




November 15, 2010

MEMORANDUM

TO: District Board of Trustees
FROM: Barbara R. Sloan., President 
SUBJECT: Policy Manual Revision - Chapter 6

Item Description:

Policy Manual Changes

Overview:

As a continuation of the complete revision of the TCC Board Policy Manual that was described at the September 2008 Board meeting, revisions to Chapter 6 are presented for your consideration. These proposed changes have been through the appropriate College Standing Committees for review and comment. The new versions of the policies are attached. Links are provided at the end of each policy to the copies of current policies showing the edits so that you can see the details of the proposed changes.

Salient Facts

Policy manual revision is necessary for the following reasons: to remain compliant with new state and federal laws; to update organizational/staff references; to remove procedures from policy, and to recommend changes to improve College governance and operations. Changes to Chapter 6 are summarized here:

Policy Manual Revisions – Chapters 6

No.	Comments	No.	Comments
06-00	Modified to move non-policy language to procedure.	06-01	No change.
06-02	No change.	06-03	Modified to move non-policy language to procedure.
06-04	Modified to move non-policy language to procedure.	06-05	Modified to move non-policy language to procedure.
06-06	Modified to move non-policy language to procedure.	06-07 – 06-14	No change.

06-15	Minor wording changes to clarify policy and move non-policy language to procedure.	06-16	No change.
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Past Actions:

The College began the process of revising and updating the policy manual last year. This is a continuation of that process.

Future Actions:

This Board Item completes the review of Chapter 6.

Funding/Financial Matters:

No costs are related to this item.

Staff Resource:

Teresa Smith

Recommended Action:

Approve policy revisions as presented.

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Classification	<u>NUMBER:</u> 6Hx27:06-00
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261, 6A-14.0262	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; rev 1/22/01; revised 11/26/01	<u>PAGE:</u> 1 of 1

The Human Resources Department is responsible for establishing and maintaining a classification system for managerial/professional, classified staff, and contract/grant employees.

Class Specifications

Classes shall be established, revised, or abolished as necessary for the maintenance of the classification plan outlined in the current Board-approved Salary Schedule. While the exact duties and responsibilities of positions in a class may differ, all positions allocated to a class shall be sufficiently similar as to type of work, level of difficulty or responsibility, and qualification requirements to warrant similar treatment. Copies of class specifications are on file in the Human Resources Department.

Position Descriptions

The Human Resources Department shall develop and maintain a current position description for each established position. The position description shall include an accurate summary of the duties and responsibilities officially assigned to the position.

The annual review of the position description shall be a joint effort between the supervisor and the employee.

Reclassification

Reclassification is defined as an action taken to change an established position in one class to a higher or lower class as the result of changes in the duties and responsibilities of the position.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Compensation Plan	<u>NUMBER:</u> 6Hx27:06-01
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261, 6A14.0262	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 1

Managerial/Professional and Classified Staff

The President or Vice President for Administrative Services is authorized to establish and maintain an equitable salary schedule for all managerial/professional and classified staff positions.

Contract/Grant Employees

Compensation for contract/grant employees shall be determined as outlined in the grant contract with the College or at the recommendation of the contract/grant project director and the approval of the appropriate College administrator.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Employee Status	<u>NUMBER:</u> 6Hx27:06-02
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; rev 1/22/01; revised 11/26/01	<u>PAGE:</u> 1 of 1

Upon appointment to an established position, each classified staff employee shall, with few exceptions, be in probationary status.

The status of contract/grant employees is determined by the contract or grant; most contract/grant positions require a probationary period. Permanent status for a contract/grant employee does not imply a contractual relationship beyond the current contract period of the contract or grant.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Request to Establish a New Position	<u>NUMBER:</u> 6Hx27:06-03
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; rev 5/24/99; revised 1/22/01	<u>PAGE:</u> 1 of 1

Managerial/Professional and Classified Staff Positions

A request for the establishment of a new managerial/professional or classified staff position is generally taken under consideration as part of the budget process.

Final establishment of any position must be recommended by the President and approved by the Board.

Contract/Grant Positions

Requests for new contract/grant positions must be made and approved by the appropriate College administrator.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Internal Vacancy	<u>NUMBER:</u> 6Hx27:06-04
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u> 6Hx27:04-01
<u>DATE ADOPTED:</u> 12/1/97; rev 5/15/00; revised 1/22/01	<u>PAGE:</u> 1 of 1

Any supervisor with a vacant position in a classification that has a sufficient applicant pool at the College as determined by Human Resources may request that the vacancy be advertised internally.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Probationary Period/Probationary Complaint	<u>NUMBER:</u> 6Hx27:06-05
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u> 6Hx27:03-00
<u>DATE ADOPTED:</u> 12/1/97; rev 3/15/99; rev 1/22/01; revised 11/26/01	<u>PAGE:</u> 1 of 1

Classified Staff Employees

The first six (6) months of employment are considered probationary

In addition, an employee will be on a six (6) month probationary period for (1) a promotion not resulting from reclassification; (2) a lateral transfer requested by the employee.

Contract/Grant Employees

Each contract/grant project director shall designate in writing which positions in that contract/grant require a probationary period. The length of the probationary period and the use of annual leave during probation shall also be at the discretion of the contract/grant project director.

Similarly, an employee may be terminated with two weeks notice if, after a conference, it is determined that the employee cannot adequately perform the duties of the position. Two weeks notice is waived in instances warranting immediate dismissal.

Probationary Employee Complaint

Employees who have not attained permanent status in their present position may report any complaints to the immediate supervisor. If the circumstances of the complaint prevent discussion with either first or next higher level supervisor or if the problem is not resolved within five work days from the first discussion of the complaint with the supervisor, an employee may discuss the problem with the Director of Human Resources.

The Director of Human Resources shall bring the matter to the attention of the appropriate College administrator or department head. A further investigation of the matter shall be made by the appropriate College administrator or department head who shall render a decision.

Probationary employees also have access to the Equity Complaint Procedure in 6Hx27:03-00.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Performance Appraisals	<u>NUMBER:</u> 6Hx27:06-06
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261, 6A-14.0262	<u>SEE ALSO:</u> 6Hx27:06-08
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 2

The performance of each managerial/professional, classified staff, and contract/grant employee in relation to job requirements shall be appraised at least once a year. The date of the appraisal shall be on the employee's anniversary date as determined by the Human Resources Department.

An employee shall be expected to meet performance standards which have been defined and identified as part of the position requirements. Employee performance appraisals shall be used for the development of the employee and as a basis for stimulation of performance and morale.

Overview

Appraisal is a constructive tool used to stimulate the performance, morale, and development of employees. The primary value of the appraisal is the opportunity it presents to supervisors to promote productivity through objective measurement, constructive counseling, and timely recognition of effective performance. Properly used, performance appraisal also provides supervisors with a means of determining individual or departmental training needs and/or working with employees experiencing problems which could result in disciplinary action.

A performance appraisal is the process of establishing standards of performance criteria, informing employees about these standards, and periodically informing employees about performance in relation to these standards.

Annual Appraisal

An annual appraisal of each managerial/professional, classified staff, and contract/grant employee shall be recorded on the approved form by the immediate supervisor

Less than Satisfactory Annual Appraisal

An employee who receives a less than satisfactory annual appraisal shall be placed on imposed probation; placement in these circumstances does not require any higher level approval other than the supervisor's signature on the appraisal.

Step Increases based on Appraisal

A classified staff employee who receives a satisfactory appraisal within the prior fiscal year shall be eligible to receive a salary step increase as outlined in the current Salary Schedule, based upon available funds and the approval of the Board.

A classified staff employee who receives a less than satisfactory appraisal within the prior fiscal year shall not be eligible to receive a step increase until the first of the month following attainment of a satisfactory appraisal.

Special Appraisal

A special appraisal may be done at any time during the year when the supervisor deems it necessary to document either significant performance improvement or deficiency. A special appraisal does not affect the status of the employee nor does it change the employee's anniversary date.

All special appraisals become a part of the employee's permanent record. The special appraisal forms may be requested from the Human Resources Department.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Imposed Probation	<u>NUMBER:</u> 6Hx27:06-07
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; rev 1/22/01; revised 11/26/01	<u>PAGE:</u> 1 of 1

Classified staff and contract/grant employees who fail to respond to counseling concerning deficiencies resulting in overall less than satisfactory appraisal may be placed on probation for one to three months by the immediate supervisor with the approval of the President or appropriate Vice President.

The immediate supervisor shall develop a performance improvement plan which identifies what the employee must achieve to correct the performance deficiencies. During the imposed probationary period, the employee shall be appraised monthly. Placement on imposed probation does not change the employee's anniversary date.

Notification of the imposed probation with the corresponding less than satisfactory appraisal, the performance improvement plan, and all subsequent appraisals must be submitted to the Human Resources Department for the employee's permanent record.

An employee who fails to respond to guidance and does not comply with the performance improvement plan during the period of imposed probation shall be terminated. Mandatory termination is required should an employee's performance merit a third imposed probationary period.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Anniversary Dates	<u>NUMBER:</u> 6Hx27:06-08
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u> 6Hx27:06-06
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 2

Anniversary dates are used to determine the scheduling of performance appraisals for managerial/professional, classified staff, and contract/grant employees.

Original Appointment: the anniversary date of employees hired before July 1, 1985 with no subsequent class change shall be the date of hire in the class they occupied on July 1, 1985. The anniversary date of employees hired after July 1, 1985, is the date of hire.

Probationary Period: the anniversary date shall be adjusted day for day if a probationary employee is in leave without pay status during the probationary period.

Promotion/Demotion: the anniversary date shall change to the date of action when an employee is demoted or promoted. The only exception would be the recognition and title change for ten years service for custodial workers, groundskeepers, and public safety officers.

Reassignment: the anniversary date does not change when the employee and the position are reassigned. The anniversary date shall change to the date of the action when an employee is reassigned to a different class in same pay grade.

Imposed Probation: the anniversary date of an employee shall not be affected by placement on imposed probation.

Special Appraisal: the anniversary date of an employee shall not be affected by a special appraisal.

Class Title Change: the anniversary date of an employee shall not be affected by a class title change.

Leave Without Pay: the anniversary date shall be adjusted on a month-for-month basis when an employee is in leave without pay status for more than twenty work days and is not serving a probationary period.

Reclassification: the anniversary date of any employee shall not be affected by reclassification of the position held by the employee.

Re-evaluation for Less than Satisfactory Performance: the anniversary date of an employee shall not be affected by the reevaluation process for an employee with a less than satisfactory appraisal as outlined in 6Hx27:06-06.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Overtime	<u>NUMBER:</u> 6Hx27:06-09
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261 Fair Labor Standards	<u>SEE ALSO:</u> 6Hx27:06-10
<u>DATE ADOPTED:</u> 12/1/97; rev 5/15/00; revised 1/22/01	<u>PAGE:</u> 1 of 2

Classified Staff Employees

During peak workload periods, unexpected events, and in areas where temporary employment is not feasible, overtime work for non-exempt employees may be required. The immediate supervisor shall complete an overtime request form and have it approved by the President or appropriate Vice President in advance of working overtime hour(s).

Contract/Grant Employees

A non-exempt contract/grant employee who works overtime shall receive either compensatory time or payment for the overtime worked. The decision to grant compensatory time or payment lies with the contract/grant project director.

All other overtime policies for non-exempt classified staff employees apply to non-exempt contract/grant employees.

Overtime

Overtime is defined as hours worked by a non-exempt employee in excess of forty (40) hours per work week. Hours worked on holidays are not considered to be overtime unless the total number of hours worked in that work week exceeds forty (40) hours.

Hours worked

Hours worked is defined as the time for which an employee is entitled to be compensated. Employees must be compensated for time they are required to be on duty and for time they are allowed to work. It is the duty of supervisors to maintain controls so that only authorized work hours are permitted. For the purpose of determining hours worked, time for which an employee is paid but does not work, such as vacation, holidays, and sick leave, is not counted.

Compensation

Compensation for overtime shall be in accordance with Fair Labor Standards.

All hours worked must be shown on the employee's time sheet and reported on the on-line time/attendance system for payroll.

At no time shall an employee be allowed to have more than eighty (80) hours of compensatory time accumulated. Accumulated compensatory leave must be used first in lieu of annual, sick, sick leave pool, or personal leave.

Non-exempt employees who work overtime should first have their leave adjusted for that work week or be allowed to use compensatory time within the month earned or the following month.

If the supervisor cannot allow the employee to take the time off by the end of the second month, then a written justification must be provided for Cabinet discussion at which time a date for use of such leave must be determined, not to exceed six (6) months from the date the compensatory time was earned. The employee is still limited to only accumulating a maximum of eighty (80) total compensatory hours unless there is an exception approved in writing by the President or designee.

The requirement for overtime compensation does not apply in instances where non-exempt employees are given permission to work for the College in a capacity other than their primary position where keeping a timesheet for attendance purposes is not required.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Compensatory Time	<u>NUMBER:</u> 6Hx27:06-10
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u> 6Hx27:06-09 6Hx27:09-04
<u>DATE ADOPTED:</u> 12/1/97; rev 5/15/00; rev 6/19/00; rev 1/22/01; revised 2/17/03	<u>PAGE:</u> 1 of 1

Compensatory time is earned when a managerial/professional, classified staff, or contract/grant employee works on a College holiday or when a non-exempt classified staff or non-exempt contract/grant employee works overtime hours. At no time shall an employee be allowed to have more than eighty (80) hours of compensatory time accumulated. Accumulated compensatory leave must be used first in lieu of annual, sick, sick leave pool, or personal leave.

Use of Compensatory Leave

To use earned compensatory time, a Leave Request form must be prepared and approved in the same manner as annual leave. Use of compensatory time shall not unduly disrupt the operations of the College.

Compensatory Leave if Status Changes from Non-Exempt to Exempt

When a non-exempt classified staff or contract/grant position is designated as an exempt position by the Human Resources Department and the person in that position has an established balance of compensatory leave, the compensatory balance shall be paid to the employee at the hourly rate.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Timesheets	<u>NUMBER:</u> 6Hx27:06-11
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 1

Timesheets are the authorization and the only basis for payment of salaries to non-exempt classified staff and contract/grant employees.

Accurate completion of timesheets is necessary to meet auditing requirements, federal and state laws, and College policies.

The accurate recording of all hours an employee works or is absent from duty is the responsibility of the employee. The department supervisor or dean/division director is responsible for the completeness and timeliness of the timesheets for the employees in that department.

The number of hours worked should be recorded by the employee on a daily basis. All entries on timesheets must be made in ink.

Should an error be made in the recording of a time entry, the corrected change must be acknowledged by the initials of the supervisor and the employee. Any alteration on the timesheet not acknowledged by initials of the employee is considered a disciplinary offense. Any employee responsible for such alteration shall be subject to immediate discharge.

Timesheets must be signed by the employee and the supervisor to be valid.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Work Schedules	<u>NUMBER:</u> 6Hx27:06-12
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u> 6Hx27:04-43
<u>DATE ADOPTED:</u> 12/1/97; rev 5/15/00; rev 1/22/01 revised 2/17/03	<u>PAGE:</u> 1 of 2

It is the responsibility of supervisors to ensure that staffing schedules for managerial/professional, classified staff, and contract/grant employees are adequate to provide essential, convenient, and efficient services during the business operating day of each office/unit. Furthermore, supervisors are to ensure that non-exempt classified staff or contract/grant employees work no more than a forty (40) hour work week unless overtime is approved.

Although a routine work schedule is established for each managerial/professional, classified staff, and contract/grant position (and is documented on the individual position description), each employee is expected to work whatever schedule may be required by the College as determined by the employee's supervisor. The schedule may be variable from day to day or week to week.

Alternate Work Schedules

In order to serve the best interests of the College, supervisors have the option to set up alternate work arrangements for their employees. These work arrangements may include flexible work schedules, compressed work schedules, shared employment (job sharing), telecommuting, and teleworking. Alternate work arrangements require the written approval of the President or appropriate Vice President.

- Flexible Work Schedule - a flexible work schedule requires a minimum of forty (40) hours of work per week. A flexible work schedule requires an employee to be on duty at work during core times as designated by the supervisor. The flexible work schedule also allows a supervisor to set an employee's arrival and departure times outside of the times the office or department is open to serve the public.

- Compressed Work Schedule - a compressed work schedule allows an employee to complete the required forty (40) work hours in less than five (5) work days (such as four (4) work days of ten (10) hours each).
- Shared Employment - a shared employment position shall be identified as a single position and retains its unity for purposes of classification, assignment to a pay grade, and other personnel transactions that apply to the position. Employees filling shared employment positions are less than full-time employees and benefits shall be prorated accordingly.
- Telecommuting - telecommuting is defined as a work arrangement whereby an employee is allowed to perform the normal duties and responsibilities of the position through the use of computers or other telecommunications, at home or another place apart from the usual place of work. The employee is expected to report to the official work site on a scheduled basis each week.

Telecommuting requires a signed contract between the employee and the College establishing the parameters of the work and alternate work site.

- Telework - telework is defined as a work arrangement whereby an employee is allowed to perform the normal duties and responsibilities of the position through the use of computers or other telecommunications, at home or another place apart from the usual place of work and is not required to report to the office each week.

Telework requires a signed contract between the employee and the College establishing the parameters of the work and alternate work site.

Break Periods

All full-time managerial/professional, classified staff, and contract/grant employees may be allowed (2) two break periods each day as long as the breaks do not interfere with established work schedules, deadlines, or priorities as deemed necessary by the supervisor. The break periods shall be for no more than fifteen (15) minutes during the first four (4) hour work period and fifteen (15) minutes during the second four (4) hour work period.

Break periods for less than full-time classified staff and contract/grant employees may be allowed as permitted by the immediate supervisor using a ratio of no more than fifteen (15) minutes for break per four (4) hours worked.

Break periods cannot be accumulated, added to lunch periods or scheduled leave, or used to cover late arrival or early departure from duty.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Call-Back/On-Call Procedure	<u>NUMBER:</u> 6Hx27:06-13
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; rev 9/21/99; rev 5/15/00 revised 2/17/03	<u>PAGE:</u> 1 of 2

Call-Back for Classified Staff Employees

Non-exempt classified staff employees may be required to work hours outside the usual work schedule due to planned events and activities or emergencies. Employees scheduled in advance to work outside the usual work schedule shall be credited with the actual time worked.

Non-exempt classified staff employees called back to work on a non-scheduled emergency basis shall be credited with two (2) hours or the actual time worked, including travel time, whichever is greater.

All hours must be reported on the employee's timesheet in order to be properly credited.

On-Call for Classified Staff Employees

Non-exempt classified staff employees may be assigned to remain available to perform work assignments on short notice during off-duty hours. The employee may either use an electronic signaling device provided by the College or leave word where he/she may be reached by telephone. If an employee is called to work under this provision, calculation of time spent would be done under the call-back procedures above.

On-call time is not compensable time for purposes of computing overtime; however, if an employee is called back to work and the employee's total work hours for that week exceed forty, those hours over forty would be compensated as overtime.

Employees shall be paid for each hour they are "on-call" at the rate of \$1.00 per hour during a weekday. The on-call rate for Saturdays, Sundays, and holidays shall be at the rate of one-fourth of the hourly base rate for the pay classification held by the employee. This compensation shall be made the month following the on-call status and shall be made in accordance with monthly payroll procedures.

Contract/Grant Employees

Each contract/grant project director may establish a call-back or on-call procedure to meet the specific needs of the contract/grant. This procedure must be approved by the appropriate College administrator and be on file in the Human Resources Department.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Code of Conduct and Standards of Discipline	<u>NUMBER:</u> 6Hx27:06-14
<u>AUTHORITY:</u> Florida Statute: 240.319, 240.335 FAC: 6A-14.0261, 6A-14.0262	<u>SEE ALSO:</u> 6Hx27:06-15
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 8

The College maintains the right to ensure the reasonable conduct and efficient performance of its employees. Employees are expected to perform their work and conduct themselves in such a manner as to bring credit to the College.

It is the responsibility of each supervisor to enforce and maintain proper discipline. The supervisor should hold counseling sessions with an employee as needed as a corrective measure to prevent the necessity for possible disciplinary actions. Counseling should be constructive at all times; the purpose should be an attempt to assist the employee to correct the problem.

Disciplinary action should be taken only to the extent necessary to obtain desired improvement and should not be taken without having all pertinent information available. Supervisors initiating disciplinary actions should consult with the Director of Human Resources for assistance and policy guidance.

Disciplinary action encompasses a system of progressive and cumulative measures; however, the nature or severity of the offense determines what initial level of discipline is required. Disciplinary actions shall include oral reprimands, written reprimands, suspension, and dismissal.

Employees who have not attained permanent status for their original appointment may be dismissed for the first occurrence of any offense or deficiency.

Employees are assured of prompt and impartial consideration to grievances which employees may have within the course of their work.

Employees may use the Grievance Procedure, the Equity Complaint Procedure, or the Probationary Employee Complaint procedure without fear of reprisal or penalty.

The following standards of conduct are applicable to all managerial/professional, classified staff, and grant employees. They are not all-inclusive, in that any activity considered counter-productive to efficient and effective operations and the delivery of services could subject an employee to disciplinary action.

1. Employees are expected to be at their work station ready to work during the regularly scheduled work hours and to observe time limits for breaks and lunch periods unless otherwise authorized by their supervisor. In addition, an employee shall make a timely request for approved leave of absence to the immediate supervisor for any anticipated absence. A violation of this standard shall result in an offense of tardiness, absenteeism, or an absence without leave. Excessive tardiness and absenteeism decreases productivity, inconveniences co-workers, and often adversely impacts delivery of services.
2. Sufficient latitude is allowed for employees to keep current with styles and trends; however, employees should maintain dress and grooming standards appropriate to the type of work performed and association with students and the public.
3. In order to achieve objectives, employees must perform work assignments within the scope of the job. Refusal to perform assignments may result in the employee being charged with insubordination. An employee is expected to carry out work assignments unless such assignments create a safety hazard. In such cases, the employee should attempt to eliminate the dangerous aspects of the job. However, since some jobs by their nature involve hazardous work, employees are expected to perform such assignments.
4. Employees are expected to conduct themselves in a manner which shall favorably reflect upon the College and themselves. If an employee's off campus or after work hours conduct subjects the College to criticism or causes the employee to be unable to perform work in the proper and usual manner, or interrupts work, then the College is justified in taking disciplinary action.
5. When employees are on College property, they are subject to College standards of conduct regardless of whether they are working. Furthermore, employees representing the College at a location other than their usual workplace are accountable for compliance with these standards of conduct.

Standards for Disciplinary Action

The following standards for disciplinary action have been established for use by supervisors to help ensure that all employees shall receive similar treatment in like circumstances. The offenses cited are examples and are not intended to include all offenses or circumstances.

1. Unauthorized Parking or Access Card Parking Offenses: parking in restricted areas, blocking entrances, or allowing unauthorized use of access card to park in restricted areas

1st occurrence - oral reprimand
2nd occurrence - written reprimand
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

2. Unauthorized Disclosure of Information or Materials: the disclosure of information without proper authorization (i.e., student records, employee appraisals)

1st occurrence - oral reprimand
2nd occurrence - written reprimand
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

3. Excessive Absence: an attendance record of recurring absences, even though some of the absences were necessary and/or excused

This also includes a pattern of absences such as consistent absences on the day preceding or following the employee's regular days off or absence on the same day of each week or month.

1st occurrence - oral reprimand
2nd occurrence - written reprimand
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

4. Tardiness: the failure to follow established work schedules, including reporting late at the beginning of the work schedule and returning late from lunch or breaks

1st occurrence - oral reprimand
2nd occurrence - written reprimand
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

5. Loafing: continued and deliberate idleness during work periods that results in the employee's failure to perform assigned tasks

This includes, but is not limited to, deliberately wasting time, engaging in idle talk or gossip, sleeping, or conducting personal business during work periods.

1st occurrence - oral reprimand
2nd occurrence - written reprimand
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

6. Horseplay/Disruptive Behavior: actions that, even though intended to be mischievous or prankish, disrupt or have the effect of disrupting the work of the participants or other employees or actions that may contribute to the injury of employees, students, or the public

Disruptive behavior could include speaking loudly or rudely, slamming doors or drawers, throwing objects, or other activities that would have a detrimental effect on the work environment.

1st occurrence - oral reprimand
2nd occurrence - written reprimand
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

7. Failure to Report a Workers Compensation Incident as Soon as Possible After Injury:

1st occurrence - oral reprimand
2nd occurrence - written reprimand
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

8. Solicitation: the solicitation of an employee by another employee, including the distribution of material, for any purpose not authorized by the President or designee, while either employee is on duty

Also prohibited is soliciting or accepting anything of value that would cause an employee to be influenced in the discharge of responsibilities.

1st occurrence - oral reprimand
2nd occurrence - written reprimand
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

9. Failure to Follow Instructions: failure to comply with written or oral instructions from supervisory personnel

1st occurrence - oral reprimand to written reprimand
2nd occurrence - written reprimand to three (3) day suspension
3rd occurrence - suspension up to ten (10) days
4th occurrence - dismissal

10. Violation of College Rules, Regulations or Policies: an unintentional act which results in the violation of a rule, regulation, or policy that has been made known to the employee

1st occurrence - oral reprimand to written reprimand
2nd occurrence - suspension up to ten (10) days
3rd occurrence - dismissal

11. Violation of Safety Practices: failure to follow established safety practices, including the performance of unsafe acts or failure to wear and/or use safety equipment

1st occurrence - oral reprimand to five (5) day suspension
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

12. Gambling: gambling of any kind on College premises or at any other job-related work site during work hours

1st occurrence - written reprimand to five (5) day suspension
2nd occurrence - suspension up to ten (10) days
3rd occurrence - dismissal

13. Improper and/or Careless Use of College Property or Equipment: misappropriation or unauthorized use of College buildings, equipment, vehicles, tools, supplies, materials, machines, funds, keys, credit cards, telephone system, etc.

1st occurrence - written reprimand to five (5) day suspension
2nd occurrence - suspension up to (10) ten days
3rd occurrence - dismissal

14. Insubordination: a deliberate refusal to obey a reasonable order given by a supervisor which relates to an employee's job function

This includes both an expressed refusal to obey a proper order as well as a deliberate failure to carry out an order.

1st occurrence - written reprimand to five (5) day suspension
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

15. Leaving Work Area or Duty Assignment without Authorization: absence from the work area or duty assignment during a work period without permission of the appropriate supervisor.

This includes leaving a work area for a lunch or break or, at the end of a work schedule, leaving without proper relief where such relief or permission is a specific requirement.

1st occurrence - written reprimand to five (5) day suspension
2nd occurrence - ten day (10) suspension to dismissal
3rd occurrence - dismissal

16. Absence without Authorized Leave: unauthorized absence from duty without satisfactory explanation and prior approval from the appropriate supervisor

1st occurrence - written reprimand to five (5) day suspension
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

17. Reporting to Work Under the Influence of Alcoholic Beverages or Controlled Substances

1st occurrence - written reprimand to five (5) day suspension
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

18. Unauthorized Possession of Weapons: the unauthorized possession of weapons or firearms on College property or at any other location while on duty

1st occurrence - written reprimand to dismissal
2nd occurrence - ten day (10) suspension to dismissal
3rd occurrence - dismissal

19. Giving False Information: knowingly giving false information to employees, students, or the public; also, making false, frivolous, or malicious allegations of sexual harassment

1st occurrence - written reprimand to dismissal
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

20. Falsification of Records: knowingly omitting information or submitting inaccurate or false information for or on any College record, report, or document

1st occurrence - written reprimand to dismissal
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence – dismissal

21. Computer Crimes: unauthorized use of computer facilities, introduction of fraudulent records into a computer system, alteration or destruction of computerized information, and stealing of data from computer files

1st occurrence - written reprimand to dismissal
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

22. Threatening or Abusive Language: the use of threatening, malicious, or abusive language towards employees, students, or the public, regardless of intent

1st occurrence - written reprimand to dismissal
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

23. Negligence: failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and responsibilities

Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence, or discretion.

1st occurrence - written reprimand to dismissal
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

24. Violence, Fighting, or Sexual Battery/Assault: violence, fighting, or threatening or intimidating behavior towards or involving employees, students, or the public

This also includes sexual assault by a person of either gender against a person of the same or opposite gender.

1st occurrence - written reprimand to dismissal
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

25. Conviction of a Crime: conviction of a felony or repeated convictions of misdemeanor charges such as speeding, reckless driving, or accidents involving injuries to persons or damage to property or equipment

1st occurrence - written reprimand to dismissal
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

26. Willful Violation of College Rules, Regulations or Policies: an intentional violation of a College rule, regulation, or policy that has been made known to the employee

1st occurrence - written reprimand to dismissal
2nd occurrence - ten (10) day suspension to dismissal
3rd occurrence - dismissal

27. Conduct Unbecoming an Employee: conduct, whether on or off the job, that adversely affects the employee's ability to either appear at work or to perform assigned responsibilities in a proper and usual manner; also, conduct that subjects the College to criticism or that adversely affects the ability of the College to carry out its assigned mission

1st occurrence - written reprimand to dismissal

2nd occurrence - ten (10) day suspension to dismissal

3rd occurrence - dismissal

28. Sexual Harassment: any act defined in College policy as sexual harassment towards an employee or a student

1st occurrence - written reprimand to dismissal

2nd occurrence - ten day suspension to dismissal

3rd occurrence - dismissal

29. Use or Threatening Use of Weapons

1st occurrence - written reprimand to dismissal

2nd occurrence - dismissal

30. Unauthorized Taking: the unauthorized taking of any property or financial instruments of the College, employees, or students

1st occurrence - written reprimand to dismissal

2nd occurrence - dismissal

31. Violation of the Controlled Substances and Alcohol Policy

1st occurrence - ten day suspension to dismissal

2nd occurrence - dismissal

32. Unauthorized Alteration of Timesheets

1st occurrence - ten day suspension to dismissal

2nd occurrence - dismissal

33. Concerted Activity: instigating or supporting in any manner the concerted failure of employees to report for duty

This includes activity such as the slow-down of work; abstinence, in whole or in part, by an employee or group of employees from performance of their duties; mass call-in alleging sickness; and work stoppage.

1st occurrence: dismissal without right to grieve the action

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES
POLICY

<u>TITLE:</u> Discipline	<u>NUMBER:</u> 6Hx27:06-15
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65, 1012.855 FAC: 6A-14.0261, 6A-14.0262	<u>SEE ALSO:</u> 6Hx27:04-41 6Hx27:06-14
<u>DATE ADOPTED:</u> December 1, 1997	<u>PAGE:</u> 1 of 6

It is the responsibility of each supervisor to enforce and maintain discipline. Corrective action shall be administered by the immediate supervisor for such causes as unauthorized absence, failure to perform duties assigned, violation of College policies, rules, or procedures, and for other such conduct that inhibits the efficient and effective operation of the College.

The following factors are to be considered by the immediate supervisor prior to taking any disciplinary action:

1. The seriousness and circumstances of the particular offense
2. The past conduct record of the employee
3. The employee's length of service
4. The time since the previous disciplinary action was required
5. The impact of mitigating or aggravating circumstances
6. The College's practice in similar cases in the past

Policies are necessary to orderly processes of the College. The purpose of College policies and procedures is to facilitate productivity and satisfactory working relationships based on trust, self-discipline, and respect for the rights of others.

Progressive and Cumulative Discipline

Under progressive discipline, an employee is subject to progressively more severe discipline if standards of conduct continue to be violated for the same offense. Under cumulative discipline, prior offenses for which an employee was disciplined may be used to determine the severity of the action to be taken for the current offense even though the prior offense(s) may not be similar to the current offense. Disciplinary action may be both progressive and cumulative.

Generally, discipline is progressive only; however, when an employee commits different offenses and has demonstrated an unwillingness or inability to conform to reasonable conduct and/or work standards, progressive and cumulative discipline may be warranted.

Oral Reprimand

An oral reprimand is the least severe type of disciplinary action. An oral reprimand should clearly indicate the nature of the problem and what corrective action is expected. It should also point out to the employee that future incidences of a similar nature shall result in more severe disciplinary action. Oral reprimands shall be documented in writing by the supervisor.

Written Reprimand

A written reprimand usually follows an oral reprimand; however, some offenses call for a written reprimand for the first offense. A written reprimand shall clearly specify the nature of the problem, corrective action expected, and notice that future incidences of a similar nature shall result in a more severe disciplinary action.

Suspension

A suspension is a severe form of disciplinary action. Although suspension usually follows a written reprimand, it may be imposed as the first disciplinary action for serious offenses. If the suspension is the initial disciplinary action, care should be exercised to ensure the employee was aware of the seriousness of the offense. Depending on the circumstances, a suspension may be with or without pay.

Suspension may be part of a College investigation prior to taking final action when the offense could require dismissal.

Employees arrested and charged with a felony may be suspended and placed on leave of absence without pay pending disposition of the case.

Before the suspension of any employee not serving a probationary period, the College shall give the employee written notice and a predetermination conference. Except in an extraordinary situation, the employee shall be given notice of the proposed action in time for the notice to be received by the employee at least ten (10) calendar days before the date the action is to be taken.

The notice shall be signed by the person authorized to make the final decision or a designated representative and shall include the following:

1. The date the College proposes to take final action,
2. The specific charges or reasons for the action,
3. Identification of any documents on which the charges are based,

4. Whether the suspension is with or without pay,
5. A statement that the employee may, within five (5) work days of receipt of the notice, submit a request in writing for a predetermination conference in order to make an oral or written statement or both to the College to refute or explain the charges made against the employee,
6. A statement that failure to request a predetermination conference renders the suspension final and binding,
7. The name, address, and telephone number of the person to whom the written request for a predetermination conference should be directed,
8. Information that the predetermination conference shall be held before the proposed effective date of the action at a time and place determined by the College, normally during regular business hours,
9. A statement that the College is sincere in its desire to reduce the risk of error in taking the disciplinary action against the employee and to avoid a wrongful damaging of the employee's reputation by untrue or erroneous charges and that, therefore, the College is sincerely interested in receiving and considering the employee's response,
10. A copy of the grievance procedure and standards of conduct concerning this action.

The notice of suspension must be sent by certified mail, return receipt requested, or delivered to the employee in the presence of a witness and signed for by the employee. A copy of the notice shall be placed in the employee's permanent record.

Dismissal

Dismissal is the final and most severe form of discipline. Dismissal should be used only in the case of a major offense or as the final step in the progressive/ cumulative disciplinary process.

Before the dismissal of any employee not serving a probationary period, the College shall give the employee written notice and a predetermination conference. Except in an extraordinary situation, the employee shall be given notice of the proposed action in time for the notice to be received by the employee at least ten (10) calendar days prior to the date the action is to be taken.

The notice shall be signed by the person authorized to make the final decision or a designated representative and shall include the following:

1. The date the College proposes to take final action,
2. The specific charges or reasons for the action,

3. Identification of any documents on which the charges are based,
4. A statement that the employee may, within five (5) work days of receipt of the notice, submit a request in writing for a predetermination conference in order to make an oral or written statement or both to the College to refute or explain the charges made against the employee,
5. A statement that failure to request a predetermination conference renders the suspension final and binding,
6. The name, address, and telephone number of the person to whom the written request for a predetermination conference should be directed,
7. Information that the predetermination conference shall be held prior to the proposed effective date of the action at a time and place determined by the College, normally during regular business hours,
8. A statement that the College is sincere in its desire to reduce the risk of error in taking the disciplinary action against the employee and to avoid a wrongful damaging of the employee's reputation by untrue or erroneous charges and that, therefore, the College is sincerely interested in receiving and considering the employee's response,
9. A copy of the grievance procedure and standards of conduct concerning this action.

The notice of dismissal must be sent by certified mail, return receipt requested, or delivered to the employee in the presence of a witness and signed for by the employee. A copy of the notice shall be placed in the employee's permanent record.

Predetermination Conference (Suspension/Dismissal)

The conference shall be conducted by the person authorized to make the final decision or a designated representative(s).

The person (or persons) conducting the conference shall convene the conference at the time and place set by the College and shall identify him/herself, the employee, and all other participants and explain that the purpose of the conference is to hear the employee's side of the charges in order to protect the employee from erroneous or arbitrary, adverse action, and that the College's further purpose is to afford the College an opportunity to reevaluate its position after reviewing the information presented by the employee and to affirm or alter its action as may be warranted.

The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring a representative to assist or advise, but discovery, cross-examination, and similar legal procedures are not permissible.

The employee shall be permitted to submit relative information, orally or in writing or both, with the privilege being reserved by the College to give such information such weight as it deems proper. The employee shall be informed that if he/she chooses to make no response, the College will proceed on the basis of the best information it can obtain without such response.

At the conclusion of the conference, the presiding person shall inform the employee when the College will decide whether to take the disciplinary action and that the employee will be promptly notified.

Notice of Final Action

If the College determines that it will proceed with the dismissal or suspension, the employee shall be notified in writing of his/her right to grieve at Step Four of the Grievance Procedure or at Step Five if the President was the person who initiated either the suspension or the dismissal. Notification shall be by personal delivery or by certified mail, return receipt requested, within five (5) workdays from the date the action is to be effective.

Period Between Notice and Action

During the period between the first notice and the effective date of the action, the employee shall be expected to perform the usual duties without disrupting fellow employees, other persons, or College activities. If, however, it is deemed highly desirable or necessary that the employee not continue to perform the same duties in the same location during this period, the College may temporarily assign the employee to other duties.

An employee who is under formal investigation by the College for violation of a rule or statute for which dismissal is a penalty may be placed on administrative leave not to exceed ten (10) work days.

Extraordinary Situations

In extraordinary situations, such as when the retention of an employee with permanent status would result in damage to property, would be detrimental to the best interest of the College, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without ten (10) calendar days prior notice of such action provided that written or oral notice of such action, evidence of the reasons for the action, and an opportunity to rebut the charges are furnished to the employee before such dismissal or suspension.

In an extraordinary situation, notice shall include evidence of the reasons for, and an opportunity for rebuttal of, the suspension or dismissal. The notice shall be in writing, sent by certified mail, return receipt requested, or delivered orally to the employee in the presence of a witness. If the College determines after the rebuttal that it will proceed with the suspension or dismissal of the employee, the employee shall be notified in writing of his/her right to grievance at Step Four of the Grievance Procedure or at Step Five if the President was the person who initiated either the suspension or the dismissal. Notification shall be by personal delivery or by

certified mail, return receipt requested, within five (5) workdays from the date the action is effective

During the period between notice and the effective date of the action, if any, the employee may be placed on administrative leave.

[Link to Marked Up Policy](#)

TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

POLICY

<u>TITLE:</u> Grievance Procedure	<u>NUMBER:</u> 6Hx27:06-16
<u>AUTHORITY:</u> Florida Statute: 1001.64, 1001.65 FAC: 6A-14.0261	<u>SEE ALSO:</u>
<u>DATE ADOPTED:</u> 12/1/97; revised 1/22/01	<u>PAGE:</u> 1 of 4

The College assures prompt and impartial consideration of grievances.

A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any condition affecting the employee is unjust, inequitable, a hindrance to effective operation, or creates a problem. The following are exceptions.

1. An employee shall not have the right to file a grievance against performance appraisal unless it is alleged that the appraisal is based on factors other than the employee's performance.
2. An employee who is promoted and subsequently demoted before attaining permanent status in the higher class shall not have the right to appeal the demotion unless such demotion is to a lower class than the class in which the employee was serving before promotion.
3. An employee who accepts a reduction in pay, a demotion, or a reassignment shall waive all rights to grieve such action if the employee has signed a written statement that the action is voluntary.
4. An employee whose position is reclassified to a lower class resulting in a demotion appointment shall not have the right to grieve.
5. An employee who is dismissed because of engagement in concerted activity as outlined in 6Hx27:06-14, Standard 33 shall not have the right to grieve the dismissal.

An employee who is not serving a probationary period may initiate the grievance procedure. Employees may use this procedure without fear of reprisal or penalty.

Initiating the Procedure

The Grievance Procedure must be initiated within five (5) working days following occurrence of the action/event giving rise to the grievance. Employees may not use College materials, SUNCOM system, or work time to prepare grievances.

The employee and the supervisor may agree in writing to allow additional time during steps one and two of the following procedure.

Step One: Filing a Grievance

The employee shall present the grievance to the immediate supervisor in writing no later than five (5) working days following occurrence of the action/event giving rise to the grievance. The immediate supervisor's written response should be made within five (5) work days after receipt of the grievance. The supervisor's response should state the action to be taken in an effort to resolve the grievance or shall outline the reasons that the immediate supervisor is unable to resolve the grievance to the satisfaction of the employee.

If the Vice President for Administrative Services is the immediate supervisor, then the Vice President for Student Affairs is the person to whom the grievance should be presented. If this is the case, the grievance is considered to be at step three of the process.

Step Two: Review by Next Level Supervisor

If a mutually satisfactory adjustment is not reached between the employee and the immediate supervisor or if the immediate supervisor does not respond to the grievance within the time limit in step one, the employee may submit the written grievance to the next higher level supervisor within five (5) work days from the receipt of the immediate supervisor's response to the grievance or, for non-response, within five (5) work days from the time limit for step one. If the employee fails to grieve the disposition of step one within the time limit allowed, the disposition shall be considered settled and binding on the employee and the College.

If the Vice President for Administrative Services is the immediate supervisor, then the Vice President for Student Affairs is the person to whom the grievance should be presented. If this is the case, the grievance is considered to be at step three of this process.

The next higher level supervisor should respond to the grievance in writing within five (5) work days after receipt of the grievance at this step.

Step Three: Review by Vice President for Administrative Services

If a mutually satisfactory solution is not reached or if the next higher level supervisor does not respond to the grievance within the time limit for step two, the employee may submit the written grievance to the Vice President for Administrative Services within the five (5) subsequent work days. If the employee fails to grieve the disposition of step two within the time limit allowed, the disposition shall be considered settled and binding on the employee and

the College.

Before making a disposition, the Vice President shall discuss the grievance with all parties concerned. The employee may request a meeting of the supervisor, the next higher level supervisor, and the Vice President. If the Vice President for Administrative Services should be the first or next higher level supervisor, the Vice President for Student Affairs shall serve at this level.

Step Four: Appeal to the President

1. If the grievance involves a final notice action for a suspension or dismissal, then the affected employee may, within five (5) work days after receipt of the notification of such action, grieve to the President who shall render a decision based upon the record or may call witnesses as deemed necessary and then render a decision. If the grievant is called, he/she may bring a representative to assist or advise, but discovery, cross-examination, and similar legal procedures are not permissible. The President reserves the right to also have a representative present.
2. If the decision of the Vice President for Administrative Services (or Vice President for Student Affairs) at step three is unsatisfactory to the employee or either the first or next higher level supervisor, then any of these parties may, within five (5) work days after receipt of the decision of the Vice President, file a written notice of appeal to the President of the College, who may render a decision or have the matter studied by a committee established especially for the case.

Review by Grievance Committee

If a grievance committee is to be established, the President shall request a list from the Human Resources Department of managerial/professional, classified staff, and grant employees on permanent status. The grievant shall select one member from this list, the appropriate supervisor shall select the second member from this list, and the third member shall be selected from this list by the other two and shall serve as chair of the committee.

The Grievance Committee shall accumulate and study the facts of the case. The grievant and the appropriate supervisors shall be called to give testimony to the Grievance Committee and shall not be present at other sessions of the Committee unless specifically asked to be there. Legal counsel for the grievant, the appropriate supervisors, and the College shall not be present at the hearings of the Grievance Committee. Upon conclusion of the review, the Grievance Committee shall submit a written report and recommendation to the President.

The President shall render a decision based upon the record or may call witnesses as deemed necessary.

Step Five: Appeal to the Board

Should the grievant or either the first or next higher level supervisor not find satisfaction in the President's decision, any of these parties may request that the President present the

grievance and the dispositions made at each step to the District Board of Trustees for review.

This appeal to the Board must be made within ten (10) work days after the receipt of the President's decision. Should the grievant wish to address the Board regarding the grievance, the appeal must so indicate, and the request will be included on the next available Board agenda.

If the grievant is called, the grievant may bring a representative to assist or advise, but discovery, cross-examination, and similar legal procedures are not permissible. The Board reserves the right to also have a representative present. The decision of the Board shall be made on the record and shall be final.

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