



1998

Personnel Policies and Procedures Handbook

Ñia, Oya G T-Taccui Am Hab E-Ju:
“Our Dream Fulfilled”

**As amended by the Board of Trustees on
November 12, 2020**

This policy supersedes and replace any prior policies approved. No parts of these polices or procedures may be amended or altered in any way by oral statements. Only written amendments by authorized management officials and approved by the Tohono O'odham Community College Board of Trustees will constitute changes to statements made in this and any TOCC approved policies.

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Tohono O'odham Community College Personnel Policies Handbook

NOTICE TO EMPLOYEES

Attached is the Personnel Policies & Procedures Handbook for the Tohono O'odham Community College ("TOCC" or "College"). This handbook was approved by the TOCC Board of Trustees.

It is recommended that this handbook be kept nearby for easy reference. If there are any questions or assistance required in using the Handbook, please contact the Human Resources Office at (520) 383-0050.

This handbook consists of TOCC's policies, procedures and benefits for College employees. The policies and benefits described in this handbook may be improved, modified or terminated at any time at the sole discretion of Board of Trustees of the TOCC.

The statements in this handbook do not create an express or implied contract between TOCC and the individual for employment or for any benefit.

This handbook supersedes and replaces any prior handbooks. None of these policies or procedures may be amended or altered in any way by oral statements. Only written amendments by authorized management officials and approved by the Board of Trustees will constitute changes to statements made in this handbook.

EMPLOYEE ACKNOWLEDGEMENT FORM

I acknowledge that I have received a copy of TOCC's Personnel Policies & Procedures Handbook amended on November 12, 2020. As an employee of TOCC, it is my responsibility to familiarize myself with the information in this handbook. If there are questions or assistance needed in using the Handbook, I will contact the Human Resources Office at (520) 383-0050.

EMPLOYEE'S SIGNATURE

DATE

Section I. General Information

A. Purpose

The Tohono O’odham Community College Personnel Policies and Procedures Handbook is intended to provide guidance and to set standards and procedures for implementation and compliance by management and employees in the performance of their duties. This handbook shall apply to all employees of the Tohono O’odham Community College (TOCC). The handbook serves as the basis for supervision, accountability and responsibility. Supplemental polices may be developed by TOCC or its officers.

This handbook is not to create, nor is it to be interpreted as to create, a contract between TOCC and any of its employees.

The handbook may be changed at any time if deemed necessary. The policies and procedures contained herein supersede and revoke all prior policies or practices, oral and written representations, or statements regarding the terms and conditions of employment.

Nothing in this handbook shall mean to be interpreted as a waiver of the sovereign immunity of the Tohono O’odham Nation, TOCC, its officers or any of its employees.

B. Management Rights

The Board of Trustees (“Board”) of Tohono O’odham Community College (“TOCC” or “College”) and its Administration reserve and retain the right and responsibility to administer, manage, direct, and control the activities, and work force of the College and in their sole discretion determine what is in the best interests of the College. The foregoing rights, responsibilities, and the right to determine the methods, processes and manner of performing work for the College are vested exclusively with the Administration. Nothing in these personnel policies or any personnel policy statements shall inhibit, restrict, modify and/or supersede the Board’s responsibilities and/or authority. The personnel policies and procedures shall govern employment practices of the College.

The Board reaffirms that the personnel policies and procedures contained herein are the personnel policies and procedures of the College and may be supplemented, modified, or deleted without restriction by the Board pursuant to its authority. The College’s Human Resources Office shall be responsible for administering, interpreting and overseeing implementation of these policies.

In an effort to enhance the Himdag in the College's daily activities, the policies and procedures herein have been reviewed and accepted by the standing Tohono O'odham Himdag Committee.

Executive Orders from the President's Office regarding policy and procedural interpretations and clarifications may be communicated to employees by memoranda.

C. About the College

The College was established in 1998, as a two-year college by the Tohono O'odham Nation. The Tohono O'odham Nation is a federally recognized Indian Tribe and retains important sovereign powers over all persons and activities within the boundaries of the Tohono O'odham Nation consistent with federal law. By establishing the College, the Tohono O'odham Nation exercised its sovereign authority to promote education for present and future generations of its people.

The College provides quality post-secondary educational opportunities for Native Americans locally and throughout the United States. The College curriculum reflects identified needs and interests of the Tohono O'odham Nation by offering adult basic education, vocational education, academic, cultural and community interest programs, courses and activities. Assistance will be made available by the College to tribal entities and departments in staff preparation, planning, research and evaluation services according to identified needs. The College will strive to provide opportunities for individual self-improvement in a rapidly changing and technological world while maintaining the cultural integrity of the Tohono O'odham people.

D. Vision, Mission, Goals and T-So:son

1. Vision

Tohono O'odham Community College's vision is to become the Tohono O'odham Nation's center for higher education, and to enhance the Nation's participation in the local, national, and global communities.

2. Mission

As an accredited and land grant institution, our mission is to enhance the unique Tohono O'odham Himdag by strengthening individuals, families, and communities through holistic, quality higher education services. These services will include research opportunities and programs that address academic, life, and development skills.

3. Goals

To strengthen academic learning that will reinforce a strong competitive spirit to participate in an ever-changing society.

To include Elders as primary resources, instructors, advisers, and counselors as a means of reinforcing Tohono O'odham Himdag.

To recruit highly qualified faculty and staff who are dedicated to the art of teaching, advising, and service specifically to the Tohono O’odham Community.

To ensure the integration of appropriate Tohono O’odham Himdag in the physical environment, curriculum, and processes of the College.

To ensure that curricular offerings are relevant to the needs of individuals and communities in fundamental skills, i.e., general reading, writing, and math skills.

To establish a technology core that will enable the students and the broader community to meet the challenges of the future.

4. T-So:son

T-Wohocudadag – Our Beliefs: T-Wohocudadag provides balance, strengthens us and helps us respect ourselves, other people and cultures.

T-Apedag – Our Well-Being: T-Apedag is inclusive of what is healthy and good for us (physically, spiritually, emotionally and mentally), and for the things around us.

T-Pi:k Elida – Our Deepest Respect: T-Pi:k Elida is a deep sense of respect for the land, one’s surroundings, the people, things upon the land, and also for one’s own self and life.

I-We:mta – Working Together: I-We:mta is crucial for the success of the college.

E. Philosophy

The philosophy of the College focuses on the following broad areas of commitment:

- 1. Commitment to our students** – To provide quality and effective services to our students and the general public.
- 2. Commitment to our employees** – To provide opportunities for our employees to develop and succeed professionally. Each employee is committed to excellent performance. Employees are expected to treat each other and students with consideration, trust, and respect and to work together as a team.
- 3. Commitment to Teamwork** – We believe teamwork can and should produce more than the sum of individual efforts. Team members must be reliable and committed to the team as well as the College. Open and honest communication by all employees with each other as well as with students, the public and other external parties is essential in building trust, respect and in producing success.
- 4. Commitment to meet the needs of the Tohono O’odham and Native American populations** – To foster curricula and programs to the Associate Degree level that are designed to meet the special needs of the Tohono O’odham and Native American populations.

5. **Commitment to provide diversity within the College** - While the College encourages diversity its primary purpose is to meet the needs of the Tohono O’odham Community and other Native American people.

F. Definitions

1. **Adjunct Faculty** are temporary employees contracted by TOCC for a temporary classroom instruction assignment.
2. **Board** shall mean the Board of Trustees of the Tohono O’odham Community College.
3. **Campus and College Premises** shall mean assigned location, approved community facilities and locations, and/or other locations approved and designated for instruction or instruction-related activities. College premises include college vehicles whenever and wherever used.
4. **College** shall mean Tohono O’odham Community College.
5. **Department** shall mean sub-units or offices within a college administrative unit or Division.
6. **Exempt employees** shall mean employees whose positions meet specific tests and are exempt from overtime pay requirements.
7. **Faculty** shall mean full-time regular personnel under contract who carry out the educational mission of the College. An employee is designated as instructional faculty if more than three-fourths of the employee’s employment time is devoted to direct instruction and the employee meets the minimum certification standards of the College.
8. **Flex Schedule** allows the days of accountability to include day, evening, weekend and recess work assignments.
9. **Full-time employee** means that an employee has a regular work schedule to work 40 hours per week.
10. **Immediate Family** shall mean the employee’s parents, spouse (domestic partner), children (to include step), grandparents/ children, siblings (to include half), aunts, uncles, first cousins and their spouse’s immediate family. More distant relatives or significant persons in the employee’s life are also included if they are a resident member of the employee’s immediate household.
11. **Introductory employee** shall mean an employee who, as a condition of employment, is serving an initial hire introductory period.
12. **Non-exempt** employees shall mean employees whose positions do not meet specific

overtime exempt tests established by the Fair Labor Standards Act and who may be paid one and one-half times their regular rate of pay for hours worked in excess of 40 hours per week.

13. **Part-time employee** means an employee that has a work schedule of less than 30 hours per week.
14. **President** shall mean the Chief Executive Officer or the President's designee of Tohono O'odham Community College.
15. **Regular Employee** shall mean that an employee:
 - a. works in a position which is authorized and designated as regular;
 - b. and is not classified as temporary; and
 - c. is not serving an initial or probationary period.
16. **Seniority** is defined as the length of full-time continuous service of an employee since the most recent date of full-time regular employment.
17. **Temporary employee** means an employee assigned to work full-time, part-time or an intermittent or as-needed basis for a limited employment period with no guaranteed, implied, or expressed commitment of continued employment. All such employment shall be considered temporary.
18. **TOCC** shall mean Tohono O'odham Community College.

G. Indian Preference

One of the goals of the College is to recruit highly qualified faculty and staff who are dedicated to the art of teaching, advising, and service specifically to the Tohono O'odham community. We are committed to not discriminating in recruitment on the basis of race, creed, color, religion, national origin, sex, age, sexual orientation, marital status, ancestry, disability or veteran status. We are equally committed to providing employment opportunities for qualified Indians, with first preference to local Indians, as part of the Nation building goals of the College in accordance with Section 7.10 of the College Charter.

H. Legal Policy

This Legal Policy outlines the procedures College employees should follow when asked to be a witness regarding the College; for example, if asked to give testimony in an unemployment compensation hearing involving the College or before any Tribal, Federal, or State agency, or if the employee is served with a summons, subpoena, lawsuit, notice, and letters from lawyers, law enforcement officials or regulatory agency officials. The information is provided for general guidance only and is not a substitute for legal advice available from Legal Counsel for the College who only provides legal services related to official College activities.

From time to time, attorneys, investigators (including Tribal, Federal and State officials), or insurance company representatives contact College faculty members and staff to request information about the College, a student, employee, or faculty member without a subpoena. Whenever a faculty member or employee is contacted by anyone, including private attorneys, the Nation's attorneys, State's attorneys, U.S. Attorneys, Federal investigators, private investigators, or insurance company representatives, or the like, the employee must not disclose any information and must immediately notify the Human Resources Director about the inquiry. The inquiring person should be referred directly to the Human Resources Director who may refer the matter to Legal Counsel for the College. The College's Legal Counsel can work with the outside attorney or investigator regarding an appropriate response.

Voluntary disclosures of certain College records, information with or without a subpoena may be prohibited by law or contract, so prior to making any voluntary disclosures or submitting to a subpoena demanding information, please check with the Human Resources Director.

What to Do

Summonses and Subpoenas

1. If a process server appears at the employee's office with a summons or subpoena and attempts to serve him/her with court papers connected to his/her work at the College:

The employee should not accept any document the process server tries to hand the employee. Note: Pursuant to the TOCC Charter, the Tribal Chairman of the Nation is the statutory agent to receive any lawsuit filed against TOCC.

Direct the process server to the Human Resources Director's Office.

If the process server will not comply, the employee should call the Human Resources Director immediately (520-383-0050) and ask for the Human Resources Director to speak to the person. The Human Resources Director will consult with the College's Legal Counsel to determine whether the employee may accept service. Prompt action on the employee's part is required because usually only a short time frame exists for filing a response to a newly filed lawsuit.

2. If a process server appears at the employee's home with a summons or subpoena connected to his/her work at the College:

The employee should direct the process server to the Human Resources Director's Office at the College. If he/she is named personally in the summons or subpoena, he/she may have to accept service. In such a case, employee should note the date, time and manner of service and provide all the documents to the Human Resources Director as soon as possible. Prompt action on the employee's part is required because usually only a short time frame exists for filing a response to a newly filed

lawsuit.

3. If the employee receives a summons or subpoena via U.S. regular or certified mail:

He/she must note the date and time of receipt on the envelope and keep the envelope and certified mail receipt. Walk all of the documents over to the Human Resources Director as soon as possible. Prompt action on the employee's part is required because usually only a short time frame exists for filing a response to a newly filed lawsuit.

The employee should keep a subpoena confidential if it requests information about a specific individual.

4. Calls and Visits from Attorneys, Law Enforcement Officials, or Regulatory Agency Investigators, including the FBI, CIA and INS, and Demand Letters or Other Inquiries from Attorneys:

Unless the matter involves a usual or customary interaction with a regulatory agency official (such as a reference check when the employee is presented with a signed release), the employee should politely and promptly refer the lawyer, law enforcement official or regulatory agency investigator immediately to the Human Resources Director who can contact Legal Counsel for the College. It is critical that the employee does not speak to attorneys, law enforcement officials or regulatory agency investigators about College matters without contacting the Human Resources Director first.

If the employee receives the call or visit after normal business hours, contact the Human Resources Director who will see that Legal Counsel for the College contacts the employee.

Compliance with this policy will enable the College to minimize the risk of litigation; reduce uncertainty and disruption in its affairs; and take advantage of its legal rights, protections, and opportunities.

The major responsibility of Legal Counsel for the College is to ensure that the legal rights and opportunities of the College and its employees are protected, and that their obligations are met.

Any employee who suspects that an attorney's advice might be helpful or necessary on a particular matter should promptly submit that matter to the Human Resources Director for review by Legal Counsel for the College. The matter should be submitted to the Human Resources Director in writing, with full background explanation and documentation, as far as possible in advance of the time for final action. It should first have been reviewed by the College Administrator responsible for the activity.

Attorney Client Privilege

For both legal and ethical reasons, confidentiality is of utmost importance in many matters referred to attorneys. In order to preserve confidentiality and legal privilege for oral and written communications between Legal Counsel for the College (or outside counsel) and other College employees, all matters involving Legal Counsel should be treated confidentially, unless they are obviously suitable for disclosure to the public.

College Administrators in their correspondence with Legal Counsel should state explicitly if they are "requesting legal advice," "anticipating litigation," or furnishing counsel "confidential information," since these points are important to creating and maintaining a legal privilege for the communications. Employees should also keep legal files segregated from open files. Legal files should be disclosed only on the strictest need-to-know basis and only within the College. In sensitive matters, employees should not create unnecessary documents.

The attorney-client privilege may apply to a College employee's communication regarding College business and activities. The employee should be aware that when an attorney who represents a party who has filed a claim, or is preparing to file a claim against the College, contacts the employee his/her capacity as a College employee for the purpose of interviewing him/her as a witness or as a potentially liable party, the attorney may be ethically restricted from questioning the employee if the attorney knows that the College is represented by Legal Counsel. This is particularly true when a College employee regularly consults with the College's Legal Counsel concerning a matter involving the College or has authority to obligate the College with respect to a matter or whose act or omission in connection with the matter may be imputed to the College for purposes of civil or criminal liability. Therefore, if the employee is contacted by attorneys to interview him/ her as a witness or as a potential defendant concerning College activities, advise the attorney immediately that the College has Legal Counsel and refer the inquiring attorney to the Human Resource Director who can contact Legal Counsel for the College.

I. Harassment Policy

The College is committed to promoting and maintaining a productive and educational environment free of all forms of discrimination and harassment. In keeping with that commitment, The College will not tolerate verbal or physical conduct by an employee or student that harasses, disrupts, or interferes with another's work performance or education or that creates an intimidating, offensive or hostile work or educational environment.

No form of harassment will be tolerated, including harassment for the following reasons: race, creed, color, national origin, religion, sexual orientation, marital status, ancestry, disability, pregnancy, age, military or veteran status or gender. Such behavior is unacceptable in the workplace and other work-related settings such as business trips and business meetings or business-related social events.

Sexual harassment is a form of sex discrimination and may involve individuals of the same sex or different sex. Sexual harassment or offensive conduct, whether committed by administrators, faculty, supervisors, staff, students or non-employees is prohibited.

Sexual harassment includes actions that result in:

Unwelcomed or unwanted conduct of a sexual nature, whether verbal or physical;
Submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment;
Conduct that substantially interferes with an individual's employment, education, performance on the job, or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment may include, but are not limited to:

- Nonverbal actions such as leering, gesturing of a sexual nature, displaying of sexually suggestive objects or pictures, cartoons or posters;
- Unwanted sexual advances and unwelcome touching;
- Demands for sexual favors in exchange for employment benefits;
- Demeaning, insulting, intimidating or sexually suggestive comments about an individual's dress or body;
- Jokes, flirtations, advances or propositions of a sexual nature;
- Verbal abuse or comments of a sexual nature, derogatory comments or slurs

1. Complaint Procedure

Individuals who believe they have experienced conduct that is contrary to TOCC policies or who have concerns about such matters should file their complaints with the Human Resources Office.

Sexual harassment may also include harassment where the harasser is not an employee of the College, but is a student, vendor, contractor, or a member of the general public. If an employee feels harassed by any of the individuals noted above, a complaint should be filed in the same manner as if the harassment was by a co-worker or a supervisor.

College personnel at all levels are responsible for ensuring that the work environment is free of any form of harassment, and in particular, sexual harassment. Any member of the College community, especially administrators and supervisors who believes that actions or words constitute sexual harassment, has a responsibility to report the complaint immediately to the Human Resources Office. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the Human Resources Office. Any reported allegations of harassment or sexual harassment will be investigated promptly, thoroughly and impartially.

Every reasonable effort will be made to protect the privacy and confidentiality of all parties involved in the investigation, consistent with and subject to the College's need to investigate the report or complaint and/or implement decisions made in order to

resolve the report or complaint or remedy conduct that is determined to constitute discrimination, harassment or retaliation. No representative of the College is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a report or complaint, including the Complainant.

2. Reporting Procedure

Employees are encouraged to resolve harassment complaints promptly utilizing TOCC's policies, procedures and processes.

- a. An employee must begin the process by presenting a written complaint to the Human Resources Office within five (5) days after the alleged harassment.
- b. The appropriate College personnel will investigate all complaints of harassment in as impartial and confidential manner as possible. Unless otherwise required by law, the privacy of the charging party and the person accused of sexual harassment will be kept strictly confidential, except for those parties with a need to know. Persons complaining of sexual or other harassment will also be protected from reprisals and retaliation by the College or co-workers as a result of such complaints. If such retaliation does occur, it will be grounds for severe disciplinary action, which may be up to and including termination of employment.

J. Accommodations for Individuals with Disabilities

The College is committed to providing reasonable accommodations to qualified individuals. An employee may request a reasonable accommodation at any time during employment with the College. A reasonable accommodation is any change in the work environment or a request for special equipment that result in equal employment opportunity for an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace.

Some examples of accommodations include acquiring or modifying equipment, job restructuring, modifying work schedules, reassignment to a vacant position, adjusting or modifying examinations, training materials or policies, providing readers and interpreters, and making the workplace readily accessible to and usable by people with disabilities.

The College will implement an accommodation as long as:

- It is reasonable.
- It is medically necessary (i.e., there is competent medical evidence establishing a relationship between the disability and the need for accommodation).

- It does not impose an undue hardship on the College. Undue hardship is defined by the ADA as an action that is “excessively costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the business.”

If an employee with a disability wants or needs reasonable accommodation, it is the responsibility of the employee to request such accommodation in writing, as well as to provide the college with documentation of the disability to the office of human resources. (Medical reports of records, diagnostic evaluations, a letter(s) from a qualified medical professional or completion of the disability verification form are examples of such documentation). The College requires up to twenty-one working days’ notice to provide disability related "reasonable accommodation" or assistance to the person requesting accommodation, provided the accommodation does not create an undue hardship on the financial or structural operation of the college. Whenever possible, the college may provide reasonable accommodation(s) with less than a twenty-one-day working notice provided an undue hardship on the financial or structural operation of the college does not exist.

An accommodation request begins with the employee notifying a supervisor of the need for an accommodation because of limitations caused by a disability.

The employee’s supervisor will then assist the employee in completing a Request for Accommodation form and submitting it to the College’s Human Resource Office.

On a case-by-case basis pending confirmation of the disability or identification of a reasonable accommodation, the employee may be assigned modified duties, for up to 10 days, depending upon the nature of the disability.

The employee will be requested to sign a Release of Information form for the Human Resource Office to obtain verification of the disability and any limitations due to the disability.

If an accommodation is approved, the Human Resource Office will notify the supervisor and the employee. The employee’s supervisor will be responsible for implementation of an approved accommodation.

If the determination is made through the application of this process that the individual is not a “qualified individual”, the internal process for the provision of an accommodation is concluded. The requesting employee has the right to file a formal complaint of discrimination on the basis of disability outside the College with the Tribal Employment Rights Office once the internal process has been concluded.

K. Drug, Alcohol and Smoke Free Workplace

The Tohono O’odham Community College has a strong commitment to the community, students and employees to provide a safe, learning and working environment. Drugs, alcohol, and smoking pose a significant threat to the College’s goals. While it is not the intention of the College to intrude into the private lives of its employees, the College does expect its employees to conduct their work free from the influence of alcohol or drugs and smoking. The College will enforce the policy of a drug and alcohol-free workplace.

Any individual, who conducts business for the College, applies for a position, or conducts business on the College's property, including college vehicles, is covered by the drug and alcohol-free workplace policy. The College's policy includes all college employees.

Employees who are injured while on the job and are under the influence of alcohol or illegal drugs, may be denied benefits under Workers' Compensation.

The College's alcohol, drugs and smoke free workplace policy is intended to apply whenever employees are representing or conducting business for the College.

Therefore, this policy applies during all working hours, whenever conducting business or representing the College, and at College-sponsored events.

The unauthorized possession, use, sale, offer to sell or trade, or distribution of illegal drugs or alcoholic beverages during working hours, on College property, which includes College owned vehicles, is strictly prohibited.

Anyone under the influence of alcohol or any controlled substance while at work is subject to immediate disciplinary action up to and including termination of employment.

Any employee who is convicted of a criminal drug or alcohol violation must notify the College in writing within five (5) working days of the conviction. The College will take appropriate action within thirty (30) days of notification. Federal contracting agencies will be notified when appropriate. Failure to notify the College will result in disciplinary actions, up to and including termination of employment.

In the case of applicants, if the applicant violates the drug-free workplace policy, the offer of employment shall be withdrawn. The applicant may reapply after six (6) months and must successfully pass a pre-employment drug test.

DRUG AND ALCOHOL TESTING

The cost for drug and alcohol testing will be the responsibility of the applicant if he/she has a drug related conviction. If the College chooses to conduct drug and alcohol testing, the cost will be paid by the College.

The College reserves the right to require a drug and/or alcohol test under the following circumstances:

- Pre-employment;
- Compliance with federal regulations and safety-sensitive jobs;
- Reasonable cause to believe the employee may be under the influence of drugs or alcohol;
- Objective evidence of drug presence in the workplace;
- After an accident, if it is believed that drugs or alcohol may be a factor;
- As necessary after the employee's participation in a drug or alcohol rehabilitation program.

The results of all drug/alcohol tests are confirmed in writing and the applicant/employee is entitled to a copy of the results. Only those in management positions with a need to know will be informed of the results of a test.

An employee who tests positive will be given an opportunity to disclose and prove, in a confidential setting, that the results may have been caused by prescription or nonprescription drugs taken legally, or to explain other circumstances that may have caused positive results. If the positive results are not due a legal prescription, the employee will be subject to disciplinary action.

The disciplinary action is generally a minimum of two weeks' suspension without pay up to and including termination. The disciplinary action taken will depend on the circumstances and the employee's previous employment records. Refusal to take a required test will have the same consequences as failing a test.

If an employee violates the drug/alcohol free workplace policy, the employee may be required to enter rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the College's drug/alcohol free workplace policy, will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations, rules infractions, and/or substandard job performance problems.

The College recognizes that alcohol and drug abuse and addiction are treatable illnesses. TOCC strongly supports the efforts of its employees to improve their physical, emotional and psychological health.

In support of the College's employees, the College:

1. Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.
2. Advises that treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment is that of the employee.

All information received by the College through the drug and alcohol-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and TOCC's policies.

In addition, employees are encouraged to:

1. Be concerned about working in an unsafe environment.
2. Report dangerous behavior to their supervisor.

Communication of the College's drug and alcohol-free workplace policy is the responsibility of both supervisors and employees and is critical to the goals of the

College. To ensure all employees are aware of their role in supporting the drug/alcohol-free workplace program, the College's policy will be reviewed in orientation sessions with new employees.

L. Criminal Offense Convictions Policy

When the College becomes aware that a current employee has been convicted of a criminal offense, either as a result of a criminal background check or through other means, the College will consider the following factors in determining continuing employment:

The nature and gravity of the offense(s), when conviction and/or completion of any related sentence occurred, and the nature of the job assignment. Current employees must self-identify within thirty (30) days of having pled no contest to, pled guilty to, or been convicted of a felony. Failure to comply with this requirement may result in immediate termination.

Criminal history record information is regarded as confidential and will be released only when consistent with applicable law.

M. Nepotism

If the College already employs a member of the applicant's immediate family, the applicant will not be considered for employment unless one of the three conditions below is met. These conditions are as follows:

1. The immediate family member is employed in a part-time position; or
2. The immediate family member is not directly supervised or directly affected by the supervision of an immediate member of his/her family; or
3. A related employee or board member has taken no part in the screening, interviewing, or hiring of his/her immediate family member.

N. Consensual Relationships

The College strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Therefore, during working time and in working areas employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so productivity is maintained. Employees are prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on College premises or in College vehicles.

Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the College disciplinary policy, which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter. An employee's off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace.

The College prohibits any consensual amorous relationship involving a faculty member and student, supervisor and employee, or tutor/counselor and student, where the faculty, supervisor, or tutor/counselor has direct authority, influence, or responsibility with respect to that student or employee. Supervisors, managers, or anyone in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship.

Disclosure may be made to the immediate supervisor or the Human Resources Office. This disclosure will enable the College to determine whether any conflict of interest exists because of the relative positions of the individuals involved. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy. Any employee, who feels that he/she has been disadvantaged as a result of this policy, or who believes this policy is not adhered to, should bring it to the attention of Human Resources.

O. Outside Employment

No employee may engage in additional employment which in any manner interferes with the proper and effective performance of regular duties, or which results in a conflict of interest. All full-time college employees must recognize that their first employment responsibility is to the college and their assignments. If a full-time college employee does accept outside employment, the employee will not be permitted to use any college staff, equipment, supplies or facilities to promote or assist in his/her outside assignment. The college employee may not use the college name, logo, telephone number, or address on any material such as letterheads, business cards, or brochures in the promotion of his/her outside business or employment. Employees who hold the position of director, associate dean, dean, chief officer and president are required to annually report any outside employment. Employees with outside employment must notify their immediate supervisor in writing and complete the Potential Conflict of Interest Form. If the division Dean determines that such outside employment is detrimental to the College's interest, the employee shall terminate such employment

P. Personnel Records

Personnel files for all College employees are confidential and secured for safety in the Human Resource Office. A personnel file shall be established for each individual having a valid College contract or letter of appointment upon date of employment and said file will be maintained as a repository for official College personnel records and documents. The file shall contain all relevant, job-related documents of the employee.

It is the employee's responsibility to keep all personal information such as legal name change, address, contact phone numbers and emergency notification current in the employee's personnel file. Other changes, such as marital status, birth of children, number of dependents for tax purposes, dependents covered by medical insurance, and named beneficiaries for life insurance that affect benefits and insurance plans is the responsibility of the employee to notify the Human Resources Office promptly when such changes occur. It is the responsibility of the administrative supervisor to ensure that the Human Resources Office is notified of all other employment related changes

in a timely manner. To add dependents to a medical plan, an employee must inform Human Resources within 30 days of an event such as a birth, adoption, or marriage.

Reference and credit checks and similar requests will be answered only with a statement as to whether the employee is presently employed, the employee's current or last job title, work location, and period of employment. Salary may be verified only if the employee gives written permission. Otherwise, no personal information will be released to anyone outside the College unless it is required by law.

If an active employee wishes to see his/her personnel file, contact the Human Resources Office and arrangements will be made for the employee to review it in the presence of a human resources representative. The employee may request a copy of any document contained in the employment file or add a statement to the file if requested.

Q. Visitors

In order to assure the safety and security of College staff, students, visitors and its property, and to ensure that only authorized personnel have access to the facilities, the following policies have been adopted:

Employee Responsibilities: Each employee has shared responsibility for assisting in the monitoring of visitors on campus. In case of a suspicious person or activity, the employee should notify his/her immediate supervisor so that appropriate action may be initiated.

A "Visitor" sign in sheet at the front desk will be a form of monitoring. Information should include name, whom they are visiting, purpose of visit, time and date.

R. Personal Phone Calls

Personal phone calls during working hours distract employees from their job responsibilities and may be disruptive to coworkers. Employees should therefore limit the placing or receiving of personal calls during working hours to those required by an emergency situation.

This policy applies to the use of College phone equipment as well as cell phones. Employees are expected to inform friends and family members of this policy and will be held accountable for their actions under the company's disciplinary procedure.

Employees contacted by creditors or collection agencies should immediately inform the caller of the College's policy and end the call. They should then follow up with the agency in writing advising them not to call them at work. Creditors failing to honor such a request can be reported to the Federal Trade Commission at www.ftc.gov or to the State of Arizona State Banking Department, which regulates off-reservation collection agencies.

S. Attire

The Tohono O'odham Community College (TOCC) has practiced a relaxed working environment, however TOCC is still a business. Employees are responsible for ensuring

that their attire projects a positive image to co-workers, students, and campus visitors.

The purpose of this dress code is to provide guidelines to help employees determine appropriate attire.

In general, clothing that is neat, clean, in good taste and not torn or frayed is appropriate for TOCC. Clothing should be comfortable and practical for work however, clothing with words, pictures, or logos that may be offensive to others is unacceptable. Sheer clothing or clothing that is otherwise revealing, distracting, or provocative is not appropriate.

1. Shirts, Tops, and Blouses

Casual shirts, polo shirts, and t-shirts are acceptable. Tank tops, midriff tops, and halter tops and excessively revealing necklines are unacceptable.

2. Pants and Slacks

Casual slacks, khakis and jeans are acceptable as are capris. Sweatpants, exercise pants, short shorts, leggings and spandex or form fitting pants similar to biking pants are unacceptable.

3. Skirts and Dresses

Casual dresses and skirts are acceptable if the length is such that one can sit comfortably. Excessively short and/or tight skirts, sun dresses, and spaghetti strap dresses are not appropriate.

4. Shoes and Footwear

Flip-flops, slippers and similar shoes are not acceptable.

Managers and supervisors are responsible for monitoring these guidelines. If an employee's attire is deemed inappropriate, the employee will be asked to follow the dress conventions and not wear the offending clothing. The employee may be subject to disciplinary action, if inappropriate clothing continues to be worn.

No dress code can cover all contingencies. Employees should exercise good judgment about acceptable clothing. Questions regarding the dress code should be addressed by the employee's supervisor or Human Resources.

Section II. Employment

A. Employment Status

It is the intent of the College to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment relationship at will at any time is retained by both the employee and the College.

1. Exempt and Non-Exempt

All employees are designated as either Exempt or Non-Exempt under Federal wage and hour laws.

- a. **Exempt Employees** - who work in an executive, administrative, or professional (advanced knowledge in a field of science or learning acquired by a prolonged course of specialized intellectual instruction) job classification and who are not eligible for overtime pay under the Fair Labor Standards Act based on generally meeting three tests for this exemption, including the salary basis test, salary level test, and duties test.
- b. **Non-exempt Employees** - who are non-exempt from the provisions of the Fair Labor Standards Act are eligible for overtime pay. Non-exempt employees shall be paid at least minimum wage and receive overtime compensation for all hours worked in excess of forty (40) hours in a workweek. If a non-exempt employee works overtime, he or she will be paid time and half or given compensatory time (see section below) for hours actually worked in excess of 40 hours in a week. Paid time off for holidays, annual or sick leave is not considered time worked.

All Employees should report vacation (annual leave), sick leave, disability leave, holidays, bereavement leave, jury duty or military leave in TLO.

2. Employment Categories

The College has established the following categories for both non-exempt and exempt employees:

- a. **Regular, full-time** - Employees who are not in a temporary status and who are regularly scheduled to work a full-time schedule. Generally, the employees are eligible for the full benefit package offered by the College, subject to the terms, conditions, and limitations of each benefit program.
- b. **Regular, part-time** - Employees who are not in a temporary status and who are regularly scheduled to work less than the full-time schedule. Regular, part-time employees, who work regularly at least 20 hours a week, are eligible for some of the benefits offered by the College subject to the terms, conditions,

and limitations of each benefit program.

- c. **Temporary, full-time** - Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and who are temporarily scheduled to work a full-time schedule for a limited duration. Employees who are hired to work for 30 or more hours per a week for the College for a year or more are eligible for medical benefits. Employment beyond any initially stated period does not in any way imply a change in employment status.
- d. **Temporary, part-time** - Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and who are temporarily scheduled to work less than a full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.
- e. **Externally Funded Personnel** - If a position will be funded totally, or in part, by a grant or Self Determination Act funds received by the College, the College is not obligated to continue employment of such grant funded or Self Determination Act Funded positions.
- f. **Consultants** - Consultants may be hired by the President to perform any duty not assigned to College employees. Financial commitments to a consultant require the written approval of the President. The College will attempt to get the most qualified consultants for the approved College project.

In cases where consultants have been successful and have worked for the College previously, the College President may enter directly into a contract for services with said consultant. No employee of the College shall participate in the selection, award, or administration of a consulting contract if, to his or her knowledge, any of the following have a financial interest in the contract:

- i. Any member of his or her immediate family as defined in Section I, M. of these Personnel Policies;
 - ii. His or her partner;
 - iii. An organization in which any of the above is an officer, director, employee;
 - iv. A person or organization with which any of the above individuals is in negotiation with or has an arrangement for prospective employment.
- g. **College Work Study** - students must be enrolled in six or more credits and complete a Student Employment Application. Students can work a maximum of 20 hours a week while the College is in session.
 - h. **Student Worker** - Part-time, non-benefited, temporary positions hired to assist departments in supporting department workloads. Persons hired into student employment positions must be enrolled in six or more credits and have a minimum GPA of 2.0. Enrollment requirements may differ based on the funding restrictions of the positions and/or the residency status of the incumbent. Student employment positions may work up to 20 hours per week and not eligible for college benefits. Student employment is limited to eight

semesters of employment or three academic years and summer terms.

B. Compensation

Compensation Objectives:

- To attract and retain qualified people;
- To maximize use of limited fiscal & human resources;
- To provide consistent application of compensation policies;
- To obtain the most effective results from individual pay decisions;
- To develop and maintain equitable pay relationships;
- To provide incentives for good performance;
- To comply with State, Federal and Tribal Laws.

1. Salary Classifications

The College uses a ranking method for salary classifications. The positions are ranked within the groups of Administrators, Faculty, and Exempt and Non-exempt staff. Job related factors taken into consideration when ranking positions are:

- a. How decisions of the position affect the College;
- b. Special skills required for the position;
- c. Education and training;
- d. Level of supervision required/given;
- e. Contact with the students and the public.

The Human Resources Office and the President place each position within the salary schedule of the College. After conferring with the administrator in charge, utilizing the job description, assessing the target population and surveying the salary requirements, a salary determination will be made for the position.

2. Salary Schedules

Salaries for the different positions are determined by surveying the salaries of employees in similar positions in the recruitment area and at other tribal and community colleges of similar size and/or environment (i.e. remote educational institutions, student enrollment, and schools with similar funding). Established criteria and the ability of the College to pay the salaries will determine the salary schedules. Salary schedules are developed for each employee category.

Employment rate - The rate of pay for newly hired employees is normally at the entry level of the classification. Hiring above the entry rate will be on an exception basis only, with the approval of the President or President's designee, and based on legitimate business or recruitment needs and/or the qualifications and abilities of the person selected. The President has the discretion to place new employees up to a maximum of 5% above entry level.

3. Salary Increases

- a. **Annual Increases** - Based on funding availability, the Board may approve an annual salary increase, effective on July 1st or upon the employee's one-year anniversary. Eligible employees included regular full-time and part-time staff and faculty.
- b. **Cost of Living Adjustment** - When cost of living adjustments are made, the base is increased by the given percentage.
- c. **Pay Progression** - Combination of a cost of living adjustment and performance recognition. It allows for an increase in pay for an eligible employee who demonstrates satisfactory job performance in the assigned position through a written performance appraisal.
- d. **Promotion** - Upon promotion to a classification in a higher salary range, an employee shall be placed on the appropriate level, based on education and experience.
- e. **Maximum Salary Range** - When an employee reaches the maximum salary on the salary schedule, the salary will be "frozen" until such time that a cost of living adjustment is made to increase the overall salary schedule unless otherwise determined by the Board.

4. Executive Salary Information

The Board of Trustees reserves the right to negotiate the President's salary. The schedule is based on 12 months of service.

C. Recruitment and Selection

1. In-House

Notices of position vacancies for full-time employees shall be advertised In-House for five (5) working days.

An applicant must be a regular full-time employee as defined in Section I (E) (9) and be employed in the same position for six (6) months prior to applying for a vacancy. At the discretion of the President, an employee of less than six (6) months may be permitted to apply for a full-time vacancy, based on the best interest of the College.

2. External

At the discretion of the President, vacancies for Dean, Department Chair and other high level positions may be simultaneously advertised internally and at the local, state, and national levels.

For all other positions, if there are no interested or qualified "In House" applicants, the position announcement will be distributed periodically within the recruitment period to ensure timely receipt of said announcement and be advertised at the following locations and agencies for a minimum period of at least fifteen (15) working days:

- a. Tohono O’odham Nation entities/departments/districts
- b. Tribal Human Resources Offices and Tribal Employment Rights Offices
- c. College Administrative Offices, Indian Centers, electronic mailings/postings, Tohono O’odham radio stations, and job fairs
- d. The Runner Newspaper and any other appropriate means to reach the Native American population
- e. Arizona colleges and universities
- f. Local, State, and National publications and newspapers

3. Transfer

In some circumstances, a current employee may transfer, or be requested to transfer to another position based on the organizational needs of the College. The employee must still meet the qualifications of the position to be transferred in house.

4. Application Procedures

Applicants for full-time positions must submit a completed TOCC application for employment, resume, degree transcripts, certificates, a list of two (2) references (name, position, organization and work phone numbers) familiar with the applicant’s knowledge, skills, abilities, qualifications, and work performance, and two (2) letters of recommendation dated within the last two years. If claiming Indian Preference under Tohono O’odham Ordinance 01-85, a copy of certification or enrollment card must be submitted to the Human Resources Office. Applications will be placed in a recruitment file.

The Human Resource Office will forward all applications to the hiring supervisor for review and selection of interviewees. Interviews will be conducted according to applicable Tribal and Federal Regulations.

The hiring supervisor will appoint a committee to review applications, check references, and interview the candidates. Alternatively, the HR Office may agree to check the references provided by the candidate. References will be checked before interviews are conducted. The committee as a whole will make a recommendation to human resources to hire the desired candidate. The president will review the recommendations and indicate concurrence or otherwise.

The hiring supervisor will notify the selected applicant. Upon the applicant’s acceptance of the position, the Human Resources Office will initiate background checks and fingerprint clearance card via a third party contractor when required for the position. Applicants not selected will be notified in writing once the position has been filled.

5. Faculty Hires

For faculty hires, the Education Department will certify faculty as qualified based on the specific criteria and approved by the Board of Trustees.

The Education division is responsible for determining faculty qualifications and ensuring that Higher Learning Commission (HLC) guidelines are followed. Applications and credentials for full-time and/or adjunct faculty employment will be reviewed by the Education Division. The Academic Dean and full-time faculty will determine whether applicants meet HLC qualifications and will notify the HR office of their findings in writing. In addition, the Academic Dean and full-time faculty will review the credentials of adjunct faculty in order to certify whether or not adjunct faculty are qualified to teach specific courses offered by TOCC. The forms documenting faculty approvals will be kept in adjunct faculty personnel files and a copy will be kept by the Academic Dean.

6. Notice of Appointment

The Human Resource Office shall notify the new employee in writing of the employee's selection, salary, and the date and time the employee is to report to work.

D. Background Checks and Fingerprinting

Employees for some positions, to include Faculty are required by law to be fingerprinted for the purpose of a background investigation as required by applicable Tribal, Federal and State statutes or ordinances and as required by the Human Resource Office. The College will have the financial responsibility for covering the costs associated with background checks and fingerprinting.

E. Detail Rate of Pay (Temporary Work in Another Classification)

1. Employees assigned to work in a higher classification for more than thirty (30) calendar days will be paid at the entry level in the corresponding pay range for work in that class. Formal notice of detail must be provided to the employee in writing with a copy to the Human Resources Officer prior to or at the time the detail is made. The adjusted pay range will be in effect as authorized by the Department Head after the initial thirty (30) calendar daytime period has expired, retroactive to the first day of assigned detailed work, and for the duration of the detail assignment.
2. A detail will normally be limited to four (4) months. Exceptions must be approved by the Human Resources Office.

F. Appointment of Part-Time and Temporary Positions

The President may make temporary appointments. If a vacancy occurs in a full-time or new position and it is critical that the position be filled immediately, the President may make a temporary appointment to fill the position. However, the position must be advertised, and regular procedures followed to hire an individual as a full-time regular employee. These appointments of part-time and temporary positions are typically six (6) months or less.

G. Qualifications and Selection Criteria

One of the goals of the College is to recruit highly qualified faculty and staff who are dedicated to the art of teaching, advising, and service specifically to the Tohono O'odham community. The College is committed to not discriminating in recruitment on the basis of race, creed, color, religion, national origin, sex, age, sexual orientation, marital status, ancestry, disability or veteran status. The College is equally committed to provide employment opportunities for members of the Tohono O'odham Nation as part of the Nation building goals of the College in accordance with Section 7.10 of the College Charter.

H. New Position Requests

The following process will ensure that the President, Dean of Finance, Human Resources, and Board of Trustees are informed of all new positions to ensure sound decisions:

1. The requesting Dean will submit a position justification and drafted job description to the Human Resources Office.
2. The Human Resources Office will conduct a salary survey to determine the salary structure and share the information with the Dean.
3. Approval for the new position will be based on funding, College goals and objectives, need, and space allocation. The Board must approve all new positions.

I. Board of Trustees Applicant Requirement

A member of the Board may submit an application for a full-time position provided the Board member has resigned from the Board prior to applying for the position and does not take part in the selection process.

J. Bonded Requirement

All employees responsible for the handling of money or materials of value must be bonded. Failure to be bondable is not in itself a disqualification for employment if such a job is below the rank of supervisor and is not in the Business Office.

K. Non-discrimination Policy

The College ascribes to the following non-discrimination policy:

The College is committed to a program of equal opportunity for education, employment, and participation in college activities without regard to race, color, gender, age, religious creed, political ideas, marital status, disabilities, sexual orientation, national origin or ancestry. Title IX of the Educational Amendments of 1972 specifically prohibits discrimination in education programs and activities on the basis of gender. The regulation extends to employment of personnel and admission of students to the College.

L. Conditions of Employment

1. Orientation

Human Resources personnel will assist a new employee in completing forms and inform the employee of the Tohono O’odham course requirements, relationship of programs, organizational structure, policies and procedures, the employee’s rights, benefits, and job description details.

The employee’s immediate supervisor shall orient the new employee on specific duties, goals and priorities of the College, introduce the new employee to campus personnel, as well as facilitate the Information Technology orientation by designated Information Technology staff.

2. Required Courses (Tohono O’odham History and Language Courses)

All regular full-time employees will be required to take and successfully pass a minimum of seven (7) credits in Tohono O’odham culture/history/language during the first year of employment. Three (3) credits will be in HIS 122 Tohono O’odham History and four (4) credits will be Tohono O’odham language. These classes cannot be audited. The only exceptions granted will be if the employee can demonstrate to Human Resources that these requirements have been satisfactorily met. Failure to complete these courses during the first year of employment may result in the non-renewal of the employee’s contract or letter of appointment.

Requests for an extension to complete the courses may be submitted to the President and approved at his/her discretion. Upon completion of the required courses, or approvals for extensions, employees must submit a copy to the Human Resources Office for filing.

3. Employee Contracts

Employee contracts will supersede personnel policies where applicable. Upon acceptance of an appointment at the College, administrative and faculty employees shall be issued contracts. Contracts shall include: the beginning and ending dates of the contract period, amount of remuneration, position title, signature of the hiring authority, signature of the employee, and reference to the job description, employee benefits, and holidays. The original contract will be filed in the employee’s personnel file and a copy will be issued to the employee.

4. Coronavirus vaccination¹

a. Section I - employees

In the interests of keeping ourselves and our students healthy during the coronavirus pandemic, the Tohono O’odham Community College is requiring that all employees be fully vaccinated against COVID-19. Effective

¹ Approved by the BOT on April 8, 2021

June 15, 2021, proof of vaccination is a requirement for continued employment with TOCC. Exceptions for religious/cultural reasons or for medical reasons will need to be supported by solid evidence. Decisions about whether exceptions will be granted will be made on a case-by-case basis by College administration. This policy applies to all TOCC employees except for adjuncts who teach online only.

b. Section II – Applicability

Even though employees meet the requisite criteria for entry to TOCC, this policy does not provide a basis for doing so. TOCC administration and Board of Trustees will make and promulgate policies and practices that regulate access to TOCC sites and campus.

M. Job Description

Each identifiable position with the College shall be described in writing by a job description containing the following:

1. Position title, classification and salary;
2. General statement of duties;
3. Specific area of duties;
4. Supervision extended;
5. Qualifications.

The writing of job descriptions and their annual updating is the responsibility of the Human Resources Office. The position's supervisor will submit a job description draft for a new position and/or recommendation for modifications of current positions to the Human Resources Office. Final drafts will be reviewed and concurred upon by the President and the position's supervisor. The President shall have final approval/disapproval authority subject to the concurrence of the Board.

N. Introductory Period

All employees will serve an introductory period beginning with the first day of employment and ending 180 calendar days later. During this time the introductory employee must demonstrate ability to perform the duties described in the position description, cooperate with co-workers and supervisor(s), and prove a capacity to work within the College's structure. At the end of the introductory period, the immediate supervisor is required to render a performance appraisal and, on the basis of the appraisal, notify the employee in writing of his/her status for:

1. Continuation of employment; or
2. Extension of the introductory period; or
3. Termination.

An employee may be dismissed during the introductory period and is not eligible to utilize the College's grievance procedures.

An employee's annual and sick leave will accrue from the date of hire. If sickness or other unforeseen circumstances interrupt the employee's introductory period, it shall be extended to include the length of the interruption.

During the employee's introductory period it is the responsibility of the supervisor to assist the employee in adjusting to his/her job. If the supervisor deems that the employee is not suited for the job, the supervisor must advise the employee in writing what specific improvements need to be made. Upon satisfactory completion of the employee's introductory period, the employee will acquire regular employee status.

If the supervisor believes the employee is not performing adequately and extends the introductory period, the supervisor must advise the employee in writing of specifically needed improvements. The supervisor will place the employee on an extended introductory period to make the needed changes and inform the Human Resources Office.

O. Professional Development

The College shall, within its budgetary limitations, send its employees to seminars, workshops, classes, and other professional development opportunities that are sponsored by local higher institutions or other agencies; insofar as such sessions will increase employee skills. The department dean or a designee will be responsible for determining appropriate professional development activities within the departments.

Employees are encouraged to first attend classes that are available at the College and then look to other institutions.

P. Performance Appraisal

Each new full-time regular exempt/non-exempt employee will be evaluated by an immediate supervisor at the end of the employee's introductory period and thereafter on an annual basis. All employees are to be evaluated annually. The performance evaluation is used to inform the employee of how well the employee is meeting job related performance standards relating:

1. to the College's mission, vision, goals, objectives, and the T-So:son;
2. to encourage the employee to improve performance by supplementary education, if necessary;
3. provide information on salary level and possible increments based upon performance; and
4. evaluate possibilities of promotion or transfer. The completed evaluation is to be signed by the employee and the employee's immediate supervisor.

If the employee disagrees with the accuracy of a statement on the performance evaluation a written rebuttal shall be attached to the official file copy of the evaluation in the employee's personnel file. The immediate supervisor may change the initial rating based on the employee's written rebuttal or other factual information, or keep the

same rating.

The completed evaluation form, signed by the employee, and the employee's current position description shall be placed in the employee's personnel file within 30 calendar days of the evaluation.

Q. Hours

Unless otherwise specified, all administrative, exempt and non-exempt, full-time regular employees will work a 40-hour week, eight (8) hours per day, Monday through Friday. The workday begins 8:00 a.m. and ends at 5:00 p.m. with one hour for lunch and one 15- minute break in the morning and one in the afternoon.

R. Resignation

Unless otherwise specified, if a contract employee wishes to voluntarily terminate employment, or change status, the employee shall submit a request to the supervisor for release from the contract at least 20 working days before the proposed resignation.

A non-contract employee with a should notify his or her immediate supervisor in writing at least 10 working days before the last day of employment. If an employee is considered to be in a good standing, he or she will be granted payment of unused annual leave and other applicable benefits. If the employee is not found to be in good standing, the employee will not be granted any unused annual leave or other applicable benefits.

The resignation letter shall be placed in the personnel file. If an employee fails to submit the required notice, he or she will be deemed to not be in good standing.

Resigning employees are responsible for returning all property, materials, and other such items issued to them or in their possession or control including but not limited to: keys, laptop computer or other mobile computing device, or credit card to their supervisor and consult with Human Resources regarding any benefits upon separation including retirement and options for continuing health and benefits.

S. Involuntary Termination of Employment

All involuntary terminations must be approved by the employee's supervisor, and coordinated with the Human Resources office and the College President and processed in accordance with the provisions outlined in this policy. Notwithstanding the foregoing, should a supervisor be present when serious misconduct occurs, he/she may immediately suspend the employee, pending an investigation and notification to the Human Resources office.

When the College initiates a termination, the termination is considered involuntary. The College will inform the employee of the reason for termination. The date of separation will be the employee's last day worked. Employees whose termination is considered involuntary will not receive accrued annual leave.

T. Job Abandonment / Absence and Tardiness

If an employee is absent from work for any reason, the employee must notify his or her supervisor as far in advance as possible.

Employees are expected to be punctual in reporting to work. The College recognizes this may not always be possible due to circumstances beyond an employee's control. Employees are to notify their supervisor if they expect to be late. If advance notification is impossible, the employee must discuss the matter with his or her supervisor as soon as the employee arrives at work. If the employee is ill, the employee may be required to provide a medical physician's letter affirming the need for the absence from work.

The College's success is based on the daily contributions of employees and their colleagues. Absenteeism or tardiness may interfere with the employee's contributions and those of fellow employees and can lead to disciplinary action up to and including dismissal.

An employee who fails to report to work and fails to notify his/her supervisor of the reason for absence from work for three (3) consecutive workdays will be considered to have abandoned his/her job. The employee is deemed to have quit and will be terminated immediately. If it is determined that there were extenuating circumstances for the absence and failure to notify, the employee will be reinstated.

U. Holiday Pay

In order to receive pay for a recognized holiday, an employee must be in work or paid leave status on his/her scheduled workday immediately preceding and immediately following the holiday. The College will recognize and observe any other day that is established as a holiday by the Board. The following are paid holidays for eligible employees until further notice:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Tohono O'odham Tas
- St. Francis Day
- Veteran's Day
- Thanksgiving Holiday (two days)
- Winter Break

When a holiday occurs during annual leave, the holiday is not considered an annual leave day. Employees receive straight-time pay for holidays when the holiday or recognized day for the holiday falls on the employee's regular workday.

V. Payroll Deductions

Automatic payroll deductions are made for the following:

- Social Security and Medicare
- Federal Income Tax;
- Arizona State Tax (for employees paying State Income Tax);
- Other deductions - additional insurance, contributions to College programs; 401(k).

W. Time Recording

All hours must be entered no later than 10 a.m. on the Monday before the Friday payday unless stated otherwise. Failure to comply with the deadline may result in a delay of payment of due wages. Submission of hours is a shared responsibility between the employee and the supervisor.

Accurately recording time worked is the responsibility of every employee. The College will keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

Hours of work. The normal workday of a full-time employee shall be eight (8) hours per day and forty (40) hours per week, except on occasions where the best interests of the College is served by extended or different hours of work. The immediate supervisor, with the concurrence of the President, may approve the use of flex or modified work schedules.

Employees must record the number of hours worked utilizing Paychex Flex website. Employees must also record the number of hours worked for any split shift or departure from work for personal reasons. Overtime work must be approved in advance by the employee's supervisor. Tampering with, altering or falsifying time records, or recording time on another employee's time record is not allowed and will lead to disciplinary action up to and including termination of employment.

If corrections or changes are made to the employee's time record, both the employee and the supervisor must verify the accuracy of the change.

All time records are legal documents and must accurately reflect the hours worked to include paid time off (vacation and sick time) for each employee.

X. Flextime

Unless otherwise specified, the operating days and hours of the College are Monday through Friday, 8:00 am to 5:00 pm. All employees are expected to be at work during these hours unless approval is granted for a flexible work schedule (flextime). Flextime at the College is a work schedule with time of arrival and departure that differs from the standard operating hours by not more than two hours. For example, a typical flextime arrangement is arrival at 10:00 am and departure at 7:00 pm.

Supervisors approve flextime on a case-by-case basis. Full-time employees who have completed at least six months of employment are eligible for flextime. The employee must first discuss possible flextime arrangements with his/her supervisor and then submit a written request using the Flextime Request Form. The supervisor will approve or deny the flextime request based on staffing needs, the employee's job duties, the employee's work record, and the employee's ability to temporarily or permanently return to a standard work schedule when needed.

A flextime arrangement may be suspended or cancelled at any time with proper notification to the employee.

Section III. Benefits

A. Health Benefits

All full-time regular employees of the College will be offered medical, dental, vision, short term and long-term disability and life insurance offered by the College. Full-time and part-time regular employees will also be eligible for the College's 401(k) plan after 6-months of employment.

Adjunct faculty and temporary employees are not eligible for benefits through the College unless as designated by the Affordable Care Act.

1. Medical Insurance

Employees will be offered medical insurance through the Tohono O'odham Nation's medical plan, effective on the first of the month following thirty (30) days employment as a regular full-time employee.

Preexisting Condition: New enrollees will receive a letter from the insurer indicating the number of days for pre-existing conditions.

Domestic Household Membership: Forms are available upon request from the Human Resource office. The "Declaration of Domestic Household Membership", form is used to certify household members for whom an employee may want to claim medical coverage.

2. Dental & Vision Insurance

Employees will be offered dental and vision insurance on the first of the month following thirty (30) days of employment as a regular full-time employee.

3. Life Insurance

Employees will be covered by a group term life insurance plan, effective on first of the month following thirty (30) days employment as a regular full-time employee. Employees have the option to purchase additional levels of life insurance. Coverage levels above \$50,000 are considered taxable income and employees have the right to opt out.

4. Long-term Disability Insurance

Long-term disability insurance is provided to regular full-time employees after six (6) months of a qualifying disability as defined by the policy. This plan provides a continuation of 60% of the employee's regular wages to a maximum of \$6,000.00 per month if the employee is disabled.

5. Short-term Disability Insurance

Short-term disability insurance is provided to regular full-time employees after fourteen (14) days of a qualifying disability as defined by the policy. This plan provides a continuation of 60% of the employee's regular wages to a weekly maximum of \$1,500.00 if the employee is disabled up to 24 weeks.

6. 401(k) Plan

The 401(k) is effective on the first of the month following six (6) months of employment as a regular employee. Payroll deductions will be beginning on the next full pay period following six (6) months of employment. The College contributes 5% of the employee's annual salary into a 401(k) plan. In addition, if an employee chooses to make a contribution, the College will match 50% of the contribution up to a maximum of 2.5% the employee's annual salary.

7. Workers' Compensation

The College provides a comprehensive Workers' Compensation Insurance program at no cost to employees. This program covers any injury or illness suffered in the course of employment that requires medical, surgical, or hospital treatment. As required by law, Workers' Compensation Insurance provides benefits after a short waiting period.

No matter how slight an on-the-job injury may appear, it is important that it be reported to your supervisor immediately. The necessary forms to report a work-related injury or illness are available from Administrative Assistants and the Human Resource Office.

a. Employee Responsibilities:

The employee will complete a report and submit it to the Human Resources Office within twenty-four (24) hours of the incident.

An employee who suffers a work-related injury or illness must inform his or her supervisor immediately.

Any employee who fails to report a work-related injury or illness immediately may later be determined to be ineligible for Workers' Compensation benefits.

Injured employees are required to keep the College's Human Resources Office advised of their status either in writing or via telephone call. Continued eligibility for Workers' Compensation may require periodic medical examinations of the employee by a physician of the College's choice on a periodic basis. A "Return to Work Certification" must be submitted to the Human Resource Office before returning to work.

If an injury or illness is treated and the proper paperwork is processed, and it is determined it is not necessary for the employee to undergo further treatment, the employee will be covered if additional medical attention becomes necessary at a later date.

Employees who are injured while working under the influence of alcohol or illegal drugs may be denied benefits under Workers Compensation.

b. Supervisors' Responsibilities:

The Supervisor's Report of Injury must be submitted to the Human Resource Office within twenty-four (24) hours of the incident. Forms are available from the Administrative Assistants and the Human Resource Office.

Supervisors will complete a report and submit it to the Human Resource office within twenty-four (24) hours of being informed by an employee of any exposure to blood, chemically harmful or potentially infectious materials.

The employee will also complete a report and submit it to the Human Resource Office within twenty-four (24) hours of the incident.

c. Human Resources Office Responsibilities:

The Human Resources Office will stay informed of the employee's status while on Workers' Compensation

8. Benefits:

The College will continue to offer medical, dental, vision, short-term and long-term disability, and life insurance and 401(k) benefits, while an employee is disabled or unable to work up to 6 months. Accrued annual leave and sick leave may be used to supplement workers' compensation. Employees will not accrue annual and sick leave, nor receive holiday pay, during a leave without pay status. Dependent coverage will be at the employee's cost.

If the insurance company accepts the claim as being valid, medical costs will be covered to any extent established by law. Employees receive compensation for lost wages or salary from the insurance company according to the following schedule:

- Employees who miss work during seven or less consecutive calendar days, beginning the first calendar day following the incident, receive no compensation.
- Employees who miss work during the eight to fourteen consecutive calendar days following an incident receive two-thirds of their base wage or salary beginning on the eighth calendar day following the incident.

- Employees who miss work for fifteen or more consecutive calendar days receive two-thirds of their base wage or salary beginning on the first calendar day following the incident.

B. Emergency Loan Program

The Emergency Loan Program was established to provide employees with an opportunity to borrow against their accrued annual leave for short-term emergency situations. There may be occasions when emergency circumstances, defined as unforeseen, unplanned and unavoidable events, demand immediate attention and require an employee to secure funds on short notice.

Full-time staff/ faculty members with a minimum of 12 months of continuous employment, with a good record and no disciplinary actions in the last six months are eligible to apply for a loan. Part-time and temporary employees are not eligible.

Additional information regarding qualifications and application process can be obtained from the Human Resources Office.

C. Tuition Assistance Program

The Tuition Assistance Program was established to provide employees with an opportunity to further their education in pursuit of a degree from an accredited institution, or courses related to their professional development.

Full-time and part-time staff/faculty members with a minimum of 12 months of continuous employment, with a good record and no disciplinary actions in the last six months are eligible. The employee must have already applied for a scholarship through the Nation's scholarship office, if eligible, and applied for financial aid through the institution's financial aid office. Temporary employees are not eligible.

Additional information regarding qualifications and application process can be obtained from the Human Resources Office.

D. Tuition Wavier

The Tuition Wavier allows employees, who do not have a transferable Associate degree but are in pursuit of a TOCC Associate degree, to attend one class per semester at the College without tuition expense or fees. Employees (except for temporary employees) are eligible upon completion of their introductory period.

Section IV. Leave

A. Administrative Leave

Administrative leave with pay is at the discretion of the President or his/her designee. Administrative Leave shall be granted under unusual or extraordinary circumstances as determined by the President or his/her designee. No division or department may close without prior authorization from the President or his/her designee.

B. Annual Leave

Annual leave for full-time non-faculty employees is accrued at a rate of six (6) hours per pay period and part-time staff rate of accrual is proportionate to their regular assigned hours compared to the standard full-time schedule of forty (40) hours per week from the date of employment. Employees may carryover a maximum of 80 hours in the calendar year accrued.

After four (4) years of employment, full-time employees will accrue annual leave at a rate of seven (7) hours per pay period and part-time staff will accrue annual leave at a proportionate rate with a maximum carryover of 120 hours in the calendar year accrued.

After ten (10) years of employment, full-time employees will accrue annual leave at a rate of eight (8) hours per pay period and part-time employee will accrue annual leave at a proportionate rate with the same maximum carryover of 120 hours in the calendar year accrued.

The maximum accumulation of carryover hours for each full-time non-faculty employee shall not exceed 240 hours (six work weeks not including holidays) of annual leave and part-time employee shall not exceed 120 hours of annual leave. Annual leave cannot be accrued by or granted to temporary employees or adjunct faculty employees.

An employee may use annual leave upon accrual after thirty (30) days of satisfactory service. An exception to the thirty (30) days is if there is a pre-arranged annual leave agreement with the hiring supervisor. If an employee terminates in good standing, he or she will receive pay for unused, earned annual leave, except as provided by these Personnel Policies.

Employees do not earn annual leave hours when they are not working while on, worker's compensation, family leave, or disability programs, or when on certain other types of leave to include leave without pay. Employees should consult their personnel policies and the Human Resource office for clarification.

1. Request for Leave

All annual leave requests require the employee to submit a "Time off Request" via

Paychex Flex two (2) weeks prior to the requested leave time. Exceptions may be made for emergencies.

a. Granting Annual Leave

The immediate supervisor may approve annual leave online for all eligible personnel. Personnel are encouraged to plan annual leave time with their supervisor and others affected by the employee's absence, subject to the immediate supervisor's approval. In the event of conflict among the staff for leave time, the supervisor will make the determination if leave is granted and to whom.

b. Disapproval of Annual Leave

Annual leave requests made after the fact may not be approved, unless the employee supplies proof of an emergency to the supervisor. The supervisor has discretionary authority to approve or disapprove leave in an emergency situation. If disapproved, the employee will be charged leave without pay in addition to any applicable disciplinary action as warranted.

2. Annual leave cash out

An eligible employee may cash out a portion of his/her annual leave during the last pay period of the calendar year provided the employee has accumulated the maximum allowable carryover as of the first full pay period in December. The employee may receive up to 80 hours at 50% of the employee's rate of hourly pay. The number of hours for which an employee may receive a payout will be based on year of hire.

C. Sick Leave

All full-time employees of the College will be eligible for sick leave accrued at the rate of three (3) hours per pay period from the date of employment. Part-time employees accrue sick leave hours at a proportionate rate per pay period from the date of employment. Sick leave will not be earned during a pay period in which the employee has taken leave without pay, or is on industrial, disability, unpaid family leave or other leave programs.

An employee will forfeit all unused sick leave upon the termination date of employment at the College.

The use of sick leave will be governed by the following policies:

Sick leave may be used in case the of necessity when the employee is ill, injured, or disabled or when illness or injury of the employee's dependent or adult children, other legal dependents, spouses or parents requires the employee to be absent from work.

When an employee is absent on sick leave, the employee must notify the employee's supervisor on the morning of the day the employee or immediate family member is sick.

To use sick leave to care for a dependent or adult child or legal dependent other than a child, spouse, or parent, the employee must supply to the supervisor a physician's statement that confirms that the employee's assistance is required. The College reserves the right to request proof of legal dependency.

An employee on sick leave for more than three (3) consecutive days must submit a doctor's statement to the Human Resources Office. Before returning to work, an employee who is absent for more than one week because of illness or injury normally will be asked to submit a physician's statement that the employee is able to return to work.

When an employee expends all sick leave, annual leave may be used. When all forms of paid leave have been exhausted, the employee may use donated sick leave. When the donated sick leave has been expended the employee may be placed on leave without pay until the employee returns to work, subject to the immediate supervisor's approval and documentation from the Employee's physician.

D. Donated Leave

An employee may donate up to 50% of accrued unused sick leave to another employee. If the employee has less than 40 hours of accrued unused sick leave, he/she may donate up to 50% of accrued unused annual leave.

The decision to donate leave to an eligible recipient should be a choice made freely by each employee. Any person attempting to unduly influence another employee to donate leave shall be subject to disciplinary action and any prior agreement made to donate leave under these conditions shall be void.

The College authorizes the voluntary transfer of leave between employees in situations meeting all of the following requirements:

A. Eligibility

1. Recipient must be a full-time regular employee and have worked for the College for a minimum of one (1) year,
2. have exhausted all forms of accumulated sick, annual, and other paid leave,
3. not be receiving any other form of long-term disability, social security disability, disability compensation through any retirement plan, or Workers' Compensation benefits,
4. is experiencing a serious incapacitating sickness or injury (employee is unable to perform all the duties of the position held at the time of the injury or upon inception of the illness, and is unable to perform available light duty work), and the anticipated duration of incapacitation is of more than fifteen (15) working days as confirmed in writing by a physician chosen by the employee, subject to reconfirmation by a physician chosen by the College.

- B. Recipient** - Must obtain a physician’s statement confirming the illness or injury and its anticipated duration and complete the sick leave donation request form. Return the form to the Human Resource Office. Employee must exhaust the balances of accumulated sick and annual leave, and any other leave, prior to actually receiving donated sick leave hours. An eligible employee receiving donated sick leave days will not accrue additional leave for those days.
- C. Donor** - Complete the Sick and Annual Leave Donation Request Form and return to the Human Resource Office.
- D. Process** - This program is strictly a voluntary program; therefore, the College does not guarantee that applicants whose situations warrant participation in the program will receive the requested sick or annual leave. The Human Resource Office will publicize at the request of the recipient, the need for such leave for qualifying requests. The Human Resources Office will not “bank” donations. Unused donated leave will be returned to the donor(s) after 90 days. The Human Resource Office will then request the Finance Office to transfer the days and adjust sick leave balances accordingly.

E. Emergency Administrative Leave

The President or the President’s designee, because of inclement weather or emergencies arising from disasters such as fire, flood, and other natural phenomena, may grant an employee administrative leave.

1. In response to national, tribal or local emergency declared by the Tohono O’odham Nation or the U.S. government, the President of Tohono O’odham Community College (“College”) is authorized to grant Emergency Administrative Leave, including Paid Administrative Leave, to College Employees when:
 - a. The President has determined such Leave is necessary to protect:
 - i. the health and safety of College employees;
 - ii. the health and safety of College students; or
 - iii. the public health and safety of the communities served by the College;
 and
 - b. The period for which the Emergency Administrative Leave is granted is the minimum amount of time necessary to achieve the interests set forth in this policy, based upon the facts known at the time the leave is authorized; and
 - c. There are no other effective alternatives available such as authorizing work from home or altering the location of work for the employees who are granted Emergency Administrative Leave.

2. *Prior to making a determination under subsection 1, the President shall ensure that:*
 - a. *The College has in place an established written leave policy that allows for Paid Emergency Administrative Leave (e.g., this section)*
 - b. *The costs of such leave are equitably allocated to all related activities, including Federal awards; and*

- c. *The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the non-Federal entity or specified grouping of employees¹*
3. The President will issue written notification to affected employees specifying:
 - a. The employees granted Emergency Administrative Leave by class or title;
 - b. The basis for granting Emergency Administrative Leave under this Policy;
 - c. The duration of the Emergency Administrative Leave.
 4. The President has the authority to enact intermittent or ongoing, as relevant, Emergency Administrative Leave to all or classes of employees in response to any pandemic that requires social distancing as a mechanism to prevent the spread of a virus.
 5. The President shall notify the Tohono O’odham Board of Trustees in writing within 48 hours when any Emergency Administrative Leave has been granted. Such notification shall include assurances that the College is in compliance with subsection B, above.
 6. This policy is based on and consistent with the following federal regulation: 2 *CFR* 200.431(a).

F. Bereavement Leave

Paid bereavement or funeral leave can be granted when there is a death in the immediate family of the employee for a maximum of five (5) days leave with pay. All full-time regular employee’s household/immediate family shall mean the employee’s parents, spouse (domestic partner), children (to include step), grandparents/children, siblings (to include half), aunts, uncles, first cousins and their spouse’s immediate family. More distant relatives or significant person in the employee’s life are also included if they are a resident member of the employee’s immediate household. The employee must arrange for bereavement/funeral leave with the employee’s supervisor or department head.

G. Family and Medical Leave Act Policy

The Family and Medical Leave Act (FMLA) of 1993 grants eligible employees (after 1250 hours of employment) up to twelve work weeks of unpaid leave within a twelve-month period. Leave may be taken intermittently or on a part-time basis under certain circumstances. An amendment to the FMLA by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181 expanded it to include military family leave entitlements.

~~As amended by the Board of Trustees – November 12, 2020~~

¹According to federal regulation, when a non-Federal entity uses the cash basis of accounting, the cost of leave is recognized in the period that the leave is taken and paid for. Payments for unused leave when an employee retires or terminates employment are allowable in the year of payment. Further, the accrual basis may be only used for those types of leave for which a liability as defined by GAAP exists when the leave is earned. When a non-Federal entity uses the accrual basis of accounting, allowable leave costs are the lesser of the amount accrued or funded.

FMLA leave may be requested:

1. For the birth and care of a newborn child or care of a child newly placed with the employee for adoption or foster care;
2. For a serious health condition that makes the employee unable to perform any one of the essential functions of the employee's job;
3. To care for the employee's child, other legal dependent, spouse, or parent with a serious health condition;
4. For qualifying exigencies while the employee's spouse, son, daughter, or parent is on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

For an employee who is the spouse, son, daughter, parent, or next of kin of a caring for a covered military service member or veteran recovering from a serious injury or illness, as defined by FMLA's regulations up to a total of 26 workweeks of unpaid leave during a "single 12-month period" Family and Medical Leave Act is unpaid leave and must be substituted with accrued paid leave.

The employee must exhaust sick leave then annual leave. Once sick and annual leave has been depleted, FMLA entitlements will become leave without pay. Any preapproved FMLA leave that is later determined to not be a FMLA qualified absence, will be converted to leave without pay and the employee could be subject to disciplinary action depending on the circumstances.

The employee's health benefits will be maintained as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, TOCC will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the employee must pay his or her portion of the premium through a prearranged agreement with Human Resources.

At the end of the leave granted under the FMLA, subject to TOCC rights as an employer under Section 104 of the FMLA, an employee will be entitled to be restored in the employee's prior job or to an equivalent position with equivalent pay, employment benefits and other terms and conditions of employment at the College.

An employee with a FMLA-qualifying reason should contact the Human Resources Office and the employee's immediate supervisor regarding a need for FMLA leave. The employee will be provided the Tohono O'odham Community College's Family Medical Leave Act policy and procedures. The supervisor and others involved must maintain confidentiality with regard to personal and/or medical documents. Copies of the employee's medical reports may not be retained in the supervisor's office.

H. Voting Leave

An employee who is a registered voter may, on Election Day, take leave with pay for two (2) hours as specified by the employee’s supervisor.

I. Jury Duty- Civic Leave

When an employee is obligated for jury duty, the employee will be allowed time off. The employee shall submit jury duty letters and documentation to the employee’s supervisor or department dean. It is the employee’s responsibility to inform the supervisor or department dean of the dates of jury service as soon as they are known. When jury service is completed before the end of the employee’s regular work hours, the employee is expected to call his/her supervisor or department head to determine if the employee should return to work that day. Employees will retain jury mileage fees.

J. Military Leave

A full-time employee who is a member of any component of the United States Armed Forces shall be allowed a leave of absence for a required training or duty for a period not exceeding twenty-two (22) working days during one calendar year. In the event that the time of such training is optional, the time shall be designated at the discretion of the supervisor. Such leave will be with full pay, less that which the employee receives from the military for service while on military leave. Employees called to participate in military training are required to furnish their supervisor and the Human Resources Office with certification, normally copies of official military orders.

K. Educational Leave

Educational leave with pay, not exceeding three (3) hours per week, may be granted to employees during their introductory period for class attendance at approved educational institutions, when the education is to the benefit of the College and the employee’s professional development. Full-time employees, upon passing the introductory period may be granted educational leave with pay, not exceeding six (6) hours per week. President or supervising Dean must approve any educational leave exceeding six (6) hours per week. Employee’s class schedule must be approved by supervisor prior to the start of the semester. Educational leave for online courses must be negotiated with supervisor prior to the start of the semester.

L. Extended Education Leave

All requests for extended Education Leave, which is defined as more than ten (10) working days, with or without compensation, can be given for college education, travel, internship, and personnel exchanges with other agencies. All requests are subject to the consent of the Dean. The President has the discretion to grant extended educational leaves.

M. Sabbatical Leave

Administrative and Faculty employees shall be eligible for sabbatical leave in accordance with the following sabbatical leave provisions:

Full-time employees will become eligible for sabbatical leave upon completion of five (5) consecutive years of employment at the College.

The applicant must submit a plan outlining the purpose of sabbatical leave and how the time will be spent, with outcomes specified. Submitted plan and leave must be approved by supervisor and President.

Compensation during sabbatical leave will be negotiated with the President. It may conclude a paid or unpaid leave of absence. The employee shall be eligible for benefits during leave except accrual of annual and sick leave if the leave is unpaid.

The purpose of the leave is to study, travel, research, and write. The leave will be designed to improve the faculty or administrator's professional and occupational knowledge, skills, and abilities.

Upon returning to the Campus, the employee will submit a written report and a formal presentation to the President and the Board of Trustees concerning the employee's activities during leave.

Sabbatical leave time may be for a period of three (3), six (6), nine (9), or twelve (12) months or any portion thereof. Employees granted sabbatical leave are required to work at the College the equivalent of the approved leave upon completion of the employee's sabbatical leave. If an employee fails to meet this condition, the employee will be required to pay leave costs if it is a paid leave. If it is unpaid leave, and the employee fails to return to work, the employee shall forfeit all accrued annual and sick leave.

N. Cultural/Religious Leave Policy

The College recognizes the importance of all cultures to its employees. Within the realm of efficient operation and delivery of essential services, the President and the Division Dean may grant employees Administrative Leave up to eight (8) hours per calendar year (with pay) to participate in cultural activities as approved. Employees are responsible for reporting their absence to their respective supervisors in advance.

Supervisors reserve the right to request verification of an employee's participation in cultural or religious ceremonies, workshops and seminars.

O. Compensatory Time Off

Supervisor or Department head may authorize non-exempt employees working more than forty (40) hours per week compensatory time at time and a half. The immediate

supervisor under the following conditions and stipulations shall authorize compensatory time earned:

1. Employees may earn compensatory time for College related activities that go beyond the normal workday. Some examples are participation at regular or special meetings, special projects day, or emergency situations requiring overtime.
2. Compensatory time must be taken within thirty (30) working days following the period in which time is earned or at a time agreed to between the employee and the supervisor.
3. Compensatory time off shall be authorized with written approval of the immediate supervisor. All accrued compensatory time shall be documented with the supervisor for auditing purposes.

P. Leave Without Pay

Leave without pay may be authorized under the following conditions:

1. The President or Division Dean may grant a full-time employee leave without pay for a period not to exceed ninety (90) days. Requests for leave without pay for longer periods of time must be approved by the President. Employee must have worked for the College for three (3) years.
2. If the employee's leave without pay status is the result of the expiration of his or her family medical leave and/or exhausted leave (sick, annual and donated leave), the employee's medical, dental, vision, disability, and life insurance benefits will be extended for another 30 days. Afterwards, the extended coverage for health coverage through COBRA will be available at the employee's expense (to include costs normally paid by the College) for the duration of the leave without pay.
3. College staff is encouraged to work on advanced degrees. In most instances leave without pay requests will be approved for a period up to one year if the leave does not create a hardship for the College and if it is for the purpose of working on the employee's advance degree(s).
4. The position held by the employee prior to the leave will not be available to the employee if the employee does not fulfill the obligations of the leave without pay. Employment upon return from the leave without pay status may not be available if the position held prior to leave does not exist. This could be due to the loss of funding or reorganization. If the conditions of leave are fulfilled, and the position no longer exists the employee will be eligible for in-house hiring in a comparable position if available. Sick leave and annual leave will not be accrued during leave without pay.
5. Applications for a leave without pay must be made at least three (3) months prior to the requested starting date. The application must be made in writing, state the intended dates for the leave, the obligations to be fulfilled by the applicant and a brief statement of the benefits to be gained from the leave.

Q. Layoffs

If the College determines that a reduction in the number of College employees is necessary, then the College shall, in so far as is reasonably possible, accomplish this reduction through normal attrition and to ensure the needs of the College are met. Should further reduction be necessary, employees shall be laid off in the following order:

1. Seasonal, part-time, temporary, emergency employees;
2. Introductory employees;
3. Regular employees in the following order;
4. Non-Native American employees;
5. Native American employees.

Employees with the least seniority will be notified at least three (3) weeks, if possible, prior to the impending layoff by the employee's immediate supervisor. In addition, written notice will be provided to the affected employee, specifying the reasons for the layoff.

R. Retraining

Prior to layoff implementation, the College shall make a reasonably good faith attempt to retrain employees selected for layoff. The College shall make recommendations for out placement services for those employees affected by a layoff. Retraining should take place in areas of usefulness to the College, as defined by the administration and in areas appropriate to the employee's knowledge and skills where possible. The College commits to providing individual time for retaining whenever possible.

S. Recall

A laid-off employee shall be offered recall from layoff beginning with Native American employees with seniority, provided the employee is qualified to perform the duties of the job. A laid-off employee recalled for work, who has been notified at the employee's last known address by certified mail, must notify the Human Resources Office within five (5) working days after receipt of the notification by the College that the employee will accept the recall and report to work within five (5) workdays after receipt of the recall letter.

Any employee failing to respond or accept the recall shall be considered to have resigned.

A laid-off employee may reject a recall to any job classification in a salary range lower than the job classification, which the employee held at the time of separation from payroll. Recall will be initiated by the College immediately upon existence of a job vacancy in the College. The College will make a reasonably good faith effort to restore employees to former classifications and salary ranges during the recall period

A laid-off employee will remain on the recall list for six (6) months after the effective date of the layoff.

Section V. Faculty

A. College Faculty - General Responsibilities

Conditions of employment will be set forth in the Faculty Contract between the faculty member and the College. The Faculty Contract supersedes the College Personnel Policies and Procedures, and will include the following general terms and duties:

1. Shall be for a 10-month period (August 1 – May 31) during the fiscal year July 1 through June 30;
2. Shall teach a minimum of 30 credit hours per year as assigned by the Academic Chair;
3. Shall post and hold office hours of at least (5) hours per week;
4. Shall provide advisory services to students as assigned;
5. Shall assist in the recruitment, retention and success of students;
6. Other similar or related duties as assigned by the Academic Chair.

Unless otherwise specified in writing in the Faculty Contract or Amendment thereto, full-time faculty are expected to work 40 hours per week, Monday through Friday, although not necessarily from 8:00 a.m. to 5:00 p.m. Due to the nature of the faculty member's teaching role at the College, the time accountability will be divided as follows:

1. Thirty (30) hours a week on campus or College based assignments; and in addition, ten (10) hours a week course work preparation, which may or may not be done on campus depending on the nature of the courses taught and with prior written approval of the Academic Chair.
2. The Academic shall determine the appropriate accountability hours. Faculty must be available for consultations with students and must post and submit for approval, a copy of their office hours to the Academic Dean at the beginning of each semester.
3. Full-time faculty are required to teach a minimum of thirty (30) credit hours per year. Typically, this will occur by teaching fifteen (15) credit hours per semester. Courses taught beyond the minimum load shall be compensated at the Adjunct Faculty rate. Reduced credit loads may be assigned when faculty are required to travel to locations more than thirty (30) miles from the main College campus.

B. Administrative Appointments of Faculty

An administrative appointment is a temporary appointment of faculty in an area that requires special expertise and is necessary to fulfill a critical interest area. Temporary administrative appointments may be made by the President for a period not to exceed one academic year subject to the approval of the Board of Trustees.

C. New Contract and Term of Employment

A faculty employee warrants and represents that as a condition of employment and continued employment during the term of the faculty employee's contract, that the employee has complied with or will comply with, as required in the job description, all applicable federal, state and/or College certification requirements, including by way of illustration, but not limitation, the certification requirement to teach at an Arizona community college, satisfy requirements of the Immigration Reform and Control Act of 1986, completion of the Tohono O'odham Language and Culture and History courses, and consent to a satisfactory background and fingerprint check. Should the faculty employee fail to timely comply with the foregoing conditions, it is understood by and between the parties that the Faculty Contract will terminate immediately.

Faculty Contracts shall be governed by and construed in accordance with the laws of the Tohono O'odham Nation. Any dispute arising under the Faculty Contract shall be resolved in the Courts of the Tohono O'odham Nation, but only after exhaustion of administrative procedures set forth in the College Personnel Policies and Procedures Handbook. No provision of the Faculty Contract shall serve as a waiver of the Sovereign immunity of the Tohono O'odham Nation or of the College. Suspension or termination of the Faculty Contract prior to its expiration date shall be pursuant to the provisions of the Faculty Contract and applicable provisions of the College's Personnel Policies and Procedures Handbook.

Faculty Contracts are contingent upon ratification by the Board of Trustees at a legally convened meeting of the Board. In the absence of such ratification, the Faculty Contract is null and void. Faculty Contracts are for one year only. Any new Faculty Contract after the expiration, suspension or termination of a Faculty Contract shall be at the sole, non-reviewable discretion of the Tohono O'odham Community College Board of Trustees.

D. Faculty Salaries

The President and the Board determine beginning salaries and increments. Adjunct Faculty will be paid at a rate based on the credit hours taught according to the salary schedule for Adjunct Faculty. Other part-time or temporary appointments will be paid at

a rate that is commensurate with the type of duties to be performed. The President will establish the rate of pay for part-time or temporary appointments.

Full-time faculty will be placed on the salary schedule based on the amount of prior full-time experience in or related to a subject area, as well as degrees and/or certificates attained in or related to the field of study required for certification or in education/instruction, as documented by an official transcript.

The following academic experience will be used when placement of faculty is being considered:

1. number of years teaching,
2. experience in university, community colleges or technical schools.

Faculty will advance within the pay range for each full 12-month year of teaching at the College, subject to availability of funds. Adjunct Faculty are compensated based on the pay rate per credit hour as established by the Board on a fiscal year basis. Semesters that are taught do not have to be consecutive.

Faculty will be allowed increases on the salary schedule according to the number of graduate or postgraduate credits earned or for additional credits or degrees. The salary increase will be awarded at the beginning of the annual contract following the completion of the credits.

In cases where there is a high demand for faculty in certain fields, and it is not possible to secure a qualified instructor at the rate indicated, the President with the concurrence of the Board, may raise the suggested level for that position.

E. Faculty Evaluations

The Academic Dean or designee shall be responsible for the evaluation of Full Time and Adjunct Faculty for academic and occupational subjects. The most recent cumulative student course evaluations during the current evaluation year will be included in Full-Time Faculty evaluations.

The Academic Dean may use Adjunct Faculty student evaluations to recommend renewal or termination of an Adjunct Faculty contract.

Section VI. Employee Code of Conduct and Personnel Disciplinary Action

A. Authority

Except as provided in certain employee contracts, the President has the authority to suspend or terminate an employee for cause without pay. Only full and part-time regular employees, subject to disciplinary actions, shall have access to the College's Employee Grievance Procedures

B. Employee Code of Conduct

Rules and regulations regarding employee conduct are necessary for the efficient operation of the College and for the benefit and safety of visitors, students and employees. College employees, including all full and part-time regular employees under contract or not, are expected to contribute to a productive and cooperative effort to the conduct of business of the College to serve students, other employees, visitors and the general public. College employees have the responsibility to the College and the community to respect and adhere to the principles of ethical conduct in public service.

C. Employee Conduct

College employees, including all full and part-time regular employees under contract or not, are expected to perform and conduct their respective duties in a professional manner at all times. Such duties include, but are not limited to:

1. Performing assigned duties effectively and in accordance with established quality standards;
2. Cooperating reasonably with other employees and treating all students, visitors, and businesses in a courteous and considerate manner;
3. Complying with the College's policies and procedures;
4. Maintaining high standards of honesty and integrity, free from personal considerations, bias or favoritism;
5. Protecting and conserving College property and resources;
6. Avoiding any actions creating the appearance of violating the law or College policy or procedures;
7. Notifying the employee's supervisor in advance when the employee will be absent from work or is unable to report on time;
8. Reporting to work on time as scheduled and being at the proper work location,

- ready for work at the assigned starting time;
9. Reporting suspected or unethical illegal conduct by employees or students.
 10. Personal appearance, quality of service, and positive attitudes of all employees are essential to creating and maintaining a favorable public image.

D. Causes for Disciplinary Action

College employees, including all full and part-time regular employees under contract or not, shall conduct themselves in a professional manner at all times. The following conduct is prohibited and an employee engaging in such conduct is subject to corrective or disciplinary action up to and including termination. The examples below are illustrative of the type of behavior that will not be permitted but are not intended to be all-inclusive. The following are grounds for a corrective interview, written reprimand, suspension or termination, but not necessarily in the foregoing order:

1. Unsatisfactory work performance for any reason;
2. Theft or willful misuse or abuse of College property or that of students, visitors or co-workers;
3. Insubordination (Disobedience to authority);
4. Abusing sick leave or demonstrating a pattern of sick leave use without required medical documentation; or having unauthorized absences from work or excessive absence or tardiness;
5. Misappropriation or willful falsification of any record, report or College document regarding funds or student grades;
6. Offering and/or acceptance of solicitations, bribes or favors;
7. Intoxication, consumption, sale, use, possession of alcoholic beverages, illegal use, possession (unless under a doctor's care), sale, trade, or distribution of drugs or narcotics while on the job or at a College site or in a College vehicle;
8. Neglect of duty or inefficiency;
9. Fighting or assaulting a fellow employee, visitor or student; using language, actions, and/or gestures which are threatening, intimidating, abusive, obscene, or profane; engaging in any form of intimidation, bullying, harassment, sexual harassment, discrimination, or contributing to an offensive, hostile environment; disorderly or disruptive conduct;
10. Falsely making or counterfeiting or forging any College forms;
11. Breach of the College Confidentiality Agreement;
12. Concealing, removing, mutilating, obliterating, or destroying program records or documents;
13. Use of College technology resources to:
 - a. Willfully receive, create, transmit or disseminate, images, audio, video, text, e-mail or other electronic media that are generally considered sexually explicit; or to harass, defame, disclose confidential or proprietary

- information of any other illegal or inappropriate activity;
 - b. Operate a personal business; or
 - c. Violate the Information Technology Policy;
14. Violation of the law or safety regulations;
 15. Violation of College policies, including these Personnel Policies;
 16. Loitering or being away from your regular workplace without permission;
 17. Using or borrowing College property, including vehicles, equipment, tools and supplies, without authorization.
 18. Failing to notify the College of a felony conviction or the loss of a license or certificate required for the position, or filing to cooperate in a College investigation or audit.

E. Information Technology (reference to Information Technology Manual)

1. Definitions and Purpose

- a. “Technology” refers to any internet-based desktop, laptop, tablets, and smartphone applications that are connected to or associated with TOCC. The Information Technology Department policies encourage the use of internet-based services for TOCC related purposes for students and staff and on TOCC related web spaces.
- b. “Social media” refers to any Web-based and mobile technologies that enable individuals or entities to disseminate or receive information, communicate, or otherwise interact. The term includes email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards, Facebook, LinkedIn, Twitter, YouTube, Instagram, Snapchat, and other similar social media platforms and apps.

2. General guidelines for use of Information Technology

- a. Individuals using computer resources belonging to TOCC must act in a responsible manner, in compliance with law and institutional policies, and with respect for the rights of others using a shared resource. The right of free expression and academic inquiry is tempered by the rights of others to privacy, freedom from intimidation or harassment, protection of intellectual property, ownership of data, and security of information.
- b. IT policies do not prohibit employees from using social media to discuss among themselves, even in terms that may be critical of the College, any protected activities relating to the terms and conditions of their employment.
- c. Users of TOCC technology implicitly agree not to use technology to engage in harassment or intimidation or use computer and network resources for unlawful acts. Using TOCC’s computer or network resources for illegal activities is strictly prohibited. Unlawful use of the College’s computer and network resources can expose the individual user and the college to damages claims or potential criminal liability. By using TOCC’s computer and network services, each user accepts the responsibility to become informed about, and to comply with, all applicable laws and policies.

3. Misuse and/or Noncompliance with IT policies

TOCC reserves the right, under circumstances it deems appropriate and subject to applicable laws and regulations, to impose disciplinary measures, up to and including dismissal from the College or termination of employment, upon students, faculty, or staff who use private social media sites or communications resources in violation of the Usage Guidelines in this policy or are deemed to interfere with the conduct of College business. Violations of this policy are subject to sanctions prescribed in, but not limited to, the following policies: TOCC Student Handbook, TOCC Personnel Handbook, and the TOCC Faculty Handbook.

F. Confidentiality

Certain College departments in possession of unique information such as personal data, student applications or employee's medical records or criminal histories, require specific guidelines for their release of information due to legal requirements. Employees should consider any information in these categories as confidential and covered by the College Confidentiality Agreement that the employee signs at the commencement of employment. Confidential information subject to the College's Confidentiality Agreement should be released only with the prior approval of the Dean of Student Services (student information) or Human Resources Director (employee information) and then only to the requesting individual, whose own records are involved or in response to a Court or administrative subpoena or authorized request.

If there is a question as to whether a person's right to know conflicts with maintaining confidentiality, the Dean of Student Services (student information) or Human Resources Director (employee information) should make the decision as to whether or not the information should be released.

Financial data regarding the College should be secured and released only as authorized by the designated supervisor in charge thereof. Employees of the College are expected to maintain confidentiality and are prohibited from using confidential financial information available for the benefit of themselves or others.

G. Types of Disciplinary Action

Disciplinary action is intended to deter unprofessional conduct and provide an opportunity for improvement, if feasible.

The following are types of disciplinary actions that will be used, if necessary or appropriate, to enforce the College's employee work rules and standards of conduct. The type and degree of disciplinary action will be determined by the nature of the offense and could include any or all of the following actions in any sequence or combination thereof depending on the totality of the circumstances including the employee's previous work history:

1. Corrective Interview - When an employee requires corrective attention, the

employee's immediate supervisor and the employee shall discuss the reason in an interview. The employee's immediate supervisor shall suggest and provide the employee with a corrective action plan and a timeframe for expected performance improvement.

- 2. Written Reprimand** - If the employee fails to make corrections following a corrective interview and receipt by the employee of a corrective action plan from the employee's supervisor, or if an offense is serious enough to warrant an immediate written reprimand, the supervisor may write a Letter of Reprimand to the employee, which shall include a description of nature of the deficiency or infraction, the suggested means of correction, and the probable resulting action (probation or suspension) if an improvement is not made. The immediate supervisor will stipulate in the reprimand the timeframe in which the employee is expected to make the corrective action. A copy of the letter shall be placed in the employee's personnel file.
- 3. Suspension** - The employee's supervisor with the President's written concurrence may, with just cause, suspend an employee without pay for one (1) to thirty (30) working days or until such time that a grievance hearing can be held. The employee will not accrue leave of any kind or be paid for holidays during the suspension period. Documentation of the suspension shall be placed in the employee's personnel file.
- 4. Termination** - The President may terminate an employee. If the employee is terminated, the employee will be notified in writing of the action.

Section VII. Grievance Procedure

A. Grievance

The Grievance Procedure does not pertain to contracted workers, who are not regular employees. Contracted workers are governed by the signed contract.

This procedure applies to all full-time regular faculty, exempt, and non-exempt employees of the College. The intent of the grievance procedure is to provide a method of resolving disputes at the lowest level possible. The grievance procedure is recognized as a non-judicial, administrative process. Failure to follow the grievance process in a timely manner will result in the grievance being dismissed.

An employee may file a grievance when a representative of the College is alleged to have violated one or more sections of the Personnel Policy Handbook and other TOCC policies. The employee may also file a grievance for a negative written action that the employee has received. The initial grievance will remain the same until it is resolved. All recordings are property of the College. The submission of an informal grievance must be in writing and include the following:

1. Identify the alleged violation;
2. Contain a concise statement of the facts surrounding the grievance;
3. State the remedy sought; and
4. Be signed and dated by the employee.

The grievance procedures do not apply to complaints solely related to:

1. Performance or progress reports; improvement plans; program review
2. Work assignments, including work location; schedule changes; reassignment and other work-related directives given by a supervisor.
3. Job classification and compensation, including salary adjustments.
4. Administrative leave or suspension with pay.
5. Recommendation and notification for non-reappointment; reduction in force.
6. Notification of failure to successfully complete initial probationary period.
7. Hiring decisions, including internal promotion decisions.
8. Decisions that a complaint is not grievable.

If Human Resources Office determines the complaint cannot be grieved pursuant to these procedures, the grievance will be returned to the aggrieved party with a written explanation.

No reprisals shall be taken against any grievant, representative, or other participant in the

grievance process because of such participation. It is not considered proper if an employee abuses the process by raising grievances in bad faith or solely for the purpose of delay or harassment or by repeatedly raising grievances that a reasonable person would judge to have no merit.

Step One: Informal Resolution Procedure

An employee's request for an informal resolution must be initiated with the employee's immediate supervisor with a copy to the Human Resource Office within five (5) working days of the occurrence or incident.

The supervisor will investigate and hold a conference with both parties and a Human Resource Representative to resolve the concern and give a response to the employee within five (5) working days thereafter. If the employee is not satisfied with the supervisor's response at this informal stage, the employee may proceed with a formal grievance by following the procedures in Step Two.

No allegations of other policy violations may be added to the appeal, although additional examples or other documentation regarding the incident that led to the initiation of the formal grievance process may be added.

Step Two: Formal Grievance

A formal grievance begins at the lowest level at which a resolution can be granted and must be filed within five (5) working days of the supervisor's response to the employee at the informal resolution stage.

Submission of Written Grievance- If the employee and the employee's immediate supervisor have not resolved the grievance in Step One, the Informal Resolution Procedure, the employee may submit a formal grievance in writing to the next level supervisor within five (5) working days of the Step One Response. If the grievance is against the immediate supervisor, the employee may submit a formal grievance in writing to the next level supervisor within five (5) working days of the occurrence or incident.

Failure to submit the grievance in writing within the stated time will be considered adequate grounds for dismissal of the grievance.

The submission of a written formal grievance must:

1. Identify the alleged violation;
2. Contain a concise statement of the facts surrounding the grievance;
3. State the remedy sought;
4. Include a copy of the Supervisor's Informal Response in Step One, if applicable and;
5. Be signed and dated by the employee.

Any formal grievance, which does not contain these elements, may be rejected.

The deciding administrator shall conduct such meetings with the aggrieved and others necessary to render a written decision.

A one-time extension may be approved by the next level supervisor under extreme circumstances and is limited to another five (5) working days.

Step Three: President's Review

A written request for the President's review of a written grievance must be filed by the employee with the President within five (5) working days of the deciding administrator's written decision in Step Two if the employee is not satisfied with the decision. Failure to submit the grievance in writing within the stated time will be considered adequate grounds for dismissal of the grievance.

The President may conduct such meetings with the aggrieved and others as deemed necessary to render a decision.

A time extension may be approved by the Board under extreme circumstances and is limited to another five (5) working days. The President must render his/her decision within five (5) working days of receipt of the employee's written grievance.

Step Four: Board of Trustees

If the decision of the President or the President's designee (Step Three of the Grievance Procedure) is unsatisfactory to the grieving party, the grieving party may go to Step Four and file an appeal to the Board of Trustees. The appeal must be made in writing and addressed to the Secretary of the Board and filed with Human Resources within five (5) working days of the conclusion of the previous proceeding.

The grieving party must have timely completed steps one through three of the Grievance Procedure before filing an appeal to the Board of Trustees.

After the hearing has concluded, Board Members will go into executive session to discuss the testimony of the grieving party and the Respondents and the documents provided and render a decision. The decision of the Board must be made and delivered in writing to the grieving party and the Respondents within five (5) working days of receipt of the appeal.

The hearing and decision of the Board is the final step in the College grievance process and may not be appealed any further administratively within the College. Employees must timely exhaust the College's grievance process before seeking an external legal remedy of the grievance.