human Resources Office will refer only qualified employees for departmental consideration.

## **Selection**

- a. The department in which a vacancy exists will consider all qualified employees who are referred by the Human Resources Office.
- b. If more than one employee is considered acceptable for the vacancy, the most qualified will be selected.
- c. Once an employee has been chosen for promotion, an Employment Review Form will be completed and returned to the Human Resources Office within five working days of the promotion decision. This form will be retained in the Human Resources Office for three years.
- d. The department is responsible for notifying College employees who were in the applicant pool of the disposition of the vacancy.

## **Implementation of Promotion/Transfer**

- a. If a benefits-eligible employee is selected for promotion, the change should take place as mutually agreed upon by the departments affected.

- b. If an employee is changing to a position with the same pay grade, an increase in pay is not permitted at the time of transfer.
- c. If an employee is transferring to a position 3 or more grades below his/her current position, a decrease in pay is required at the time of transfer.
- d. The department to which the employee is transferring is responsible for initiating the Personnel Form 310 to affect the transfer.

**3. Open Recruiting Procedure:** All job vacancies for benefits-eligible personnel for which a current College employee is not selected shall be recruited through this procedure.

**Procedure**

- a. A Personnel Requisition Form is to be used to list the vacancy with the Human Resources Office. The completed form must be signed by the appropriate President's Cabinet member and the President before being sent to the Human Resources Office.
- b. The job posting will remain open for a minimum of five days. The recruiting period may be extended until an applicant is selected for the position.

**Application**

- a. Any current, full or part-time, College employee or outside job applicant may apply for any job vacancy for which he/she is qualified.
- b. Benefits-eligible employees apply by completing and submitting a Promotion/ Transfer Request Form to the Human Resources Office.
- c. Outside job applicants apply by completing the appropriate job application.
- d. Only qualified candidates will be forwarded to the hiring department for consideration.

**Selection**

- a. The department in which a vacancy exists will consider all qualified employees and outside applicants who are referred.
- b. The most qualified person, regardless of status as an employee or outside applicant, will be selected.
- c. Once a person has been chosen for employment, an Employment Review Form will be completed and returned to the Human Resources Office within five working days of the employment decision. This form will be retained in the Human Resources Office for three years.

- d. The Human Resources Office will notify outside applicants and the hiring department will notify internal applicants when they are no longer a candidate for the position.

#### **4.4 SCREENING**

Preliminary screening of applicants will be done by the Human Resources Office. Such screening, to determine whether minimum qualifications are met, will be based upon the information supplied on the job description and the Personnel Requisition Form. Applications of qualified employees and outside applicants will be forwarded to the supervisor for consideration. Although all applicants need not be interviewed, all applicants whose papers are forwarded must be included in the applicant pool.

#### **4.5 HIRING UNQUALIFIED CLASSIFIED PERSONNEL (TRAINEES)**

If no acceptable applicant with the qualifications stated in the job description is found through the open recruiting process, a department may hire an unqualified applicant as a trainee at one or two grades below the established grade of the position. The trainee will progress to the next higher grade as he/she gains experience and demonstrates competency in the position until the trainee has reached the normal grade of the position.

#### **4.6 EMPLOYMENT OF RELATIVES (NEPOTISM)**

Relatives of personnel employed at the College may be hired provided they meet the standards for the position and are the best qualified applicant. However, a relative cannot exercise any control over the selection of the person, supervise the person, and/or initiate or participate in decisions involving a direct benefit to the person whose relationship is within the degrees covered by statute.

No person shall be employed in the College who is related by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree, to a member of the Board of Regents or the President. (see definitions in Chapter 1) However, this policy shall not affect any person who has been employed by the College for a continuous period of two years prior to the date of election or appointment of the Board of Regents member or President to whom that person is so related.

Although an employee with two continuous years of service may continue in the position after election of a relative to the Board of Regents or the appointment of the President, the employee may not be appointed to a different position.

#### **4.7 RE-EMPLOYMENT OF FORMER EMPLOYEES**

Any former employee rehired by the College shall:

1. Be treated as a new employee.

2. Forfeit accumulated sick leave, credit for service during the time out of the College, and salary increments that would have been earned during continuous employment. In no event shall an individual who has been discharged for cause be reemployed or reinstated except with express written approval of the College President.

#### **4.8 NEW EMPLOYEE PAY RATES**

The immediate supervisor of the position being filled is responsible for making the final selection from the applicant pool and tendering an offer of employment. Any offer of employment to an administrative applicant must have prior approval from the President. Salary placement will be coordinated with the Director of Human Resources.

#### **4.9 NEW EMPLOYEE ORIENTATION PROCEDURE**

The new employee orientation procedure at Amarillo College consists of three parts:

1. **Pre-orientation:** The pre-orientation occurs before the new employee's first day of employment. This pre-orientation is to inform new employees of insurance, retirement plans, and other benefits.
2. **General Employee Orientation:** The orientation must occur on or before the employee's first day of employment. This orientation is designed to give the employee general information about College policies, procedures, and benefits. The Human Resources Office will be responsible for this part of the employee orientation and will ensure that all new employees:
  - a. fill out and sign a Personnel Update Data Form, W-4 Form, Oath of Office Form, Direct Deposit Form, I-9 Form, State insurance program forms, and an Application for Employment if one is not already completed;
  - b. are enrolled in the appropriate retirement program according to State Law. (TRS, ORP and ACBP); and
  - c. are given information concerning College policies and benefits. These will be explained to the employee, and all questions will be answered.
3. **Department Employee Orientation** – This portion of the orientation program is intended to give the new employee information concerning their position and department procedures. The immediate supervisor of the new employee will be responsible for ensuring that all new employees:
  - a. have reported to the Human Resources Office by the first day of employment for Pre-orientation and the General Employee Orientation;
  - b. are thoroughly acquainted with performance standards for their position. Human Resources will give a copy of the job description to all new employees;



- c. are given information concerning department procedures, office hours, and employee conduct; and
- d. are introduced to all other personnel in their work area and to those with whom frequent contact is made.

#### **4.10 PERFORMANCE EVALUATION**

The primary purpose of the Performance Evaluation is to give the employee information on how he/she is performing so he/she can develop his/her abilities and improve. Performance Evaluation also is the basis of personnel decisions concerning continued employment, additional training, and eligibility for promotional opportunities.

In the first year of employment a classified employee will receive a quarterly, six-month and annual Performance Evaluation with annual reviews thereafter. The Performance Evaluation is scheduled in conjunction with a classified employee's employment date. Administrators are reviewed annually on their anniversary date.

Standards of performance for a particular position will be the basis of the Performance Evaluation. Human Resources will send the employee's supervisor a reminder memo the month prior to the due date for the evaluation to be returned. All Performance Evaluations should consist of appraisals made on objective criteria. Results of the evaluation will be discussed in a formal meeting between the supervisor and employee.

## **CHAPTER 5**

### **LEAVES OF ABSENCE**

#### **5.1 GRANTING AND REPORTING OF LEAVE**

Scheduling leave is at the discretion of the immediate supervisor of the involved employee. Leave may be taken consistent with departmental staffing needs and will be reported on the Amarillo College Report of Leave Form 340 signed by the appropriate supervisor and employee at the end of each pay period. Report of Leave Forms should be attached to the time sheets for bi-weekly paid personnel and forwarded directly to the Human Resources Office for monthly paid personnel.

#### **5.2 HOLIDAYS**

All full-time employees will be paid for designated holidays provided they are on paid status the work day immediately preceding and the work day following the holiday. To receive pay for the Christmas/New Year Holiday, bi-weekly employees must work a full pay period after the end of the holiday period, and monthly employees must work at least through January 31. For overtime calculations, designated holidays are considered hours worked. Official College holidays are:

- a. Labor Day
- b. Thanksgiving Day and the Friday following
- c. Christmas/New Year Holiday
- d. Martin Luther King Day
- e. Spring Break (2 days)
- f. Memorial Day
- g. Independence Day
- h. Such other days as may be designated as holidays by the President of the College.

When a holiday falls on Saturday, the preceding Friday will be observed as the legal holiday. When a holiday falls on Sunday, the following Monday will be observed as the legal holiday.

**EXCEPTION:** Some departments work non-traditional schedules which may require modification of the holiday policy to accommodate efficient operation of the department. The department supervisor is responsible for identifying and approving alternate days to be taken in lieu of days of assigned duty that occur on official College holidays. Every effort shall be made to ensure that an equal number of days off will be given for days worked during a College

holiday. Non-exempt employees will be paid on a straight-time basis for any holidays worked in a fiscal year and not taken by the end of that fiscal year.

### **5.3 VACATION LEAVE**

#### **Accrual**

Full and part-time employees in positions requiring 9 or more months of service, shall earn paid vacation leave in proportion to the hours they are assigned to work.

Monthly paid employees who have five years of College service or less accrue vacation leave at the rate of 8 hours per month. Bi-weekly paid employees who have less than five years of service to the College accrue vacation leave at the rate of 3.7 hours per pay period.

Monthly paid employees who have more than five but less than ten years of service to the College accrue vacation leave at the rate of 10 hours per month. Bi-weekly paid employees who have more than five but less than ten years of service to the College accrue vacation leave at the rate of 4.62 hours per pay period.

Monthly paid employees who have completed more than ten years of service to the College accrue vacation leave at the rate of 12 hours per month. Bi-weekly paid employees who have completed more than ten years of service to the College accrue vacation leave at the rate of 5.54 hours per pay period.

#### **Carryover**

Vacation leave accumulated over the set maximum will be forfeited at the end of the fiscal year (August 31). Those leaving the employment of the College may be paid for accrued vacation leave only up to their maximum limit.

Classified and Administrative employees who have been employed five years or less may accrue a maximum of 160 hours of vacation leave.

Classified and Administrative employees with more than five but fewer than ten years of employment may accrue a maximum of 200 hours of vacation leave.

Classified and Administrative employees with more than ten years of employment may accrue a maximum of 240 hours of vacation leave.

### **5.4 SICK LEAVE**

Full-time monthly paid employees accrue sick leave at the rate of 8 hours for each month of service. Bi-weekly paid employees accrue sick leave at the rate of 3.7 hours per pay period. Part-time benefits-eligible employees accrue sick leave proportionate to hours worked. Part-time employees who are not benefits-eligible do not accrue sick leave.

Employees may accumulate sick leave up to a total of 960 hours. Employees will not receive payment for unused sick leave at the time of separation from employment.

The following circumstances are accepted reasons for which approved sick leave may be granted:

1. Illness of the employee.
2. Doctor or dentist appointments which cannot be scheduled other than during working hours.
3. Illness in the immediate family. An immediate family member is classified as spouse, child, mother, father, or a family member who is dependent upon the employee as a primary source of financial support.

Sick leave for reasons not covered above may be approved by the immediate supervisor and the appropriate President's Cabinet member.

In order to be eligible for sick leave, the employee must comply with the following:

1. Promptly report by telephone the reason for the absence to their supervisor.
2. Keep the supervisor informed if the illness necessitates extended sick leave.
3. Upon request from the immediate supervisor, provide a doctor's statement verifying reasons for being absent.

### **5.5 FAMILY MEDICAL LEAVE ACT (FMLA)**

All eligible employees will be provided up to twelve (12) weeks of job protection for certain family and medical leave in compliance with the Family and Medical Leave Act of 1993 (FMLA). "Eligible" employees are those who have worked for Amarillo College for a minimum of one (1) year and have worked at least 1,250 hours during the previous twelve (12) months.

FMLA leave may be used for the following reasons:

1. the birth of a child of the employee and in order to care for the child;
2. the placement of a child with the employee for adoption or foster care;
3. to care for the employee's spouse, child, or parent who has a serious health condition; or
4. a serious health condition that makes the employee unable to perform the functions of the employee's position.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. A serious health condition

means an illness, injury, impairment, or physical or mental condition that includes inpatient care or continuing treatment by a health care provider.

The twelve (12) month period during which an employee is eligible for twelve (12) work weeks of leave, is measured forward from the date the employee takes the first day of FMLA leave.

An employee on FMLA leave must substitute and exhaust all applicable accrued vacation and/or sick leave as part of the twelve (12) work weeks of FMLA leave, before beginning leave without pay status.

An employee may take FMLA leave on an intermittent or reduced leave schedule for reasons under 3 and 4 above. Intermittent or reduced leave is not available for leave taken under 1 and 2.

An employee intending to take FMLA leave due to child birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his/her supervisor and to the Human Resources office as soon as the necessity for the leave arises.

Within two (2) business days of receipt of notice from an employee requesting paid or unpaid leave for any of the reasons listed above, the employee's supervisor must notify the Human Resources office for a determination of FMLA eligibility and to begin necessary documentation.

A husband and wife who are eligible for FMLA leave and are both employed by the College, are each entitled to twelve (12) weeks of FMLA in a twelve (12) month period except:

1. for birth of the employee's child or to care for the child after birth;
2. for placement of a child with the employee for adoption or foster care, or to care for the child after placement; or
3. to care for the employee's parent with a serious health condition.

In the circumstances described above the husband and wife are limited to a combined total of 12 weeks of FMLA leave during a 12 month period. For the birth of a child, the husband is allowed a maximum of two (2) weeks of sick leave without a physician statement.

The Director of Human Resources may require, by written request, that FMLA leave be supported by a certification issued by the health care provider of the employee, or the child, spouse, or parent of the employee. A certification must be furnished in a timely manner when requested and must state:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition; and

3. the appropriate medical facts within the knowledge of the health care provider.

Amarillo College will provide health benefits to an employee while on FMLA leave at the level and under the conditions benefits would have been provided if the employee had continued in regular employment, subject to the employee continuing to pay any premium required prior to start of the FMLA leave.

Amarillo College may deny FMLA under any of the following circumstances:

1. there is not a qualifying event or the employee has not worked the requisite time; or
2. an employee fails to give timely advance notice when the need for FMLA leave is foreseeable, FMLA leave may be delayed until thirty (30) days after the date the employee provides notice to the College of the need for FMLA leave; or
3. an employee fails to provide within fifteen (15) days a requested medical certification to substantiate the need for FMLA leave; or
4. all FMLA leave has been exhausted for that 12 month period.

If an employee fails to provide a requested fitness-for-duty certification to return to work, the College may delay restoration until the employee submits the certificate. If an employee fraudulently obtains FMLA leave, the College may deny job restoration or maintenance of health benefits in addition to other disciplinary action.

If the employment relationship between the College and the employee terminates, an employee's rights to continued leave, maintenance of health benefits, and job restoration cease under FMLA.

If a conflict should occur between these policies and the Family and Medical Leave Act of 1993, the Act shall prevail.

## **5.6 BEREAVEMENT LEAVE**

Leave with pay will be provided to benefits-eligible personnel if a member of the family dies. Up to five days may be used if a spouse or relative within the first degree of consanguinity dies. Up to three days may be used if a relative within the second degree of consanguinity or first degree of affinity dies. One day is allowed plus up to two additional days for travel to the funeral site, if necessary, for the death of a relative within the third degree of consanguinity or second degree of affinity. (see definitions in Chapter 1) Bereavement leave for any relation not listed above will require use of vacation or leave without pay.

## **5.7 JURY LEAVE**

An employee shall be granted leave with pay and without loss of accumulated leave for jury duty when subpoenaed for a court appearance. The employee shall be required to present documentation of the service and shall retain any compensation for this service. Employees who

are summoned for jury duty should immediately report the summons to their supervisor. When deemed necessary by the College, postponement of the jury duty may be requested.

When employees serving jury duty are dismissed by the court for a period of time, they shall report to work until their services are again required by the court.

## **5.8 MILITARY LEAVE**

Any full-time employee who submits appropriate documentation requiring attendance for a period of training or other active duty as a member of the United States Armed Forces or State Military Forces in keeping with §431.005, Texas Government Code, will be given military leave with pay and accrue benefits, as if on the job, for a period or periods not exceeding a total of fifteen (15) working days in any calendar year. An employee eligible for military leave who is ordered to participate in training or other duty for more than fifteen (15) working days in one calendar year may, at their option, use accrued vacation leave or be placed on leave without pay for time in excess of fifteen (15) working days. A part-time or temporary employee will be given up to fifteen (15) working days per calendar year authorized leave without pay for this purpose.

Any full-time employee who leaves his/her position for the purpose of entering the armed forces of the United States, or enters service as a member of State military forces, or as a member of any of the reserved components of the Armed Forces of the United States, shall be restored to employment in the same or equivalent position as held at the time of induction, enlistment, or order to active federal or state military duty, in accordance with Title 38, United States Code, if the employee:

1. is physically and mentally qualified to perform the duties of the position;
2. was discharged, separated, or released from military service under honorable or general conditions;
3. the cumulative length of all absences from employment with the College by reason of service in the uniformed service does not exceed five (5) years; and
4. makes written application for re-employment within ninety (90) days after discharge or release from active military duty and presents evidence of the discharge, separation, or release.

Any full-time employee who is absent from his/her position of employment by reason of service in the uniformed services may elect to maintain College health insurance coverage under the terms and conditions specified in §4317, Title 38, United States Code.

## **5.9 LEAVE WITHOUT PAY**

Certain approved absences without pay preserve the continuation of employment status and permit retention of College benefits.

**Short Term:** Up to five days leave without pay per year may be authorized for personal reasons provided that acceptable arrangements can be made to take care of the employee's work load. Such leave requires approval by the supervisor and the appropriate President's Cabinet member.

**Long Term:** Any leave without pay longer than five working days requires Board approval for personnel who have been Board appointed. Other employees require supervisory and presidential approval and the leave must be for the good of the College.

**Medical:** After exhausting paid sick leave entitlements, medical leave without pay for personal illness or injury may be approved up to six months, including any leave under the Family and Medical Leave Act (FMLA). Should the employee not be able to return to full duty after six-months leave without pay, employment may be terminated.

If the medical leave without pay is longer than the FMLA benefits, the employee will have no guarantee of returning to his/her former position. If any employee's former position is not available when he/she is able to return to full duty and employment has not been terminated, the employee shall be given first consideration for position vacancies open at the College for which he/she is qualified.

Vacation and sick leave time does not accrue while an employee is on any long-term leave without pay.

The College shall continue to pay the State portion of health insurance premiums for up to six months while the employee is on medical leave without pay. The employee shall be responsible for the balance of any premiums.



## **CHAPTER 6**

### **BENEFITS AND SERVICES**

#### **6.1 RETIREMENT PROGRAMS**

All benefits-eligible classified employees are required to become members of the Teacher Retirement System (TRS) of Texas. Benefits-eligible administrative employees may be eligible for participation in the Optional Retirement Program (ORP) in lieu of participation in TRS. State law provides an administrative employee a one time opportunity to select ORP. If an administrative employee previously had the option at another Texas institution he/she is not eligible to change retirement plans upon employment at Amarillo College. If a new administrative employee has never been eligible for ORP, he/she may elect within the first ninety days of employment to participate in ORP.

Employees and the State of Texas both contribute a percentage of the employees' gross earnings to the applicable retirement fund. The exact percentages are set by the Texas Legislature. Current contribution percentage information is available in the Human Resources Office.

#### **6.2 AMARILLO COLLEGE BENEFIT PLAN**

Amarillo College replaced participation in Social Security with an alternate self-managed benefit plan as of December 31, 1982. The self-managed plan consists of contributions from employees through payroll deduction with matching contributions from the College to provide a supplemental retirement plan for appointed employees. Disability and survivor benefits are designed to duplicate any Social Security benefits at the time of disability or at the time of an employee's death less any Social Security disability or survivor benefits due from an employee's prior participation in Social Security. Employees are vested on their first day of voluntary acceptance. Employees who resign before retirement are entitled to their contribution, the College's matching contribution, and any earnings. The Human Resources Office has additional information on the Amarillo College Benefits Plan.

#### **6.3 INSURANCE**

All benefits-eligible employees are eligible for group insurance programs offered by the Employees Retirement System (ERS). Enrollment in these programs is automatic but can be waived if coverage is not wanted or needed. Dependent coverage is optional, but enrollment of dependents must be made within thirty-one days of employment or during any open enrollment period. Specific details of the group insurance benefit are available from the Human Resources Office.

#### **6.4 WORKERS' COMPENSATION**

When an employee is unable to work due to a job-related injury or illness, the workers' compensation insurance carrier will normally pay a portion of the employee's lost wages, following a seven-day waiting period. At the employee's option this payment may be

supplemented to allow the employee to continue to draw full wages by using accrued sick leave or vacation leave. In the event an employee has an injury that requires long-term leave without pay, the College will pay the State contribution toward insurance premiums for the employee for a period not to exceed six months and normal long-term leave without pay provisions will apply.

### **6.5 CATASTROPHIC ILLNESS PROVISION (CIP)**

Catastrophic Illness Provision (CIP) is a benefit designed to provide some salary protection for a period of up to 90 days for employees who are off work due to non-work related illness or injury and have exhausted all accrued vacation and sick leave. Contact the Human Resources Department for an application and more information concerning CIP.

### **6.6 TAX SHELTERED ANNUITIES**

Benefits-eligible employees may set aside a portion of their salary in tax sheltered annuities also known as income tax deferred savings. The Internal Revenue Service (IRS) establishes limitations on the amount that may be invested in a tax deferred program. For a list of approved vendors and current IRS restrictions contact the Human Resources Office.

### **6.7 EMPLOYEE TUITION SCHOLARSHIP**

Benefits-eligible employees, their spouses, and their children (who are legal dependents for income tax purposes) may enroll for any College class (academic or continuing education) tuition free. Amarillo College retired employees and their spouses are also eligible. Part-time personnel are eligible for free tuition, to a maximum of six (6) semester hours, during the semester in which they are employed. The preparatory-music program, private-music lessons, and some continuing education classes are excluded from tuition-free status.

Benefits-eligible employees, who work a standard 40-hour week and wish to enroll in Amarillo College courses, must have prior written approval from their immediate supervisor before they can enroll tuition free in more than six-semester hours, or its equivalent, in any one semester. The College, through its supervisors, reserves the right to determine the number of courses any employee can reasonably expect to carry and maintain their assigned work schedule at the College.

Any employee who resigns or whose employment is terminated prior to the beginning of the class for which the employee, spouse, and/or children are enrolled will be required to reimburse the College for the tuition scholarship or withdraw from class immediately.

### **6.8 COURTESY FUND**

The Courtesy Fund finances courtesies to Amarillo College appointed employees and members of their families who have new births, or who are ill or bereaved. Employees are encouraged to contribute to the fund at the beginning of each academic year. Employees should contact the Office of the President as they learn of incidents that warrant the attention of the Courtesy Fund.

## **6.9 ACCIDENTS AND EMERGENCIES**

Accidents and emergencies affecting Amarillo College should be reported to the Amarillo College Police Department, 371-5163. Life threatening incidents should be reported directly to 911 prior to calling Amarillo College Police.

Any employee injury that occurs on the job should be reported to the Human Resources Office as soon as possible by the injured employee's supervisor.

## **6.10 TRAFFIC CITATION APPEALS**

Amarillo College has established a Traffic Citation Committee for faculty and staff who believe they have received an unjust citation from the Campus Police. The Committee consists of a proctor, two faculty members, two classified staff members, and one student. Individuals seeking appeals should contact the Dean of Student and Academic Development Office within seven days of the citation date for referral to the Appeals Committee.

If the Appeals Committee finds that the individual did violate Amarillo College traffic regulations, the fine must be paid within seven calendar days. If the complainant is not satisfied with the decision of the committee, a written appeal can be made to the proctor for final decision.

An individual who does not contact the Appeals Committee within seven days shall forfeit the right of appeal, and a double fine will be assessed. The Police Services and Regulations Brochure is available in the Assistance Center for reference on parking regulations.

## **CHAPTER 7**

### **TERMINATION AND GRIEVANCES**

#### **7.1 RESIGNATION**

An employee wishing to resign from employment at Amarillo College should discuss the matter with the immediate supervisor before formal action is taken. A minimum of two weeks notice is requested prior to the effective date of termination. A written resignation should be initiated by the employee, and a Personnel Form 310 should be forwarded by the supervisor to the Human Resources Office. A resigning employee will complete the Exiting Packet before officially leaving the College. An employee's final paycheck will not be released until the employee has paid all debts to Amarillo College.

#### **7.2 RETIREMENT**

Application for retirement payments from the Amarillo College Benefits Plan should be made in the Human Resources Office by the employee thirty days before planned retirement. In order to apply for annuity payments under the Teacher Retirement System of Texas, employees should visit the Amarillo College Human Resources Office no later than four months before planned retirement date. Administrative employees who participate in Optional Retirement should contact their carrier representative to initiate the retirement annuity. If the retiring employee is also vested in Social Security, he/she should contact the Social Security Office at least thirty days before retirement.

#### **7.3 FORCED REDUCTION LAYOFF**

Employees may be laid off without prejudice by reason of lack of work or funds or the abolishment of position. Insofar as practicable, employees will be given at least two weeks advance notice of such layoff.

#### **7.4 EMPLOYEE STANDARDS OF CONDUCT**

The following standards of conduct shall apply to all employees of the College:

1. No employee shall accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with intent to influence official conduct.
2. No employee shall accept employment or engage in any business or professional activity that the employee might reasonably expect would require or induce the disclosure of confidential information acquired by reason of the official duties.
3. No employee shall accept other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in performance of official duties.

4. No employee shall make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest.
5. No employee shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the employee's official powers or performed official duties in favor of another.
6. No full-time employee shall engage in any other business, profession, or work outside the College to the detriment of College responsibilities. A full-time employee must have prior written approval from his/her immediate supervisor to engage in work outside of his/her College responsibilities. (*The Amarillo Junior College District Board of Regents Policy Manual*)
7. No employee shall issue public statements regarding the College operation without verifying and checking the validity of the statistics or any information used in the public statement. (*The Amarillo Junior College District Board of Regents Policy Manual.*)
8. Any employee is free to participate in political activities and to express an opinion on controversial issues provided the employee does not create the impression that he/she is acting or speaking as a representative of the College.

## **7.5 GROUNDS FOR TERMINATION**

Any of the following acts of conduct on the part of an employee will constitute special grounds for termination.

1. Inability to perform duties of the job.
2. Falsification of the application for employment.
3. Use of intoxicants or drugs while on duty, or under the influence of intoxicants or drugs while on duty.
4. Conviction under a felony charge.
5. Insubordination.
6. Inciting or engaging in riots.
7. Misappropriation, theft, or unauthorized use of College equipment, tools, machines, funds, etc.
8. Incompetence or repeated neglect of duty.
9. Unauthorized absence from duty without satisfactory explanation and prior approval of supervisor.

10. Any act which constitutes a conflict of interest on the part of the employee.

In all cases involving grounds for termination the immediate supervisor is responsible for furnishing complete documentation of the grounds for termination. This documentation should include memorandum for records, official documents received from the police, and statements concerning the incident or series of incidents used as a basis for recommended termination.

## **7.6 DUE PROCESS PROCEDURE FOR CLASSIFIED EMPLOYEES**

Disciplinary action will be taken against an employee as a preventive measure against termination. Termination will be resorted to only when all other reasonable corrective methods have failed, unless the seriousness of the offense warrants immediate termination. Examples of causes for disciplinary action or discharge against a classified employee are listed in Section 7.5 of this Handbook.

To ensure that the employee has been informed of any shortcomings and suggestions made for improvement, the following steps of progressive discipline should be initiated.

**Step 1:** The immediate supervisor will have a personal interview with the employee to call to the employee's attention specific problems of unsatisfactory conduct or performance of duties. Interviews should be documented by the supervisor.

**Step 2:** In the event the employee fails to improve as a result of action outlined above, a reprimand will be prepared in writing by the immediate supervisor, outlining in detail the unsatisfactory conduct or performance of duties. The original copy of the reprimand will be furnished to the employee who will sign a copy for the file, acknowledging receipt of the reprimand. This signed copy will be sent through administrative channels to the Director of Human Resources for inclusion in the employee's personnel file.

If the employee believes that the written reprimand does not clearly explain the situation surrounding the disciplinary action, the employee may make a written statement of clarification of his/her position. This written statement will be forwarded directly to the Director of Human Resources and will also be included in the individual's personnel file. A copy of the statement will be forwarded to the immediate supervisor by the Human Resources Office.

**Step 3:** In the event the employee fails to improve after taking the action outlined in the prior paragraphs, the immediate supervisor will bring the details to the attention of the Director of Human Resources.

If it appears that suspension is necessary, the immediate supervisor will issue a suspension letter to the employee. This letter will contain reasons for suspension and length of time the employee will be suspended. The employee may be suspended up to 30 days without pay. In the best interest of the College, suspension may be bypassed and the employee directly terminated as the case may warrant.

**Step 4:** In the event that a review of the personnel file and a discussion with the employee warrants termination for unsatisfactory conduct or performance of duties, the immediate supervisor will draft a letter of termination for review by the Director of Human Resources. This letter will contain the specific reasons for termination. The immediate supervisor and the Director of Human Resources will then decide whether to cease employment immediately without severance pay, cease employment with two weeks notice, or cease employment immediately with two weeks' severance pay. A letter of termination will then be issued to the employee by the immediate supervisor detailing the reasons for termination and for the decision concerning severance pay. Based on the severity of the problem, normal discipline such as reprimand, etc. may be bypassed, and the employee may be dismissed immediately. Immediate termination will not be taken without consultation between the immediate supervisor and the Director of Human Resources to ensure compliance with personnel policy.

## **7.7 DUE PROCESS PROCEDURE FOR ADMINISTRATORS**

Proper procedure for suspension or termination of an administrative employee at Amarillo College being essential to positive morale, the following steps of college due process will be followed:

**Step 1:** Through preliminary inquiry, discussion or confidential mediation, the administrator (hereafter called the "supervisor") responsible for initiating suspension or termination proceedings will first make a good-faith effort to resolve the difficulties.

**Step 2:** Should the initial efforts of the supervisor fail to resolve the difficulties the supervisor with the consent of the President, will present written charges to the administrative employee (hereafter called the "employee"). Such written charges shall include a list of the names of witnesses against the employee, the nature of testimony and a general description of any documentary evidence which will be used against him/her. The employee may provide a written response to the formal charges to the supervisor within six regularly scheduled College working days (hereafter called "working days") from the date the employee receives such written charges. Should the employee wish a hearing before a committee of his/her administrative peers (hereafter called the "administrative committee"), such request shall be included in the written response of the employee.

**Step 3:** Within three working days after the receipt of the written response, if any, wherein a hearing before the administrative committee is requested, the supervisor shall deliver to the President a copy of the formal written charges and the written response of the employee for the administrative committee's consideration. The supervisor and employee shall each nominate three administrative employees to serve on the administrative committee. Administrative personnel who report to the same President's Cabinet member as the employee being charged cannot serve on the administrative committee. The President shall select three administrative employees to serve on the committee using at least one person from each submitted list.

**Step 4:** Within twenty working days after receipt of the written charges and written response, the administrative committee shall conduct the requested hearing to investigate the charges. The employee shall be advised in writing of the time and place for such hearing at least ten working

days prior to such hearing. At such hearing, the administrative committee may call before it any involved individual in order to obtain additional information. All interested parties will be entitled to present relevant evidence and reasonable argument.

**Step 5:** Within ten working days of the administrative committee hearing, the administrative committee's written findings and recommendations will be presented in person by the chairman of the administrative committee or its respective designee to the employee, the supervisor, and the President. Within ten working days of the receipt of such written findings and recommendations the President will notify the employee, supervisor, and committee in writing of his/her decision regarding the charges. If the decision is adverse to the employee, the President will include the reason for the decision.

**Step 6:** If the issue has not been resolved to the satisfaction of the employee, he/she shall advise the President in writing within six working days of the receipt of the President's decision that he/she wishes a hearing before the Board of Regents.

After the President receives such written notification from the employee the President will present the administrative committee's report, with all related documents and the President's decision, to the Board of Regents at its next regularly scheduled meeting. The Board of Regents will then set a date and place for a full hearing of the matter. The employee shall be advised in writing of the time and place for such hearing at least ten working days prior to such hearing. At such hearing, the Board of Regents may call before it any involved individual in order to obtain additional information. All interested parties will be entitled to present relevant witnesses, relevant evidence and reasonable argument. If the employee is to be confronted with other witnesses or evidence than disclosed either prior to or during the administrative committee hearing, notice of such new evidence will be given in writing to such employee at least six working days before the Board hearing. The Board of Regents will then review the case in full and return its decision regarding the charges. The final decision of the Board will be provided in writing to the employee involved, the President, the administrative committee and the supervisor.

**Step 7:** Each party involved in the due process proceedings may be represented by counsel of his/her own choosing at his/her own expense. Consistent with the time limitations stated herein, the proceedings will be conducted with all deliberate speed.

**Step 8:** The salary of the employee will not be affected during the due process proceedings. If the employee presents threat of harm to himself/herself or others, the employee may be suspended with pay by the President. While under most circumstances consultation with the administrative committee and their concurrence should precede the decision to suspend an employee, the President may when deemed necessary, suspend an employee without such consultation.

**Step 9:** To the extent possible under rule of law, all proceedings in connection with suspension or termination shall be kept strictly confidential unless such confidentiality is waived by the employee. The employee has the right to public hearings before the administrative committee and the Board of Regents and the right to a recording of those hearings at his/her expense. Such



request by the employee for a public hearing and/or recording of such hearing shall be made at least three working days prior to such hearings.

Upon disposition, all correspondence, documents, recommendations and dispositions shall be sent to the Human Resources Office for inclusion in the employee's file.

## **7.8 GRIEVANCE PROCEDURE**

### **Classified and Administrative Grievance Procedure**

Grievance procedures for full-time classified personnel and appointed administrators are as follows:

1. Should a complaint not be resolved and the employee wishes to file a formal grievance, a written grievance must be submitted to the immediate supervisor. The grievance must specify the alleged harm and include a recommended remedy. Both parties will try to resolve the difference at this level. Within five working days of the receipt of the written grievance, the immediate supervisor is required to present the resolution in writing to the employee.
2. If a resolution is not achieved, the employee may submit a grievance, in writing, to the next higher level of supervision. The written grievance must be submitted by the employee within two working days from the date of receipt of the supervisor's written resolution. Within two working days after receiving the written grievance, the second-level supervisor will prepare a written resolution of the grievance and submit the resolution to the immediate supervisor and employee.
3. If the second level supervisor's resolution is not acceptable, the employee may continue the grievance by appealing to the President's Cabinet member representing the employee's division within two working days of receiving the proposed resolution.
4. When the grievance is appealed to the President's Cabinet member, the President's Cabinet member will give the employee an opportunity to be heard within five working days of the receipt of the grievance. Recommended disposition of the grievance shall be submitted to the employee and all involved supervisory personnel not more than ten working days from receipt of the grievance.
5. If the disposition of the grievance by the President's Cabinet member is not acceptable to the employee, a written appeal must be submitted to the Director of Human Resources within ten working days of receipt of the President's Cabinet member's proposed solution. The Director of Human Resources will notify the President, who will appoint a grievance board. The grievance board, composed of three members, shall be appointed and convened as promptly as possible.

The President may consult with the Classified Employee Council and/or the President's Cabinet in order to take recommendations for grievance board members. The grievance board shall conduct a hearing within ten working days after receipt of the written grievance.

Within five working days after the conclusion of the hearing, the grievance board will submit a report of its findings and recommendations to the President.

Within ten working days after receiving the report from the grievance board, the President will give a decision to the employee, the appropriate supervisory personnel, the grievance board, and the Director of Human Resources.

The decision of the President is final except in grievances involving appointed administrative personnel.

6. Benefits-eligible administrators may bring the matter to the Board of Regents within five working days of the receipt of the President's decision if the situation has still not been resolved.

### **Appeals to Board of Regents**

Upon the completion of all grievance procedures a benefits-eligible administrative employee may appeal to the Board of Regents by filing written notice to do so with the President within five working days after receipt of the decision by the grievance board. The President shall notify the Board of Regents Chair who may set reasonable time limits on grievance presentations. The Board of Regents shall listen to the grievance, but is not required to respond or take any action on the matter, unless in its sole discretion it determines some response is warranted. By taking no action, the Board of Regents upholds the decision presented.

### **Hearing**

If a hearing is granted, that hearing will be either with the Board of Regents in a meeting that includes the hearing as an item in the posted agenda or with the Board's designee. If the Board of Regents conducts the hearing, it shall make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. If the Board's designee conducts the hearing, he/she shall make a recommendation to the Board of Regents at the first regular meeting following the hearing that affords adequate time to prepare a written recommendation.

The employee shall be provided a copy of the recommendation five working days before the meeting and shall be given an opportunity at the meeting to respond to the recommendation either orally or in writing. The Board of Regents shall then make and communicate its decision at any time up to and including the next regularly scheduled Board Meeting.

### **Disposition of Grievance Records**

Upon completion of any grievance the immediate supervisor will ensure that a complete copy of all correspondence, documents, recommendations, dispositions, Board of Regents actions, and the like pertaining to the grievance will be forwarded to the Director of Human Resources to be maintained in a separate file. Grievances shall not be documented in an employee's personnel file unless so requested by the employee.

## **7.9 COMPLAINTS ALLEGING DISCRIMINATION**

### **Discrimination Definition**

Discrimination in employment and the education process on the basis of race, color, religion, age, gender, national origin, or disability, or on the basis of the individual's exercise of constitutional rights is forbidden by state and federal statutes and a violation of Amarillo College policy. If an employee or applicant for employment believes they have been subjected to discrimination they shall file a complaint with the Director of Human Resources establishing the harm suffered.

### **Sexual Harassment Definition**

Sexual harassment, though a form of discrimination, is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or group of employees or students because of gender and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's performance of duties or studies; or
3. Otherwise adversely affects an individual's employment or academic opportunities.

Harassing conduct includes (1) epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to gender and (2) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of gender and that is placed on walls, bulletin boards, or elsewhere on College premises, or is circulated in the workplace.

## **7.10 DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT PROCEDURES**

An individual who believes he/she has been or is being subjected to any form of discrimination including sexual harassment shall bring the matter to the attention of the Director of Human Resources. The complaint may be made in person or in writing.

The Director of Human Resources will conduct an investigation and recommend appropriate action to address substantiated allegations. During the investigation process every effort will be made to protect the confidentiality of the complainant and the subject of the complaint, but anonymity cannot be guaranteed. No procedure or step in the process will require the employee alleging discrimination/harassment to present the matter to a person who is the subject of the complaint. If the complaint is against the Director of Human Resources it should be addressed to the Dean of Finance and Administrative Services.

### **7.11 RETALIATION FORBIDDEN**

Retaliation against an individual who complains of discrimination/sexual harassment is a violation of College policy and will result in disciplinary action up to and including termination of employment. Any complainant who feels that he/she is being retaliated against, either during or after an investigation, shall report the incidents of retaliation to the investigator.

### **7.12 FALSE CLAIMS**

Because of the serious nature of a discrimination/sexual harassment claim, employees or students who knowingly allege a false claim may be subject to discipline up to and including suspension and/or termination of employment.

## **CHAPTER 8**

### **RETURN TO WORK POLICY**

#### **8.1 RETURN TO WORK PROCEDURE**

An employee who has been ill or injured shall obtain a medical release from their treating physician prior to returning to work indicating fitness to return to duty, if:

1. the employee has received emergency treatment at a hospital;
2. the employee has been hospitalized for treatment of any condition;
3. the employee has missed more than three (3) consecutive days from work; or
4. the employee's supervisor has reason to believe that the physical condition of the employee could result in danger to persons or property or interferes with normal work performance.

#### **8.2 MODIFIED DUTY**

The purpose of this section is to provide a process by which injured and ill employees may receive temporary work assignments that will benefit their full recovery. It is not intended to be used as a disability program.

When an employee is required to be absent from work because of an extended period of recovery from injury or illness, the employee's case will be reviewed by his/her supervisor and the Director of Human Resources. An examination and evaluation conducted by the attending physician will be used to determine the capabilities and prognosis for recovery of the injured or ill employee. A review of potential work assignments will be conducted to determine if an assignment is available which matches the injured or ill employee's training, skills, capabilities, and medical restrictions.

#### **8.3 WORK ASSIGNMENT**

A modified duty work assignment will be offered to an injured or ill employee if:

1. a modified duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to the regular duty work assignment held prior to the injury or illness; and
2. the employee's supervisor determines that modified duty is available. If no modified duty can be found within the department, the employee may be temporarily assigned to work in another department, if there is an existing opening for which the employee is qualified and that complies with the employee's work restrictions. The salary of an employee on modified duty will be paid by his/her department and the employee will be returned to his/her original

position and department when released for full duty. If modified duty can not be found the College will not create a position and the employee will remain on leave.

A modified duty work assignment may last until the time the attending physician has set as the expected date to return to the employee's previous work assignment, but not to exceed three (3) months unless the College President gives written approval for a longer period.

#### **8.4 CONDITIONS OF MODIFIED DUTY**

As a condition of continuing in a modified duty work assignment, an employee must:

1. adhere to prescribed treatment and make reasonable efforts toward rehabilitation;
2. accept progressively more demanding assignments as the employee's condition improves; and
3. make visible progress in returning to full performance capability.

#### **8.5 TERMINATION OF MODIFIED DUTY**

An employee's modified duty work assignment will be terminated if:

1. the employee is found performing beyond the modified duty restrictions;
2. the work assignment is completed;
3. the employee performs unsatisfactorily in the position; or
4. budgetary constraints do not allow continuation of the position.

#### **8.6 REASSIGNMENTS**

If an employee's injury or illness will permanently prevent him/her from performing the essential functions of his/her regularly assigned duties, the Director of Human Resources in conjunction with the supervisor shall attempt to locate a suitable College position for the employee. Such position must be authorized and vacant and the individual must be qualified to perform the essential functions of the position. If no position is available at the time the individual is determined physically unable to perform the essential functions of his/her job, or, should the employee refuse to accept an available position, then termination of employment will occur. **The College will not create a position.**

## **CHAPTER 9**

### **WORKPLACE VIOLENCE AND WEAPONS POLICY**

#### **9.1 POLICY STATEMENT**

Amarillo College is committed to providing a safe and healthy workplace for the benefit of employees, students, and the general public. Employees have the right to work in an environment free of violence. Amarillo College is also committed to preventing violence against persons receiving College services and participating in College programs. Therefore, Amarillo College has zero tolerance of workplace violence. All employees of the College are expected to treat each other, their customers, clients, and all others with courtesy, dignity, and respect.

#### **9.2 VIOLENCE**

Violence, as the term is used in this policy, includes written or verbal communications, whether direct or indirect, which are of a threatening, intimidating or coercive nature; the use or threat of physical force, including fighting or horseplay, stalking, vandalism or destruction of property. It does not include language used by a supervisor in the reasonable correction of an employee's failure to follow rules or orders.

#### **9.3 WEAPONS**

It is the policy of Amarillo College that no employee, other than those specifically authorized by the College for a particular work assignment, shall carry on or about their person, on College property or at a College work site, any instrument or weapon that is specifically designed, made or adapted for the purpose of inflicting serious bodily injury or death. This includes, but is not limited to: clubs, firearms, handguns, illegal knives, explosives, bows and arrows, crossbows, throwing stars, and knuckles. This prohibition includes concealed handguns, even though the employee may be duly licensed by the State of Texas to carry a concealed handgun. This does not include bona fide tools used by an employee in the normal course of his/her duties, when using the tool in the manner that it was designed to be used.

#### **9.4 REPORTING RESPONSIBILITY**

All employees are responsible for promptly reporting violations of this policy to their supervisor and, where appropriate, to law enforcement authorities. The Director of Human Resources is responsible for investigating allegations of violations of this policy.

#### **9.5 PENALTY FOR VIOLATION**

Employees who violate this policy are subject to disciplinary action, up to and including immediate termination.

## **CHAPTER 10**

### **TECHNOLOGY POLICY**

#### **10.1 POLICY STATEMENT**

Amarillo College maintains computers, peripheral equipment, software, internet access and electronic mail systems to assist in conducting College business. The hardware, software, internet access, and e-mail services are College property. No employee should have any expectation of privacy as to computer files, internet, and e-mail messages. Passwords used by employees are to prevent unauthorized access by other employees, but should not be construed as creating an expectation of privacy for the employee that uses the password. Employees have no expectation of personal privacy when using College owned property or systems. All employees must abide by policies and procedures promulgated for the operation of these systems.

#### **10.2 LICENSE AGREEMENTS**

Copying of College licensed software for use on other computer systems is a violation of the license agreement, subject to civil and criminal penalties and strictly prohibited.

#### **10.3 PROHIBITED ACTS**

College owned computers are not to be used to:

1. display, archive, store, distribute, edit, or record any kind of sexually explicit image or document regardless of file type or format;
2. obligate the College to any cost or charge without prior authorization of the employee's supervisor;
3. store or send any offensive or disruptive messages, such as messages containing sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religion, national origin, or disability;
4. send or receive copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization;
5. send harassing or threatening messages;
6. obtain personal profit or engage in political activity on behalf of any candidate or cause; and/or
7. engage in any activity which would bring discredit on Amarillo College.



#### **10.4 APPLICABILITY OF POLICY**

This policy applies to all employees, contractors, part-time employees, and volunteers who may have access to College owned computers, e-mail, or internet. Third parties shall only be provided access to these systems as necessary for their business purposes with the College. Employees, contractors, and third-party users who violate this policy may be removed from the system and/or have their contract revoked. In addition, other legal remedies may be pursued.

#### **10.5 PENALTY FOR VIOLATION**

The misuse of College owned computers, peripherals, e-mail, or internet privileges may be grounds for discipline, up to and including termination and may be referred for criminal prosecution.

#### **10.6 OPEN RECORDS**

Correspondence on College owned equipment may be subject to the Texas Public Information Act (open records). Public records are also covered under statutes which establish retention periods for public documents. Routine e-mail messages of routine correspondence must be retained as long as they are administratively valuable. All non-routine correspondence must be retained for longer periods.