

# STAFF POLICY MANUAL

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Human Resources Division

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**Former Employee Group Manuals have been separated from this document.**

**Memorandum of Understandings have replaced with C-7, C-8 and C-9 effective 5/22/2018.**

## STAFF POLICY MANUAL

Policy A-1	INTRODUCTION		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> ARS 15-1444	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out the scope of coverage, source of authority, and means of adopting, implementing and amending this Staff Policy Manual.

**B. APPLICABILITY.** The policies contained in this document apply generally to appointed, classified and non-classified MCCCDC employees except as specifically noted herein. These policies do not apply to residential faculty, adjunct faculty, short-term faculty, Specially Funded, short-term non-faculty (OSO/OYO, temporary) employees, or student employees.

**C. POLICY.**

- Generally. This Staff Policy Manual ("SPM") contains employee policies ("policies") of the Maricopa County Community College District ("MCCCDC") applicable to appointed, classified and non-classified employees. The policies provide information regarding recruiting, selection and hiring, employment including equal employment, compensation and hours of work, leaves of absence, benefits, employee safety and wellness, workplace procedures, employee conduct, and discipline and appeals.
- Scope of Authority. The Chancellor of the District and his/her designees has been delegated the power and authority by the Governing Board to establish the policies contained in this manual. The Chief Human Resources Officer or designee is responsible for ensuring these policies are in accordance and not in conflict with federal laws and Arizona statutes, Governing Board policies, District Administrative Regulations, and employee policy manuals. The Chief Human Resources Officer or designee is responsible for interpreting the proper application of these policies throughout the colleges and District.
- Conflicts. These policies supersede all previous written and unwritten personnel policies and guidelines and past personnel practices of MCCCDC. In the event of an inconsistency or conflict, applicable law, employee group manuals, and Governing Board policies and Administrative Regulations supersede this manual and this manual supersedes college, division, department or lower unit bylaws, policies, or guidelines.
- Implementation. MCCCDC maintains this manual as an online document and does not provide nor distribute it in printed form, except as required by law. Supervisors shall be thoroughly familiar with and properly administer these policies and shall inform employees that they are subject to the policies in the manual. Employees are responsible for familiarizing themselves and complying with these policies and all changes and amendments to these policies.
- Amendment. Changes in law, District policies, and employee policy manuals may necessitate changes to these policies. Such require approval by the Governing Board. The Chancellor or

designee may make other organizational changes. The Chief Human Resources Officer or designee will prepare and make all approved changes to this online document and inform employees of changes as appropriate.

6. Severability. If any section or part of these policies or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any section of these policies is restrained by a court, the remainder shall not be affected and shall remain in full force and effect, unless the context as a whole indicates that another section should be invalidated as well to conform with MCCCCD's intent.
7. Record Retention. MCCCCD retains a permanent printout of this manual and each change to this manual, created from the original text source for the online version, as an official record, which is available for inspection. Copies are available upon request from the District HR Solutions Center.

#### REVISIONS

Type	Date	Description
Effective	11/01/2013	Initial Policy
Revision	07/01/2015	Reason for Change: Governing Board delegation to Chancellor on December 9, 2024 (Item No 14-1, Motion No 10259)
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.1, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)

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## STAFF POLICY MANUAL

Policy A-2	GOVERNING BOARD RIGHTS		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> ARS 15-1444	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Policy/Reg.</u> None

- A. PURPOSE.** To set out the authority of the Governing Board and it's duly authorized agents.
- B. APPLICABILITY.** All MCCCCD employees covered by this manual.
- C. POLICY.** The Governing Board and its agents shall have, in addition to all powers, duties, and rights established by constitutional provision or statute, at least but not limited to the following exclusive powers, duties, and rights as specified:
1. Direct the work of its employees.
  2. Hire, evaluate, promote, demote, transfer, assign, reassign, and retain employees.
  3. Suspend, discipline, or discharge employees for proper cause.
  4. Maintain the efficiency of its operation.
  5. Relieve its employees from duties because of lack of work, financial exigency, program change, or other legitimate reasons, according to policy manual guidelines.
  6. Determine and implement methods, means, assignments, reassignments, and personnel by which its operations are to be conducted.
  7. Take such actions as may be necessary to carry out its mission as the Governing Board of the Community Colleges.
  8. Manage the physical facilities under its control including any alteration, relocation, or new construction thereof.
  9. Initiate, prepare, certify, and administer its budgets.
  10. The Governing Board will, as part of its regular meeting agenda, provide a time for employee groups to address the Board.

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## STAFF POLICY MANUAL

Policy A-3	EMPLOYMENT REQUIREMENTS AND INDEMNIFICATION		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> 42 USC 2000e; 29 USC 201-219; 29 USC 621-634; 42 USC 1981; 42 USC 12101-12213; 29 USC 791-794 (a); ARS 41-1461 to 1465	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol./Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding basic qualifications for employment and indemnifying employees for acts and omissions committed in the course and scope of employment.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY.**

1. Generally. Selection of persons for employment positions with MCCCCD shall be made on the basis of each applicant's knowledge, skill, ability, education, and experience as they relate to the position being filled. No employment decision shall be based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status, or genetic information, except where such criteria constitute a bona fide occupational requirement.
2. Minimum Qualifications. MCCCCD will only appoint or assign persons to employment positions who meet or exceed the minimum requirements for the position.
3. Required Licenses/Certifications. Certain employment classifications with MCCCCD require the applicant to possess a motor vehicle operators' license, commercial drivers' license, surety bonding, or other license or certification to be eligible for consideration for employment in such position. Licensing and certification requirements for each position are set forth in the job description. All individuals appointed or assigned to such a position must possess such required license or certification at time of appointment or assignment.
4. Indemnification.
  - a. MCCCCD, to the extent legally permissible, indemnifies and defends its employees against liability for acts or omissions arising out of and in the course of their employment for MCCCCD or performing duties related to the conduct of MCCCCD business. The General Counsel is authorized to represent MCCCCD and/or the employee and direct the defense of any claim, action, suit or proceeding on behalf of MCCCCD and the employee for which MCCCCD is indemnifying the employee pursuant to this policy. MCCCCD retains the right to direct, settle, compromise, appeal, and otherwise defend any such claim, action, suit or proceeding, including representation and the use of counsel as MCCCCD deems desirable. In any such event, the employee is expected to cooperate fully.
  - b. Employees are not represented by counsel employed or retained by MCCCCD in grievance procedures, internal discrimination matters, employment dismissal, or other similar proceedings, as these are internal processes which seek to inform MCCCCD, its administrators, and Governing Board members regarding the appropriateness of specific conflicts.

- c. MCCCCD does not provide representation or indemnify employees with regard to criminal offenses, licensure, certification, or similar professional administrative or disciplinary actions, parking or moving vehicle violations, or fees, fines or penalties associated with such violations. MCCCCD does not provide representation or indemnification for acts involving intentional misconduct, willful or knowing violation of the law, and transactions from which the individual derives an improper personal benefit. Each employee is expected to comply with federal and state laws, and local ordinances.

**REVISIONS**

Type	Date	Description
Effective	11/01/2013	Initial Policy
Revision	07/01/2015	<b>Reason for Change:</b> Governing Board delegation to Chancellor on December 9, 2014 (Item No 14-1, Motion No 10259).
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.1, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-4	EMPLOYMENT STANDARDS		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> Admin. Reg. 6.7

**A. PURPOSE.** To set out the rules of performance and conduct applicable to certain MCCCCD employees.

**B. APPLICABILITY.** All appointed, classified, and non-classified MCCCCD employees.

**C. POLICY.**

1. Rules. All covered employees shall to adhere to the following rules of performance and conduct. These rules include the employment standards established by the Governing Board in Administrative Regulation 6.7 in addition to other rules as described below. These rules are examples of expected performance and conduct and are not all-inclusive. Other rules are contained in applicable laws or specific college/division/department policies. MCCCCD reserves the right to amend these rules and establish additional rules as necessary. There are three separate categories of rules divided by type of conduct. There are two separate groups divided by seriousness in each type.

Offense Type	Group One Offenses	Group Two Offenses
A. Conduct	<ol style="list-style-type: none"> <li>1. Willful and intentional violation of any state or federal law, applicable ordinance, MCCCCD Governing Board policy, or MCCCCD administrative regulation that affects the employee's ability to perform his or her job.</li> <li>2. Making a false statement of or failing to disclose a material fact in the course of seeking employment or re-assignment of position at MCCCCD.</li> <li>3. Willful and intentional commitment of acts of fraud, theft, embezzlement, misappropriation, falsification of records or misuse of MCCCCD funds, goods, property, services, technology or other resources.</li> <li>4. Conviction of a felony or misdemeanor that adversely affects an employee's ability to perform job duties or has an adverse effect on MCCCCD if employment is continued.</li> <li>5. Fighting with a fellow employee, visitor, or student, except in self-defense. Committing acts of intimidation, harassment or violence, including (but not limited to) oral or written statements, gestures, or expressions that</li> </ol>	<ol style="list-style-type: none"> <li>1. Unintentional or unknowing violation of any state or federal law, applicable ordinance, MCCCCD Governing Board policy, or MCCCCD administrative regulation that affects the employee's ability to perform his or her job.</li> <li>2. Unknowing violation of MCCCCD's Hiring of Relatives policy or Administrative Regulation 4.18 - Consensual Relationships policy.</li> <li>3. Unintentional possession, use, neglect, misuse, abuse, or destruction of MCCCCD funds, goods, property, services, technology or other resources or the private property or assets of another employee which occurs during work time.</li> <li>4. Failure of an employee authorized to drive MCCCCD vehicles to report to the employee's immediate supervisor and the district Risk Manager a</li> </ol>

communicate a direct or indirect threat of physical harm, or other violations of MCCCCD Administrative Regulation 6.21 - Workplace Violence Prevention policy.

6. Reporting to work under the influence of alcohol and/or illegal drugs or narcotics; the use, sale, dispensing, or possession of alcohol and/or illegal drugs or narcotics on MCCCCD premises, while conducting MCCCCD business, or at any time which would interfere with the effective conduct of the employee's work for the MCCCCD; the use of illegal drugs; or testing positive for illegal drugs. The exception would include the consumption of alcohol at a reception or similar event at which the employee's presence is clearly within the scope of employment.

7. Possessing firearms or other weapons on MCCCCD property, except as may be required by the job or as otherwise permitted by law.

8. Knowing failure of an employee who is authorized to drive MCCCCD vehicles to report to the supervisor, the district Risk Manager, and the manager responsible for authorizing the use of college vehicles, within 48 hours or when reasonable in the event of vacation, sick leave, or other approved time away, any conviction for driving under the influence of alcohol or drugs, moving traffic violations, or drivers' license suspension or revocation that occurs, regardless of whether or not the driver was operating a college or district- owned, privately owned, rented or borrowed vehicle, or other violation of Administration Regulation 4.14 – Motor Vehicle Usage.

9. Knowing failure of an employee to maintain an acceptable conditional driving record.

10. Engaging in sexual harassment or other illegal discrimination based on race, color, religion, gender, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information, or other violation of MCCCCD Administrative Regulation 5 – Non-Discrimination Policy.

11. Dishonesty or dishonest actions, including but not limited to lying, deceitfulness, or making false statements.

12. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee, or otherwise using one's position,

conviction for a serious traffic violation that occurred in a private vehicle during non-work time. Examples of a serious traffic violation include, but are not limited to, DUI, Extreme DUI, reckless driving, racing on highways, aggressive driving, and/or any offense which results in automatic 10 points which renders the employee as an unacceptable driver.

	<p>identification, name, photograph or title for personal gain, or otherwise violating the State of Arizona's conflict of interest laws for public employees or MCCCDC Administrative Regulation 1.18 – Gifts, Gratuities and Unrelated Compensation.</p> <p>13. Unauthorized possession, use, neglect, misuse, abuse, or destruction of the private property or assets of or another employee that occurs during work time.</p> <p>14. Willful and intentional violation of MCCCDC's Hiring of Relatives policy or Administrative Regulation 4.18 - Consensual Relationships policy.</p> <p>15. Providing false testimony; making or publishing a false, vicious or malicious statement concerning other employees, MCCCDC, or its operations; or refusing to provide testimony or information in an investigation when properly required per MCCCDC policy.</p>	
B. Performance	<p>1. Willful and intentional failure to perform job duties that have first been communicated to an employee and are within the employee's scope of employment.</p> <p>2. Intentional destruction or threat of destruction of MCCCDC property, with malicious intent.</p> <p>3. Performing acts or executing job responsibilities in a reckless manner that poses a threat to the physical safety of the employee or another person.</p> <p>4. Failure by the College President, Vice Chancellor, Chancellor or other senior level administrators to notify appropriate law enforcement authorities of any potential theft of District funds or assets.</p> <p>5. Performing personal work while on-duty.</p> <p>6. Knowing failure to obtain, maintain and/or report to the immediate supervisor the loss, suspension or other restriction of a license, certification, or other qualification of an employee's position.</p> <p>7. Driving a motor vehicle on duty without a valid, applicable operator's license.</p> <p>8. Misuse, removal or destruction of MCCCDC documents or records, or revealing or</p>	<p>1. Neglect of duty, including but not limited to, failure to observe MCCCDC or college/division rules, policies, or procedures; lack of application or effort; or reading for pleasure, viewing TV or sleeping, etc. during work time.</p> <p>2. Discourteous treatment of the public or a fellow employee.</p> <p>3. Failure to cooperate or interference with the work performance of other employees.</p> <p>4. Failure to observe official health, safety, and sanitation rules, or common health, safety, and sanitation practices.</p> <p>5. Failure to report to appropriate MCCCDC authority the receipt of a request for information, a subpoena or a court order from an attorney, court of law or administrative body concerning MCCCDC business.</p> <p>6. Substandard performance of assigned duties; or performance below minimum required standards of performance.</p> <p>7. Unknowing failure to obtain, maintain and/or report to the immediate supervisor the loss, suspension or</p>

	disclosing MCCCCD information of a confidential nature without prior authorization. 9. Obligating MCCCCD for a serious expense, service, or performance without prior authorization. 10. Unauthorized possession, use, neglect, misuse, or abuse of the property or assets of MCCCCD, including but not limited to: MCCCCD vehicles, tools, equipment, supplies, e-mail, telephones, television, internet services; seal, logo, name, and other intellectual property of MCCCCD; MCCCCD keys, identification/entry badges; bulletin board notices and signs.	other restriction of a license, certification, or other qualification of an employee's position. 8. Violation of MCCCCD guidelines for incidental computer or telephone usage, District-wide message posting, or similar violations of MCCCCD Administrative Regulations, procedures or guidelines. 9. Failure of a supervisor to communicate, enforce, counsel, and correct an employee regarding violations of expected job performance and standards of conduct.
C. Attendance	1. Abandonment of one's position. 2. Willful failure to properly and completely document or report one's hours of work.	1. Unintentional failure to properly and completely document or report one's hours of work. 2. Tardiness, defined as the unexcused reporting to work after the scheduled starting time. 3. Failure to observe time limits and scheduled starting and ending times of meal or break periods or taking an excessive number of break periods during a work shift.

2. Penalties for Violations. Violations of these standards may result in corrective action as provided in [Policy C-4 – Progressive Discipline Policy](#).
3. Not Eligible for Rehire Provision. Employees who are terminated or non-renewed due to a determination that the employee has violated Maricopa Employment Standards set forth in Administrative Regulation 6.7, or who resign in lieu of such termination or non-renewal by agreement or otherwise, are not eligible for rehire within the Maricopa Community College District. Employees will be afforded notice of such a determination and an opportunity to be heard pursuant to the applicable employee policy or administrative regulation.
4. Recommendations. The Chief Human Resources Officer or designee is responsible for reviewing documented violations of employment standards, establishing procedures for the review of recommended disciplinary action to be taken, and determining whether the recommended disciplinary action is consistent with the documented violations of the employment standards. The Chief Human Resources Officer or designee shall have final authority to recommend disciplinary action under this policy and shall document the rationale for all decisions. To the extent that the recommendation for disciplinary action by the Chief Human Resources Officer or designee differs from the recommendation of the employee's College President or Vice Chancellor or other Chancellor's Executive Council Member, the Chancellor shall be consulted and shall make the final

recommendation on disciplinary action. The Chief Human Resources Officer or designee shall make recommendations that involve the Chancellor.

5. Report to Governing Board. Quarterly, a summary report shall be submitted to the Governing Board on disciplinary actions taken pursuant to this policy.

**REVISIONS**

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.1, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)

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## STAFF POLICY MANUAL

Policy A-5	MILITARY LEAVE		
<u>Effective Date:</u> 08/01/2014	<u>Applicable Law/Statute:</u> 38 USC 4301; ARS 26-101 to -181; 38-298; 38-610	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD's policy on leaves of absence and reemployment rights for employees who are members of the National Guard, reserve components of the Armed Forces, or who volunteer for, or are ordered to, active military service.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY.**

1. Types of Military Leave.

a. Military Training Leave

- i. Military Training Leave will be granted to an employee for a period not to exceed 240 regularly scheduled working hours in any two consecutive federal fiscal years (October 1-September 30), or the equivalent of six work weeks. "Military training" for this purpose shall include all time spent in training duty, or to attend camps, maneuvers, formations or drills under orders with any branch, reserve or auxiliary of the Armed Forces of the United States.
- ii. Employee pay and benefits shall be administered as follows:
  - a) Pay. Base pay for regularly scheduled hours.
  - b) Fringe Benefits. Full health insurance and all other employer-paid benefits.
  - c) Leave Accrual. Military Training Leave is active pay status. Vacation and sick leave will accrue.

b. Active Duty Military Leave

- i. Active Duty Military Leave will be granted to an employee who knows in advance their military leave will exceed 240 hours, or has exhausted the initial 240 hours of Military Training Leave and is called to duty within the same two consecutive federal fiscal years (October 1-September 30).
- ii. Employee pay and benefits during Active Duty Military Leave shall be administered as follows:
  - a) Pay. Differential Pay.
    - i) Eligibility. Military differential pay is payable to employees whose total military compensation is less than the employee's MCCCCD base pay for regularly scheduled hours during Active Duty Military Leave.
    - ii) Amount. Military differential pay consists of the difference between an eligible employee's military total compensation and the employee's MCCCCD base pay for regularly scheduled hours. The amount paid will not exceed 100% of the employee's MCCCCD base pay.
  - b) Fringe Benefits.
    - i) Health Insurance. An employee will remain covered under MCCCCD's group health care, dental, and vision plans until the end of the calendar month when Active Duty Military Leave starts, or a minimum of 30 calendar days, whichever is more (Exception: Full-time regular classified employees will remain covered under MCCCCD's group health care, dental, and vision plans for six months). Thereafter the employee and covered dependents will be offered continuation coverage through Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). If an employee was receiving compensation in lieu of MCCCCD's group health plan (See Policy B-3), such compensation will be suspended.
    - ii) Flexible Spending Accounts (See Policy B-3). During any period of continued health insurance coverage during Active Duty Military Leave, money placed in any medical reimbursement/dependent care account can be used. Contributions will be suspended. A participant with a Health Care Reimbursement Account may request a Qualified Reservist Distribution of the amount contributed to the Account as of the date of the request, minus reimbursements as of that date. No distribution will be made unless and until the participant requests in writing to have the plan make a Qualified Reservist Distribution.
    - iii) Life Insurance. Group term life insurance provided by MCCCCD and any voluntary supplemental life insurance will continue until the end of the calendar month when Active Duty Military Leave starts, or a minimum of 30 calendar days, whichever is more (Exception: Full-time regular classified employees will remain covered under MCCCCD's life insurance plans for six months). The employee and their dependents may continue group term and/or supplemental life insurance coverage (except Accidental Death and Personal Loss Insurance) by converting or porting to individual policies. To exercise this option a written application and first premium payment must be submitted to the applicable carrier within 31 days following the suspension of coverage (See Policy B-3).
    - iv) Voluntary Retirement Savings Plans. An employee may continue to make contributions to any Voluntary Retirement Savings Plans until the end of the calendar month when Active Duty Military Leave starts, or a minimum of 30 calendar days, whichever is more

(Exception: Full-time regular classified employees may make contributions to such plans for six months). Immediately upon reemployment with MCCCCD, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and is not greater in duration than three times the length of the employee's military service, not to exceed five years.

- v) Short-term and Mid-term Disability. An employee will remain covered under MCCCCD's short-term and mid-term disability plans until the end of the calendar month when Active Duty Military Leave starts, or a minimum of 30 calendar days, whichever is more (Exception: Full-time regular board-approved employees will remain covered under MCCCCD's group health care, dental, and vision plans for six months). (See Policy B-3).

vi) Retirement Plan Contributions.

- (a) ASRS. MCCCCD will make both MCCCCD and employee contributions to ASRS for up to 60 months if the employee:

- (i) Was an active member of ASRS on the day before the employee began military service;
- (ii) Is a member of the Arizona National Guard or is a member of the reserves of any military establishment of the United States;
- (iii) Volunteers or is ordered into active military service of the United States; and
- (iv) Is honorably separated from active military service and returns to MCCCCD employment within 90 days after release from service, related hospitalization, or dies as result of military service.

- (b) The required contributions to ASRS shall be based on the compensation the employee would have received during the period the employee was ordered into active military service. Contributions shall be made in a lump sum and without penalty when the employee returns to employment.

- c) Leave Accrual. Vacation and sick leave will not accrue.

## 2. Re-employment Rights.

- a. Upon completion of military service, the employee has the right to be reemployed to a position along with all associated rights and benefits that would have been obtained with reasonable certainty had the employee not been absent on military service, with the same MCCCCD service status and pay, as well as other rights and benefits determined by MCCCCD service if such employee:
  - i. Is discharged under honorable conditions;
  - ii. Gave notice, when foreseeable, of the leave (either written or verbal);
  - iii. Was on leave for no more than a cumulative length of absence of five years over the employee's term of MCCCCD service; and
  - iv. Applied for re-employment within specified time frames as outlined in section (C) 4 – Procedure herein.
- b. Upon an employee's prompt application for reemployment, an employee will be reemployed in the following manner depending upon the employee's period of military service:



- i. If the employee was on military leave for one to 90 days, the employee will be reemployed:
  - a) In the position of employment in which the employee would have been employed if the continuous employment of such employee with MCCCCD had not been interrupted by such service, the duties of which the employee is qualified to perform; or
  - b) In the position of employment in which the employee was employed on the date of the commencement of service, only if the employee is not qualified to perform the duties of the position referred to in subparagraph b (i) (a) after reasonable efforts by MCCCCD to qualify the employee.
- ii. If the employee was on military leave for 91 days or more, the employee will be reinstated:
  - a) In the position of employment in which the employee would have been employed if the continuous employment of such employee with MCCCCD had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or
  - b) In the position of employment in which the employee was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform, only if the employee is not qualified to perform the duties of a position referred to in subparagraph b (ii) (a) after reasonable efforts by MCCCCD to qualify the employee.
- c. Employee with a Service-Connected Disability. If after reasonable accommodation efforts by MCCCCD, an employee with a service-connected disability is not qualified for employment in the position the employee would have attained or in the position the employee left, the employee will be employed in:
  - i. Any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by MCCCCD; or
  - ii. If no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.
- d. General Benefits upon Reemployment. Employees who are reemployed are entitled to all MCCCCD service and non-MCCCCD service-related rights and benefits they would have attained with reasonable certainty had they remained continuously employed. Employees are treated as new employees for evidence of insurability purposes for re-enrollment in the MCCCCD life insurance plan. Employees shall be entitled to non-MCCCCD service benefits that became effective during their service. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to employment with MCCCCD.
- e. Exceptions to Reemployment. In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reemployment if any of the following conditions exist:
  - i. MCCCCD's circumstances have so changed as to make such re-employment impossible or unreasonable;
  - ii. The person is no longer qualified for the prior position as a result of a disability and re-employment imposes an undue hardship on MCCCCD; or
  - iii. The employment the person left to serve in the uniformed services was a temporary job, and there was no reasonable expectation that the job would continue indefinitely or for a significant period.

### 3. Non-Discrimination.

- a. A person who is a member of, applies to be member of, performs, has performed, applies to perform, or has an obligation to perform, service in a uniformed service branch shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by MCCCCD on the basis of that membership, application for membership, performance of service, application for service, or obligation.
- b. Employees who participate in the reporting, investigation, or filing of claims of violations of USERRA, regardless of whether they themselves performed uniformed service, may not be retaliated against.
- c. An employee who believes they have been unlawfully discriminated or retaliated against per this policy should provide a written or verbal report to the MCCCCD EEO Coordinator pursuant to (AR 5.1- 5.1.16).

### 4. Procedure.

- a. Notice. Employees receiving orders for military leave shall provide notice (either verbal or written) as far in advance as possible to the employee's immediate supervisor that the employee will be engaging in military service. Employees able to do so shall submit a copy of their military orders to the employee's immediate supervisor, which must be forwarded to the HR Solutions Center. Employees placed on active duty under an emergency situation (with less than 24 hours' notice from the service agency) must provide notice as soon as practicable after receiving orders for active service.
- b. Military Differential Pay. Eligible employees must submit Leave and Earning Statements (LES) along with military orders for the time differential pay is being requested to the HR Solutions Center for processing. Military differential pay will not be paid without all applicable LES's.
- c. Qualified Reservist Distribution from a Health Care Reimbursement Account. A participant with a Health Care Reimbursement Account may request a Qualified Reservist Distribution of the amount contributed to the Account as of the date of the request, minus reimbursements as of that date, by completing an FSA form and submitting same to the District HR Benefits Department.
- d. Application for Reemployment Schedule. An employee who has engaged in military service must, in order to be entitled to reemployment, submit an application for reemployment to the HR Solutions Center according to the following schedule:
  - i. If service is one to 30 days (or for the purpose of taking an examination to determine fitness for service) - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours rest and after a time for safe transportation back to the employee's residence.
  - ii. If service is for 31 days or more but less than 180 days - the employee must notify the HR Solutions Center no later than 14 days following the completion of service.
  - iii. If service is 181 days or more - the employee must notify the HR Solutions Center no later than 90 days following the completion of service.

- iv. If the employee is hospitalized or convalescing from a service-connected injury - the employee must notify the HR Solutions Center no later than two years following completion of service.

An employee applying for reemployment must provide military discharge documentation (i.e. DD-214) that establishes the length and character of the employee's military service to the HR Solutions Center.

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## STAFF POLICY MANUAL

Policy A-6		JURY DUTY/MATERIAL WITNESS/CRIME VICTIM LEAVE	
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> ARS 8-420, 13-4439; 21-236	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding the granting of leaves of absence to eligible employees on Jury Duty, Material Witness Duty and Crime Victim Leave.

**B. APPLICABILITY.** All full-time regular classified and non-classified MCCCCD employees (for Jury/Material Witness Duty Leave) and all employees covered by this manual (for Crime Victim Leave).

**C. POLICY.**

1. Jury/Material Witness Duty Leave.

- a. Generally. All full-time regular employees shall be entitled to leave during regular working hours when subpoenaed for jury duty or a court appearance as a material witness by the United States, the State of Arizona, a county, or a municipality. Material witness duty leave is not available to employees whose court appearance relates to or arises from the employee's commercial, business, or other personal matters, or relates to the employee's own misconduct or unlawful conduct. This section shall not apply to employees who appear in court as part of their employment, which appearances are compensated as hours worked.
- b. Payment. Employees on leave due to eligible jury or material witness duty shall be paid the employee's applicable hourly rate for all time on leave.
- c. Return to Work. An employee released from jury or material witness duty prior to the end of the employee's scheduled workday shall report for the remaining hours of work.
- d. Procedure. Employees notified of the obligation to serve on a jury or subpoenaed to appear in court as a material witness shall immediately present a copy of the official notice, summons, or subpoena to the employee's supervisor. Employees on paid leave due to eligible jury or material witness duty shall turn over to the District all sums paid to them by the court (other than mileage or subsistence allowances). This is normally done by cashing the check from the court and reimbursing the District for the per diem payment. The use of such leave shall be noted on the employee's time record for payroll purposes.
- e. Other. An employee who appears in court regarding personal matters as described in item C (1) (a) above must use accrued vacation or compensatory time to cover such period of absence.

2. Crime Victim Leave.

- a. Generally. An employee who is the victim of a crime or juvenile offense shall be granted leave to:
  - i. Be present at a proceeding pursuant to ARS Sections 8-420 or 13-4439; or

- ii. Obtain or attempt to obtain an order of protection, injunction, or other injunctive relief to help ensure the health, safety or welfare of the victim or victim's child.
- b. Use of Paid Leave. Employees shall request crime victim leave as far in advance as possible from the immediate supervisor, indicating whether such leave is to be unpaid or if the employee wishes to use accrued vacation, personal time or compensatory time while on such leave. The employee shall provide a copy of the form provided to the employee by the law enforcement agency and, if applicable, a copy of the notice of each scheduled proceeding provided to the employee by the agency responsible for providing such notice to the employee. The use of such leave shall be noted on the employee's time record for payroll purposes.

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## STAFF POLICY MANUAL

Policy A-7	TAX-SHELTERED ACCOUNTS		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> 26 USC 403 (b)	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding voluntary tax-sheltered savings accounts available to employees.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY.**

- MCCCCD has authorized employee participation in tax-sheltered savings programs offered by companies recommended by the Employee Benefits Advisory Committee and approved by the Governing Board in accordance with the law. Further information is available from the Employee Benefits Department at District Human Resources or at:  
<https://sites.google.com/domail.maricopa.edu/retirementasrs/retirement-savings-plan>.

**REVISIONS**

Type	Date	Description
Effective	05/01/2023	Initial Policy
Revision	07/01/2015	Reason for Change: Governing Board delegation to Chancellor on December 9, 2014 (Item No 14-1, Motion No 10259)
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.1, Motion No 10567)
Revision	09/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)
Revision	01/05/2023	Updated invalid link in section C.1

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## STAFF POLICY MANUAL

Policy A-8	VOTING LEAVE		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> ARS 16-402	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding the granting of a leave of absence to vote to employees entitled to vote.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual entitled to vote in a primary or general election.

**C. POLICY.**

1. Voting Leave.

- a. Generally. All employees who are entitled to vote in a primary or general election held within the state shall be granted leave to vote at the beginning or end of the work shift, if there is less than three consecutive hours between the opening of the polls and the beginning of the employee's shift or less than three consecutive hours between the end of the employee's shift and the closing of the polls. The amount of leave granted shall be equal to three hours minus the time difference between work hours and the opening or closing of the polls.
- b. Payment. Employees on voting leave shall be paid their applicable hourly rate for all time on leave.

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## STAFF POLICY MANUAL

Policy A-9	WORKPLACE INJURY REPORTING		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> ARS 23-901 to -1091; ARS 23-401 to -433	<u>Source Doc/Dept:</u> None/Risk Mgt.	<u>Authorizing GB Pol./Reg.</u> GB Policies 2.5, 3.3

**A. PURPOSE.** To set out MCCCCD's policy regarding reporting workplace accidents and injuries, including the respective responsibilities of employees, supervisors, and District Risk Management regarding workplace accident and injuries.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual and all MCCCCD volunteers.

**C. POLICY.**

1. Generally. By law, every Arizona employer must furnish to each of its employees employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees. MCCCCD places a high priority on the safety and health of its employees, and regards safety and health as a fundamental value of the institution. MCCCCD is committed to supporting the safety and health of its employees by instituting and maintaining a program that provides adequate systemic policies, procedures, and practices to protect employees from, and allow employees to recognize, job-related safety and health hazards. Unfortunately, even in the safest workplaces, accidents and injuries occasionally happen. When work-related injuries or illnesses occur, it is MCCCCD's responsibility to:

- a. Ensure that an employee who sustains a work-related injury or illness receives appropriate medical treatment and timely medical and compensation payments, and
- b. Assist injured employees to return to work as soon as they are physically capable of performing the work of their position or another available position.

This policy and procedure outlines MCCCCD's methods to meet these responsibilities.

2. Recordable/Reportable Claims. It is MCCCCD's intent with this policy to report for workers' compensation purposes and/or record for Arizona Division of Occupational Safety and Health (ADOSH) reporting purposes all injuries and diseases that arise out of and during the course of an employee's employment with MCCCCD.

- a. The following claims are recorded for ADOSH reporting purposes:
  - i. Any work-related injury that results in loss of consciousness, significant injury diagnosed by a health care professional, or death
  - ii. Any work-related injury where an employee is off work other than the remainder of the day the injury occurred
  - iii. Any work-related injury where the employee returns to work on less than full duty or is transferred to another job



- iv. Any work-related case involving cancer, chronic irreversible disease, fractured or cracked bones, or a punctured eardrum
    - v. Any work-related injury for which medical treatment beyond first aid is required
  - b. The following claims are reportable for workers' compensation purposes:
    - i. Any injury where an employee is off work other than the remainder of the day the injury occurred
    - ii. Any injury where the employee returns to work on less than full duty other than on the date of injury
    - iii. Any injury for which medical care that will result in fees being billed by a health care provider
    - iv. Any injury or incident, regardless of seriousness of injury, which occurred while at a place of work and in the scope of performing job duties for MCCCCD
- 3. Accommodation of Disabled Employee. When dealing with a disabled employee as defined in the ADA who is claiming a disability under the workers' compensation system, MCCCCD will consider making a reasonable accommodation that would allow the employee to continue performing the essential functions of the employee's position with MCCCCD.
- 4. Injury Reporting Process.
  - a. Employee's Responsibilities. An employee who suffers a work-related injury or illness shall:
    - i. Immediately report the injury or illness, regardless of the apparent seriousness of the injury and whether or not medical attention is required, to the immediate supervisor, or if the immediate supervisor is not available, to the next available supervisor in the employee's chain of command. If the injury or illness occurs at a time when no supervisor is available, the employee is to report the injury or illness to the immediate supervisor at the first available opportunity. Failure to report a workplace injury or illness by the end of the work day during which the injury or illness occurred may result in corrective action.
    - ii. Seek all necessary and appropriate medical treatment;
    - iii. Communicate and cooperate with District Risk Management during the workers' compensation claim process; and
    - iv. Return to work as soon as determined capable of performing the work of the employee's regular employment position or a temporary transitional duty position.
  - b. Supervisor's Responsibilities. Upon notification of an employee's work-related injury or illness, the employee's immediate supervisor, if available, or the next available supervisor in the injured/ill employee's chain of command shall:
    - i. Arrange for the employee to receive necessary and appropriate medical treatment at either:
      - a) Concentra Medical Centers;
      - b) Other District Risk Management-approved facility; or
      - c) If there is a life-threatening condition, call 9-1-1 for ambulance transport to the nearest hospital emergency room.
    - ii. Contact District Risk Management and report the details of the injury/illness as soon as possible and no later than the end of the workday on which the injury occurred. The supervisor

shall also report the injury/illness to the employee's department/division director. Failure to report an employee's workplace injury or illness within two work days of the injury or illness may result in corrective action.

- iii. Complete the *Supervisor's Report of Industrial Injury* and submit same to District Risk Management no later than 24 hours after the injury/illness (Assist the employee with the employee's portion as necessary).
- iv. Determine the injured employee's return to work status.
- v. If the employee is able to return to work immediately without restrictions allow the employee to return and provide District Risk Management with documentation of the employee's condition along with the *Supervisor's Report of Industrial Injury*.
- vi. If the employee is able to return to work but with restrictions, or is temporarily totally disabled and unable to return to work, forward all documentation to District Risk Management along with the *Supervisor's Report of Industrial Injury*.
- vii. Immediately correct or remedy any unsafe conditions or practices indicated by the investigation. Attach the details of any such action to the *Supervisor's Report of Industrial Injury*.
- viii. Maintain contact with the employee regarding the employee's condition and return to duty.
- ix. Discuss possible temporary transitional duty with District Risk Management.
- c. District Risk Management's Responsibility.
  - i. Assist the immediate or other responsible supervisor with the injury/illness investigation.
  - ii. Prepare and send the Employer's Report of Industrial Injury to MCCCCD's third-party administrator (TPA), which will then administer the claims process.
  - iii. Remain in contact with the TPA regarding injured employees' medical and work statuses.
  - iv. Complete the ADOSH/workers' compensation claim reporting and documentation process.
  - v. If the injured employee is unable to return to full duty immediately, determine the employee's eligibility for wage continuation or workers' compensation (See Policy A-10 – Workers Compensation) and/or temporary transitional duty [See Policy A-11 – MCCCCD Temporary Transitional Duty (MTTD) Program].
  - vi. Serve as a consultant and liaison to employees and supervisors regarding the workers' compensation claims process.

## 5. Payment of Wages.

- a. Day of Occurrence. MCCCCD will compensate an employee who suffers a work-related injury or illness and who receives medical treatment for the injury or illness during work hours on the day of occurrence, for any lost time while receiving treatment as regular wages. MCCCCD will pay the employee for a full day's work as regular wages if the employee does not return to work on the day of occurrence. MCCCCD will not pay overtime for any medical treatment allowed.
- b. Subsequent Days. In the event an employee is off work due to a workplace injury or illness for subsequent days after the day of occurrence, see Policy A-10 – Workers' Compensation regarding the employee's eligibility for compensation from MCCCCD.

6. MCCCD Employees Residing Outside of Arizona. Out-of-state employees who suffer a work-related injury or illness are directed to contact MCCCD Risk Management at (480) 731-8698.

**REVISIONS**

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	05/22/2018	<b>Non-Substantive Changes:</b> Section C.4.b.i.b. Updated service provider information.

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## STAFF POLICY MANUAL

Policy A-10	WORKERS' COMPENSATION		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> ARS 23-901 to -1091; ARS 23-401 to -433	<u>Source Doc/Dept:</u> None/Risk Mgt.	<u>Authorizing GB Pol/Reg.</u> GB Policies 2.5, 3.3

**A. PURPOSE.** To set out MCCCCD's policy regarding compensation for employees who suffer compensable workplace illnesses or injuries and who are determined by a physician to be temporarily totally disabled.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY.**

1. Eligibility. Employees who suffer workplace illnesses or injuries and who are determined by a physician to be temporarily totally disabled are eligible for compensation as provided herein, after review and approval by District Risk Management, subject to the following conditions:
  - a. The illness or injury is determined compensable by MCCCCD's Third-Party Administrator;
  - b. The employee reports the injury in a timely fashion and otherwise complies with Policy A-9 – Workplace Injury Reporting.
  - c. If applicable, the employee relinquishes workers' compensation benefit payments to MCCCCD.
2. Compensation.
  - a. Full-time Appointed, Classified and Non-Classified Employees.
    - i. 100% Wage Continuation. Full-time appointed, classified and non-classified employees determined to be temporarily totally disabled due to a compensable workplace illness or injury are eligible to receive 100% of their normal rate of pay, including premium pay, for regularly scheduled hours per week for up to 30 working days. Such payments shall commence at the beginning of the first work day after the date of injury, upon receipt of proof of disability and an approved claim. Such compensation shall terminate after 30 working days per claim or aggravation of same.
    - ii. 66.67% Compensation. Full-time appointed, classified and non-classified employees who exhaust the 30 working days benefit described above are eligible to receive 66.67% of their average monthly pay, up to a maximum as established by state law, plus \$25.00 per month for one or more dependents, during the period of disability. In addition, MCCCCD will pay the remaining 33.33% of the employee's average monthly pay out of the employee's accumulated sick leave. Once sick leave is exhausted, an employee may elect to have the remaining 33.33% paid from accumulated vacation.
  - b. Other than Full-time Appointed, Classified and Non-Classified Employees. All employees, other than full-time appointed, classified and non-classified employees, who suffer a compensable workplace illness or injury, are eligible to receive 66.67% of their average monthly pay, up to a maximum as established by state law, plus \$25.00 per month for one or more dependents. Other

than full-time appointed, classified and non-classified employees are eligible for this compensation after missing more than seven days of work. If the total temporary disability extends beyond seven days, the employee will begin receiving such compensation on the eighth day after the injury. If temporary total disability extends beyond the 14th day, the employee will receive such compensation retroactive to the day after the date of injury.

3. Employment Status. An employee receiving compensation hereunder is in active pay status. Full-time appointed, classified and non-classified employees receiving compensation hereunder shall accrue vacation and sick leave, have MCCCDC's share of any health insurance premium paid (and have the employee's share, if any, deducted from such compensation), and be entitled to holiday pay for any holidays which occur while receiving compensation.
4. Termination. The compensation payable herein shall terminate upon any of the following events:
  - a. The employee returns to work.
  - b. The employee's physician releases the employee to return to work.
  - c. The employee fails to return to work on a temporary transitional work assignment consistent with the employee's medical restrictions.
5. MCCCDC Employees Residing Outside of Arizona. Out-of-state employees who suffer a work-related injury or illness are directed to contact MCCCDC Risk Management at (480) 731-8698 concerning eligibility for compensation.

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## STAFF POLICY MANUAL

Policy A-11	MCCCD TEMPORARY TRANSITIONAL DUTY (MTTD) PROGRAM		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> ARS 23-401 to -433	<u>Source Doc/Dept:</u> MTTD Program/Risk Mgt.	<u>Authorizing GB Pol/Reg.</u> GB Policies 2.5, 3.3

**A. PURPOSE.** To set out the policy and process for providing transitional work for MCCCD employees who have a work-related injury or illness and as a result are not immediately able to return to full duty.

**B. APPLICABILITY.** All MCCCD employees covered by this manual.

**C. POLICY.**

1. Generally. District Risk Management administers the MCCCD Temporary Transitional Duty (MTTD) program. The MTTD program provides temporary transitional duty for employees who have a work-related injury or illness and as a result are not immediately able to return to full duty. The goal of the MTTD program is for MCCCD to work with injured/ill employees and the employee's physician to transition the employee back to full, unrestricted duty.
2. Work-related Injuries/Illnesses. Employees who have a job-related injury or illness within the scope of employment and whose physician determines to be able to return to work but with restrictions on their next scheduled workday shall qualify for the MTTD program. An employee injured within the scope of employment who is returned to duty with restrictions by their physician on their next scheduled work day must:
  - a. Report the injury to their immediate supervisor and complete all required documentation pursuant to Policy A-9, Workplace Injury Reporting.
  - b. Contact their immediate supervisor immediately after receiving medical care, and provide the supervisor with all documentation from the treating physician, which should include a diagnosis of the injury and a list of physical restrictions;
  - c. Meet with their division/department director or designee in conjunction with District Risk Management and/or College HR to discuss the terms and conditions of a temporary transitional duty position within the restrictions outlined by the physician; and
  - d. Report to work under the terms and conditions of the temporary transitional duty position offered.
3. Procedure.
  - a. Agreement. Prior to the employee's start date in the MTTD program, the employee will meet with the employee's department director or designee and District Risk Management and/or College HR to review and sign an MTTD Transitional Duty Agreement. The agreement will include at a minimum the following:
    - i. A specific start and stop date for the MTTD assignment. These dates will be, in part, based on information provided by the physician relative to the nature of the employee's condition and the anticipated recuperation time. The time an employee may remain in a MTTD position shall

- be determined at the discretion of the division/department director in conjunction with District Risk Management on a case by case basis, but in most instances will not exceed 12 weeks;
- ii. Reporting requirements relative to the progress of prescribed treatment and the frequency of those reports;
  - iii. Specific treatment ordered by the physician; and
  - iv. A specific listing of limits established by the physician which may include, but is not limited to:
    - a) Limits in the number of hours per day the employee can work;
    - b) Climbing limitations (ladders, steps, etc.);
    - c) Limitations in the use of equipment;
    - d) Walking and/or standing limitations;
    - e) Stooping and/or twisting limitations;
    - f) Lifting limitations both for weight and height, as well as frequency; and
    - g) Pushing and/or pulling limitations.
    - h) Specific steps developed in conjunction with the physician to "condition" the employee so that they can return to their position as quickly as possible. An example of a conditional objective may be to gradually increase the number of hours per day an employee works or gradually increase the number of days per week the employee participates in normal job duties versus transitional work.
- b. Refusal to Participate. Should an employee with a work-related injury or illness refuse to perform offered MTTD that is within the restrictions imposed by the employee's physician, MCCCCD will cease payment of wage continuation and/or terminate temporary total disability compensation. MCCCCD may also take corrective action. If the attending physician will not authorize temporary transitional duty, MCCCCD will take appropriate action as allowed by law.
- c. MTTD Guidelines. While on MTTD, employees:
- i. Are not eligible for overtime or special duty (except court duty for certified police personnel);
  - ii. Are not permitted to respond to emergencies, drive marked safety vehicles or, for public safety officers, wear any part of the uniform of the day;
  - iii. May be assigned to perform duties the employee is capable of performing where such work is available. The preference will be to place the employee with the employee's current division/department if MTTD work is available in that division/department;
  - iv. Will be paid the compensation the employee would have received had they continued to perform their regular duties.
  - v. Need not use sick or other leave for medical appointments related to the injury/illness.
- d. Number of MTTD Positions. The division/department director shall determine the availability and number of MTTD positions available in a division/department.
- e. Return to Work. MCCCCD will return employees to full duty only upon receipt of a release from the employee's physician indicating the employee may return to full duty without restriction. MCCCCD may require a fitness for duty exam in such case.

4. MCCCD Employees Residing Outside of Arizona. Out-of-state employees who have a job-related injury or illness within the scope of employment and whose physician determines to be able to return to work but with restrictions on their next scheduled workday are directed to contact MCCCD Risk Management at (480) 731-8698 concerning eligibility for the MTTD program.

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## STAFF POLICY MANUAL

Policy A-12	ARIZONA STATE RETIREMENT AND SOCIAL SECURITY PROGRAMS-PENSION AND RETIREMENT		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> 41 USC 301 <u>et. seq.</u> ; 38 ARS 711 <u>et. seq.</u>	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policies 2.5, 3.3

- A. PURPOSE.** To set out MCCCCD policy regarding the retirement and pension programs provided to all eligible MCCCCD employees.
- B. APPLICABILITY.** All MCCCCD employees are covered by this section of the manual. Whether a particular employee is eligible for the benefits provided by these systems/plans is determined by the terms of the system/plan.
- C. POLICY.**
1. Eligible employees of MCCCCD are covered under the Federal Social Security and the Arizona State Retirement System/Plan.

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## STAFF POLICY MANUAL

Policy A-13	TUITION WAIVERS EDUCATIONAL ASSISTANCE		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> ARS 15-1445	<u>Source Doc/Dept:</u> Handbook for Tuition Waivers, Affidavits and Exemptions/OPS	<u>Authorizing GB Action</u> Motion No.9191 8/26/2003

- A. PURPOSE.** To provide educational assistance for eligible employees and their spouses and dependent children.
- B. EFFECTIVE May 22, 2018** – Refer to the Tuition Waiver Manual maintained by the Office of Public Stewardship at <https://maricopa.sharepoint.com/sites/DO/human-resources/benefits/Pages/tuition-waivers.aspx>.

### REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	07/01/2015	Reason for Change: The changes (2015) aligned the definitions of FTEs eligible for benefits under the Affordable Care Act. Additional updates were made to align the SPM with the Common Pages.
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.1, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)
Revision	01/05/2023	Reason for Change: Updated invalid link

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## STAFF POLICY MANUAL

Policy A-14		POLITICAL ACTIVITY	
<u>Effective Date:</u> 02/05/2018	<u>Applicable Law/Statute:</u> ARS 15-1408	<u>Source Doc/Dept:</u> Political Activity on the Community College Campus/Gen. Counsel	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy in compliance with state statute regarding the use of District resources or employees to influence the outcomes of elections.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY**

1. Generally. Arizona law provides the following regarding the political activity of MCCCCD employees:
  - a. MCCCCD shall not use its personnel, equipment, materials, buildings or other resources such as but not limited to the intranet, internet, cable TV or publications for the purpose of influencing the outcomes of elections. Nothing in this section precludes MCCCCD from reporting on official actions of the governing body.
  - b. MCCCCD employees shall not use the authority of their positions with MCCCCD to influence the vote or political activities of any subordinate MCCCCD employee.
  - c. Nothing contained in this section shall be construed to prohibit MCCCCD from permitting student political organizations of political parties, including those that are recognized pursuant to ARS sections 16-801, 16-802 and 16-803, to conduct lawful meetings in MCCCCD buildings or on MCCCCD grounds, except as prescribed in subsection C (1) (a) of this section. Each student political organization that is allowed to conduct lawful meetings on MCCCCD property shall have equal access as any other student political organization that is allowed to conduct lawful meetings on MCCCCD property.
  - d. Nothing contained in this section shall be construed as denying the civil and political liberties of any employee as guaranteed by the United States and Arizona Constitutions.
2. Guidelines. The MCCCCD General Counsel has prepared a publication explaining the application of ARS 15-1408 to the use of MCCCCD resources and personnel to influence elections at: <https://district.maricopa.edu/legal/student-faculty-resources/political-activity-on-campus>. In addition, the Arizona Attorney General has published guidelines as required by state statute relating to the use of community college district resources or personnel to influence the outcomes of elections at: <https://www.azag.gov/sites/default/files/publications/2018-06/GuidelinesUseOfCommunityCollegeResourcesReElections.pdf>.

**REVISIONS**

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	02/05/2018	Reason for Change: May 22, 2018 (Item No 10.4, Motion No 10567)
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.1, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)

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## STAFF POLICY MANUAL

Policy A-15		HIRING OF RELATIVES	
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> ARS 38-501 <u>et. seq.</u>	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy and related procedures for the employment and supervision of relatives of existing employees in accordance with state conflict of interest statutes.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY.**

1. Generally. Relatives of employees of MCCCCD may apply for, be considered without prejudice for, and be hired into any employment position with MCCCCD. However, no person may be employed by MCCCCD where such person's relative is already employed in a position within the line of supervisory authority of the position being filled, except if the relative in the position in the line of supervisory authority has recused themselves from involvement in any key decision involving such person as provided in Section C (2) below.
2. Recusal and Assignment. A relative of an existing MCCCCD employee may only work in a position in the same line of supervisory authority as the employee if the employee recuses himself/herself from all decision making, meaning the initial employment decision and all key decisions regarding said relative are assigned to a manager or supervisor who is not related to either the relative or the employee and who is higher in managerial or supervisory authority than both the relative and the employee. Such assignment shall be made by the Chief Human Resources Officer or designee. Exceptions to this policy may be made only in extreme extenuating circumstances and then only with the approval of the Chief Human Resources Officer. If the Chief Human Resources Officer or designee is in the line of supervisory authority of a relative, the Vice Chancellor shall recuse himself/herself and the Chancellor shall name a different member of the Chancellor's Executive Council to perform this duty.
3. Created Relationships. If, after employment, two employees become relatives within a line of supervisory authority, MCCCCD will attempt to accommodate this newly-created relationship if such accommodation can be done without impairing MCCCCD operations or violating the law. Efforts to accommodate the relationship may include, but not be limited to, assigning the employees to work different shifts, reassigning the employees so that one does not supervise the other, or assigning different supervisors to each employee pursuant to Section C (2) above. If an accommodation cannot be realized, a resignation of one of the parties shall be required. Employees contemplating the creation of a relationship in violation of this policy shall provide their immediate supervisor with notice of the intent to do so as far in advance as possible in order for the employees' manager, in conjunction with District Human Resources, to determine if and how such relationship may be accommodated pursuant to this policy.

4. Procedure. Annually, every appointed, classified and non-classified employee shall file a disclosure naming any relatives who also are an employee of MCCCDC. This disclosure also shall include an acknowledgement by the employee that they have read and understand MCCCDC's hiring of relatives policy. Updated disclosures will be submitted by the employee during the year if personal circumstances change.
5. Definitions.
- a. "Relative" includes a parent, step-parent, parent-in-law, brother, stepbrother, sister, stepsister, spouse, son, stepson, daughter, stepdaughter, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, grandchild, great-grandchild, aunt, uncle, niece and nephew of the employee or the employee's spouse. A "relative" also includes a domestic partner of an employee who is claimed as a dependent by the employee for insurance purposes, and a relative (as that term is defined herein) of such domestic partner.
  - b. "Key decision" includes any decision involving the hire, renewal, retention, supervision, promotion, probationary review, initial salary determination, discipline, evaluation, or compensation of a relative. A key decision does not include a decision that incidentally affects a relative equally among other employees.
  - c. "Line of supervision" includes all positions in the chain of command of the employee's position, from the employee's position up to and including the College President/Administrator.

**REVISIONS**

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	07/01/2015	Non-Substantive Changes: Revised date from 05/01/2013 to 07/01/2015. C.2. Changed "Vice Chancellor or Human Resources" to Vice Chancellor for Human Resources".
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.4, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)

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## STAFF POLICY MANUAL

Policy A-16	HOLIDAYS		
<u>Effective Date:</u> 08/01/2014	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol./Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding time off from work and compensation for time worked by eligible employees on days designated as holidays by MCCCCD.

**B. APPLICABILITY.** All full-time classified and non-classified employees.

**C. POLICY.**

1. Designated Holidays. Eligible employees in active pay status on the workday before and the workday after a holiday shall be granted holiday compensation/leave for the following designated holidays:
  - a. Independence Day
  - b. Labor Day
  - c. Veteran's Day
  - d. Thanksgiving Day
  - e. Friday following Thanksgiving
  - f. Winter Recess
  - g. Martin Luther King Day
  - h. President's Day
  - i. Spring Recess – (Five Days, Monday and Friday)
  - j. Memorial Day
  - k. Juneteeth

At the Chancellor's option, an additional holiday or holidays may be declared during the fiscal year.

2. Weekend Holidays. Designated holidays occurring on a Saturday or Sunday will be observed on Friday or Monday, or as otherwise designated by MCCCCD.
3. Holiday Compensation. Eligible non-exempt employees are paid holiday pay in an amount equivalent to their pay for a regularly scheduled work day on the day of holiday observance. Eligible exempt employees will be paid their regular salary in any week containing a designated holiday. Eligible employees who are less than 1.0 FTE are paid a pro-rated portion of holiday based on their percentage of FTE. Employees must be in active pay status both the scheduled working day before and the scheduled working day after a holiday in order to receive holiday pay.
4. Holiday on Regular Day Off. An eligible non-exempt employee whose regular day off falls on a day of holiday observance may either, at the option of the employee's department, be 1) given an alternative

day off during the same calendar week with pay, or 2) paid an additional amount equivalent to their

pay for a regularly scheduled work day. Consistent with operational needs, the employee's preference in this regard will be considered.

5. Work on Holiday. Eligible non-exempt employees regularly scheduled or required to work on a designated holiday shall be paid for all hours actually worked at one and one-half times the employee's regular hourly rate of pay, in addition to holiday pay. The holiday for this purpose is the actual holiday, regardless of when the holiday is celebrated. The holiday hours actually worked shall be creditable toward overtime compensation due. The additional holiday pay is excluded for purposes of calculating eligibility for overtime.
6. Holiday While on Vacation. If a designated holiday falls while an employee is on vacation, the employee will be paid holiday pay and not be charged vacation leave for the holiday.

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## STAFF POLICY MANUAL

Policy A-17	PUBLIC STEWARDSHIP AND ETHICS		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> ARS 38-501 to -511	<u>Source Doc/Dept:</u> Office of Public Stewardship web page/OPS	<u>Authorizing GB Pol./Reg.</u> Admin. Reg. 1.18

**A. PURPOSE.** To set out MCCCCD's policy regarding public stewardship and institutional ethics and the ethical and professional conduct expected of every MCCCCD employee.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY.**

1. Code of Ethical and Professional Conduct. In compliance with state laws related to conflicts of interest for employees of all political subdivisions of the state, the following rules shall apply to all MCCCCD employees:

- a. Any employee who has, or whose relative has, a substantial interest in any contract with, sale to, purchase from, service for, or decision by MCCCCD must do two things:
  - i. The employee must disclose the substantial interest to MCCCCD in writing; and
  - ii. The employee must refrain from participating in any manner in the contract, sale, purchase, decision or decision making process therefore.

Even if the employee is confident that they can be objective in the matter and that the public interest would not be harmed by the employee's participation, the employee must disclose the substantial interest and not participate in the matter.

- b. Any employee may supply equipment, material, supplies, or services to MCCCCD only if the contract is awarded after public competitive bidding. The college seeking to engage in the contract should contact the MCCCCD Purchasing Division for a description of the competitive bidding requirements.
- c. During employment with MCCCCD and for 12 months after leaving employment, an employee may not represent another person or entity for compensation before MCCCCD on a matter:
  - i. If the employee was directly concerned with the matter while an MCCCCD employee;
  - ii. If the employee personally participated in the matter during MCCCCD employment; and
  - iii. If the matter involved a substantial and material exercise of administrative discretion by the employee.
- d. During MCCCCD employment and for two years after leaving employment, an employee may not disclose or use for the employee's personal profit any information disclosed to the employee in the course of the employee's official duties that has been clearly designated as confidential or that is declared confidential by law.

- e. An MCCCCD employee may not receive or agree to receive directly or indirectly compensation (other than as provided by law) for any service rendered or to be rendered by the employee in any matter pending with MCCCCD.
  - f. An MCCCCD employee may not use or attempt to use the employee's official position to secure any valuable thing or benefit that would not ordinarily accrue to the employee in the performance of official duties, if the thing or benefit is of such character as to manifest a substantial and improper influence on the employee with respect to the employee's official duties.
  - g. If an employee is significantly involved in initiating, negotiating, securing, drafting, or creating a contract on behalf of MCCCCD:
    - i. MCCCCD has the right to cancel the contract if the employee is or becomes an employee or agent of any other party to the contract while the contract or any extension of the contract is in effect; and
    - ii. MCCCCD has the right to cancel the contract if the employee is or becomes a consultant with respect to the subject matter of the contract of any other party to the contract while the contract or any extension of the contract is in effect.
  - h. For the purposes of this policy, the term "substantial interest" means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest as defined in ARS 38-502 (10) (a-j). The term "relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.
2. Examples of Conflicts of Interest. Employees with questions about the application of section C (1) (f) herein, are directed to [Administrative Regulation 1.18 – Gifts, Gratuities and Unrelated Compensation](#), which contains specific examples of items which may and may not be accepted.
  3. Notice Procedure. The MCCCCD Governing Board recognizes the responsibility to demonstrate ethical and professional conduct. In order to demonstrate this commitment to public trust and accountability to the communities that we serve, all appointed, classified and non-classified employees shall be required to participate in training that focuses on public stewardship and institutional ethics. Such training shall be rigorous, practical and application based. Newly hired appointed, classified and non-classified employees shall be required to participate in training during their probationary period and every two years thereafter. Existing appointed, classified and non-classified employees shall be required to participate in training within two years of the adoption of this policy and every two years thereafter. The District also shall consider ways of training temporary employees' once initial training of appointed, classified and non-classified employees is complete. Such training shall also be rigorous, practical and application-based and temporary employees shall be required to participate in training every two years after initial training. The delivery of training to temporaries may differ from that of appointed, classified and non-classified employees, in recognition of the fact that they may work on a part-time or seasonal basis.

#### REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	07/01/2015	<b>Reason for Change:</b> May 22, 2018 (Item No 10.4, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-18	DRUG FREE WORKPLACE		
<u>Effective Date:</u> 08/01/2014	<u>Applicable Law/Statute:</u> 41 USC 701-707	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To promote and support a drug-free workplace for MCCCCD employees.

**B. APPLICABILITY.** All MCCCCD employees.

**C. POLICY.**

1. Generally. The District supports the Drug Free Workplace Act of 1988, and complies with all federal, state, and local laws pertaining to controlled substances. The manufacture, sale, possession, distribution, dispensing, or use by employees of controlled substances in the workplace is prohibited.
2. Notification and Sanctions. As a condition of employment, each employee shall agree to abide by the terms of this policy and notify the Chief Human Resources Officer of any criminal drug conviction for a violation that occurs in whole or in part in the District's workplace, within five days of such conviction. Besides the sanctions imposed by federal and state courts concerning controlled substance violation(s), the District will respond administratively when the offense involves an employee as the offender. Sanctions may include required participation in a drug rehabilitation program or termination of employment.
3. Drug Abuse Prevention. The District sponsors and/or participates in the following drug prevention activities:
  - a. Counseling services provide individual sessions on the topic of substance abuse. When necessary, counselors will provide referral services to community-based agencies.
  - b. Drug awareness workshops are offered through the District's Fitness Center Wellness Workshops.
4. Assistance. Employees with a drug problem can also receive assistance by calling:
  - a. The MCCCCD Employee Assistance Program (EAP) at 1-888-238-6232
  - b. National Institute on Drug Abuse Hotline at 1-800-662-4357
  - c. DRUGHELP at 1-877-894-7860

### REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.1, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)
Revision	01/05/2023	Reason for Change: Update invalid phone numbers in 4.a. and 4.c.

## STAFF POLICY MANUAL

Policy A-19	INTERNAL CONTROL		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> Admin. Reg. 6.12

- A. PURPOSE.** To set out the obligation of all Maricopa management employees to operate within a system of internal control.
- B. APPLICABILITY.** All MCCCCD employees deemed to be “management” employees as defined in Administrative Regulation 6.12, defined therein as members of the Chancellor’s Executive Council (CEC), the Management, Administrative & Technological (MAT) employee group, as well as members of any other employee groups that are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or other employees who serve as directors or coordinators of a program, service, institute or other initiative.
- C. POLICY.**
1. Management Responsibility. MCCCCD’s management employees, as defined herein, are responsible for establishing a system of internal controls, risk management and organizational processes over the operations of MCCCCD in a manner which provides the MCCCCD Governing Board reasonable assurance that:
    - a. Risks are appropriately identified and managed.
    - b. Interaction with the various organizational groups occurs as needed.
    - c. Significant financial, managerial, operational information is accurate, reliable and timely.
    - d. Employees’ actions are in compliance with policies, standards, procedures and applicable laws and regulations.
    - e. Resources are acquired economically, used efficiently and protected.
    - f. Programs, plans and objectives are achieved.
    - g. Significant legislative or regulatory issues impacting MCCCCD are recognized and addressed appropriately.
  2. Managing Operations. The system of internal controls over the operations is a function of management and is an integral part of the overall process of managing operations. As such, it is the responsibility of managers at all levels of the organization to:
    - a. Identify and evaluate the exposures to loss which relate to their operations.
    - b. Specify and establish plans and operating standards, procedures, systems, and other disciplines to be used to minimize, mitigate and/or limit the risks associated with the exposures identified.
    - c. Establish practical systems of internal control processes that require and encourage employees

to carry out their duties and responsibilities in a manner that achieves the seven (7) control objectives outlined in Section C (1) above.

- d. Maintain the effectiveness of the systems of internal control processes for which they are responsible.

#### REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	07/01/2015	<b>Reason for Change:</b> Governing Board delegation to Chancellor on December 9, 2014 (Item No 14-1, Motion No 10259).
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.1, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-20	EMPLOYMENT CATEGORIES		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out and define MCCCCD's categories of employment for certain specified employment positions, including each employment position's status, scheduling and duration category.

**B. APPLICABILITY.** All MCCCCD employment positions currently covered by this manual.

**C. POLICY.**

1. Categories for Included Positions.

- a. Status Categories. The MCCCCD employment positions listed in Section B above fall into one of the following defined status categories:
  - i. Appointed. Positions whose incumbents are appointed by the Governing Board. Appointed positions include, but are not limited to:
    - a) Chancellor
  - ii. Classified. All employment positions with MCCCCD in which the incumbents, after successful completion of a new hire probationary period, may only be disciplined for just cause and have the right to appeal certain disciplinary actions.
  - iii. Non-Classified (At-will). The non-classified category includes, but is not limited to:
    - a) Adjunct faculty
    - b) Athletic Head Coach
    - c) Athletic Assistant Coach
    - d) CEC employees
    - e) Specially-funded employees<sup>1</sup>
- b. Scheduling Categories:
  - i. Hours per Week Schedule Categories. All employment positions with MCCCCD fall into one of the following defined Hours Per Week scheduling categories:
    - a) Full-time - A position scheduled to work at least 30 hours per week on a regularly scheduled basis, for either an indefinite or fixed period of time.

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<sup>1</sup> Most specially-funded employees are at-will. However, it is essential to verify the employee's status by reviewing their official personnel file.

- b) Part-time - A position scheduled to work a maximum of 25 hours per work week on a regularly scheduled basis, for either an indefinite or fixed period of time, with an exception to be scheduled to work for up to 40 hours or more per work week during seasonal “peak weeks” as established by MCCCCD.
  - ii. Months per Year Schedule Categories. All employment positions with MCCCCD fall into one of the following defined Months Per Year scheduling categories:
    - a) 12-month – A position scheduled to work every work period in the fiscal year.
    - b) 10-month - A position scheduled to work every work period in the ten months between July 29 and May 23\* each fiscal year.
    - c) 9.5-month – A position scheduled to work every work period in the nine and one-half months between August 5 and May 16\* each fiscal year.
    - d) 9-month – A position scheduled to work every work period in the nine months between August 12 and May 9\* each fiscal year.
- c. Duration Categories. All employment positions with MCCCCD also fall into one of the following defined duration categories:
  - i. Regular. A position requiring a regular schedule for every pay period in a 9, 9.5, 10, or 12-month schedule.
  - ii. Temporary. A position in which an employee works on a full or part-time basis for a fixed period of time.
  - iii. Seasonal. A position requiring a full or part-time schedule for a portion of a calendar year performing work limited to a specific season or period of the year.
  - iv. Intermittent. A position which works full or part-time schedule on a recurring, inconstant basis.
- 2. Other. All other MCCCCD employment positions, including but not limited to the following, are not defined or covered by this policy:
  - a. Residential Faculty
  - b. Adjunct Faculty
  - c. Specially-funded employees
  - d. All short-term non-faculty employees (i.e., temporary, OSO, OYO, etc.)

#### REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	07/01/2015	<b>Non-substantive Change:</b> C.2.d. Struck “These dates are for the 2012-2013 fiscal year and change each fiscal year.”
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10-5, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-21	EQUAL EMPLOYMENT POLICY/EEO COMPLAINT PROCEDURE		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> 42 USC 2000e; 29 USC 201-219; 29 USC 621-634; 42 USC 1981; 42 USC 12101-12213; 29 USC 791-794 (a); ARS 41-1461 to 1465	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> Admin. Reg. 5.1

**A. PURPOSE.** To set out MCCCDC policy regarding the District's commitment to promote a learning and working environment that is non-discriminatory, demonstrated through the value of inclusion and the implementation and enforcement of policies and regulations that prohibit discrimination and by practicing non-discriminatory actions in its employment activities.

**EFFECTIVE May 22, 2018** – Equal Employment Opportunity (EEO) is a federal law. Protections for employees remain in place under [MCCCDC Administrative Regulations 5.1 – 5.1.16](#).

### REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.3, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-22	CONSENSUAL RELATIONSHIPS		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> Admin. Reg. 4.18

**A. PURPOSE.** To set out MCCCDC policy on consensual relationships between employees, and employees and student.

**B. APPLICABILITY.** All MCCCDC employees covered by this manual.

**C. POLICY.**

1. Generally. In the work and academic environment, a relationship that might be appropriate in other circumstances is inappropriate if one of the individuals in the relationship has a professional responsibility toward, or is in a position of authority with respect to, the other, such as in the context of supervision, instruction, coaching, counseling or advisement. An element of power is present in such a context and it is incumbent upon those with authority not to abuse that power. In addition, consensual relationships may yield to third parties the appearance that unfair bias or favoritism towards the student or supervisee is taking place.
2. Prohibited Conduct.
  - a. An employee shall not maintain, engage in or be involved in a consensual relationship with another employee who is subject to that individual's supervision, or with a student that is currently enrolled in the individual's class, or a student whom the individual otherwise instructs, coaches, counsels or advises, or with a vendor if the employee manages that contract or otherwise exerts influence over the contract.
  - b. This regulation does not seek to prohibit romantic relationships between parties where the context of power-authority between employees or between employees and students is not present; and provided that the relationship does not affect the employee's effectiveness in fulfilling his or her professional obligation. For these instances, appropriate measures should still be taken in order to avoid conflicts of interest from occurring. For relationships that may exist prior to the time that either a student or employee is placed in a situation of instruction or supervision that is considered to be a conflict of interest, the employee(s) involved shall disclose and take immediate measures to avoid the conflict or appearance of conflict.
3. Procedure for Disclosure.
  - a. Where the employee is already in or has had a recent consensual relationship with a supervisee, the following procedures shall be followed:
    - i. Immediate disclosure by the employee of the relationship to the employee's supervisor and to the appropriate Vice President or Vice Chancellor in order to ensure that any conflicts of interest have been adequately addressed.

- ii. The respective administrator responsible for the department or division shall place the subordinate under alternate supervision when a supervisor under the administrator's direction has or has had a recent consensual relationship with the employee.
  - iii. The supervisor shall recuse himself or herself from any discussions or involvement with decisions related to evaluations, promotion, hiring, determination of salary, or continuation of contract or employment.
  - iv. The respective Vice President or Vice Chancellor shall prepare and retain a report that specifies the appropriate alternate arrangements that have been made to eliminate the conflict of interest. The EEO Office shall be provided a copy of the report along with the employees involved in the relationship.
- b. Where the employee is already in or has had a recent consensual relationship with a student prior to enrollment in the employee's class, the following procedures shall be followed:
- i. The faculty member shall counsel and advise the student not to enroll in the employee's course.
  - ii. If it is not possible for a student to enroll in another course, section, or course and section at another college due to a requirement for completion of a degree or certificate and no other academic option is available, disclosure of the relationship will be made to the appropriate Department Chair, Dean and Vice President of Academic Affairs or Vice President for Student Affairs, as appropriate, for review. The Vice President will refer the matter to the Vice Chancellor for Academic and Student Affairs for consideration. The Chancellor or designee may allow a student to enroll in the class only upon a showing by the student that the enrollment is necessary to avoid an extreme hardship, and upon a showing by the college President or designee that the academic integrity of the student's enrollment in the class will nevertheless be maintained.
- c. Persons who are married, or were married, are included within the definition of persons that have or who have had a consensual amorous relationship. Disclosure in this instance may be made via the Maricopa Disclosure process.
4. Non-Compliance. An employee who fails to follow the requirements established in this policy, and who does not withdraw from participation in activities or decisions that may reward or penalize a supervisee or student with whom the employee has or has had a recent consensual amorous relationship, will be considered in violation of this policy and such violation will be addressed in accordance with this manual.
5. Definitions.
- a. Consensual relationships are defined as romantic, amorous and/or sexual relationships between consenting employees or between employees and adult (18 years or older) college students currently enrolled at one of the MCCCCD community colleges or skill centers.
  - b. A recent consensual relationship is considered to be one that has taken place within the past 24 months.

#### REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	07/01/2015	Reason for Change: May 22, 2018 (Item No 10.4, Motion No 10567)
Revision	01/05/2023	Non-Substantive Change: Removed invalid link in section 3.c. Annual acknowledgement and Disclosures form is now part of the Employee Learn Center process.

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## STAFF POLICY MANUAL

Policy A-23	IMMIGRATION REFORM AND CONTROL/E-VERIFY		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> 8 USC 1101; Ex. Order 12989; ARS 23-214	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding MCCCCD's obligation to verify the identity and employment eligibility of all applicants considered for employment and not discriminate in hiring on the basis of national origin and citizenship status.

**B. APPLICABILITY.** All MCCCCD employment positions covered by this manual.

**C. POLICY.**

1. Generally. In accordance with the Immigration Reform and Control Act of 1986 and as a condition of employment, MCCCCD shall verify both the identity and the employment eligibility of all applicants considered for employment.
2. Non-Discrimination. It is the intention of MCCCCD not to discriminate in hiring on the basis of national origin and citizenship status.
3. E-Verify. The Legal Arizona Workers Act requires MCCCCD to use the E-Verify Program, a federal government Internet-based system that allows MCCCCD to electronically verify the employment eligibility of newly-hired employees. The program is used for all new hires. It is only used after hire and after completion of the Form I-9. MCCCCD will not use the E-Verify program to pre-screen applicants.
4. I-9 Procedure.
  - a. All newly-hired or re-hired (see Section C (5) (d) for exception) employees shall be required to complete the biographical information requested in Form I-9. The employee shall attest the employee is eligible for employment and has presented authentic, original documentation of identity and employment eligibility.
  - b. The employee shall furnish the documents listed in Form I-9 in order to substantiate both the employee's identity and employment eligibility.
5. Post-Hiring Requirements.
  - a. Within three business days after a new employee's appointment, the Human Resources Director or designee shall physically examine the documentation presented by the new employee, and complete the remaining portions of Form I-9.
  - b. The District/college Human Resources office shall retain Form I-9 for three years after the effective date of hire or for one year from the date of the employee's separation from service, whichever is later.
  - c. Form I-9 shall not be used for any purpose or provided to any agency or person except as required by law.

- d. Should an employee be rehired or reinstated by MCCCCD within three years of the date the original I-9 was completed, MCCCCD may use the original Form I-9 and supporting documentation for the purpose of complying with the Act.
- 6. E-Verify Procedures. MCCCCD may not:
  - a. Take any adverse action against any employee because the employee contests a tentative non-confirmation. Upon receipt of a tentative non-confirmation, the District/college HR office will provide the employee with a notice giving the employee the choice of whether or not to contest the tentative non-confirmation. If the employee chooses to contest, the employee must indicate such on the notice and return the signed notice to MCCCCD. Upon receipt of a signed notice contesting the tentative non-confirmation, the District/college HR office will provide the employee with a referral notice instructing the employee to contact the Department of Homeland Security or Social Security Administration within eight federal work days from date of receipt.
  - b. MCCCCD may terminate the employee only upon receipt of a final non-confirmation, or upon notice the employee has chosen not to contest the tentative non-confirmation.
  - c. MCCCCD shall post a notice indicating its participation in the program and the anti-discrimination notice issued by the Office of Special Council for Immigration-Related Unfair Employment Practices (OSC).

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## STAFF POLICY MANUAL

Policy A-24	ALTERNATIVE WORK SCHEDULES		
<u>Effective Date:</u> 08/06/2016	<u>Applicable Law/Statute:</u> ARS 49-581 to -593	<u>Source Doc/Dept:</u> MCCCD Trip Reduction Program/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCD policy for the approval of a work schedule for an employee that differs from the standard work schedule in place at the employee's work location, to aid employees in meeting work/life balance issues and improve air quality by reducing the number of commutes to and from work.

**B. APPLICABILITY.** All MCCCD employment positions covered by this manual.

**C. POLICY.**

1. Alternative Work Schedule Defined. An Alternative Work Schedule (AWS) is an employee- requested schedule that differs from the core hours established for the employee's department/division/work unit. Each college/division/department may elect, but is not obligated, to approve an employee's request for an AWS. Within a division/department/work unit the supervisor may determine, due to operational demands, that some positions are eligible for an AWS while other positions are not eligible. For example, if a work unit has three employees in identical positions, it may be possible to have those employees work different schedules. If the same unit has only one employee in a position which has customer service responsibilities, that employee may be required to maintain work hours which align with the hours the work unit is open for business, rendering an AWS not applicable in that case.
2. Approval/Change/Cancellation. Approval of an AWS for individual employees shall be based upon operational and service needs. Such approval may also be based upon consideration of the employee's job performance, special needs, employee's attendance and timeliness, and any corrective action issues involving the employee. An employee may change their AWS one time per fiscal year with the written approval of the employee's supervisor. An AWS may be cancelled at the supervisor's discretion, with a minimum of 10 working days advance notice to the employee.
3. Parameters. All AWSs must conform to the following parameters:
  - a. **Core Hours.** No AWS may be implemented which changes the weekly hours during which the division/department/work unit is open to the public and/or provides service ("Core Hours").
  - b. **Overtime.** No AWS may be implemented which builds-in, creates or necessitates the working of overtime hours by any non-exempt employee.
  - c. **Customer Service.** No AWS may be implemented which has a negative impact or effect on customer service standards, metrics, or other performance measures.
  - d. **Safety/Security.** No AWS may be implemented which allows or causes an employee to perform duties for a number of hours per workday or work week which are, in the opinion of management, potentially excessive. No AWS may be implemented which allows employees to work in non-secure environments or situations.

4. Non-Exempt Employees. All AWSs approved for full-time, regular non-exempt employees must contain no more than 40 hours worked each work week.
5. Holidays.
  - a. Employees on an approved AWS, who have a regularly scheduled day off on an MCCCCD holiday as defined in Policy A16, may observe that holiday either the work day immediately preceding or following the holiday, as approved by the supervisor.
  - b. Employees on an approved AWS will receive eight hours of Holiday Pay for the work week in which the holiday falls, and will be responsible to work and/or use available paid leave for the remaining 32 hours in that work week (except for those on the 4/10 summer schedule, when holidays are paid at 10 hours per day).
6. Vacation and Sick Leave. Employees will receive eight hours of paid vacation or sick leave for each full-day of vacation or sick leave taken while on an approved AWS, and will be responsible to work and/or use available paid leave for the remaining 32 hours in that work week (except for those on the 4/10 summer schedule, when vacation and sick days are paid at 10 hours per day).
7. Working on a Scheduled Day Off. Operational demands may occasionally require an employee on an AWS to work on a day normally scheduled off. In such case the supervisor should give the employee as much advance notice as is practicable. If an employee is required to work on a day normally scheduled off, the employee will be given, at the supervisor's discretion, either an alternate day off in the same work week or, if the employee is non-exempt, the employee will either be paid overtime or (if eligible) may bank compensatory time.
8. AWS Schedule Options. AWS options include, but are not limited to:
  - a. Flex-Time.
    - i. Flexible Start/End Times. Employees on this schedule establish the regular number of hours to be worked for each day of work, but are given a defined degree of flexibility as to when the work day will begin or end. For example, an employee may have a Monday through Friday schedule with a start time of no later than 9 am and end time no earlier than 3 pm. An employee on this schedule must still work a full eight hours, excluding non-compensable breaks. Note: Flex-time scheduling cannot be used within a work week or work period to avoid the payment of overtime to non-exempt employees.
    - ii. Staggered Hours. Another flex-time option is staggered hours, designed to avoid peak commute times. Under this option, start times in summer months would begin after 8:30 am and stop times would end before 4:00 pm in winter months.
  - b. Compressed Work Week. The compressed work week is an alternative to the traditional five-day work week. Under this option, the employee works fewer than five days in a work week or fewer than 10 days in a two-week work period. An alternative is the "4/10" (four, ten-hour work days).
9. Scheduling. All employees approved to work an AWS must complete and sign an Alternative Work Schedule form, which must be signed by the immediate supervisor and provided to payroll. An Alternative Work Schedule form must be completed and submitted as provided in section C (2) above each time the employee's work schedule is changed.

#### REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	08/01/2018	Reason for Change: May 22, 2018 (Item No 10.6, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)

## STAFF POLICY MANUAL

Policy A-25	SMOKE-FREE/TOBACCO-FREE ENVIRONMENT		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> ARS 36-601.01.	<u>Source Doc/Dept:</u> Maricopa BreathEasy Initiative/HR	<u>Authorizing GB Pol/Reg.</u> Admin. Regs. 4.12, 4.21

**A. PURPOSE.** To provide a healthy, comfortable, and educationally productive environment for students, employee, and visitors by declaring MCCCCD to be smoke-free and tobacco-free.

**B. APPLICABILITY.** All MCCCCD-owned and leased property and facilities.

**C. POLICY.**

1. Smoke-Free/Tobacco-Free Environment. Smoking (including the use of “e-cigs”) and all use of tobacco is prohibited in all District owned and leased property and facilities, including but not limited to all buildings, work areas, meeting rooms, employee and student lounges, classrooms, private offices, lobbies, elevators, restrooms, reception areas, halls, stairways and any other enclosed common-use areas in buildings, parking lots, rooftops, courtyards, plazas, entrance and exit ways, vehicles, sidewalks, common areas, grounds, athletic facilities, and libraries.
2. Signage. Support signage prohibiting the use of smoking instruments and tobacco shall be placed throughout all college and District locations.
3. Violators. All violators will receive an initial warning about the prohibition of tobacco use on MCCCCD property. For employees, subsequent violations by the same offender will result in a referral of the employee to the Vice-Chancellor/Vice President of Administrative Services or designee. This referral will be made via a Public Safety Incident Report outlining the circumstance of the violation, including the date, time and location of the initial warning. All Smoke Free/Tobacco Free violations should be treated in the same manner as any other Human Resource policy or regulation violation.
4. Continued Violations. Continued violations by an employee shall be handled through the conduct procedures established for employees in this manual.

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## STAFF POLICY MANUAL

Policy A-26	EMPLOYEE ASSISTANCE PROGRAM (EAP)		
<u>Effective Date:</u> 08/01/2014	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> MCCCD Employee Assistance Program (EAP)/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To explain the services available to eligible employees under MCCCD's Employee Assistance Program (EAP).

**B. APPLICABILITY.** All full-time appointed, classified and non-classified employees.

**C. POLICY.**

1. Generally. An Employee Assistance Program (EAP) is a service designed to help employees manage life's challenges. MCCCD has contracted with EAP service provider Managed Health Network (MHN) to provide eligible employees with customized EAP solutions in the following areas:
  - a. Clinical Counseling. The EAP provides assessment, assistance and, when necessary, referral to additional services. Eligible employees may be entitled to face-to-face web-video coaching or telephonic consultations for a wide range of emotional health, family and work issues, including:
    - i. Marriage, relationship and family problems
    - ii. Domestic violence
    - iii. Alcohol and drug dependency
    - iv. Stress and anxiety
    - v. Depression
    - vi. Grief and loss
  - b. Work and Life Services. The EAP also features services to help employees balance work and life and take care of all kinds of chores and challenges. Consultations are available in the following areas:
    - i. Childcare and eldercare referrals.
    - ii. Financial and legal advice.
    - iii. Identity theft recovery assistance.
    - iv. Daily living advice and referrals.
  - c. Online Member Services. Employees can visit MHN's member website for helpful information and powerful emotional health and work-life tools. From the comfort and convenience of your own computer, you can:
    - i. View online and offline EAP benefits
    - ii. Search for an MHN counselor and get a referral



- iii. Ask an expert an emotional health question
- iv. Complete an online health risk assessment
- v. Access self-help programs for stress, weight management, nutrition, fitness, smoking cessation and stress management
- vi. Find helpful information, tips, tools and calculators to help with finances, legal issues, retirement planning and much more
- vii. Search online childcare and eldercare directories
- viii. Access current and previous issues of Member Matters, MHN's monthly online newsletter about health, wellness and work-life balance
- ix. Find articles on stress, depression, grief, anxiety and other emotional health issues, health and wellness, parenting, relationship and family issues and more

To access these services, go to: [members.mhn.com](http://members.mhn.com) and register with the company access code "maricopa". For a referral to a counselor, employees will be prompted to supply additional information.

2. Participation. Participation in the EAP in most instances is voluntary. However, the following instances have been classified as traumatic and initial consultation or assessment is required for employees that are directly involved.
  - a. Non-Sworn Employees. Witness to or involved in a fatal or maiming accident or a life threatening incident.
  - b. Police Officers: Shooting incident which involves physical injury or death.
  - c. Other. Instances when the employee may pose a danger to him/herself or others in the work environment.
3. Access. The EAP is available to eligible employees and their dependents, since it is recognized that problems at home can adversely affect an employee's ability to function on the job.
4. Performance. Employees who may be having problems that affect their work are encouraged to use the EAP. Nothing in this policy or program may be construed as exempting employees from performance improvement through performance management and/or corrective action where rules of conduct are violated or where work performance does not meet acceptable levels.
5. Crisis Line. A 24-hour crisis line is available and may be reached at 1-800 603-2970 (TDD: (800) 327-0801).
6. Detailed Information. Detailed information about the EAP and EAP provider MHN is available at [members.mhn.com](http://members.mhn.com) and register with the company access code "maricopa".

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## STAFF POLICY MANUAL

Policy A-27	WORKPLACE VIOLENCE		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/Risk Mgt.	<u>Authorizing GB Pol/Reg.</u> Admin. Reg. 6.21

**A. PURPOSE.** To set out MCCCCD's policy to promote a safe environment for its employees, students, contractors, and visitors and work with its employees to maintain an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

**B. APPLICABILITY.** All employees covered by this manual, all students, as well as all independent contractors and other non-employees doing business with MCCCCD.

**C. POLICY.**

1. Generally. Violence, threats, harassment, intimidation, and other disruptive behavior in MCCCCD facilities are prohibited and will not be tolerated. It is the responsibility of all employees, students, contractors, and visitors of MCCCCD to report any occurrence of such conduct to MCCCCD Public Safety. Every employee, student, contractor, and visitor on MCCCCD property should report threats or acts of physical violence and acts of harassment, intimidation, and other disruptive behavior of which he/she is aware. All reports will be taken seriously and will be investigated by public safety immediately in order to protect everyone from danger. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
2. Prohibited Behavior. For example, and without limiting the generality of the foregoing statement, this policy prohibits:
  - a. Direct threats or physical intimidation
  - b. Implications or suggestions of violence
  - c. Stalking
  - d. Assault of any form
  - e. Physical restraint, confinement
  - f. Dangerous or threatening horseplay
  - g. Loud, disruptive, or angry behavior or language that is clearly not part of the typical work environment
  - h. Blatant or intentional disregard for the safety or well-being of others
  - i. Commission of a violent felony or misdemeanor on MCCCCD property
  - j. Abuse
  - k. Violation of a protective order or restraining order
  - l. Any other act that a reasonable person would perceive as constituting a threat of violence

This list is illustrative only and not exhaustive.

3. Future Violence. Employees, students, and visitors who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their relationship with MCCCCD, shall inform a supervisor or manager as soon as possible. The supervisor or manager shall inform the Public Safety Department. Students, contractors, and visitors shall contact the Public Safety Department as soon as possible.
4. Restraining Orders. Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy to the Department Director, Human Resources, and Public Safety.
5. Violations. Any employee who is found to have committed workplace violence will be subject to corrective action and may be directed to stay away from MCCCCD premises. Violators may also be subject to criminal prosecution.

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## STAFF POLICY MANUAL

Policy A-28	NON-CLASSIFIED EMPLOYMENT		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> Admin. Reg. 3.3

**A. PURPOSE.** To set out terms and conditions of employment for MCCCDC's non-classified employees in addition to those provided in this manual.

**B. APPLICABILITY.** All persons in MCCCDC non-classified positions.

**C. POLICY.**

1. Generally. All employment positions with MCCCDC which are not appointed by the Governing Board nor defined as classified are non-classified positions. Persons in non-classified positions are at-will employees. The non-classified category includes Athletic Head Coaches and Athletic Assistant Coaches. The terms and conditions of employment for non-classified employees are as follows.
2. Employment Status/Probationary Period. Non-classified employees are at-will employees. This means that non-classified employees may end employment with MCCCDC and MCCCDC may terminate the employee without notice and without cause. As a result, non-classified employees do not serve probationary periods.
3. Performance Reviews. All non-classified employees shall receive a performance review annually or at the conclusion of the non-classified employee's assignment. Supervisors may conduct additional reviews as needed.
4. Vacant Positions. Non-classified employees are considered internal applicants for all vacant MCCCDC employment positions.
5. Benefits. See Policy A-12 – Arizona State Retirement and Social Security Programs – Pension and Retirement; Policy A-13 – Tuition Waivers Educational Assistance; Policy A-26 – Employee Assistance Program (EAP); Policy B-3 – Employment Benefits Program.
6. Leaves of Absence. See Policy A-5 – Military Leave; A-6 – Jury/Material Witness/Crime Victim Leave; A-8 – Voting Leave; A-16 – Holidays; Policy B-1 – Bereavement Leave; Policy B-2 – Catastrophic Illness/Imminent Death Leave; Policy B-4 – Sick Leave; Policy B-5 – Vacation; Policy B-6 – Personal Time; Policy B-7 – Leaves of Absence for Medical/Personal Reasons; Policy B-8 – Compassionate Leave; Policy B-9 – Family and Medical Leave.
7. Teaching Assignments. Employees may accept an instructional teaching assignment and will be paid at the Residential Faculty overload rate if:
  - a. The employee is qualified to teach in the instructional discipline as determined by MCCCDC policy.
  - b. The employee receives written approval from the employee's supervisor should the teaching assignment take place during the employee's normal working hours, which includes a documented

plan for fulfilling required hours and any special circumstances related to the employee's primary responsibilities with MCCCCD, including travel time if required.

- c. The employee receives written approval from the employee's College President.

The maximum teaching load is two classes or six load hours per term (fall, spring and summer). Exceptions to this teaching load limit may be granted under special circumstances upon the recommendation of the involved Division/Department Chair(s) and Deans(s)/Vice-President(s), and the approval of the involved College President(s).

8. Professional Growth. Effective July 1, 2013, the Management, Administrative & Technological (MAT) employee group has invited all Athletic Specialists to participate in the MAT Professional Growth program pursuant to Section 14 of the MAT policy manual located in Appendix C.

#### REVISIONS

Type	Date	Description
Effective	07/01/2013	Initial Policy
Revision	5/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.7, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-29	DEFINITIONS		
<u>Effective Date:</u> 5/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> None

**A. EFFECTIVE May 22, 2018** – Refer to the [Staff Policy Manual Glossary](#).

### REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10-3, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-30	PAYCHECKS AND WITHHOLDING		
<u>Effective Date:</u> 07/01/15	<u>Applicable Law/Statute:</u> ARS 23-350 et seq.	<u>Source Doc/Dept:</u> None/Business Services	<u>Authorizing GB Pol/Reg.</u> GB Policies 2.7, 4.17

**A. PURPOSE.** To set out MCCCCD's policies regarding pay periods, pay days, paychecks and withholdings from pay.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY.**

1. Pay Periods. There are normally 26, and occasionally 27, pay periods per fiscal year, each consisting of two weeks. The standard bi-weekly pay period begins at 12:01 a.m. Saturday and ends at 12:00 midnight the second succeeding Friday.
2. Pay Day. Wages will be paid within five business days of the end of the Pay Period. Employees should be aware; however, that emergency or other extenuating circumstances may delay the normal pay day.
3. Paychecks. It is recommended that employees elect to have their net wages directly deposited each pay day to a selected account in the financial institution of the employee's choice. In the alternative, the employee will receive a paper paycheck. Paper paychecks will be delivered by U.S. mail to the address for the employee on file in HCM or via interoffice mail to the employee's college or work location. Employees wishing to have their net pay directly deposited shall complete the direct deposit form in HCM-self-service.
4. Withholdings. MCCCCD will deduct from an employee's pay any amounts required by law (i.e. ASRS, FICA, tax withholdings, court-ordered garnishments, etc.), any amounts subject to a repayment plan pursuant to SPM Section A-38 – *Compensation Error/Correction*, and any discretionary amounts authorized by the employee (health insurance, 403 (b) contributions, employee group dues, etc.).

**REVISIONS**

Type	Date	Description
Effective	07/01/2015	Initial Policy
Approved	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.6, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-31	RECORDS OF TIME WORKED		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> 29-USC 201-219	<u>Source Doc/Dept:</u> None/Business Services	<u>Authorizing GB Pol/Reg.</u> GB Pol. 2.5

**A. EFFECTIVE May 22, 2018** – Refer to the Staff Policy Manual A-41 Salary Administration.

### REVISIONS

Type	Date	Description
Effective	07/01/2015	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.8, Motion No 10567).

Policy A-32	WORK DAYS, WORK WEEKS AND WORK SCHEDULES		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> ARS 23-392; 23-394; 29-USC 207	<u>Source Doc/Dept:</u> Each Employee Group Manual/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. EFFECTIVE May 22, 2018** – Refer to the Staff Policy Manual A-41 Salary Administration and SPM A-43 Compensable Work Time – Non-exempt employees and the related Standard Operating Procedures.

### REVISIONS

Type	Date	Description
Effective	07/01/2015	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.8, Motion No 10567).

Policy A-33	SHIFT DIFFERENTIAL		
<u>Effective Date:</u> 01/01/2016	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> Business Services	<u>Authorizing GB Pol/Reg.</u> GB Pol. 2.7

**A. EFFECTIVE May 22, 2018** – Refer to the Staff Policy Manual A-41 Salary Administration and A-43 Compensable Work Time – Non-exempt employees and the related Standard Operating Procedures.

### REVISIONS

Type	Date	Description
Effective	01/01/2016	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.8, Motion No 10567).



## STAFF POLICY MANUAL

Policy A-34	FLSA, OVERTIME AND COMPENSATORY TIME		
<u>Effective Date:</u> 11/13/2015	<u>Applicable Law/Statute:</u> 29-USC 201-219; 29 CFR 541.602 and 541.710	<u>Source Doc/Dept:</u> None	<u>Authorizing GB Pol/Reg.</u> GB Pol 2.7,3.3

- A. EFFECTIVE May 22, 2018** – Refer to the Staff Policy Manual A-41 Salary Administration and SPM A-43 Compensable Work Time – Non-exempt employees and the Standard Operating Procedures.

### REVISIONS

Type	Date	Description
Effective	11/13/2015	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.8, Motion No 10567).

Policy A-35	CALL BACK AND CALL BACK PAY		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> 29-USC 201-219	<u>Source Doc/Dept:</u> Each Employee Group Manual; HR	<u>Authorizing GB Pol/Reg.</u> GB Pol. 2.7; 3.3

- A. EFFECTIVE May 22, 2018** – Refer to the Staff Policy Manual A-41 Salary Administration and A-43 Compensable Work Time – Non-exempt employees and the Standard Operating Procedures.

### REVISIONS

Type	Date	Description
Effective	07/01/2015	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.8, Motion No 10567).

Policy A-36	ON-CALL DUTY AND ON-CALL DUTY PAY		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> 29-USC 201-219; 29 CFR 553.221 and 785.17	<u>Source Doc/Dept:</u> Each Employee Group Manual	<u>Authorizing GB Pol/Reg.</u> GB Pol. 3.3

- A. EFFECTIVE May 22, 2018** – Refer to the Staff Policy Manual A-41 Salary Administration and A-43 Compensable Work Time – Non-exempt employees and the Standard Operating Procedures.

### REVISIONS

Type	Date	Description
Effective	07/01/2015	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.8, Motion No 10567).

Policy A-37	COMPENSABLE WORK TIME (SEE A-43 COMPENSABLE WORK TIME – NON-EXEMPT EMPLOYEES)		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> 29-USC 201-219; 29 CFR 553.221 and 785.17	<u>Source Doc/Dept:</u> Each Employee Group Manual; HR	<u>Authorizing GB Pol/Reg.</u> GB Pol. 2.7, 3.3

- A. EFFECTIVE May 22, 2018** – Refer to the Staff Policy Manual A-41 Salary Administration.

### REVISIONS

Type	Date	Description
Effective	07/01/2015	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.8, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-38		CORRECTION OF PAY ERRORS	
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> 29-USC 201-219; 29 CFR 553.221 and 785.17	<u>Source Doc/Dept:</u> Business Services	<u>Authorizing GB Pol/Reg.</u> GB Policies 2.5, 2.7

**A. PURPOSE.** To establish MCCCDC's policies to ensure that errors in the payment of wages, reimbursements or benefits are promptly corrected.

**B. APPLICABILITY.** All MCCCDC employees covered by this manual.

**C. POLICY.**

1. Generally, MCCCDC will make every effort to ensure that employees are paid correctly and benefits are administered accurately. In cases of improper payment of wages and/or administration of benefits, such errors shall be corrected pursuant to this policy by the next payroll cycle.
2. Pay Error Defined. For purposes of this policy, a Pay Error is the calculation of the amount of wages or benefits owed an employee contrary to written MCCCDC policy or the law, resulting in the over/under payment of such wages or benefits. Such errors may include inaccurate policy interpretations, data entry errors, calculation errors and/or equipment/software errors.
3. Time Period. All Pay Errors will be retroactively corrected for a period of no more than one year from the date the error was discovered. Notwithstanding this subsection, errors in contributions to the Arizona State Retirement System will be corrected for the entire period of membership.
4. Notice. Employees will be given written notice of a Pay Error within 14 calendar days of discovery of the error. Such notice will include the following information, to the extent known:
  - a. Reasonable description of the error.
  - b. Reasonable description of how and when the error will be corrected.
  - c. Period during which the error occurred.
  - d. Amount of money to be paid by or to the employee as a result of the Pay Error.
  - e. Right to grieve the determination under Policy C-2 – *Grievance Procedure*.

If the Pay Error is still under review at the time of the notice, the Notice shall include the anticipated completion date. Upon completion of the review of the Pay Error, the Employee will receive a Notice prescribed by this subsection that includes the final results of the review.

5. Accuracy of Records.
  - a. All employees should routinely examine all documents submitted to MCCCDC for reimbursement or payment of wages, including time cards, travel reimbursement requests, etc., to ensure that the information is accurate. Submission of such documents by an employee affirms that the employee has reviewed the document/s and that such is accurate. Failure to submit accurate documentation may subject to corrective action pursuant to Policy

A-4 – Employment Standards.

- b. All employees should routinely examine all documents received from MCCCCD pertaining to the payment or accrual of wages, reimbursements and benefits, including pay stubs, benefit summary documents, travel reimbursements, etc., to ensure the information is accurate. Any errors should be reported as set forth in section (B) (2).
6. Reporting Errors. Any employee who believes a Pay Error has been made affecting them should immediately report the error by notifying the employee's immediate supervisor, and submitting a Pay Error Report to the Payroll Department.
7. Internal Audit. Upon submission of a Pay Error Report, the existence of any error will be determined by an internal audit and a finding will be made in writing and provided to the Payroll Department.
8. Notice of Pay Error. The Payroll Department is responsible for preparing and providing Notices to employees as required by this policy.
9. Repayment.
  - a. MCCCCD will repay money owed to employees as soon as possible after a finding of a Pay Error and Notice to the affected employee(s).
  - b. Employees required to repay money to MCCCCD as a result of a Pay Error may make repayment arrangements through the Payroll Department over a period not to exceed the period during which the error occurred. For example, if a Pay Error resulted in an employee being overpaid \$100.00 over a six-month period, the employee may make repayment arrangements to repay the \$100.00 over a maximum of a six-month period.
  - c. Employees required to repay money to MCCCCD as a result of a Pay Error but who do not make repayment arrangements will repay the amount owed through recurring pay deductions in the maximum amount allowed by law, but not more than what would leave the employee with minimum wage net pay, beginning in the pay period after the affected employee receives the Notice, until the full amount is repaid.
  - d. The repayment shall be without interest as long as the Pay Error was not knowingly or intentionally caused by the employee.
  - e. Employees who owe MCCCCD money at the time of separation from service for any reason shall have an amount deducted from their wages to the maximum amount allowed by law. Any amount still owing will be remitted to the General Counsel's Office for collection consistent with this policy.
  - f. Pay Errors that are discovered after separation from service will be remitted to the General Counsel's Office for collection consistent with this policy.

**REVISIONS**

Type	Date	Description
Effective	07/01/2015	Initial Policy
Approved	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.6, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-39	EMERGENCY OPERATIONS/CLOSINGS		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> Business Services	<u>Authorizing GB Pol/Reg.</u> GB Pol. 2.5; 3.3

**A. PURPOSE.** To establish MCCCCD's policies regarding operations and the payment of employees in emergency situations requiring the closure of one or more MCCCCD location.

**B. APPLICABILITY.** All MCCCCD employees covered by this manual.

**C. POLICY.**

1. Department Procedures Required. Each College and District Division shall develop written procedures consistent with this policy which at a minimum include:
  - a. Identifying "Designated Positions" at the college/district division and the incumbents in those positions,
  - b. Identifying the manner in which employees will be notified of designation as "essential", and
  - c. Identifying the manner in which department employees will be notified of emergency operational closings.
2. Designated Positions.
  - a. Definition. "Designated Positions" for the purposes of this policy means those positions that are essential during any specific emergency operational closing for continued continuity in essential services. Employees identified as incumbents in a Designated Position may be required to work during an emergency operation closing, regardless of the employee's regular work schedule. Colleges/district divisions may identify different Designated Positions for different situations. For example, certain positions may be designated as essential to college/district office operations during heating, water or electrical-related closures while other positions may be designated as essential during flu pandemic.
  - b. Duty to Report. Employees identified as an incumbent of a Designated Position in a department procedure under this policy must report as directed by their immediate supervisor or department director, even if the employee is on approved leave. Failure to timely report may result in corrective action. If the employee is on pre-approved vacation or on sick/personal leave during an emergency operational closing and is not required to report for work, the employee will have the leave charged to the applicable leave balance.
  - c. Approved Disability Leave. Employees in Designated Positions who are on an approved medical leave will not be required to report for work.
3. Non-Designated Positions.
  - a. Compensation. Non-exempt employees who are not identified as incumbents in a Designated Position will be paid for the hours the employee was scheduled to work during an emergency

operational closing, up to a maximum of 24 hours, so long as the employee was in active pay status the day before and the day after the emergency operational closing. Approval for pay during an emergency operational closing beyond 24 hours will be at the discretion of the Chancellor. Pay for non-exempt employees will comply with applicable law and Policy A-34 – *FLSA, Overtime and Compensatory Time*.

- b. Pre-Approved Leave. If an employee in a Non-Designated Position is on pre-approved vacation or sick/personal leave during an emergency operational closing and is not required to report for work, the employee will have the leave charged to the applicable leave balance.

**REVISIONS**

Type	Date	Description
Effective	07/01/2015	Initial Policy
Approved	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.6, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-40	SEPARATION PAY		
<u>Effective Date:</u> 11/01/2016	<u>Applicable Law/Statute:</u> AZ Statute, 23-352 and 23-353	<u>Source</u> <u>Doc/Dept:</u> None/HR	<u>Authorizing GB</u> <u>Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** The purpose of this policy is to ensure staff are appropriately paid their wages upon their separation from employment at Maricopa County Community College District (MCCCD). Depending on the type of separation, different policies may apply.

**B. APPLICABILITY.** All MCCCD employees, as applicable.

**C. POLICY.**

1. Upon termination of employment an employee will receive all wages due and owing in accordance with Arizona statutes as follows:
  - a. Voluntary separation: An employee who quits shall be paid all wages no later than the regular payday for the pay period during which the termination occurred. The employee may request that such wages be paid by mail.
  - b. Involuntary separation: An employee who is discharged from employment, all wages due and owing will be paid to the employee within seven working days or the end of the next regular pay period, whichever is sooner.
2. In the event of any conflict between the language of this Policy and the most current Arizona statute, the language of the statute shall prevail.
3. Upon separation, an employee shall also receive timely payment for all proper business reimbursements, and accrued sick leave or vacation, as set forth in the most current policy.
  - a. See [A-34](#) C.4.f. regarding FLSA, Overtime and Comp Time
  - b. See [B-4](#) C.6.b regarding sick time
  - c. See [B-5](#) C.6 regarding vacation time
  - d. See Administrative Regulation 1.15 Travel and former employee group Professional Growth Appendices regarding professional growth funding
4. Policy [A-38](#) addresses issues of pay errors discovered during and after separation including travel reimbursements.

**REVISIONS**

Type	Date	Description
Effective	07/01/2015	Initial Policy
Approved	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.6, Motion No 10567).

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## STAFF POLICY MANUAL

Policy A-41	SALARY ADMINISTRATION		
<u>Revised Effective Date:</u> 07/01/2024	<u>Applicable Law/Statute:</u>	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

### A. APPLICABILITY.

Classified, Non-Classified, Full-Time, and Short-Term Employees. A Short-Term Staff employee, for the purposes of this policy, is one who is assigned to a full-time position with a designated end date, typically within a year of the start date of the position.

### B. PURPOSE

This policy sets forth the salary structure for all full-time classified and non-classified positions consistent with Governing Board Policy 2.7. Compensation and Benefits and the District's Compensation Philosophy. Positions which are specially-funded will follow this salary administration policy, contingent upon funding availability, unless otherwise stipulated in the terms of the grant. The Compensation Advisory Committee and the Staffing Advisory Committee are the shared governance committees primarily responsible for implementation and enhancement of this policy.

### C. POLICY

#### 1. Full-time Staff Employee Base Pay.

- a. *Salary Grades.* Salary grades are used to group together jobs that have comparable market values. Each job classification shall be assigned to a salary grade with an associated pay range. Salary grades and their associated pay ranges are managed and maintained by the Division of Human Resources with any changes approved and adopted by the Governing Board.
- b. *Pay Ranges.* Through periodic market reviews, effort is made to align the midpoint of each salary grade pay range to the median of the market for the corresponding job. Reference points for each pay range include minimum, midpoint, and maximum. Customarily, the maximum rate is 60% higher than the minimum rate; however, some lower pay grades have a more compressed pay range. Pay ranges overlap such that a highly experienced employee in a lower grade may have a higher pay rate than a less experienced employee in a higher grade.
- c. *Initial Pay Placement.* All full-time Staff employees, at the time of hire, shall be assigned a base pay rate between the minimum and midpoint of the salary grade for the position. Notwithstanding the above, the Chancellor has the discretion to direct a higher pay placement to address a specific business need.
- d. *Base Pay Increases.* Full-time Staff employee pay increases will be in accordance with the guidance provided in Governing Board Policy 2.7. Employee Compensation and Benefits. Funding for district-wide pay increases is subject to inclusion in the annual budget and approval by the Governing Board. Base pay increases may consist of cost of living allowances, pay progression increases, and/or parity adjustments. Cost of living allowances adjust the salary schedule and individual employee pay. Pay progression increases and parity adjustments only affect individual employee pay and do not affect the salary schedule.
- e. *Market-Based Pay System.* The Division of Human Resources is responsible for reviewing the district's salary structure on a periodic basis, but at least every three years, in order to make recommendations for



adjustments to remain competitive at the market median. Organizational and geographical factors, along with shifts in the market for particular skills, internal parity, and budget constraints are measured and incorporated into the salary structure, as appropriate. The Chief Human Resources Officer shall recommend changes to established pay structures, as appropriate, for approval by the Chancellor and Governing Board.

f. *Internal Pay Parity.* Employees with comparable qualifications and experiences assigned to the same job with similar dates of hire for that job should be paid within an equitable range. Minimum pay parity targets for each salary grade are based on the amount of time in the job code in MCCCCD. Subject to funding approval, parity adjustments are made on July 1 of each year based on the time in job as of June 30 rounded to the nearest year. Internal pay inequities will be addressed by Human Resources in accordance with the Staff Pay Placement and Pay Parity Plan Standard Operating Procedure.

g. *Compliance.* The Division of Human Resources will conduct regular quality review checks to ensure fair, consistent, and sound pay practices across the District.

## 2. **Other Forms of Compensation.**

a. *Pay In Addition to Base Pay.* The District may establish recognition, stipend, incentive, merit, and other additional pay in alignment with Governing Board Policy 2.7. Employee Compensation and Benefits. Pay in addition to base pay in accordance with Board Policy 2.7. will be implemented upon approval of the Governing Board.

b. *Uniforms.* Certain District positions require uniforms. Employees required to wear uniforms are given the opportunity to receive uniforms by either of these options:

i. *Allowance.* Employees may receive an annual uniform allowance in an amount recommended by the Chief Human Resources Officer and approved by the Chancellor and Governing Board. The total uniform allowance will be split over two payments and distributed to eligible employees bi-annually.

ii. *Provided.* Employees may have uniforms purchased for them by their department/division. Purchases should not exceed the amount recommended by Human Resources and approved by the Chancellor and Governing Board.

c. *Cell Phone Allowance.* Any cell phone allowance provided to employees will be in compliance with federal, state, and MCCCCD guidelines.

d. *Anniversary Awards.* Full-time Staff employees will receive a monetary one-time, lump sum award according to the following schedule based on the employee's anniversary date of hire with the District:

5 years of continuous service: \$250.00  
10 years of continuous service: \$500.00  
15 years of continuous service: \$750.00  
20 years of continuous service: \$1,000.00  
25 years of continuous service: \$1,250.00  
30 years of continuous service: \$1,500.00  
35 years of continuous service: \$1,750.00  
40 years of continuous service: \$2,000.00

Only benefit-eligible, continuous, full-time Staff employment within MCCCCD counts toward an employee's years of service for purposes of an anniversary award. When a Staff member ends all MCCCCD employment and is later rehired, the years of service clock resets. Temporary part-time hourly employment does not count towards full-time employment for calculation of this award, but short-term, full-time Staff employment and specially funded full-time Staff employment does count towards the calculation.

e. *Professional Development.*

i. Professional Growth Activities. Employees may be eligible for reimbursement for professional development activities as detailed in Staff Policy Manual A-45 and Administrative Regulation 1.15.

ii. Educational Awards. Employees shall receive a 5% base pay increase upon the completion of an associate's, bachelor's, master's, or doctoral degree, earned at an accredited institution. An employee may only receive an educational award if the degree earned is at a level higher than previous degrees earned. If a qualified employee receiving such an increase exceeds the pay progression pathway maximum for their pay range, future pay progression increases may be suppressed until the employee's pay falls back within the pay progression pathway. If receiving such an increase would exceed the salary range maximum, the employee shall receive a one-time award that is equivalent to the base pay increase that they otherwise would have received.

iii. Enhancement to the Professional Growth Program. The Compensation Advisory Committee is empowered to identify pay-related enhancements to the Staff Professional Growth program in consultation with Staff Representation and aligned with budgeted resources and to recommend such enhancements to the CHRO.

f. *Special Assignment Pay*

An employee may receive separate compensation for work outside of their primary job performed outside of the standard hours covered by their base salary. Special Assignment pay for non-exempt employees must be in accordance with the Fair Labor Standards Act. Special Assignments will be made in accordance with the Special Assignment Pay Standard Operating Procedure. Pay rates will be as specified in the current Pay Guidelines for Part-Time Jobs.

g. *Reassign and Release Time*

Classified Staff may be reassigned or released from duties to fulfill other important roles within the college and district when such duties serve a public purpose for the college's or district's benefit and the district's payments are reasonable in light of the benefits it receives.

If the unit benefiting from the additional duties transfers money back to the home unit for the purpose of hiring a backfill, the time performing the duties is referred to as reassigned time. However, when there is no transfer of funds for the purpose of hiring a backfill, the time performing the duties is referred to as released time.

3. **Position Changes and Compensation.**

*Position Change.* When an employee transitions from one job code to a new job code through a job family change, promotion, demotion, lateral transfer, or reclassification process, the employee will be pay-placed using the Staff Pay Placement and Pay Parity Plan Standard Operating Procedure.

*In-Range Progression.* An employee may be eligible for a temporary or permanent base pay increase within the classification pay range when there has been a change to the responsibilities and duties of a position, but reclassification is not warranted. The maximum percentage increase for an in-range progression will be indicated in the In-Range Progression Standard Operating Procedure and shall not exceed the job classification pay range maximum.

Temporary in-range progressions may be approved when an employee takes on higher-level duties or when an employee takes on additional duties at any level due to a coworker being on leave or a funded position becoming vacant as a result of a retirement or separation. Temporary in-range progressions may be granted to individuals in temporary or permanent assignments.

i. *Evaluation of Extra Duties:* Employees taking on higher-level or additional duties may request an evaluation of these duties to determine whether they qualify for a temporary or permanent in-range progression. This request shall be reviewed by the staff's supervisor and submitted to Human Resources consistent with the In-Range Progression Standard Operating Procedure.

*Temporary Reassignment.* An employee temporarily reassigned to a different job code within the District's Classification Plan shall be pay placed using established pay placement procedures. See Policy A-42 Classification & Employment Mobility for more information about Temporary Reassignments.

#### 4. Salary Placement Review

*Purpose.* The purpose of the review process is solely to determine and resolve any errors that were made in the initial placement of a staff member.

*Placement Appeal.* A staff member may, within the first twelve (12) months of active, full-time employment, appeal their pay placement to local Human Resources. If, after conferring with local Human Resources, they still believe that their placement is in error, they may appeal their pay placement to the Staff Representation Co-Presidents. Such appeals shall be governed by the Salary Placement Review Standard Operating Procedure. The Staff Representation Co-Presidents will convene a review committee to review the appellant's initial salary placement as prescribed by the Staff Pay Placement and Pay Parity Plan Standard Operating Procedure. The review committee will consist of four (4) staff members, with a Staff Representation Co-President, or designee, serving as chair. The Chair will appoint two (2) members: one (1) member will be appointed from the staff member's department and one (1) staff member from the same department at a different unit. If there is no staff member available from their department or another unit's department, a similar department may be chosen. The fourth member will be the respective Staff Senator or designee. The committee will; (1) review the case documents submitted by the concerned staff member; (2) meet with the Chief Human Resources Officer, or designee, to discuss the case; and (3) make written recommendations to the CHRO or designee.

The CHRO or designee will communicate their decision, in writing, within fifteen (15) business days of receiving the written recommendation. The decision is final and not grievable.

#### REVISIONS

Type	Date	Description
Effective	2/5/2018	Initial Policy
Revision	2/9/2018	Ministerial corrections to Section (3) (d)
Revision	7/1/2024	Full policy revision as approved by the Governing Board on 6/25/2024.
Revision	4/15/2025	Technical Change: Revision due to the Executive Orders.

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## STAFF POLICY MANUAL

Policy A-42	CLASSIFICATION & EMPLOYMENT MOBILITY		
<u>Revised Effective Date:</u> 07/01/2024	<u>Applicable Law/Statute:</u>	<u>Source Doc/Dept:</u>	<u>Authorizing Pol/Reg.</u>

### A. APPLICABILITY.

Classified, Non-Classified, Full-Time, and Short-Term Employees. A Short-Term Staff employee, for the purposes of this policy, is one who is assigned to a full-time position with a designated end date, typically within a year of the start date of the position.

### B. PURPOSE

This policy provides background information and guidance regarding the job classification plan for full-time, non-faculty jobs. The job classification plan seeks to establish uniformity and parity in the classification of positions by providing a well-defined job architecture within which employees may advance over the course of their careers.

The Compensation Advisory Committee and the Staffing Advisory Committee are the shared governance committees primarily responsible for recommending enhancements to this policy to the Chief Human Resources Officer.

### C. POLICY.

1. **Generally.** Selection of persons for employment positions with MCCCCD shall be made on the basis of each applicant's knowledge, skill, ability, education, and experience as they relate to the position being filled. No employment decision shall be based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status, or genetic information, except where such criteria constitute a bona fide occupational requirement.
2. **Job Classification Plan.** Positions are classified based on the level and scope of assigned duties and responsibilities. Positions with similar duties, responsibilities, and decision-making authority are assigned to the same job classification. Job classifications that focus on similar fields of work are grouped together in the same job series. Related job series are grouped together in the same job family. Job classifications are assigned to a career stream (i.e. Job Function Code) such as Support, Technical, Professional, Management, and Executive, and are assigned a job level (0 to 5) (i.e. Job Subfunction) reflective of the scope and level of complexity of the work. Additionally, positions are identified as exempt or non-exempt from the overtime provisions of the Fair Labor Standards Act.
3. **Job Class Specifications.** The job class specification is the official position description for any job within the job classification system and is a statement of the scope/distinguishing characteristics, essential duties, required knowledge and skills, supervisory relationships, and minimum qualifications of the position. The description of each position is updated from time to time to address market changes during periodic job family reviews. Education, experience, and credential requirements are identified in the job classification specification as well as acceptable substitutions determined to be equivalent. Education may be substituted for experience, and experience may be substituted for education in determining equivalency.
4. **Required Licenses/Certifications.** Certain employment classifications with MCCCCD require the applicant to possess a motor vehicle operator's license, commercial driver's license, surety bonding, or other license or certification to be eligible for consideration for employment in such positions. Licensing and

certification requirements for each position are set forth in the job description. All individuals appointed or assigned to such a position must possess such required license or certification at the time of appointment or assignment and are required to maintain this licensure in good standing for the duration of their employment in the position.

5. **Official Job Titles and Working Job Titles.** Each job classification is assigned an official job title. When it is determined by executive leadership in consultation with HR that a working job title will add materially to the understanding and identification of the position, the working job title may be used in addition to the official job title. For example, the working job title “*Vice President of Student Affairs*” may be used instead of the official job title *Vice President* to distinguish the person’s role from that of other Vice Presidents. In all cases, the job duties must support the working job title designation.

6. **Reclassification of Existing Positions.** A position may be reclassified when there has been a significant change to the duties and responsibilities of the position. Absent exceptional circumstances, a reclassification request may be made no more than once in a 12-month period from the date of submission. Reclassification request reviews are conducted twice annually during a designated two (2) month review window as specified in the Reclassification Standard Operating Procedure. Each review window will consider all reclassifications submitted prior to the opening of the review window. The effective date for reclassifications will be the first pay period after the end of the review window.

Possible outcomes of a reclassification request include reclassifying to a different job code or adjusting job duties to bring the job back into scope. If the employee is reclassified to a different job code, the employee will be pay-placed in accordance with the Staff Pay Placement and Pay Parity Plan Standard Operating Procedure. An employee may be eligible for an in-range progression when there has been a change to the responsibilities and duties of a position, but reclassification is not warranted. See Salary Administration Policy A-41.

Reclassification decisions are not subject to the grievance procedure contained in this manual; however, decisions may be appealed to the Chief Human Resources Officer or designee, whose decision shall be final.

7. **Employee Movement.** When an employee moves from one position to another, the move may result in a change in classification.

a. *Job Family Change.* Within MCCCCD’s job architecture, closely related jobs are grouped into Job Series, and closely related Job Series are grouped into Job Families. A Job Family Change is the movement of an employee to a Job Code in a different Job Family.

b. *Promotion.* A promotion is when an employee advances to a position of higher pay and/or responsibility within the organizational structure. Promotions are made based on qualifications and performance. Any employee who is promoted receives a pay placement in the new job classification or a 5% pay increase (not to exceed the maximum for the salary grade) whichever is higher.

Promotions typically occur in one of three ways:

- i. through a competitive search process (internal or external)
- ii. as a result of a reorganization of a department or division
- iii. as a result of a reclassification review

Employees who meet the minimum qualifications for the next level position within their job series and career stream may be promoted into the position in accordance with the Internal Promotions Standard Operating Procedures.

c. *Demotion.* Demotion is the involuntary movement of an employee to a different job code

- i. at a lower job level in the same career stream and job family; or
- ii. in a lower career stream in the same Job Family. The highest career stream is Executive followed by Management, Professional and Technical, and Support, in that order.

Demotions are determined by Human Resources in consultation with local leadership in accordance with the Involuntary Demotion Standard Operating Procedure. A demoted employee receives a pay placement in the new job code.

d. *Employee-Initiated Voluntary Reassignment (formerly "Voluntary Demotion")*. The employee-initiated voluntary movement of an employee to a different job code:

- i. at the same or lower job level in the same career stream and job family; or
- ii. in a lower career stream in the same job family. The highest career stream is Executive followed by Management, Professional and Technical, and Support, in that order.

Employees receive a pay placement in the new job code in accordance with Staff Pay Placement procedures.

e. *Employer-Initiated Reassignment*. The employer-initiated movement of an employee to a vacant position in the same salary grade for which the employee is qualified. The organization may reassign an employee when:

- i. There is a legitimate organizational reason for the reassignment, including, but not limited to, an accommodation for a documented disability; and
- ii. The vacant position is at the same salary grade as the employee's present position.

The organization's right to reassign an employee is based, in part, on the District's determination that the employee is qualified for the position to which the employee will be reassigned.

The reassignment of an employee to a vacant position as an accommodation for a disability may supersede other selection processes for open positions. MCCCCD will maintain confidentiality regarding the employee's disability and accommodation needs, disclosing information only to individuals involved in the accommodation process. With an employer-initiated reassignment, the employee's pay remains the same.

f. *Lateral Transfer*. A lateral transfer is the movement of an employee to a position in the same job code. A Staff employee at one unit may be selected for an open position in the same job code at another unit without going through a formal competitive search process. The Lateral Transfers Standard Operating Procedure ensures organizational consistency.

g. *Temporary Reassignments*. A temporary reassignment is the short-term movement of an employee from one position to another. The positions may have the same or different job codes. The Short-Term Hires and Temporary Reassignments Standard Operating Procedure ensures organizational consistency.

- i. Length of time a person is in a single position as a temporary reassignment:

1. The default maximum term of service is 12 months. Per mutual agreement between affected colleges/District Office and in consultation with the Direct Supervisors, the Chancellor or designee (for District Office and CEC positions) or College Presidents or designee (for college positions) may extend the term of service up to 24 months. In extenuating circumstances, the Chancellor or designee may extend the term of service past 24 months.

2. Full-time staff employees release their reversion rights to their permanent position after 24 months unless the temporary assignment has been extended by the Chancellor or designee due to extenuating circumstances.

ii. Specially funded appointments are not permanent assignments; they are temporary short-term assignments. Therefore, a permanent Classified Staff member assigned to a specially funded position is on temporary reassignment. A full-time employee, who is serving in a temporary reassignment in a specially-funded position, may choose to give up their reversion rights to remain in that specially funded position beyond the maximum timeline stated for temporary reassignments.

h. *Administrative Reassignments.* An administrative reassignment is the movement of an employee from one position to another in response to a legitimate business need, as determined by Human Resources in consultation with local leadership, inclusive of the College President or designee.

i. *Underfill Assignments.* An underfill assignment is when an internal candidate within a job family moves to another job classification within the same job family for which the candidate does not meet one or more minimum qualifications. Underfill assignments are used to address critical staffing needs and include a development plan through which the candidate becomes fully qualified within a specified period of time. External candidates may be offered short-term underfill assignments. The Underfill Assignment Standard Operating Procedure ensures organizational consistency.

8. **Reinstatement.** An employee who separates from the organization but, within one (1) year of their separation, seeks reemployment in their prior position may, upon completion of a new background check, be reinstated to the position without a competitive search process. The employee will receive a new pay placement consistent with pay placement procedures for external hires in effect at the time of their reinstatement. Due to the break in service, all leave balances will start from zero upon reinstatement. Benefits coverage eligibility will be identical to that of new hires. If the employee has previously completed the probationary period for the position, a new probationary period is not required.

9. **Direct Appointments.** To ensure organizational stability and continuity of services, the highest level executive at each college or District Office may approve appointments of individuals to positions. The Direct Appointment (Non-Competitive Hire - Staff) Standard Operating Procedure ensures organizational consistency.

10. **Succession Planning and Career Progression.** The highest level executive at each college or District Office in consultation with the CHRO or designee may establish a succession plan to provide continuity of leadership and avoid costly vacancies. The succession plan is established to identify and prepare individuals for leadership positions that become vacant. The succession plan is to assess organizational leadership needs and identify a group of skilled candidates that are prepared to advance the mission and goals of the organization. The Succession Planning and Career Progression Standard Operating Procedure is aligned with industry standards and ensures organizational consistency.

11. **Compliance.** The Division of Human Resources will conduct regular quality review checks to ensure fair, consistent, and sound classification practices across the organization.

#### REVISIONS

Type	Date	Description
Effective	02/05/2018	Initial Policy
Revision	07/01/2025	Full policy revision as approved by the Governing Board on 6/25/2024.
Revision	04/15/2025	Technical Change: Revised due to the Executive Orders.

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# MARICOPA

COMMUNITY COLLEGES

## STAFF POLICY MANUAL

Policy A-43	COMPENSABLE WORK TIME – NON-EXEMPT EMPLOYEES		
<u>Effective Date:</u> 02/05/2018	<u>Applicable Law/Statute:</u> US: Fair Labor Standards Act	<u>Source Doc/Dept:</u>	<u>Authorizing Pol/Reg.</u>

A. **APPLICABILITY.** Non-Exempt Classified, Non-Classified, Short-Term Employees.

B. **POLICY.**

1. Hours Worked.

- a. Non-exempt employees shall be compensated for all hours worked in accordance with the Fair Labor Standards Act ("FLSA"). All non-exempt employees must accurately record all hours worked.
- b. *Activities Before and After the Work Schedule.* When the District requires an employee to change into or out of uniform, engage in special washing or cleaning procedures, or perform other activities on or at a worksite before or after the work period, the time spent in such activities is considered time worked.
- c. *Meal Periods.* Except in the case of certain Public Safety personnel or unless otherwise approved by the employee's immediate supervisor, a non-exempt employee will not be paid for a meal period of 30 minutes or more if the employee is entirely relieved of her or his duties.
- d. *Rest Periods.* Rest periods of 15 minutes or less, up to twice per day, may be taken by employees, the timing of which shall be at the discretion of the department director. Rest periods are paid time. Normal rest periods missed or not taken do not accumulate, cannot be added to other rest periods, and cannot be used to extend the unpaid meal period or added to the beginning or end of the workday. Notwithstanding any provision of this section, rest periods shall be accurately reported by the employee.
- e. *Starting Time.* A non-exempt employee shall not commence work more than seven minutes before the employee's scheduled work time or continue working more than seven minutes after the employee's scheduled work time without prior approval of the employee's supervisor, except in emergency situations where advance approval cannot be obtained. An employee who violates this section may be subject to discipline; however, the employee must report, and the District will pay for, all hours worked.
- f. *Time Spent in Training.* Under certain circumstances, time spent attending a pre-approved training, program, seminar, conference, convention, course, or workshop may be compensable. See <https://www.dol.gov/whd/regs/compliance/whdfs22.htm>.
- g. *Travel Time.* Under certain circumstances, a non-exempt employee may be compensated for travel time. Typical travel between home and the workplace is not compensable. See <https://www.dol.gov/whd/regs/compliance/whdfs22.htm>.



2. Overtime.

- a. Non-exempt employees shall be paid at the rate of one and one-half times the employee's regular rate of pay for all hours worked over 40 in a workweek. All overtime must be scheduled and approved in advance by the employee's supervisor, except in emergency situations where advance approval cannot be obtained. An employee who violates this section may be subject to discipline; however, the employee must report, and the District will pay for, all overtime hours worked.
- b. *Blended Overtime.* Blended overtime is additional work scheduled and performed on a continuous basis over a period of time in a different job than the primary job (does not include teaching). All hours worked over 40 in the workweek will be paid at the blended overtime rate.
- c. *Compensatory Time.* Non-exempt employees in participating departments may elect to accrue compensatory time off in lieu of receiving payment for overtime hours worked. Compensatory time will be earned at the rate of one and one-half hours for each hour of overtime worked. No employee may accrue more than 120 hours of compensatory time. An employee shall be paid for all overtime hours once the employee reaches the 120-hour maximum.
- d. *Workweek.* The workweek for FLSA purposes shall begin at 12:01 a.m. Saturday and end at 12:00 a.m. the following Friday.

3. Other Forms of Compensation.

- a. *Emergency Call-Back Pay.* Non-exempt employees who (a) have left the worksite and are unexpectedly required to return at a time outside the employee's normal work hours or (b) are required to report to work while on an approved leave of absence shall receive call-back pay. Call-back pay shall be the equivalent of three hours or the actual number of hours worked, whichever is greater. Travel time to and from work on a call-back is not compensable time.
- b. *Holiday Pay.* Non-exempt employees scheduled or required to work on a designated holiday shall (a) be paid for all hours actually worked at one and one-half times the employee's regular hourly rate of pay; and (b) receive up to eight hours of holiday pay (prorated to reflect the employee's full-time or part-time schedule) at the employee's regular rate of pay. If a designated holiday falls while an employee is on vacation, the employee will be paid holiday pay and not charged vacation leave.
- c. *On-Call Duty Pay.* Under certain circumstances, non-exempt employees who maintain availability to return to work within a specified time period during off-duty hours shall receive on-call duty pay. An employee shall receive 10% of the employee's base hourly rate of pay for each hour served in an on-call duty assignment.
- d. *Shift Differential Pay.* Non-exempt employees regularly scheduled to work certain evening and weekend shifts shall receive shift differential pay in the amount of \$0.50/hour.

REVISIONS

Type	Date	Description
Effective	02/05/2018	Initial Policy
Revision	XX/XX/XX	

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**STAFF POLICY MANUAL**

Policy A-44	REMOTE AND VIRTUAL WORK POLICY		
<u>Effective Date:</u> 06/22/2021	<u>Applicable Law/Statute:</u> ARS 49-581 to 593	<u>Source Doc/Dept:</u> MCCCD Trip Reduction Program/HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

A. **PURPOSE.** To set out MCCCD policy for the use of alternate work arrangements. This policy provides information on the administration of alternate work arrangements that include remote and virtual work structures for existing or future employees. The decision to establish an alternate work arrangement is at the discretion of the Supervisor with approval of the College President, District Office Executive Leader, or their designee. This policy allows MCCCD to provide family-friendly flexible work arrangements, while enhancing recruitment and retention efforts, and increasing employee morale, and support flexible options for our students. While employee morale remains a core value, meeting institutional needs must remain as a priority.

Remote or Virtual Work in no way changes the terms and conditions of employment with MCCCD.

B. **APPLICABILITY.** All MCCCD employees covered by this manual.

C. **DEFINITIONS.**

1. Remote Work: Remote Work is working from a remote site, such as a private home, instead of commuting to a designated MCCCD location. Emphasis is placed on information or communication exchanged through telephones and remote devices such as computers and web conferencing to allow an employee to work at a remote workplace. Internet capability in a remote setting is a requirement.
  - a. **Fully Remote.** Being employed by an organization but working virtually 100% of the time. May require periodic in-office attendance.
  - b. **Partial Remote.** Standard schedules include both in-office attendance and remote work. Remote work occurs on the same designated days each week. Requires more frequent in-office attendance.
  - c. **Hybrid Remote.** A hybrid of a remote and alternative work schedule. Remote work occurs on the same designated day(s) and is also paired with an alternative work schedule. May require periodic in-office attendance. See [Policy A-24](#).
  - d. **Flexible Remote.** Standard schedules of in-office attendance with the flexibility to work remotely as needed.
2. Virtual Work. Virtual Work is being employed by an organization but working virtually from anywhere in the US for the entire time of employment. Virtual work does not require in-office attendance. Eligibility will be determined by the unit in consultation with Human Resources, with final approval by the College President, District Office Executive Leader, or designee.
  - a. **Standard Virtual.** Standard schedules but a full virtual work structure.

- b. **Duty to Report.** Employees identified as an incumbent of a Designated Position in a department procedure under this policy must report as directed by their immediate supervisor or department director, even if the employee is on approved leave. Failure to timely report may result in corrective action. If the employee is on pre-approved vacation or on sick/personal leave during an emergency operational closing and is not required to report for work, the employee will have the leave charged to the applicable leave balance.
  - c. **Hybrid Virtual.** A hybrid of a virtual work and alternative work schedule. A full virtual work structure that is paired with an alternative work schedule. See [Policy A-24](#).
- 3. **Remote & Virtual Work Agreement.** A Remote & Virtual Work Agreement is an agreement that allows the employee to work a hybrid schedule and/or work from a remote site instead of on-site at any MCCCCD location.
- 4. **Standard Schedule.** A standard schedule is five, eight-hour days with the start time from 8 a.m. to 5 p.m. (Arizona Time) during the Fall and Spring semesters. A standard schedule is four, ten-hour days of various times, Monday through Thursday during the Summer,
- 5. **Alternative Work Schedule.** An Alternative Work Schedule is an employee-requested schedule that differs from the core hours established for the employee's department/division/work unit. Each college/division/department may elect, but is not obligated, to approve an employee's request for an alternative work schedule. Within a division/department/work unit the supervisor may determine, due to operational demands, that some positions are eligible for an alternative work schedule while other positions are not eligible. For example, if a work unit has three employees in identical positions, it may be possible to have those employees work different schedules. If the same unit has only one employee in a position which has customer service responsibilities, that employee may be required to maintain work hours which align with the hours the work unit is open for business, rendering an alternative work schedule not applicable in that case. See [Policy A-24](#).
- 6. **Mobile Work Defined.** Mobile work is characterized by regular travel to and work in customer or target worksites as opposed to the MCCCCD's worksite. It is distinguished from RW or VW in that the work being done by the employee is specific to a target site or location. Mobile work may be combined with RW. Mobile Work is differentiated from positions which require driving to and from MCCCCD locations.
- 7. **Emergency.** An event, incident or circumstance that interrupts or compromises operations at, or travel to or from the MCCCCD worksites. May include a range of situations including, but not limited to, inclement weather and associated travel conditions, public health emergencies, power outages, or other incidents where access to MCCCCD or appropriate alternative worksite is compromised. Emergency situations include but are not limited to those that result in an official announcement by the Chancellor or their designee.

**D. ELIGIBILITY.** Only the following eligibility criteria may be used by the supervisor to determine approval:

- 1. Refer to the Standard Operating Procedure for the list of recommended eligible job classification specifications and detailed criteria.
  - a. The employee and manager will discuss the job responsibilities and determine if the individual position is appropriate for a Remote Work or Virtual Work arrangement.
  - b. Hiring managers will determine if the position is eligible for a Remote Work or Virtual Work arrangement.

2. Employee demonstrates the ability to work well with minimal supervision.
3. Employee has a thorough knowledge and understanding of the job tasks and operations for which they are responsible.
4. Employee demonstrates a dependable work ethic and responsible accomplishment of work duties.
5. Employee demonstrates ability to independently establish priorities and manage their time; and
6. Employee does not have a history of performance challenges within the last 12 months.
7. Employee does not have a history of disciplinary actions within the last 12 months. Employees may request a review process depending on the nature of the disciplinary action.
8. Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

#### **E. POLICY.**

1. General: Each college/division/department may elect, but is not obligated, to approve an employee's request for Remote Work. Reasonable justification must be provided for denials and discontinuations. A Virtual Work option will be identified at the time of recruitment for a position or in special considerations for employee retention. Either an employee, supervisor, or hiring manager can suggest Remote Work as a possible work arrangement. If suggested by the supervisor, the employee must also agree to the Remote Work option.
2. Any Remote Work agreement made may be on a trial basis for the first three months and may be discontinued at any time at the request of either the employee or the organization. Employees will be provided with a 30-day notice to a permanent change in their modality to accommodate commuting, childcare and other issues that may arise from the termination of such arrangement. There may be emergencies, however, when no notice is possible.
3. Approval/Change. Approval of a Remote Work for individual employees shall be based upon the consideration of the recommended eligible positions list, employee eligibility, operational and service needs. An employee may request to change their Remote Work arrangement with the approval of the employee's supervisor, and completion of an updated agreement.
  - a. Appeals. Employees may appeal a denial of a Remote Work or Virtual Work request to District Human Resources.
4. Parameters. All employees on Remote Work or Virtual Work must conform to the following parameters:
  - a. Employees are subject to disciplinary action for inaccurately reporting hours worked remotely or working overtime hours contrary to policy and their supervisor's directives.
  - b. An appropriate level of communication between the employee and supervisor will be agreed to as part of the discussion process
  - c. *Customer Service*. No Remote Work or Virtual Work may be implemented which has an identified, measured, and confirmed negative impact or effect on customer service standards, metrics, or other performance measures. All remote working service standards will be equal to or exceed in-person service standards

- d. *Safety/Security*. No Remote Work or Virtual Work may be implemented which allows or causes an employee to work in an unsafe environment.
  - i. No Remote Work or Virtual Work may require an employee to perform duties for a number of hours per workday or work week which are potentially excessive.
  - ii. MCCCCD's liability for job related accidents will continue to exist during the Remote Work or Virtual Work in the employee's designated work location as an extension of the onsite work location.
  - iii. Employees are expected to maintain their remote workspace in a safe manner, free from safety hazards.
  - iv. Employees are responsible for notifying the employer of such injuries immediately but no later than 24 hours from the time of injury. The employee is liable for any injuries sustained by visitors to his or her remote worksite.
  - v. Remote work is not designed to be a permanent replacement for appropriate childcare, eldercare, etc. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.
- e. Remote Work or Virtual Work Employees shall comply with MCCCCD policies and procedures in the maintenance and storage of all confidential information to the same extent as if they were in the office. This includes, but is not limited to:
  - i. Securing their workspace (locking their computer screen when away from it and keeping sensitive documents out of view of non-MCCCCD employees, for example);
  - ii. Securing the transmission of confidential information; and
  - iii. Adhering to all electronic communications, technology resource standards, and privacy requirements of MCCCCD Administrative Regulations 4.3, 4.4, and 4.22.
- f. Remote employees should use approved MCCCCD-issued devices when fulfilling their work obligations.
  - i. Employees who are unable to use MCCCCD property such as those on Virtual Work, may use their own personal equipment at the approval of their supervisor while still maintaining MCCCCD security standards.
  - ii. Equipment supplied by the organization will be maintained by the organization.
  - iii. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee.
  - iv. MCCCCD accepts no responsibility for damage or repairs to employee-owned equipment.
  - v. MCCCCD reserves the right to make determinations as to appropriate equipment, subject to change at any time.

- vi. Equipment supplied by the organization is to be used for business purposes only.
  - vii. The Employee must sign an inventory form of all District property received and agree to take appropriate action to protect the items from damage or theft.
  - viii. Upon termination of employment, all MCCCCD property will be returned to the company, unless other arrangements have been made.
- g. Any MCCCCD property used for Remote Work or Virtual Work must be approved by the employee's supervisor and shall be limited to computers and office-related materials unless otherwise approved through a reasonable accommodation request.
  - h. The remote or virtual employee or organization shall be responsible for loss or damage of MCCCCD property that the employee is using at the employee's remote location per the Property Loan Agreement.
  - i. Remote and virtual employees shall be responsible for following MCCCCD administrative regulations, policies, and their supervisor's directives regarding work expectations and activities.
  - j. MCCCCD employees are responsible and accountable for reading, understanding, and complying with the IT policies, guidelines, and directives.
  - k. Remote Work and Virtual Work employees must meet HIPAA and FERPA security standards.
  - l. MCCCCD will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. Additional supplies and allowances may be identified and provided on a case-by-case basis.
  - m. The employee will establish an appropriate work environment within his or her remote for work purposes. MCCCCD will not be responsible for costs associated with the setup of the employee's home office, such as internet, a chair, desk, remodeling, furniture, or lighting, nor for repairs or modifications to the home office space. This does not include ergonomic or accommodation requests.
5. Accommodations. Employees who need reasonable accommodations should contact Human Resources.

#### **F. SCHEDULING.**

- 1. All employees approved to work a Remote Work or Virtual Work must complete and sign a Remote and Virtual Work Agreement form, which must be signed by the immediate supervisor and provided to payroll. A Remote and Virtual Work Agreement form must be completed and submitted annually, or each time the employee's work schedule is permanently changed.
- 2. Non-Exempt Employees. All employees on Remote Work or Virtual Work approved for full-time, regular non-exempt employees must contain no more than 40 hours worked each work week, unless prior approval by the supervisor is obtained. See [Policy A-43](#).
- 3. Holidays.
  - a. Eligible employees on an approved Remote and Virtual Work Agreement, who have a

regularly scheduled day off on an MCCCDC holiday as defined in [Policy A-16](#), may observe that holiday either the workday immediately preceding or following the holiday, as approved by the supervisor.

- b. Eligible employees on an approved Remote Work or Virtual Work will receive eight hours of Holiday Pay for the work week in which the holiday falls, and will be responsible to work and/or use available paid leave for the remaining 32 hours in that work week (except for those on the 4/10 summer schedule, when holidays are paid at 10 hours per day).
  4. Vacation and Sick Leave. Employees will receive eight hours of paid vacation or sick leave for each full day of vacation or sick leave taken while on approved Remote Work or Virtual Work, and will be responsible to work and/or use available paid leave for the remaining 32 hours in that work week (except for those on the 4/10 summer schedule, when vacation and sick days are paid at 10 hours per day). See [Policy B-4 Sick Leave](#) and [Policy B-5 Vacation](#).
  5. Scheduled Days Off. Operational demands may occasionally require an employee on Remote Work or Virtual Work to work on a day normally scheduled off. In such a case, the supervisor should give the employee advance notice as outlined in the agreement. If an employee is required to work on a day normally scheduled off, the employee will work with their supervisor to determine either an alternate day off in the same work week or, if the employee is non-exempt, may approve the additional time as overtime and the non-exempt employee will either be paid overtime or (if eligible) may bank compensatory time. See [Policy A-43](#).
  6. Emergencies. In emergency situations employees may be required to return to the workplace to support business needs. Emergencies are determined by the Chancellor, College President, or their Designee. Alternatively, in some emergency situations employees may need to work remotely without previous supervisory approval in response to specific announcements by the Chancellor regarding emergency situations. It is a means for MCCCDC employees to continue to work and maintain productivity during emergency situations. See [Policy A-39](#).
    - a. If an emergency occurs in a Virtual Work employee's area, the employee will work with their supervisor to take the appropriate leave.
- G. TRAINING.** A one-time MCCCDC Remote & Virtual Work training is required for all employees who are approved for Remote Work and Virtual Work. Employees are required to complete the training as part of the Remote & Virtual Work Agreement development. Employees may be required to undertake refresher or modified training as may be specified by MCCCDC.
- H. RENEWAL.** The Remote & Virtual Work Schedule Agreement should be reviewed quarterly by the employee and supervisor as part of the employee's regular performance discussion. The Agreement should be renewed annually.
- I. TERMINATION OF PARTICIPATION.** Remote Work may be canceled at the supervisor's discretion, with proper justification and a minimum of 30 working days advance notice to the employee. However, under extenuating circumstances, the Remote Work may be terminated without prior notice from the supervisor. Termination of Virtual Work must follow the progressive discipline process. In some instances, termination of Virtual Work will mean termination of the individual. See [Policy C-4](#).
1. When the agreement is terminated, the employee must immediately return to MCCCDC all notes, data, reference materials, sketches, drawings, memoranda, reports, records, equipment, software, supplies, and any other MCCCDC property in the employee's possession or control.
  2. MCCCDC will not be held responsible for costs, damages, or losses associated with the

termination of the agreement.

J. **PUBLIC RECORDS.** In the event of an investigation, personal devices used for official work may be reviewed. See [Administrative Regulation 4.4](#).

K. **Refer to the Standard Operating Procedure for additional details.**

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## STAFF POLICY MANUAL

Policy A-45	PROFESSIONAL GROWTH		
<u>Effective Date:</u> 09/01/2022	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

A. **PURPOSE.** The Classified Staff Professional Growth (CSPG) Program is designed to help employees achieve long-range career goals by encouraging participation in educational, training, and experiential learning opportunities so they can complete a degree/certificate, improve their current job performance, learn transferrable skills, and prepare for new opportunities within MCCCDC. CSPG funds provide eligible employees with professional growth opportunities through the following programs, Education and Activities; Innovation Internship; and Paid Educational Leave

B. **APPLICABILITY.** This policy applies to Classified Staff and Specially Funded positions that are subject to this manual in active work status prior to the start date of the CSPG activity. Refer to the Specially Funded employees manual for the eligibility details.

Note:

1. Internal CS employees accepting a new job or temporary reassignment will continue to be eligible for CSPG funding without any interruption. CSPG eligibility is based on home/permanent positions, not Interim positions.
2. OYO/OSO without returning rights to the permanent position, Temporary (RPS), Faculty employees, Faculty employees on a temporary reassignment to any classified staff position, contracted executive employees (i.e.: VP, COO, AVC, etc.) are not eligible for CSPG funding.

### C. POLICY.

**Funding:** The District will provide CSPG funding at the rate approved by the Governing Board each fiscal year. Unused professional growth funds are rolled forward up to 5% of the entire CSPG budget. Funding amounts for each of the programs is set annually by CSPG co-chairs with the approval of the CSPG committee. Funds may be reallocated between all three CSPG programs depending on the need and usage, with the approval of the CSPG co-chairs.

1. **The Activities and Education Program (AEP)** is designed to support employee participation in degree programs, certifications, or activities.
  - a. Employees are eligible to participate in the AEP.
    - i. In Classified Staff positions, when they become benefits eligible.
    - ii. In Specially Funded positions employed consecutively over 12 months.
  - b. Activities and Education Program Funds cover the cost associated with education and activities including
    - i. Education, including degree/certificate courses and exams.
      - a. Funds cover the cost of tuition, books, lab/course fees associated with the course, courses by evaluation, and certification exam.
    - ii. Activities, including conferences, instructor-led training or workshops, self-paced training such as online training subscriptions or certification exam

preparation materials, webinars, and MCCCCD sponsored learning events including non-credit courses.

- a. Funds cover the cost of registration and eligible travel expenses associated with the Activity.
- c. The course must be:
  - i. From an accredited institution by an authorized council that is recognized by the U.S. Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA);
  - ii. Career or job related;
  - iii. For credit (have a letter grade assigned upon completion of the course); and
  - iv. Courses must be upper-division level courses. Exceptions will be made to 100/200 level courses if they are not offered within the Maricopa Community College District (MCCCCD), or if they are non-transferable and required by the program to be taken at the respective College/University or offered in a different format that is convenient to the employee. These exceptions will be made on a case-by-case basis.
- d. Books must be required by the eligible course. Books include printed books, digital/access code, and rental. Book shipping cost is limited to the standard rate.
- e. The Lab and Course Fee must be required for the course.
- f. Credits by evaluation (fee associated with transferring/evaluating credits towards a specific MCCCCD degree, i.e., academy credits for Public safety) must be required for the degree. Compensation will only be provided for actually transferred credits.
- g. Certification exams must be work-related or prepare for increased responsibility or new opportunities within MCCCCD. Must have a passing statement assigned upon successful completion of the exam.
- h. Travel costs for individuals working on doctoral-level degrees must be for: meetings with advisors/faculty and the employee must provide detailed schedules for those meetings, and justification why this can not be conducted over a teleconference (i.e. zoom, webex, google hangouts).
- i. The Activity must have predetermined learning outcomes provided as a part of the organized breakouts, keynote sessions, workshops, or training agenda provided, be work-related, or prepare for increased responsibility or new opportunity within MCCCCD.
  - i. If attending an assortment of expos, the justification must clearly define the tangible benefits gained for the employee's professional growth and MCCCCD.
  - ii. Activities do not require a letter grade and are not related to classes that earn the grade.
  - iii. To receive funding for Activity expenses, an employee must follow the [MCCCCD Travel Administrative Regulation 1.15](#).
    - a. Exception: Conference parking for out-of-state travel, when an employee drives their personal vehicle in place of flying, is capped at the District established airport parking amount of the lowest uncovered economy lot rates (refer to [Travel FAQ # 7](#). for the current amount).
- j. Education and Activity Program funds may not be used for:
  - i. Any travel expenses associated with educational requests including but not

limited to course, MCCCDC study abroad, colloquium, practicum, or exam (see exception in the 1h section).

- ii. Miscellaneous generic school fees not associated with the specific course (parking, technology, financial aid, software, etc.).
- iii. Failed courses or exams (grade "D" and below considered to be a failed grade).
- iv. Telecommunication expenses during the trip.
- v. Travel for board meetings, business meetings, accompanying student group travel (in the work capacity of a club or program advisor), speaking engagements, and activities directly associated with job functions that do not contain a professional growth component.
- vi. Additional ticketed conference activities (i.e., golf outing, tours/excursions, trips, sporting events, etc.).
- vii. Licensing fees, recertification/renewal fee.\* \* Employees are encouraged to check college/department for available resources. Funding is not guaranteed.
- viii. Membership dues/fees. Exceptions:
  - a. If a membership fee decreases the total registration cost, and it becomes the most economical option.
  - b. If a membership is a requirement of attendance and a non-member option is not available.

k. Annual Individual Amount.

- i. Education and Activity Program funds awarded to employees are limited to the annual (fiscal year July 1 - June 30) individual amount.
- ii. The annual individual amount is reviewed and determined by the CSPG Committee after Governing Board budget approval and may change annually. The amount will be published on the CSPG website.
- iii. The annual individual amount can be used for any combination of tuition, textbooks, exams, and/or Activity.
- iv. Funds are awarded on a first-come, first-served order.

l. Application

- i. An employee requesting to use Education and Activities funds shall complete a Financial Management System (FMS) Travel Authorization (TA).

m. Expense Report.

- i. All approved TA must be closed with the Financial Management System (FMS) Expense Report (ER) including all prepaid expenses and canceled activities where no full refunds were issued.

n. Reimbursement.

- i. Educational Assistance – reimbursement
  - a. Eligible educational expenses will be reimbursed only when class is completed with grade "C"/"P" or better, and the exam passed.
- ii. Activity Assistance - Maricopa Prepaid and Reimbursement
  - a. Activity reimbursement will follow MCCCDC travel regulation rules.

2. **Innovation Internship Program (IIP)** is designed to allow employees to identify areas of interest and create a work plan under a mentor or mentor group to ensure varied and experiential learning.
- a. The internship project idea must be innovative (unique, original, creative), and demonstrate the expected contribution(s)/benefits of the project that will positively impact the organization and employee's professional development.
  - b. An intern is not guaranteed a new position in the District by virtue of completion of the program, but during the approved Internship, the employee will be paid their current salary and be relieved from their assigned duties as approved in the internship agreement.
  - c. Funds will be used for a replacement staff member during the employee's internship program. Backfill funds are requested and transferred after a replacement(s) has been hired and paperwork processed (within two months of the beginning of the leave).
  - d. Eligibility.
    - i. Employees in the Classified Staff position with at least three (3) years of continuous full-time employment at the time the leave would begin may apply for an internship.
    - ii. An employee who has previously participated in the internship program must wait three years after completion of the prior Internship to apply for another internship.
    - iii. Priority will be given to first-time applicants.
    - iv. Specially Funded employees are not eligible for IIP.
  - e. Duration.
    - i. An internship program may vary in length but may not exceed 12 months, and may not extend into more than one fiscal year.
  - f. Application.
    - i. An employee requesting an internship shall complete an Innovation Internship Application, obtain all required approvals, and submit it by the deadline listed on the CSPG website.
  - g. Authorization Agreement. The authorization agreement contains all necessary instructions and information regarding the compensation for the Intern's replacement position and more details regarding the Internship. The agreement must be completed by the employee and all appropriate authorities after the Internship had been approved by the committee.
  - h. Requirements.
    - i. Three progress reports are required to be submitted by the Intern to the mentor for review and feedback, and then to the CSPG chair and CSPG coordinator.
  - i. Compensation and returning rights.
    - i. An employee participating in the internship program will be compensated at the employee's base salary or hourly rate for hours worked.
    - ii. Subject to and consistent with benefit program plans, health benefits will be continued during the Internship. In addition, retirement contributions, disability protection, vacation, and sick leave benefit plans will continue during the leave.
    - iii. An employee on an Internship will follow the normal progression on the

salary scale.

- iv. The time granted an employee for the leave will not be deducted from the original date of hire in the determination of vacation entitlement, ten (10) year anniversary service date, etc.
- v. The Internship can be terminated at any time when one of the parties wishes to end the Internship. In this event, the CSPG chair and CSPG Coordinator must be notified.
- vi. An Intern will return to the employee's previous position at the same location, or position/pay of equal value agreed upon prior to the Internship.
- vii. Unused replacement funds must be returned to CSPG.

3. **Paid Educational Leave (PEL) Program** is designed to provide employees the leave time to further their careers and employment opportunities through the completion of an advanced degree (Associate's, Bachelor's, Master's or Doctorate), certifications coursework, to complete dissertation, thesis, or participation in internships/practicums required for a degree outside MCCCCD.

- a. Overall, the employee must demonstrate the expected contribution(s)/benefits to MCCCCD, employee professional development, completion of the degree/thesis/dissertation, certificate by the end of the leave, and plan for continued employment.
- b. Funds will be used for a replacement staff member during the employee's PEL. Backfill funds are requested and transferred after a replacement(s) has been hired and paperwork processed (within two months of the beginning of the leave).
- c. Eligibility.
  - i. To be eligible for 1-6 month PEL employee must have worked in the Classified Staff position for MCCCCD a minimum of
    - a. For 1-4 months of leave - a minimum of 4 consecutive years
    - b. For 5 months of leave - a minimum of 5 consecutive year
    - c. For 6 months of leave - a minimum of 6 consecutive
  - ii. An employee who has previously taken a PEL must wait 4, 5, or 6 years respectively to apply for another PEL.
  - iii. PEL may be granted up to three (3) times per employee over their employment lifetime
  - iv. Priority will be given to first-time applicant
  - v. Degree, dissertation, thesis, or certificate must be completed while on the Paid Educational leave
  - vi. Specially Funded employees are not eligible for PEL.
- d. Half-time PEL requirements:
  - i. Participate in activities that require an employee to be away from work on a half-time basis (Example: taking classes full time, practicums, unpaid counseling internship outside MCCCCD required for the completion of the degree).
    - a. Twelve credit hours per semester, or equivalent, will be considered full-time for undergraduate work.
    - b. Nine credit hours per semester, or equivalent, will be considered full-time for graduate work.

- c. Specialized practicums and clinical courses will be considered on a case-by-case basis.
- e. Full-time PEL requirements.
  - i. Participate in intensive activities that require an employee to be away from work on a full-time basis (Example: practicums, student teach, unpaid counseling internship outside MCCCCD required for the completion of the degree, dissertation research, etc.).
  - ii. The employee must justify why full-time leave is required and provide supporting documentation.
- f. Application.
  - i. An employee requesting a PEL shall complete the PEL application. Get all required approvals, and submit it by the deadline listed on the CSPG website.
- g. Authorization Agreement.
  - i. The authorization agreement contains all necessary instructions and information regarding the compensation for the PEL replacement position and the conditions and stipulations of the leave. The agreement must be completed by the employee and all appropriate authorities after the PEL had been approved by the committee.
- h. Promissory Note.
  - i. An employee granted a PEL will be required to sign a note for the PEL salary. This note will be forgiven after working for MCCCCD at twice the amount of leave time granted, after completion of the PEL.
- i. Compensation and Returning Rights.
  - i. An employee on PEL will continue to be compensated at the employee's base salary or the employee's hourly rate for the employee's regular schedule, and not for more than 40 hours per week.
  - ii. Subject to and consistent with program plans, health benefits will be continued during the PEL leave. Also, retirement contributions, disability protection, vacation, and sick leave benefit plans will continue during the leave.
  - iii. The recipient of a PEL will return to the employee's previous position at the same location, or position/pay of equal value agreed upon prior to the leave.
  - iv. An employee will work for the District at twice the amount of leave time granted. An employee can apply for transfers, promotions, or other employment opportunities within the MCCCCD.
- j. Requirement.
  - i. Upon completion of the PEL employee must provide proof of completion of the degree, dissertation, thesis, or certificate within sixty (60) days of returning to work to the CSPG Chair and CSPG Coordinator.
- k. Funding.
  - i. PEL funds are to be used for the replacement of an employee during the employee's absence.
  - ii. An employee shall not receive Activity funds such as registration and travel while on the PEL.

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## STAFF POLICY MANUAL

Policy B-1	BEREAVEMENT LEAVE		
<u>Effective Date:</u> 08/01/2014	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To provide eligible employees with paid leave during periods of absence from work for bereavement purposes.

**B. APPLICABILITY.** All employees covered under this Manual.

**C. POLICY.**

1. Bereavement Leave. Eligible employees shall be granted up to five working days (40 hours) with pay, not chargeable to any accumulated leave balance, due to absence necessitated by the death of a member of the employee's family. The employee's College President, appropriate District Officer, or designee may approve the use of bereavement leave due to the death of persons other than those listed herein in exceptional circumstances.

a. Employee's family is defined as:

- i. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
- ii. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
- iii. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- iv. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
- v. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

2. Travel Time. Use of accumulated sick leave may be approved for up to five working days



(40 hours) in addition to the days granted in Section C (1) above for travel time outside of the State of Arizona necessitated by the death of person as provided in Section C (1) above.

3. Use Concurrent with Catastrophic Illness/Imminent Death Leave. Bereavement Leave and Catastrophic Illness/Imminent Death Leave ([Policy B-2](#)) must occasionally be used together in a single incident. For example, an employee may be called away due to the catastrophic illness of a family member and the family member may pass away during the catastrophic illness period. In such cases employees are expected to use these leaves concurrently, not consecutively. However, the District will review each instance on a case-by-case basis and work with the affected employee to provide the time necessary for the employee to grieve the loss of their family member and attend to matters associated with the illness and death.
4. Procedure. Employees qualifying for and requesting the use of Bereavement Leave, use of sick leave for travel time in connection with Bereavement Leave, and permission to use Bereavement Leave for a person other than those listed in this policy shall submit the request to their supervisor as soon as possible. The use of such leave shall be noted on the employee's time record for payroll purposes.

#### REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.1, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)
Revision	12/13/2022	Reason for Change: December 12, 2022 (Item No 3.2., Governing Board Approved 12/13/22). Added definition of a family member in accordance with federal and state definition of a family member, as well as to be inclusive and in alignment with the District's Values of community and inclusiveness.

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## STAFF POLICY MANUAL

Policy B-2		CATASTROPHIC ILLNESS/IMMINENT DEATH LEAVE	
<u>Effective Date:</u> 08/01/2014	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> Each employee group manual/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To provide eligible employees with paid leave during periods of absence from work due the catastrophic illness or imminent death of certain family members.

**B. APPLICABILITY.** All full-time classified and non-classified employees.

**C. POLICY.**

1. Catastrophic illness/Imminent Death Leave. Eligible employees shall be granted up to five working days (40 hours) with pay, not chargeable to any accumulated leave balance, due to absence necessitated by the catastrophic illness/imminent death of a member of the employee's immediate family, defined as the employee's spouse, domestic partner, father, mother, stepfather, stepmother, grandfather, grandmother, child (including those under employee's legal guardianship), foster child, stepchild, brother, sister, and grandchild, and the employee's spouse's/domestic partner's father, mother, grandfather and grandmother, or in-laws in any one incident. The employee's College President/Vice Chancellor may approve the use of bereavement leave due to the catastrophic illness/imminent death of persons other than those listed herein in exceptional circumstances.

a. Employee's family is defined as:

- i. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
- ii. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
- iii. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- iv. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or

- v. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
2. Travel Time. Use of accumulated sick leave may be approved for up to five working days (40 hours) in addition to the days granted in Section C (1) above for travel time outside of the State of Arizona necessitated by the catastrophic illness/imminent death of persons as provided in Section C (1) above.
3. Catastrophic Illness/Imminent Death. The term “catastrophic illness/imminent death” as used herein is defined as a sudden illness/injury which is seriously incapacitating such as those that have the potential for permanent disability or extensive hospitalization, confinement or death and requires immediate action on the part of the employee requesting leave. Catastrophic illness/imminent death leave is a paid leave separate from any other leave and is not chargeable to FMLA.
4. Use Concurrent with Bereavement Leave. Catastrophic Illness/Imminent Death Leave and Bereavement Leave ([Policy B-1](#)) must occasionally be used together in a single incident. For example, an employee may be called away due to the catastrophic illness of a family member and the family member may pass away during the catastrophic illness period. In such cases employees are expected to use these leaves concurrently, not consecutively. However, the District will review each instance on a case-by-case basis and work with the affected employee to provide them with the time necessary to grieve the loss of their family member and attend to matters associated with the illness and death.
5. Procedure. Employees qualifying for and requesting the use of catastrophic illness/imminent death leave, use of sick leave for travel time in connection with catastrophic illness/imminent death leave, and permission to use catastrophic illness/imminent death leave for a person other than those listed in this policy shall submit the request to their supervisor as soon as possible. The use of such leave shall be noted on the employee’s time record for payroll purposes.

#### REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.1, Motion No 10567)
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)
Revision	12/13/2022	Reason for Change: December 12, 2022 (Item No 3.2., Governing Board Approved 12/13/22). Added definition of a family member in accordance with federal and state definition of a family member, as well as to be inclusive and in alignment with the District’s Values of community and inclusiveness.

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## STAFF POLICY MANUAL

Policy B-3	EMPLOYEE BENEFIT PROGRAM		
<u>Effective Date:</u> 08/01/2014	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> Employee Benefits Advisory Committee (EBAC)/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCDC's employer-funded benefit programs for eligible employees.

**B. APPLICABILITY.** All full-time classified and non-classified employees.

**C. POLICY.**

1. Employee Benefit Program - refer to:  
<http://sites.google.com/domail.maricopa.edu/benefits/home> (for general information)
2. Insurance.
  - a. Hospitalization/Major Medical. Eligible employees may purchase hospitalization/major medical insurance according to the Flexible Benefits Program.
  - b. Income Disability Coverage. According to the core program of the Flexible Benefits Program, MCCCDC will provide eligible employees with mid-term disability insurance equal to 66-2/3% of the employee's base contract salary, up to a maximum monthly benefit of \$4,000. The waiting period shall be 90 calendar days or exhaustion of all accrued paid leave, whichever comes last.
  - c. Term Life Insurance. According to the core program of the Flexible Benefits Program, MCCCDC will provide eligible employees with basic life insurance coverage of \$20,000. The employee may purchase additional life insurance according to the Flexible Benefits Program.

**REVISIONS**

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	01/05/2023	Non-Substantive Change: Updated invalid link in section C.1.

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## STAFF POLICY MANUAL

Policy B-4	SICK LEAVE		
<u>Effective Date:</u> 5/22/2018	<u>Applicable Law/Statute:</u> ARS 23-350	<u>Source Doc/Dept:</u> HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding the accrual, use, accumulation, and payment for sick leave for eligible employees.

**B. APPLICABILITY.** All full-time classified and non-classified employees.

**C. POLICY.**

1. Generally. Eligible employees shall accrue, earn and may request the use of sick leave beginning on the employee's first day of employment with MCCCCD. Employees may use sick leave only for the reasons specified below. Employees are expected to maintain an appropriate balance of sick leave for use in unexpected emergencies or in cases of serious illness or injury.
2. Accrual. An eligible employee shall accrue sick leave during every completed pay period the employee is in active pay status at the rate of .05 hours for every hour in active pay status, equal to four hours per pay period, and 104 hours annually for 40-hour per week, 12-month employees. Eligible employees who work less than 40-hours per week and/or less than 12 months per year accrue and earn sick leave on a pro rata basis (.05 hours for each hour in active paid status).
3. Use of Sick Leave.
  - a. Use. Employees may request the use of sick leave in the following circumstances:
    - i. Illness or injury of the employee.
    - ii. Illness or injury of an employee's immediate family member which requires the employee's attendance and personal care.
      - a. Employee's family is defined as:
        - i. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
        - ii. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
        - iii. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
        - iv. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or

- v. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
  - iii. Medical appointments of the employee or the employee's immediate family that require the employee's attendance and personal care.
  - iv. For personal time requested and approved for payment in accordance with Policy B-6 –Personal Time.
  - v. Absence due to domestic violence, sexual violence, abuse, or stalking are allowed under this policy in compliance with Proposition 206, the Fair Wages and Healthy Families Act (Prop 206).
- b. While on Leave. Employees absent from work on sick leave may not work, perform services, receive or earn compensation for or from any other entity, including the employee's own business, from the beginning of such absence until the employee returns to work, unless authorized in advance by the appropriate college president/vice-chancellor.
- c. Medical Examination. Any employee absent from work for sick leave purposes for more than three days may be required to provide medical justification for the absence and/or submit to a fitness for duty examination conducted by a licensed physician chosen by MCCCCD to determine the employee's ability to perform the essential functions of the employee's position. The cost of any fitness for duty examination shall be paid by MCCCCD.
- d. Workplace Injuries. Eligible employees hereunder, who have suffered a workplace injury as defined in [Policy A-9](#) – Workplace Injury Reporting, are not required to use sick leave for time spent at medical appointments during work hours so long as the employee has not been discharged from medical treatment for the workplace injury.
- e. Domestic violence, sexual violence, abuse or stalking. While MCCCCD may require reasonable documentation of absences of three or more consecutive work days, MCCCCD may not require that an employee specify the relevant health condition or the details of domestic violence, sexual violence, abuse or stalking. Reasonable documentation includes documentation signed by a health care professional indicating that the earned paid sick time is necessary. In the case of domestic violence, sexual violence, abuse or stalking, the following documents are considered reasonable:
- i. A police report; A protective order, injunction against harassment, general court order, or other evidence from a court or prosecuting attorney;
  - ii. A signed statement from a domestic violence or sexual violence program, or victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking;
  - iii. A signed statement from a witness advocate concerning services from a victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking;
  - iv. A signed statement from an attorney, member of the clergy, or a medical or other professional affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking ; or
  - v. An employee's legible, written statement concerning status of the employee or the employee's family member as a victim of domestic violence, sexual violence,

abuse, or stalking that signals the employee's identity and (if applicable) relationship to the family member.

4. Payment for Sick Leave.

- a. Employees on sick leave shall be paid at their regular rate of pay and the number of sick leave hours used shall be reported in HCM and deducted from the employee's sick leave balance.
- b. Sick leave shall be used and paid in quarter-hour increments.
- c. Employees are responsible for knowing the amount of sick leave available for the employee's use. An employee who does not have a sufficient balance of sick hours to cover sick leave used shall be considered absent without leave. In such case supervisors may allow the employee to use available vacation hours, but only with the approval of the appropriate college president/vice- chancellor. If vacation hours are not used to cover such absence, the employee's hours absent shall be coded in HCM as Leave without Pay.

5. Required Notifications for Use of Sick Leave.

- a. **Planned Absences.** Employees using sick leave for planned absences (i.e., medical appointments, etc.) shall notify the employee's immediate supervisor as far in advance as possible and no later than the end of the workday before the day of the intended absence.
- b. **Unplanned Absences.** Employees requiring unplanned sick leave shall notify the employee's immediate supervisor or other designated contact person/phone number as soon as possible and no later than the deadline established by the employee's division/department/unit.

6. Periodic Payments for Earned and Unused Sick Leave.

- a. **End of Year Reconciliation.** At the end of each calendar year, any employee still employed by MCCCCD who has earned and unused sick leave to the employee's credit and who during the calendar year suffered a loss of pay as provided in Section C (4) (c) above, may request to receive payment for sick leave hours equal to the loss in pay. This request must be made by the employee in writing to the MCCCCD Payroll Department at least 10 days prior to the last payroll date of the calendar year. Late requests will not be honored.
- b. **Payment at Separation from Service.** Employees who are eligible to accrue and earn sick leave hereunder and who have a minimum of 10 years of service credit with MCCCCD at time of retirement, will be paid for earned and unused sick leave as follows:
  - i. An amount equal to the employee's daily rate of pay at time of retirement, multiplied by 25%, not to exceed \$40.00 per day, shall be multiplied by the number of full, unused sick leave days to the employee's credit, not to exceed 200 days. The daily rate of pay for employees who work less than full-time hours and/or less than 12 months per year shall be pro-rated.

**REVISIONS**

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	07/01/2015	<b>Non-substantive Change:</b> C.4 a. and C.4.c. Struck "Time and Labor" and inserted "HCM".  <b>Substantive Change:</b> were made in Section: C.4.d. to strike "Sick leave paid is counted as hours worked for purposes of calculating eligibility for overtime for FLSA non-exempt employees." The changes to C.4.d. were in accordance with legal standards and industry best practices; non-compensable time, such as sick time, should not be considered as time worked when calculating overtime pay.
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.9, Motion No 10567).
Revision	12/13/2022	Reason for Change: December 12, 2022 (Item No 3.2., Governing Board Approved

		12/13/22). Added definition of a family member in accordance with federal and state definition of a family member, as well as to be inclusive and in alignment with the District's Values of community and inclusiveness.
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## STAFF POLICY MANUAL

Policy B-5	VACATION		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> ARS 23-350	<u>Source Doc/Dept:</u> Each employee group manual/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding the accrual, use, accumulation, and payment for vacation leave.

**B. APPLICABILITY.** All full-time classified and non-classified employees.

**C. POLICY.**

1. Generally. All eligible employees shall accrue, earn and may request the use of vacation beginning on the first working day following the employee's MCCCCD Service Date or hire date, whichever is later. Employees are expected to use accrued vacation responsibly to assure necessary rest and relaxation away from work. Employees are also encouraged to maintain an appropriate balance of vacation for use in unexpected emergencies or in cases of serious illness or injury.
2. Accrual. An eligible employee shall accrue vacation during every completed pay period the employee is in active pay status at the accrual rates shown below:
  - a. Eligible FLSA non-exempt employees:

Years of Service	Annual Leave	Accrual Per Hour Paid	Accrual Per Pay Period
<b>Up to 3 years</b>	80 hours	0.038462	3.08
<b>After 3 years</b>	120 hours	0.057692	4.62
<b>After 5 years</b>	136 hours	0.065385	5.23
<b>After 7 years</b>	160 hours	0.076923	6.15

- b. Eligible FLSA exempt employees:

Years of Service	Annual Leave	Accrual Per Hour Paid	Accrual Per Pay Period
<b>All</b>	160 hours	0.076923	6.15

- c. Eligible employees who work less than 12 months per year and/or fewer than 40 hours per week on a regular basis shall accrue vacation each completed pay period on a per hour basis.
- d. Employees may carry over up to one year's accrual of vacation hours into the following calendar year.

3. Banked Vacation.

- a. The maximum amount of vacation which may be accrued ("banked") is shown below:

Employee Group	Per Year	Maximum			
<b>Crafts</b>	56 hours	<15 years	480 hours	15 + years	536 hours
<b>MAT</b>	48 hours		480 hours		
<b>M&amp;O</b>	56 hours	<10 years	480 hours	10+ years	496 hours
<b>PSA</b>	56 hours		480 hours		
<b>Public Safety</b>	56 hours	<10 years	480 hours	10+ years	496 hours

- b. At the end of each calendar year, an employee's vacation hours will be purged if they exceed one year's accumulation plus the amount that will be banked.
- c. Employees can use the [Use it or lose it calculator](#) to determine if they will lose any vacation hours at the end of the calendar/fiscal year.

4. Use of Vacation Time.

- a. Employees are encouraged to submit vacation requests as far in advance as possible to enable the department/division to accommodate the request. The granting of all vacation requests is subject to operational demands.
- b. Each college/department/division is encouraged to establish and communicate to employees a written process to receive, evaluate and approve vacation requests.

5. Payment for Vacation. Employees on approved vacation leave shall be paid at their regular rate of pay, including all premium pay, and the number of vacation hours used shall be deducted from the employee's vacation balance.

6. Payment for Vacation at Separation from Service. Employees shall be paid for all accrued but unused vacation at separation from service.

**REVISIONS**

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	07/01/2015	<p><b>Non-substantive Change:</b> C.4 a. and C.4.c. Struck "Time and Labor" and inserted "HCM".</p> <p><b>Substantive Change:</b> were made in Section: C.4.d. to strike "Sick leave paid is counted as hours worked for purposes of calculating eligibility for overtime for FLSA non-exempt employees." The changes to C.4.d. were in accordance with legal standards and industry best practices; non-compensable time, such as sick time, should not be considered as time worked when calculating overtime pay.</p>

Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.9, Motion No 10567).
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)
Revision	01/05/2023	Non-Substantive Change: Updated invalid link in Section C.3.c

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## STAFF POLICY MANUAL

Policy B-6	PERSONAL TIME		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> Each employee group manual/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD policy regarding the use of accrued and earned sick leave for personal reasons by eligible employees.

**B. APPLICABILITY.** All full-time classified and non-classified employees.

**C. POLICY.**

1. Generally. Eligible employees may use up to four days (32 hours) of their sick leave in each calendar year for personal reasons outlined in Section C.2. Employees must have sufficient accrual of sick leave available in order to use Personal Time. The amount of leave available to employees who work less than 40 hours per week and/or less than 12 months per year is determined on a pro rata basis. Personal leave does not accumulate from year to year. One additional day (eight hours) in a fiscal year may be approved in advance by the appropriate college president/vice chancellor, to be charged to the employee's sick leave balance.
2. Use of Personal Time. Employees may request the use of sick leave for personal time for activities which can only be accomplished on the work day involved. Personal time may not be approved for use when an employee is tardy or wishes to leave work before the scheduled ending time for reasons not listed below. Allowable uses of sick leave for personal time include but are not limited to:
  - a. Unforeseen automobile or household emergencies.
  - b. Family emergencies.
  - c. Appointments with professionals.
  - d. Funerals not covered in Policy B-1 – Bereavement Leave.
3. Payment for Personal Time.
  - a. Employees approved for personal time shall be paid at their regular rate of pay and the number of hours used shall be reported in HCM and deducted from the employee's sick leave balance.
  - b. Personal time shall be used and paid in quarter-hour increments.
  - c. Employees are responsible for knowing the amount of sick leave available for the employee's use. An employee who does not have a sufficient balance of sick hours to cover personal time used shall be considered absent without leave. In such case

the employee's hours absent shall be coded in Time and Labor as Leave without Pay. Vacation leave may not be approved to cover personal time taken.

- d. Sick Leave paid for personal time is counted as hours worked for purposes of calculating eligibility for overtime for FLSA non-exempt employees.
4. Required Notification for Use of Personal Time. Employees requiring personal time shall notify the employee's immediate supervisor or other designated contact person/phone number as soon as possible.

#### REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	07/01/2015	<b>Non-substantive Change:</b> C.4 a. and C.4.c. Struck "Time and Labor" and inserted "HCM".
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.9, Motion No 10567).
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)

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## STAFF POLICY MANUAL

Policy B-7	LEAVES OF ABSENCE FOR MEDICAL/PERSONAL REASONS		
<u>Effective Date:</u> 08/01/2014	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> Each employee group manual/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out the procedure for an eligible employee to request a leave of absence for specified medical or personal reasons.

**B. APPLICABILITY.** All full-time classified and non-classified employees except CEC employees.

**C. POLICY.**

1. Reasons for Leave. An eligible employee may request a leave of absence from employment. Such leave may be requested:
  - a. For personal reasons; or
  - b. When an employee who has exhausted Family and Medical Leave (FML) is determined by a health care provider to be temporarily unable to perform the essential functions of the employee's job. Such request must include documentation from a health care provider indicating the reason for the leave request and an estimated date of return to full duty; or
  - c. When an employee who is not eligible for FML is determined by a health care provider to be temporarily unable to perform the essential functions of the employee's job. Such request must include documentation from a health care provider indicating the reason for the leave request and an estimated date of return to full duty.
2. Request. An employee requesting a leave of absence hereunder must provide MCCCCD with as much advance notice of the need for leave as possible. Requests for a leave of absence for personal reasons shall be submitted to the immediate supervisor, indicating the reason for the leave, the date the leave will begin, and the specific date of return to full duty. Employees requesting a leave of absence for medical reasons (Reasons C (1) (b) and C (1) (c) above) must promptly provide the HR Solutions Center with a Health Care Provider Form, signed by a medical provider, that includes information regarding; the reason for the leave, the date the leave will begin, and the anticipated date of return to full duty. Any change in such information must also be submitted promptly.
3. Approval. A request for a leave of absence hereunder may be granted in up to six months increments upon the approval of the immediate supervisor, college president/vice chancellor and the Chief Human Resources Officer or designee. Requests for

additional leaves of absence will be considered on a case-by-case basis in compliance with applicable federal and state laws and require the approval of the immediate supervisor, college president/vice chancellor and the Vice-Chancellor for Human Resources or designee.

4. Compensation. An employee on an approved leave of absence shall use all applicable paid leave before going on an unpaid leave of absence. Sick leave, vacation leave, paid holiday leave, or other paid leave continue to be earned while an employee is in active pay status, but are not earned by or paid to an employee while on a leave of absence without pay.

5. Health Insurance Coverage.

- a. Insurance Coverage during a Leave of Absence for Personal Reasons. MCCCCD will continue to pay the flexible benefits for the insurance coverage for the first 24 weeks in a 12- month period. After 24 weeks, the employee may continue to pay for the insurance coverage selected during the approved leave of absence.
- b. Insurance Coverage during a Medical Leave of Absence. MCCCCD will continue to pay the flexible benefits for the insurance coverage selected by the employee based upon the following schedule:

<u>Years of Service</u>	<u>Premium Payment</u>
Zero to five	six months*
Five to 10	12 months*
10 or more	18 months*

\*includes FMLA

6. Return from Leave. Upon returning from an approved leave of absence, the employee shall be restored to the position held by the employee when the leave began or an equivalent position with equivalent employment benefits, pay and other terms and conditions. The employee who returns from a leave of absence shall not lose any employment benefit that accrued prior to the commencement of leave. Participants in ASRS who return to work within one year may elect to purchase service credit from ASRS as long as the member has not withdrawn contributions during the extended leave of absence.
7. Failure to Return/Properly Use Leave. Failure to return to work within three working days after the scheduled end of a leave of absence without a request for an extension and reasonable justification will be deemed an abandonment of one's position as provided in [Policy A-4—Employment Standards](#). Failure to use a leave of absence for the reasons stated in the request for such leave may result in cancellation of the leave and corrective action.

#### REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.9, Motion No 10567).
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)

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## STAFF POLICY MANUAL

Policy B-8	COMPASSIONATE LEAVE		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To provide a fund to which eligible employees may donate vacation and sick leave hours and from which eligible employees may receive paid leave hours during the first 90 days of a qualifying non-work related disability.

**B. APPLICABILITY.** All full-time classified and non-classified employees.

**C. POLICY.**

1. Donation. Any eligible employee may, during the annual benefit open enrollment period, transfer sick leave and/or vacation hours to the MCCCDC Compassionate Leave fund by submitting a request through HCM, so long as the donating employee retains a balance of at least 240 hours of sick leave after deduction of the sick leave hours offered for donation (no minimum remaining balance is required for vacation). Donations to the Compassionate Leave fund shall be in one-hour increments. The maximum donation is a total of eight hours of sick and/or eight hours of vacation.
2. Eligibility. Any eligible employee may apply to the HR Solutions Center to receive Compassionate Leave hours. To qualify, the employee requesting Compassionate Leave hours must:
  - a. Have a non-work related serious illness or injury, as verified in writing by a health care provider, which meets the definition of a serious health condition under the Family and Medical Leave Act (FMLA), which is estimated by the health care provider to last a minimum of 30 consecutive calendar days, and an estimated date of return to full duty from the health care provider; or
  - b. Have a spouse, domestic partner, or dependent who resides in the employee's household with a serious illness or injury, as verified in writing by a health care provider, which meets the definition of a serious health condition under the Family and Medical Leave Act (FMLA) which is estimated by the health care provider to last a minimum of 30 consecutive calendar days; and
  - c. Have an insufficient amount of accrued and unused sick leave, vacation leave, banked vacation leave, and compensatory time to cover the estimated period of absence.



3. Benefit.

- a. An employee who is approved to receive Compassionate Leave hours shall be paid 33 1/3 of the employee's regular base pay for the first 90 days of disability. Compassionate Leave runs concurrently with Family and Medical Leave and Extended Medical Leave.
- b. An employee receiving Compassionate Leave hours shall be in active pay status and shall accrue sick leave, vacation, and be entitled to any other benefits they would normally receive. All paid leave provided to or accrued by an employee while receiving Compassionate Leave hours shall be used in the following pay period first before Compassionate Leave hours are used.

4. Cessation of Compassionate Leave. An employee approved to receive Compassionate Leave hours shall be eligible to receive such leave hours until the employee:

- a. Returns to full duty; or
- b. Begins receiving medium-term disability insurance payments from MCCCCD; or
- c. Has reached the 90<sup>th</sup> calendar day of disability.

5. Working While on Compassionate Leave. Employees absent from work and receiving Compassionate Leave hours may not work, perform services, receive, or earn compensation for or from any other entity, including the employee's own business, from the beginning of such absence until the employee returns to work, unless authorized in advance by the Chief Human Resources Officer.

REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	07/01/2015	<b>Non-substantive Change:</b> C.1 Struck "HRMS Self-Service portal" and inserted "HCM".
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.4, Motion No 10567).

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## STAFF POLICY MANUAL

Policy B-9	FAMILY AND MEDICAL LEAVE		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> 29 USC 2601 <u>et. seq.</u>	<u>Source Doc/Dept:</u> None/HR	<u>Authorizing GB Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** To provide eligible employees with job-protected time off work for serious health conditions, the birth or placement of a child for adoption or foster care, or to care for a family member with a serious health condition as provided in the Family and Medical Leave Act of 1993 (FMLA). During this leave the employee's job status is protected and MCCCCD will continue to pay its portion of the employee's health care benefits (if applicable).

**B. APPLICABILITY.** All employees covered by this manual who have been employed by MCCCCD for at least 12 months and have actually worked at least 1,250 hours during the 12 months prior to the leave.

### C. POLICY.

1. Introduction. Family and Medical Leave (FML) is a leave of absence taken by employees for specified medical reasons, during which MCCCCD shall maintain the employee's health insurance (if applicable) in the same manner as if the employee remained in active pay status. During the leave, however, such employees must continue to pay the employee's share of health insurance premiums. Employees returning from FML shall be reinstated to the position held by the employee when the leave began or an equivalent position with equivalent employment benefits, pay and other terms and conditions.
2. Entitlement to Leave.
  - a. Generally. Eligible employees are entitled to a total of 12 workweeks of FML during a rolling 12-month period measured backward from the date on which the employee uses any FML. Employees may take the leave for any of the following reasons:
    - i. Birth of a child of the employee and to care for the newborn child.
    - ii. Placement of a child with the employee by way of adoption or foster care.
    - iii. To care for the spouse, child, parent or one who stood in place of a parent of the employee, if that person has a serious health condition.
    - iv. Because of a serious health condition that renders the employee unable to perform any of the essential functions of the employee's position; or
    - v. Any qualifying exigency when the employee's spouse, child or parent is on active duty or is notified of an impending call or order to active duty in the Armed Forces

(including the Reserves and National Guard) in support of a "contingency operation."

- b. **Military Caregiver Leave Entitlement.** Eligible employees are entitled to a total of 26 workweeks in a single 12-month period per-covered service member, per-injury, measured forward from the date the employee's leave begins, to care for a spouse, child, parent, or next of kin who is a service member undergoing medical treatment, recuperation or therapy, is on out-patient status, or is on the temporary disabled retired list for a serious injury or illness.
3. **Use of Paid Leave.** Employees meeting specified eligibility requirements are entitled to various paid leaves of absence (i.e., sick, vacation, holidays, compensatory time, etc.), as described in this manual. Employees are required to use all applicable paid leave to the employee's credit (except compensatory time) in conjunction with FML. Employees requesting paid leave for FML must comply with the employee's department's normal procedures for use of paid leave. MCCCCD will designate an employee's use of paid leave as FML based on the information provided by the employee or employee's spokesperson. Employees will be notified when paid leave is designated as FML. Paid leave that is substituted for unpaid leave will be counted toward the 12 weeks of FML.
4. **Holidays.** Time off on a recognized holiday shall count against the employee's FML entitlement if the employee is on FML the entire week during which the holiday is observed.
5. **Leave Increments.** FML shall be counted in increments of 15 minutes.
6. **Husband and Wife.** In a case in which a husband and wife are both employed by MCCCCD, requests for leave due to the birth or placement with the employees of a child, or to care for either employee's parent who has a serious health condition, the aggregate number of workweeks of FML to which both employees are entitled shall be limited to 12 workweeks combined during the leave year.
7. **Intermittent/Reduced Leave.**
  - a. **Generally.** Leave due to the serious health condition of the employee or the employee's spouse, child or parent, or for military caregiver leave, may be taken intermittently or on a reduced leave schedule when medically necessary. MCCCCD may require an employee taking foreseen leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits and better accommodates the recurring periods of leave. The use of intermittent or reduced schedule leave shall not reduce the total amount of leave to which the employee is entitled. Leave due to the birth or placement with the employee of a child may not be taken on an intermittent or reduced leave schedule unless agreed to by the immediate supervisor.
  - b. **Deductions for Exempt Employees.** MCCCCD may make deductions from an exempt employee's salary for time taken as intermittent or reduced FML within a workweek, without affecting the exempt status of the employee. The deductions may be taken in 15 minute increments and designated on the employee's timesheet as FML. In such

case the employee shall be required to use all applicable paid leave in conjunction with FML.

8. Benefit Accrual during Leave. Sick, vacation and other paid leave will not accrue during any unpaid portion of FML.
9. Working/Attending School While on FML. Employees on FML may not work, perform services, receive, or earn compensation for or from any other entity, including the employee's own business, from the beginning of such absence until the employee returns to work, unless authorized in advance by the Chief Human Resources Officer. In addition, any service contract with MCCCCD will be cancelled during FML. Employees on FML for their own serious health condition may not attend classes at MCCCCD and are therefore not eligible for tuition waiver under [Policy A-13](#) while on FML.
10. Reinstatement.
  - a. Generally. Employee's returning to work from FML shall provide their immediate supervisor with at least one weeks' notice of intent to return. When an employee not in a "key" position returns from FML, the employee will be restored to the position held by the employee when the leave began or an equivalent position with equivalent employment benefits, pay and other terms and conditions. The employee taking FML shall not lose any employment benefit that accrued prior to the commencement of leave.
  - b. Key Employees. If an employee's position is determined to be "key", the employee may be denied reinstatement when:
    - i. MCCCCD shows that denying reinstatement "is necessary to prevent substantial and grievous economic injury" to MCCCCD's operations;
    - ii. MCCCCD notifies the employee that reinstatement will be denied at the time MCCCCD determines that grievous economic injury would occur; and
    - iii. The employee already has begun the leave and elects not to return to employment within a reasonable time after receiving MCCCCD's notice.
  - c. Certification. The employee's physician may be required to certify that the employee is able to resume performing all of the essential functions of the employee's position as a condition of return to employment.
11. Payment of Insurance Premiums on Failure to Return from Leave. If the employee fails to return from FML, the employee may be required to reimburse MCCCCD for the total insurance premiums paid by MCCCCD for the period of FML during which the employee was on unpaid leave, unless the failure to return is due to:
  - a. Continuation, recurrence or onset of a serious health condition; or
  - b. Other circumstances beyond the employee's control.

In such cases, MCCCCD may require medical certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid during the unpaid portion of the leave by MCCCCD.

12. Employee's Notice Responsibility. An employee requiring FML must provide MCCCCD with as much advance notice of the need for leave as possible. Failure to provide timely notice may result in a delay of leave until 30 days after receipt of notice. The minimum required notice under the FML is as follows:

- a. When the need for leave is foreseeable, including planned medical treatment for a serious illness or injury of a covered service member (if practicable), the employee must provide 30 days' advance notice;
- b. If 30 days is not practicable, notice must be given as soon as practicable, after the need for the leave becomes known to the employee;
- c. If the approximate timing for leave is not foreseeable, the employee must still provide notice of the need for leave as soon as practicable.
- d. Employees must promptly provide the employee's immediate supervisor with a written statement signed by the medical provider that includes information regarding; the date the leave will begin, the anticipated return to work date, whether the absence will be full-time or part-time, and if there are any restrictions. Any change in such information must also be submitted promptly.
- e. Notice of the need for leave is provided by the employee on forms available in the District HR Solutions Center.

In addition, if MCCCCD requires additional information in order to determine if the absence is FML-qualifying, the employee must respond to MCCCCD's request for such information as soon as possible. Failure to respond may result in denial of FML.

13. Call-in Procedure. Employees requesting paid or unpaid leave for FML must comply with the employee's department's normal call-in procedures.

14. Notice to Employee. Within five business days, or as soon as is feasible after notice of the need for leave is provided by the employee, the HR Solutions Center will provide the employee with detailed written notice of:

- a. MCCCCD's FML expectations and policy;
- b. The employee's rights and obligations (including the amount of insurance premium that must be paid, if applicable);
- c. The consequences of an employee's non-compliance;
- d. The fact that the leave will be counted against the employee's annual FML entitlement and how it is measured; and
- e. The requirements regarding medical certification.

15. Initial Certificate of Serious Health Condition. Employees who request FML must provide MCCCCD with certification of the condition from a health care provider in cases involving serious health conditions and attach the certification to the request for leave at initial request, or provide same as soon as possible when paid leave is exhausted. Employees must provide sufficient information for MCCCCD to determine if the leave may qualify for FML protection and the anticipated timing and duration of the leave. Sufficient information

may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform MCCCCD if the requested leave is for a reason for which FML was previously taken or certified. Upon receipt of the certification, MCCCCD may, at its expense, require the employee to obtain a second opinion from a health care provider selected by MCCCCD. MCCCCD may deny FML if the employee refuses to release relevant medical information to the health care provider designated by MCCCCD to provide the second (or third) opinion. MCCCCD's health care provider or the HR Solutions Center may, with the employee's permission, contact the employee's health care provider directly for verification or clarification purposes, but will not seek additional information from the provider. Prior to contacting the employee's health care provider, MCCCCD will ask the employee to cure the deficiencies in the certification. If the second opinion differs from the first, MCCCCD may, at its expense, require the employee to submit to a third examination by a health care provider jointly selected by MCCCCD and the employee. This third opinion shall be final and binding. MCCCCD shall provide the employee with a copy of the second and third opinions within five business days of receipt.

16. Recertification.

- a. For pregnancy, chronic or permanent/long-term conditions under continuing supervision of a health care provider, MCCCCD may request recertification every 30 days while the employee is on leave. However, if circumstances described in the previous certification change significantly (i.e., the severity of the condition, complications, etc.), MCCCCD may immediately request recertification.
- b. If the minimum duration of the incapacity specified on an initial certification is more than 30 days, or if the leave is taken on an intermittent or reduced scheduled basis, MCCCCD may not request recertification before the minimum duration of the specified leave expires unless one of the conditions described in subparagraphs C (16) (c) (i) through (iii) below is met.
- c. For circumstances not covered by this paragraph C (16), MCCCCD may request recertification at any reasonable interval (but not more often than every 30 days), unless:
  - i. The employee requests an extension of leave; or
  - ii. Circumstances described by the previous certification have changed significantly (i.e., duration or nature of the illness, complications, etc.); or
  - iii. MCCCCD receives information that casts doubt upon the continuing validity of the certification. If one of the conditions of subparagraphs C (16) (c) (i) through (iii) occurs, MCCCCD may immediately request recertification.
- d. MCCCCD may request the same information on recertification as is permitted during initial certification. The employee has the same obligation to cooperate with MCCCCD during the recertification process as in the initial certification process.

17. Certification Deadline. Employees shall provide requested certification within 15 calendar days unless this time limit is not practicable. Failure to provide this certification may invalidate the leave. Employees are solely responsible for any costs associated with obtaining requested certification.
18. Fitness for Return to Duty. If MCCCCD requires a fitness for duty certification prior to returning an employee on FML to duty, any physical required will be job-related and consistent with business necessity and may only be sought with regard to the particular condition that caused the need for FML. MCCCCD's health care provider may, with the employee's permission, contact the employee's health care provider to clarify fitness for duty, but will request no additional information. The employee has the same obligation to cooperate in the fitness for duty process as described in the certification/recertification process above. Failure to provide a fitness for duty certification at least one week prior to return to duty may terminate the employee's right to reinstatement unless the employee has requested additional FML.
19. Employees' Failure to Pay Insurance Premium. Upon commencement of FML, MCCCCD shall continue the employee's health insurance (if applicable) as if the employee was not on leave. However, MCCCCD's obligation shall cease if the employee is more than 30 days late in tendering the employee's share of the premium. In such a case, MCCCCD shall provide the employee written notice of the discontinuance of coverage by mailing such notice at least 30 days before the date coverage will cease.

#### REVISIONS

Type	Date	Description
Effective	11/01/2013	Initial Policy
Revision	07/01/2015	<b>Non-Substantive Changes:</b> Revised date from 5/01/2013 to 07/01/2015. C.9. Changed "Vice Chancellor of Human Resources" to "Chief Human Resources Officer."
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10-4, Motion No 10567).

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## STAFF POLICY MANUAL

Policy B-10	PERSONNEL FILES		
<u>Effective Date:</u> 07/01/2015	<u>Applicable Law/Statute:</u> ARS 39-101 to 103; ARS 39-121 to 128; ARS 39-141 to 145	<u>Source Doc/Dept:</u> HR	<u>Authorizing GB Pol./Reg.</u> Admin. Reg. 6.17

- A. PURPOSE.** To set out MCCCDC policy regarding the maintenance of personnel files and answering requests for information contained in employee's personnel files.
- B. APPLICABILITY.** All MCCCDC employees covered by this manual.
- C. POLICY.**
1. Generally. The personnel file contains all original personnel-related information for every MCCCDC employee in accordance with all applicable laws. All personnel files are maintained at District Office Human Resources except:
    - a. The AZ-POST file maintained by the MCCCDC Department of Public Safety on each sworn police officer.
    - b. Personnel files for adjunct faculty, which files are maintained by the campus(es) at which the adjunct is employed.
    - c. The temporary performance evaluation notes maintained by supervisors during an employee's evaluation period. These notes are to be summarized and included the employee's performance evaluation, and/or become a part of a corrective action document.
  2. Access to Personnel Files. All personnel files of employees are the property of MCCCDC. No employee or other person may obtain or possess personnel records maintained by MCCCDC except as specifically stated herein. Access to an employee's personnel file shall be limited to:
    - a. The employee or an authorized representative of the employee.
    - b. The employee's supervisor and department/division director.
    - c. The Human Resources Director or Human Resources staff members in the performance of their official duties, including responding to court orders or subpoenas.
    - d. Employees or agents of companies providing employee benefits, when necessary to determine eligibility or otherwise administer benefits for the employee.



- e. Attorneys or authorized staff members of the General Counsel's office, or legal counsel representing MCCCCD, when necessary to provide legal advice or representation to MCCCCD.
3. Public Records Requests. All requests [other than those described in section C (2) above] to inspect and/or copy information contained in an employee's personnel file shall be directed to the Office of Public Stewardship/General Counsel as provided in Administrative Regulation 6.17.
  4. Internal Requests. An employee's request to view their own personnel file, or the personnel file of a subordinate employee in their direct chain of command, shall be directed to District Office Human Resources.
    - a. Employee's Own File. Employees may request to view their own personnel file. Such requests shall be made during the regular business hours of District Office Human Resources.
    - b. Manager's or Supervisor's Requests. A manager or supervisor may request to view the personnel file of subordinate employees in their direct chain of command. The sections of the file which may be viewed are the performance management and corrective action files. A request to review documents not in the performance management and corrective action files requires a legitimate business necessity which must be directed, in writing, to the Chief Human Resources Officer.
  5. Record Retention. Public records, including those contained in personnel files, shall be retained in accordance with state law.
  6. Employee Requests. Employees have the right to:
    - a. Review the contents of the employee's personnel file upon request, except letters of recommendation and college/university placement files which, when submitted, request confidentiality.
    - b. Receive a copy of any documents contained therein, except as noted item a. above.
    - c. Be notified, in writing, when material (other than of routine office nature) is being added to the file(s).
    - d. Request the inclusion of relevant documents to be added to the file(s). (Determination of relevancy is the responsibility of the District Director of HR Administration.)
    - e. Request the removal of all inappropriate and/or obsolete documents from the files. (Determination will be made by the District Director of HR Administration.)
    - f. File a written response to be included whenever negative or derogatory information is placed in the file(s).
  7. Reference Checks/Information Verifications. No MCCCCD employee other than authorized employees in the District Office Human Resources Division or a college Human Resources Office is authorized to provide and/or verify any information about a current or former MCCCCD employee to any outside requestor. In response to such requests, the

Governing Board has established that only the following information may be disclosed regarding present or former employees:

- a. Name.
- b. Titles or positions (including academic degrees and honors received).
- c. Fact of past or present employment.
- d. Dates of employment.
- e. Salaries or rates of pay.
- f. Name of employee's current or last known supervisor.
- g. Disciplinary records.
- h. Self-Evaluations.
- i. Performance Reviews.

#### REVISIONS

Type	Date	Description
Effective	08/01/2014	Initial Policy
Revision	07/01/2015	<b>Reason for Change:</b> Governing Board delegation to Chancellor on December 9, 2014 (Item No 14-1, Motion No 10259).
Revision	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.1, Motion No 10567).

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## STAFF POLICY MANUAL

Policy C-1	POSTING AND SELECTION		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

**A. APPLICABILITY.** All employees subject to this manual.

**B. POLICY.**

- 1. Generally.** This policy governs the use of accepted human resources practices and procedures to attract and select the most qualified candidates. MCCCCD can only fully attain its strategic goals and major objectives regarding student retention and success when MCCCCD's workforce comprises of qualified, skilled staff. MCCCCD hires the most qualified candidates based on a review of their education and work experience against position and organizational requirements. As an Equal Opportunity employer, MCCCCD prohibits the use of discriminatory practices in employment and does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status, age, disability, military status, veteran status, genetic information, or any other basis protected by law. MCCCCD values the institutional knowledge and qualifications of its current staff and supports opportunities for advancement through its recruitment and selection process.
- 2. Recruitment.** It is the policy of MCCCCD that positions covered by this policy be filled through an open competitive recruitment process.
  - a. *Exceptions to the Competitive Process.*** Human Resources will consider requests for an exception to the open competitive process on a case-by-case basis. Exceptions may be granted by Human Resources when one or more of the conditions outlined in the Posting and Selection Standard Operating Procedures are met.
- 3. Hiring Decisions.** Hiring decisions will be based solely on the minimum and desired qualifications identified in the job description, the qualifications and attributes of the candidates, the suitability of the candidate selected for the position, and any additional criteria specific to the position.
- 4. Advertising Openings.** MCCCCD seeks to develop a pool of candidates for such positions by advertising on external websites, in professional journals, and websites of professional societies, and in specialty publications and websites oriented to advertising position opportunities among members of underrepresented demographic groups. Positions may only be advertised with the consent of Human Resources. All external

recruitment and related advertisements must be coordinated with Human Resources and conform to the requirements of MCCCCD Marketing.

5. Upper-Level Management, Leadership, and Specialized Positions.
  - a. *Using Search Firms or Agencies.* Recruitment for upper-level management and leadership positions, and for positions with highly specialized technical requirements, may be accomplished through the use of a search firm or agency.
6. Authorization to Work.
  - a. *Eligibility.* Candidates must be authorized to work in the United States prior to the start of their employment.
  - b. *Sponsorship for Residency.* MCCCCD funds may not be used to sponsor permanent residency status or temporary residency status under H1B visas.
7. Background Checks. MCCCCD requires successful completion of a pre-employment background check through an approved vendor as a condition of hire for each applicant. Current employees applying for positions identified as sensitive in the Background Check Standard Operating Procedures will be required to undergo a background check as if they were a first time applicant to MCCCCD.

#### REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	08/01/2016	Revised to support HCM
Repealed	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.10, Motion No 10567).
Reissued and Adopted	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.11, Motion No 10567).
Revision	03/04/2025	Technical change to remove Affirmative Action and Diverse per Federal Executive Order.

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## STAFF POLICY MANUAL

Policy C-2	GRIEVANCE		
<u>Effective Date:</u> 01/02/2023	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

**A. PURPOSE.** While the Maricopa Community College District (MCCCD) encourages an employee to attempt to informally resolve workplace issues with their supervisor and colleagues, the District recognizes that a more formal internal procedure is sometimes necessary. The Grievance policy provides a means for employees to be afforded a fair, prompt, and orderly resolution of complaints or other problems arising out of employment concerns. This policy is designed to provide a means of communication and redress for grievances that may arise in matters of general administration, work conditions, and the rights of the employees as they relate to MCCCD.

**B. APPLICABILITY.** MCCCD Classified employees. This policy shall not apply to employees during their initial probationary periods, unless there is a claim of discrimination, harassment, or anti-discrimination laws involving matters prohibited under applicable federal and state laws. Every employee covered by this policy shall have the right to present their grievance to the College free from interference, coercion, restraint, discrimination, or reprisal.

### C. NON-APPLICABILITY

1. This policy does not apply to:
  - a. Disciplinary actions that can be appealed by classified employees pursuant to [C-8 Notice and Appeal of Certain Disciplinary Measures](#) Policy (except as otherwise noted within the policy), including, but not limited to, termination, involuntary demotion, and/or suspension without pay of 30 days or more.
  - b. Claims that involve accusations of discrimination, harassment, or violations of federal or state anti-discrimination laws. These claims should be reported to the Office of Equal Employment Opportunity. See [Administrative Regulation 5.1 Non-Discrimination](#) for more information.
  - c. Salary or wage levels
  - d. Determination of position classification/reclassification
  - e. Assignment of work and/or hours
  - f. Performance evaluations
  - g. Voluntary job transfers
  - h. The establishment, revision, or substantive content of MCCCD Employee Policies and Procedures, Governing Board policy, or Administrative Regulations

## D. POLICY

1. Grievance. Grievances are defined as an allegation by an eligible employee of a misapplication or violation of a specific provision of an MCCCCD Employee policy, Governing Board policy, or administrative regulation which affects the employee. College or department policies or rules may be grieved if the employee can show that the college or department policy or rule is contrary to an MCCCCD policy, rule, or procedure. In such cases, MCCCCD policy, rules and procedures shall take precedence.
2. Grievant. A “grievant” is an eligible employee claiming such a misapplication, misinterpretation, or violation has occurred and who has initiated an informal or formal grievance. If more than one employee claims they have been similarly affected by an alleged misapplication, misinterpretation, or violation of a specific provision of an applicable employee policy, Governing Board policy, or administrative regulation, they may file a group grievance hereunder.
3. Informal Resolution. When appropriate, employees are encouraged to exhaust all good-faith attempts to resolve the matter prior to moving forward with the formal grievance process. For more information, please refer to the Grievance SOP.
  - a. **Resolution of Controversy (RoC)**: A process by which employees can resolve workplace conflicts and address hostile work environments that cannot be classified as a grievance. Facilitated by the Center for Mediation through the Interest Based Negotiations process and available to all employees. The process may be used to resolve issues such as but not limited to poor communication, different values, differing interests, scarce resources, adverse employment conditions, and personality clashes. Initiation of a resolution of controversy is the procedure by which a complainant may challenge a decision rendered by a supervisor.
  - b. **Interest Based Negotiation (IBN)**: A collaborative, joint problem-solving approach to resolving conflict and creating respectful working environments. Provided by the Center for Mediation (currently located at the District office), it is available to all employees and designed to solve grievances that relate to hostile workplace environments, personality conflicts, and disagreements over decisions rendered by supervisors.
  - c. **Employee Assistance Program (EAP)**: Benefits available to all employees (including part-time), offering confidential assistance with crisis intervention, counseling, peer support, and access to legal forms.
4. Meetings. Meetings must be conducted at a time and place that affords a reasonable opportunity for all participants to attend. The grievant(s), the grievant’s representatives, and any necessary witnesses may attend this meeting. Employee(s) and their representative(s) shall be permitted to present oral and written statements during meetings. All meetings shall be set up via MCCCCD email in order to track and maintain timelines.
5. No Loss of Time or Pay. Reasonable accommodations can be made to allow employees to prepare the case during working hours, with supervisor approval. An employee’s attendance at a grievance meeting (informal and formal) with department administrators, held during working hours, shall be with pay. Any other time spent on

their own for formulating or preparing a grievance, done outside of the regular work schedule, shall be without compensation.

6. Cooperation. Grievances, procedures, and proceedings are designed to provide a fair internal mechanism for resolving policy disputes. The success of these procedures and proceedings depends upon the willingness of all members of the MCCCCD community to participate when asked and to participate truthfully. A grievance filed in good faith, pursuant to this policy, will not affect a grievant or a participant's future employment, compensation, or work assignments.
7. Peer Representation. Employees may request a peer representative to accompany the employee. MCCCCD Staff Representation is available to assist in these meetings and processes upon employee request.
  - a. During the grievance meeting the peer representative shall be permitted to observe, take notes, and provide their own perspective and clarifications without disrupting the collaborative problem solving process.
  - b. The peer representative shall not speak for the employee in response to questions. However, they may confer with the employee in a confidential manner and assist when requested by the employee.
8. Protection against Retaliation. MCCCCD will not tolerate retaliation against any employee who participates in any grievance-related activity. Such acts should be reported to Human Resources and addressed immediately.

**Time Limits:** A reasonable time allowance is an agreement between the grievant, the aggrieved party, and their peer representative to collect, formulate, and prepare the grievance process during allocated working hours (e.g. 10 hours in a week). The agreement allows the grievant to complete activities prescribed within each step, and consideration should be given to completing each step as expeditiously as possible. Time limits set forth herein must be strictly followed by the grievant.

1. Failure to make a written request within 60 business days after the employee becomes aware, or should have known, of the circumstances upon which the grievance is based shall constitute a waiver of that grievance.
2. If a grievance is not filed within the time limits as set forth, the right to grieve shall be regarded as forfeited and shall not be processed further through the grievance procedure.
3. If a grievance is not completed at any step within the time limits of the grievance procedure, it shall be considered to have been settled on the basis of the last decision.
4. If a grievance has not been answered at any step within the specified time limit, the grievant may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step.
5. Failure to appeal a grievance to the next step within the specified time limits shall prohibit any further right of appeal.
6. If administration/HR does not adhere to the timelines, the grievant party may move to the next step in the grievance process.

**Time Limit Adjustments:** Extensions may be granted for good cause shown, such as, but not limited to, pre-scheduled vacations, family or employee illness, bereavements, or mediation. The extension must be agreed to in writing by all concerned parties. Local HR/District will document the extension. Should both parties not agree to an extension, then the grievant party may proceed to the next step.

1. Mutually agreeable adjustments in the time periods may be made due to the availability of necessary parties, the need for additional research, and other unavoidable issues.
2. *Abeyance.* When both parties in a grievance process request, the time clock on the grievance procedure may be stopped to allow for good-faith attempts to resolve the conflict or disagreement through mediation or other alternative dispute resolution measures. After 30 business days in an abeyance, the grievant must decide to continue or close the grievance.

**E. Grievance Process.** MCCCCD encourages open and honest communication between employees and supervisors. Most conflicts and differences of opinion can be resolved by the employee and supervisor directly confronting the issue and jointly exploring alternatives. In addition, there are a variety of resource individuals who may be called upon to assist in informal conflict resolution, including sharing your concern with immediate supervisor, the supervisor's manager (if the concern is with supervisor or the concern is not resolved with the immediate supervisor), Human Resources, the [Center for Mediation](#), and the [Employee Assistance Program](#).

#### **STEP 1: Informal Process.**

Within sixty (60) working days of the occurrence of the act or omission giving rise to the grievance or within sixty (60) working days of the date when the employee should reasonably have known of the act or omission, the employee shall present the grievance orally or in writing to their immediate supervisor or to their supervisor's immediate manager if the concern is with their immediate supervisor.

The supervisor or manager has five (5) working days to schedule a problem-solving meeting. A written decision will be rendered within five (5) working days of the problem-solving meeting and given to the grievant.

#### **STEP 2: Notification to Human Resources (HR).**

If the employee is not satisfied with the results of the problem-solving meeting with their supervisor or manager, or if the supervisor failed to meet with them within the time limits, the employee may file a formal grievance by utilizing the official grievance form. The employee shall submit the formal grievance to Campus HR or District HR, depending on the employee's job location, within five (5) working days of the Step 1 problem-solving meeting.

Upon receipt of formal grievance, HR will meet with the employee and assess whether there is a need to obtain more information. HR may attempt to resolve the grievance by facilitating discussions between the employee and supervisor(s), or may recommend mediation through the District Mediation Center between the employee and the supervisor(s). Participation by the parties in mediation is voluntary. The grievant may request the participation of a peer representative to assist the grievant through Steps 2, 3, and 4.

HR will issue a response/decision within five (5) working days from the date that the formal Grievance is submitted or, within five (5) working days after mediation has concluded, if mediation took place.



If the grievant is not satisfied with the response and has filed the official grievance form, the grievant has five (5) working days from the date the HR response was issued to elevate the grievance to Step 3.

### **STEP 3: College President/Administrator.**

If the employee feels the matter remains to be unresolved, within five (5) working days of his/her receipt of the Step 2 written decision, the employee may appeal the decision to the College President, Administrator, or designee.

Within five (5) working days of receipt of the grievance and the Step 2 written decision, the College President, Administrator, or designee shall review any materials submitted and meet with the grievant to discuss the grievance. Within five (5) working days of the meeting, the College President, Administrator, or designee shall prepare and deliver a written response to the grievant. Within five (5) working days from the date the written response is issued, the employee may elevate the grievance to Step 4 for a Grievance Resolution Hearing.

### **STEP 4: Notification to District CHRO/Grievance Resolution Committee.**

The grievant may submit their documented formal grievance and all documentation from Steps 1, 2, and 3 to the CHRO or designee within five (5) working days of the date the response from Step 3 was issued.

Within ten (10) working days, the CHRO or designee will convene the Grievance Resolution Committee, which shall be an ad-hoc committee consisting of

- the peer representative, if requested by the employee,
- one representative from Staff Representation,
- the employee's Supervisor,
- one College or District HR representative, and
- the CHRO or designee.

Within ten (10) working days of the submission of the formal Grievance and documentation, the Grievance Resolution Committee must review the facts and issues in the case and, based strictly on the evidence presented, make a recommendation in writing to the College President and/or Vice Chancellor for the disposition of the grievance.

### **Related Forms/Templates**

- [Grievance Form](#)

#### **REVISIONS**

Type	Date	Description
Effective	05/01/2013	Initial Policy
Repealed	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.10, Motion No 10567).
Reissued and Adopted	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.11, Motion No 10567).
Revision	12/13/2022	Reason for Change: December 13, 2022 (Item No 2.2, Governing Board Approved 12/13/22) Chancellor's initiative that charged District Human Resources with creating and implementing a districtwide performance management system. Clarified policy to provide effective guidance on staff working conditions related to corrective action and grievances.
Revision	8/29/2024	<b>Technical Change:</b> The reference to the Standard Operating Procedure was removed since the procedures are in the policy.

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## STAFF POLICY MANUAL

Policy C-3	NON-POLICY ISSUE RESOLUTION		
<u>Effective Date:</u> 05/01/2013	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> All-CPD/HR	<u>Authorizing GB Reg.</u> GB Policy 3.3

**A. PURPOSE.** To set out MCCCCD's procedure for eligible employees to seek resolution of non-policy related conflicts and disputes in the workplace.

**B. APPLICABILITY.** All Regular, classified employees.

**C. POLICY.**

1. Generally. This manual provides various mechanisms for employees to seek resolution of conflicts and disputes in the workplace. Workplace disputes or conflicts other than those described below, which shall be referred to hereafter as "non-policy issues," may be resolved pursuant to this section. This policy shall not apply to:
  - a. Complaints involving illegal discrimination, including allegations of sexual harassment or a violation of the ADA, which are resolved pursuant to the policy contained Administrative Regulation 5.1;
  - b. Appeals of employee discipline, which are resolved pursuant to the policy contained in the applicable employee group manual;
  - c. Allegations of a misapplication, misinterpretation, or violation of a specific provision of an applicable employee policy or Governing Board policy or administrative regulation which affects the employee are resolved pursuant to the Grievance Procedure contained at Policy C-2.
2. Interest-Based Negotiation (IBN) Approach. The District supports and recommends the Interest-Based Negotiation (IBN) approach to conflict resolution. This approach encourages the parties to a workplace dispute or conflict to meet with a facilitator and together:
  - a. Advocate for their interests
  - b. Educate one another on the issues
  - c. Jointly determine objective solution criteria
  - d. Create multiple options before determining possible solutions
  - e. Choose the option which best meets the identified interests & criteria
  - f. Build working relationships through conflict resolution

3. Utilizing IBN. In the event of a non-policy issue between one or more employees of the District, all parties involved are encouraged, as soon as possible after the recognition of the existence of the dispute, to utilize the IBN approach to resolve the issue.
4. Representation. Any participant in the process may request the presence of a fellow MCCCCD employee to represent them and provide perspective during the process. All parties will be notified in advance if a representative is attending. The representative must agree to adhere to confidentiality protocols of the process and may not share information about the content of the process either verbally or in written form. Legal representation is not considered appropriate in this informal process. If a participant wishes to have legal representation, they are invited to use one of Maricopa's formal processes instead.
5. Facilitators. The District maintains a list of employees who are trained IBN facilitators. If all of the parties to a non-policy issue are in agreement to use the services of a District-trained facilitator to assist them with the resolution, the employees are encouraged to contact the District HR Solutions Center to secure the services of an appropriate facilitator acceptable to all parties. The services of the facilitator in this instance are:
  - a. Confidential
  - b. Solution-Focused
  - c. Impartial
  - d. Conciliatory
  - e. Based on the IBN approach to conflict resolution.
6. Non-Exclusive Remedy. The use of this process to attempt to resolve a workplace dispute or conflict shall not preclude the employee(s) from seeking resolution through any other applicable internal and/or external dispute resolution process.
7. Non-Retaliation. Employees have the right to seek resolution of non-policy issues pursuant to this procedure without prejudice, and no employee who participates in this process shall be subjected to corrective action, harassed, or otherwise unfairly dealt with as a result.

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## STAFF POLICY MANUAL

Policy C-4	PROGRESSIVE DISCIPLINE		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> Admin. Reg. 6.7; Policy 3.3

**A. APPLICABILITY.** Maricopa County Community Colleges District Classified employees.

### B. POLICY

1. Generally. This policy provides employees who violate policy or exhibit unsatisfactory job performance an opportunity to comply with MCCCCD or departmental requirements by means of corrective action, as set forth herein.
  - a. *Performance Expectations.* Employees are expected to abide by the established MCCCCD Administrative Regulations, MCCCCD Employee Policies and Procedures, and rules and procedures of their departments. To enable employees to perform adequately, supervisors are expected to:
    - i. Develop clear and reasonable departmental policies and performance expectations.
    - ii. Examine the circumstances of apparent policy or rule violations or unsatisfactory performance before taking corrective action.
    - iii. Ensure that prompt, consistent disciplinary action is administered, when appropriate.
2. Progressive Discipline. When appropriate, supervisors may utilize the corrective actions set forth below as a means to assist and encourage employees to correct their conduct and achieve satisfactory work performance. Particular circumstances may dictate that the corrective action be tempered or expanded depending on the facts of the situation. Specific corrective action measures, including discharge, may result from violation of any:
  - a. State or federal law,
  - b. Applicable ordinance, MCCCCD Governing Board Policy, or MCCCCD Administrative Regulations,
  - c. MCCCCD Staff Employee policies or departmental procedures and expectations.

It is recommended to proceed through each step of the disciplinary process. However, MCCCCD reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Supervisors must consult with their local Human Resources departments prior to skipping any Corrective Action steps.

- a. Informal Progressive Problem Solving
  - i. *Feedback/Coaching.* Counseling or coaching involves a cooperative attempt between the employee and the supervisor to determine and correct performance problems.
  - ii. *Documented Verbal Warning.* A "Documented Verbal Warning" is a documented conversation between the employee and the supervisor to address performance issues and clarify policies, procedures, and expectations for the future.
  - iii. *Written Warning.* A written warning consists of a formal written communication from the supervisor to the employee, providing notice of the unacceptable conduct and outlining expectations for the future.
- b. Formal Progressive Discipline
  - i. *Letter of Reprimand.* A Letter of Reprimand involves documenting an employee's actions and holding them accountable for their behavior/performance. Additionally, a reprimand notifies an employee that further disciplinary action may occur if the problem continues. The Letter of Reprimand is the first step in the formal disciplinary process.
  - ii. *Suspension without Pay.* A suspension without pay is the temporary, involuntary separation of the employee from MCCCCD service without compensation. Classified employees may refer to MCCCCD's Grievance Policy to challenge a Suspension Without Pay.
  - iii. *Involuntary Demotion.* An involuntary demotion is the involuntary movement of an employee to a position in a lower-graded job classification. Classified employees, who are involuntarily demoted, shall have the right to notice and an appeal pursuant to the Notice and Appeal of Certain Disciplinary Measures Policy. Voluntary demotions are not appealable.
  - iv. *Involuntary Termination of Employment.* Termination is the dismissal of an employee by MCCCCD. Classified employees who are terminated, shall have the right to notice and an appeal pursuant to the [C-8 Notice and Appeal of Certain Disciplinary Measures](#) Policy.
- 3. Cumulative Discipline. Discipline is cumulative, and unrelated instances of misconduct may be considered in determining the appropriate level of discipline. For example, an employee who has received a written warning related to attendance and who subsequently demonstrates substandard performance, may be disciplined in the form of suspension without pay (or demotion or termination, if warranted), even though there were no prior instances of substandard performance.
- 4. Impact of Formal Progressive Discipline.
  - a. *Internal Transfers.* An employee seeking an internal transfer is required to share the circumstances and severity of any formal disciplinary action as outlined in Section 2 of this policy with a hiring manager, prior to the job offer.

Failure to disclose a disciplinary action prior to accepting an offer of transfer may result in additional discipline, up to and including termination.

- b. *Annual Increase*. Employees who have received a formal corrective action or have been suspended or involuntarily demoted within the last twelve months from the date of the signed formal corrective action are not eligible for an annual increase.

5. Approval.

- a. *Human Resources*. All decisions relating to unpaid suspensions, demotions, and terminations shall be made in consultation with Human Resources and are subject to approval by the Chief Human Resources Officer or designee.
- b. *Governing Board*. All involuntary terminations for classified employees shall be approved by the Governing Board.

6. Resources Available to Employees.

- a. *The Employee Assistance Program ("EAP")*. The EAP is available to provide resources and suggestions as an employee is taking steps to ensure that impermissible conduct or a policy violations do not reoccur and may be a requirement as a part of the corrective action process.
- b. *Peer Representation*. Employees may request a peer representative to accompany the employee at any level in the disciplinary process. Meetings must be conducted at a time and place that affords a reasonable opportunity for all participants to attend. MCCCDC Staff Representation is available to assist in these meetings and processes upon employee request.
  - i. During these meetings, the peer representative shall be permitted to observe, take notes, and provide their own perspective and clarifications.
  - ii. The peer representative shall not speak for the employee in response to questions. However, they may confer with the employee in a confidential manner and assist when requested by the employee.

**Cross-References.**

- 1. Progressive Discipline and Corrective Action (Policy C-4)
- 2. Grievance Process ([Policy C-2](#))
- 3. Notice and Appeal of Certain Disciplinary Measures ([Policy C-8](#))
- 4. Administrative Regulations
  - a. Employment Standards 6.7
  - b. [Administrative Leave 6.1](#)
  - c. [Administrative Regulation 5: EEO](#)
  - d. [Administrative Regulation 2.4 \(Title IX\)](#)
- 5. [Procedures for Processing Termination of Employment](#)

**REVISIONS**

Type	Date	Description
Effective	05/01/2013	Initial Policy issued as Principles of Corrective Action
Repealed	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.10, Motion No 10567).
Reissued and Adopted	05/22/2018	<b>Reason for Change:</b> May 22, 2018 (Item No 10.11, Motion No 10567).
Revision	12/13/2022	<b>Reason for Change:</b> December 13, 2022 (Item No 1.2, Governing Board Approved 12/13/22) Chancellor's initiative that charged District Human Resources with creating and implementing a districtwide performance management system. Clarified policy to provide effective guidance on staff working conditions related to corrective action and grievances.

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## STAFF POLICY MANUAL

Policy C-5	PERFORMANCE MANAGEMENT		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> GB Policy, 3.3

**A. APPLICABILITY.** All MCCCCD staff, including part-time staff, who have been in their position for at least one year. Exclusions to this policy are faculty and adjunct faculty who are evaluated under a separate process.

**B. POLICY.**

1. Generally. An effective performance management system:
  - a. Requires a shared responsibility between supervisor and employee.
  - b. Clarifies and aligns performance objectives with organizational goals, college/division goals, and institutional values.
  - c. Includes feedback and coaching about job performance.
  - d. Identifies training and professional development needs.
  - e. Measures and documents performance.
  - f. Provides input for Human Resources decisions (e.g., compensation, recognition, etc.).
2. Timing.
  - a. All employees will receive a performance review at least once a year.
  - b. The review cycle begins on May 1 and ends on April 30 of the following year.
  - c. Supervisors must check in with their employees at least four times per year as outlined in the procedures prescribed in Section 4 of this policy.
3. Documentation. The official performance review tool provided by Human Resources shall be used. The completed annual review shall be retained electronically as part of the employee's official personnel file.
4. Procedures. For current processes and procedures, access the <https://hr.maricopa.edu> website and navigate to *Supervisor Tools* and then access the *Employee Performance* section.
5. Employee Responsibility. Employees are responsible and accountable for their participation in the performance management process. Failure to participate in a timely manner shall result in corrective action.
6. Management Responsibility. Supervisors are responsible for timely and accurately setting expectations (as set forth by procedures and processes contained in Section 4 of this policy), providing ongoing feedback, coaching, documenting performance, and providing



an annual performance review for each direct report. Failure by a supervisor to timely and accurately complete any performance appraisal shall result in corrective action.

**REVISIONS**

Type	Date	Description
Effective	05/22/2018	Initial Policy: May 22, 2018 (Item No 10.11, Motion No 10567).
Revision	XX/XX/XX	

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## STAFF POLICY MANUAL

Policy C-6	ATTENDANCE AND PUNCTUALITY		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

**A. APPLICABILITY.** All employees subject to this manual.

**B. POLICY.**

1. Generally. Timely and regular attendance is an expectation of performance for all MCCCC employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable to adhering to their workplace schedule.
2. Approvals.
  - a. *Schedule Changes.* Prior to any schedule changes, the employee must request supervisor approval. The request for approval applies to all schedule changes, including arriving late, arriving early, and using approved accruals to adjust schedules.
  - b. *Extraordinary Circumstances.* Departments have discretion to evaluate extraordinary circumstances of tardiness, absences, or failure to punch-in or punch-out when determining whether or not the incident counts as an occurrence toward progressive discipline.
3. Procedures. A grid is provided for in the Attendance and Punctuality Standard Operating Procedure.
4. Supervisor Expectations. Supervisors are subject to disciplinary action for failing to:
  - a. Monitor attendance and punctuality issues
  - b. Address concerns promptly
  - c. Treat employees fairly and pursuant to applicable law when addressing problems

**REVISIONS**

Type	Date	Description
Effective	05/22/2018	Initial Policy, May 22, 2018 (Item No 10.11, Motion No 10567).
Revision	XX/XX/XX	

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## STAFF POLICY MANUAL

Policy C-7	TERMINATION		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> ARS §23-352 & §23-353	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

**A. APPLICABILITY.** All employees subject to this manual.

**B. POLICY.**

1. Voluntary Termination.

- a. *Notice.* Employees who resign or retire are asked to give as much advanced written notice to their supervisor as possible, with two weeks being the required minimum.
- b. *Payment of Wages.* Employees who voluntarily terminate their employment will be paid all wages due at the end of the next regular pay period.

2. Position Abandonment.

- a. *Failure to Report.* A position will be considered abandoned when an employee has not reported for work for three consecutive working days and is not on—or has exhausted all—approved leave.
- b. *Delivering Notice.* If an employee has not reported to work for three consecutive working days, the employee's supervisor will coordinate with District Human Resources to send (or hand-deliver) to the employee a letter at the last address on record stating that, within two working days of the receipt of the letter, the employee must:
  - i. Report to work, or
  - ii. Request a leave of absence (if eligible).
- c. *Failure to Respond.* Failure to respond to the letter will result in termination. Classified employees shall have the right to appeal the termination pursuant to the Notice and Appeal of Certain Disciplinary Measures Policy.

3. Termination for At-Will Employees.

- a. *Probationary Employees.* Probationary employees may be terminated within the probationary period with no right to notice or an appeal. No probationary employee has the right to have a reason provided.
- b. *Non-Classified Employees.* Non-classified employees are at-will employees, and they may be terminated at any time with no right to notice or an appeal. No Non-Classified employee has the right to have a reason provided.

4. Involuntary Terminations Due to Performance/Conduct/Attendance.
  - a. *Classified Employees.* Classified employees may only be terminated for just cause as defined in the Notice and Appeal of Certain Disciplinary Measures Policy. Classified employees shall have the right to notice and an appeal pursuant to the Notice and Appeal of Certain Disciplinary Measures Policy.
5. Involuntary Termination Due to Reduction in Force. Employees may be dismissed in accordance with the Reduction in Force Policy. Employees dismissed pursuant to a reduction in force do not have a right to notice or an appeal.
6. Resignation in Lieu of Involuntary Termination Due to Performance/Conduct/Attendance.
  - a. *Applicability.* Eligible employees subject to involuntary termination may have the option of resigning in lieu of involuntarily termination, at the discretion of the administrative official and in consultation with District Human Resources.
  - b. *Submitting a Resignation.* A resignation in lieu of termination must be submitted and accepted in writing. An employee who resigns in lieu of termination will not be eligible for rehire, absent an administrative determination by District Human Resources in consultation with the terminating department and Legal Services.
7. Payment of Wages and Other Compensation. Employees who are involuntarily terminated will be paid all wages due within seven working days or the end of the next regular pay period, whichever is sooner, or as otherwise required by applicable law. Terminated employees will receive any remaining accrued vacation in accordance with the Vacation Policy.
8. Return of MCCCCD Property. Upon termination of employment for any reason, an employee shall return all MCCCCD property, including but not limited to: identification cards, computers/laptops, cameras, cell phones, keys, tools, and equipment no later than the final day of employment. Such employees shall also return all MCCCCD confidential or proprietary information. Failure to return MCCCCD property may result in withholding from the employee's final paycheck, reporting of the property as income to the Internal Revenue System, a civil suit, or criminal charges.

#### REVISIONS

Type	Date	Description
Effective	05/22/2018	Initial Policy, May 22, 2018 (Item No 10.12, Motion No 10567).
Revision	XX/XX/XX	

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## STAFF POLICY MANUAL

Policy C-8	NOTICE AND APPEAL OF CERTAIN DISCIPLINARY MEASURES		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

**A. APPLICABILITY.** This policy and the corresponding procedures apply to conduct or job performance of a classified employee that results in a decision to impose a disciplinary action of suspension without pay, an involuntary demotion, or an involuntary termination. The policy and procedures do not apply to:

1. The provisions of this Policy C-8 do not apply to proposed disciplinary sanctions against Classified Staff arising from an investigation under Title IX. Any such sanctions are governed exclusively by the provisions of MCCCCD Administrative Regulation 5.1.16 or 5.1.17, as applicable.
2. Employees who are subject to other approved disciplinary or involuntary termination procedures (i.e., faculty, non-classified and CEC);
3. Employees on administrative leave with pay pending an investigation of allegations relating to an employee;
4. All other forms of disciplinary action, including but not limited to written warnings (See Grievance Policy);
5. Decisions not to offer reappointment to persons whose appointment for a stated period of one year or less expires at the end of such period without the necessity of notice or non-renewal;
6. Discipline of probationary and non-classified employees.

**B. POLICY.**

1. Just cause. Classified employees may only be disciplined for just cause. "Just cause" is the standard of proof that Maricopa County Community Colleges District (MCCCCD) must meet in order to support the discipline of a classified employee. In order to discipline a classified employee, under this policy, all of the following criteria must be met:
  - a. The employee knew—or reasonably should have known—that the employee's conduct could lead to disciplinary action;
  - b. The disciplinary action is the result of substandard job performance, violation of law, violation of established MCCCCD policy or procedure, and/or a violation of established college/division/department policy or procedure;
  - c. Management conducted an investigation in accordance with MCCCCD policy;
  - d. The investigation produced sufficient evidence or proof to reasonably support the

- failure of performance or violation as alleged; and
- e. The disciplinary action taken was consistent with the disciplinary action for similar or comparable conduct or was otherwise reasonable under the circumstances.
2. Notice of Intent to Discipline.
    - a. Prior to taking disciplinary action in the form of suspension without pay, an involuntary demotion, or an involuntary termination, an employee's department director shall provide the employee written notice of intent to discipline setting forth the proposed disciplinary action at least five business days before the proposed action will be imposed. A copy of the proposed Notice of Intent to Discipline shall be forwarded at the same time to the Chief Human Resources Officer ("VCHR").
    - b. The *Notice of Intent to Discipline* letter shall contain a statement of the factual reasons for the proposed disciplinary action and shall document the opportunity for the employee to respond in writing to the employee's department manager or designee. If a suspension without pay or termination is proposed, the notice shall indicate the number of proposed days. The employee shall provide her or his written response and any supporting materials to the employee's department director or designee within five business days of the notice of intent to discipline. If an employee believes that he or she is unable to respond effectively in writing, such employee may request an in-person meeting to respond to the notice of intent to discipline. Such a request shall not be unreasonably denied.
    - c. The employee typically will be expected to continue working during the notice and response process. However, an employee may, at the administrative official's discretion, be placed on administrative leave with pay during this process. (See MCCCCD Administrative Regulation 6.1 – Administrative Leave).
    - d. The notice and response process is informal in nature. There shall be no representation during this process.
  3. Letter of Discipline. Upon receipt and consideration of the employee's written response (or after the employee fails to respond in the time set for submitting a written response), the employee's department manager, in consultation with Human Resources, will withdraw, amend, or finalize the proposed discipline. The employee's department manager will document the proposed discipline with a Letter of Discipline, giving a copy to the employee and documenting the date the employee received the Letter of Discipline to the Associate Chief Human Resources Officer (AVCHR).
  4. Post-Determination Process.
    - a. *Unpaid Suspension less than 30 Days.* Within ten calendar days of the receipt of Letter of Discipline for a suspension without pay of less than 30 days, the employee may file a grievance under the Grievance Policy.
    - b. *Unpaid Suspension of 30 Days or More, Demotion, and Termination.* Within ten calendar days of the receipt of a notice of discipline for demotion, unpaid

suspension of 30 days or more, or termination, the employee may file a written notice of appeal with the VCHR. Failure by an employee to file a timely notice of appeal shall constitute a waiver of the employee's right to any post-determination process, and shall result in a final and binding determination that the disciplinary action was for just cause.

- i. Upon receipt of a notice of appeal, the VCHR shall set a date for an appeal hearing. The date of the hearing shall be within a reasonable time from the receipt of the notice of appeal.
- ii. The hearing will be conducted by a hearing officer who is appointed by the VCHR or designee. At the hearing, the employee will be afforded the right to present evidence, be represented by legal counsel, and cross-examine witnesses. The hearing shall not be bound by formal rules of procedure or evidence. A continuance of the hearing date may be granted by the VCHR if, in her or his judgment, there is good cause to do so.
- iii. All testimony shall be under oath or affirmation and recorded by a certified court reporter or other reliable means. The order of proof in any hearing shall begin with MCCCCD presenting evidence supporting the disciplinary action, which shall be followed by the employee's production of evidence in his or her defense, and shall end with rebuttal by MCCCCD.
- iv. In addition to this section, appeal rights and procedures for statutorily defined law enforcement police officers shall be in accordance with A.R.S. § 38-1101 et seq.
- v. Following the hearing, the hearing officer shall issue a written report within 14 calendar days, with a recommendation to uphold, modify, or reject the disciplinary action. The disciplinary action shall be upheld unless it is found to be arbitrary or without just cause.
  - With regard to a suspension of 30 days or more or a demotion, the hearing officer will send the recommendation to the VCHR, who shall provide the recommendation to the Chancellor. The Chancellor or her or his designee will make a final and binding determination as to whether the disciplinary action should be upheld, rejected, or modified.
  - With regard to a termination, the hearing officer will send the recommendation to the CHRO, who shall forward the recommendation to the Chancellor who will notify the Governing Board. The employee and an MCCCCD representative shall have the opportunity to make an oral statement and/or submit a written response, at the Governing Board's discretion, at the meeting in which the recommendation is considered. The Governing Board will make a final and binding determination as to whether the disciplinary action will be upheld, rejected, or modified.

#### REVISIONS

Type	Date	Description
Effective	05/22/2018	Initial Policy, May 22, 2018 (Item No 10.11, Motion No 10567)
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.9, Motion No 10567).
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)
Revision	01/07/2025	Technical Change: Added section A.1. to ensure compliance with federal Title IX requirements.

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## STAFF POLICY MANUAL

Policy C-9	REDUCTION IN FORCE		
<u>Effective Date:</u> 05/22/2018	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept:</u> HR	<u>Authorizing Pol/Reg.</u> GB Policy 3.3

- A. **PURPOSE.** To set out MCCCCD policy on Reduction in Force and other layoffs and establish protection and ensure appropriate treatment of employees affected by such layoffs.
- B. **APPLICABILITY.** All classified employees as well as specially-funded employees who have previously been granted classified service status.
- C. **POLICY**
1. Generally. A Reduction in Force (RIF) with the elimination of a permanent position or other employee layoff may occur for several reasons, including a lack of funds, a lack of work, economic reasons, or reorganization for efficiency. Management is responsible for dealing with performance issues as they arise. A RIF or other layoff is not an appropriate course of action for responding to employee performance issues.
  2. A RIF decision requires an evaluation of the need for particular positions and the relative value of work performed by specific employees so that MCCCCD can continue to provide the highest level of service possible with a reduced workforce. Determining the retention or separation of an employee includes an evaluation of the relative skills, knowledge, and productivity required of the position in comparison to necessary services.
  3. Procedures. When a RIF occurs, MCCCCD follows a detailed course of action to ensure appropriate treatment of affected employees. This course of action, as defined in the Reduction in Force Standard Operating Procedure, ensures fairness and consistency.
  4. Recommendations. All workforce reduction or layoff recommendations shall be made to the Chief Human Resources Officer (CHRO) who shall review the recommendation and determine which job classifications and positions will be affected.
  5. Selection. The CHRO will determine the employees subject to a RIF or layoff using the following guidelines:
    - a. Temporary employees performing the same work and/or in a position identified for a RIF shall be terminated before probationary and classified employees, provided that a probationary or classified employee can perform the temporary employee's duties. Affected temporary employees shall have no recall, reemployment, or other rights.
    - b. A probationary employee in a position identified for reduction in force shall be terminated before classified employees, provided that a classified employee can perform the probationary employee's duties. Affected probationary employees shall have no recall, reemployment, or other rights.



- c. The following factors will be among those considered in determining which employees will be affected by a reduction in force:
  - i. The positions most critical to the affected department in the delivery of services.
  - ii. Relative skills, knowledge, and productivity required of the position.
  - iii. Length of service.

#### **D. DECISION MAKING PROCESS.**

1. All RIF decisions will include the participation of Staff Representation and follow the procedures in the Reduction in Force Standard Operating Procedure.

#### **E. ALTERNATIVES TO REDUCTION IN FORCE OR LAYOFF.** The following alternatives must be considered prior to a RIF or other layoff decision:

1. A hiring and promotion freeze in which the unit initiating the RIF or other layoff will freeze hiring and promotion actions while seeking a reduction in force.
2. A furlough defined as a temporary unpaid leave of absence.
3. A voluntary reduction in hours occurs when an employee is allowed to voluntarily restrict their working hours and pay for a specified period of time.
4. Employee-Initiated Voluntary Reassignment as defined in SPM A-42.
5. Lateral Transfer as defined in SPM A-42.
6. Retirement is a separation from service initiated by the employee by formal notice of acceptance for a full age, service, or disability retirement under the provisions of ASRS.

#### **F. APPEAL.** The affected employee must submit a written request specifying the improper application of the policy to the CHRO or designee within ten (10) business days of the receipt of notice of RIF or layoff. Upon receipt of the request, the CHRO or designee shall convene an Appeal Committee made up of a member of Staff Representation selected by the Staff Senate, the Director of the HR Solutions Center, and MCCCCD General Counsel or designee. The Appeal Committee shall meet within ten (10) business days of the request to verify that the RIF or other layoff decision-making process was followed and that alternatives to a RIF or other layoff were considered.

The Appeal Committee shall determine if the policy was followed. If the Appeal Committee determines the policy was followed, the decision will stand. If the Appeal Committee determines the policy was not followed, the committee will report any irregularities to the CHRO. If the CHRO concurs that the policy was not followed, appropriate remedial action will be taken.

#### **G. IMPACT ON BENEFITS UPON SEPARATION**

1. Compensatory Time. Compensatory time shall be paid upon separation.
2. Vacation. Unused vacation time will be handled in accordance with the Vacation Policy.
3. Sick Leave. Unused sick leave will be handled in accordance with the Sick Leave Policy.
4. Group Insurance Plans. Group insurance plans, including the Employee Assistance Program (EAP), may be continued in accordance with Consolidated Omnibus Budget Reconciliation Act of

1986 (COBRA). EAP benefits will be extended for ninety (90) days past the employee's termination date regardless of whether the employee elects to purchase COBRA.

5. Retirement Contributions. Contributions to retirement plans are discontinued at the time of separation. Contributions may be left on account or withdrawn after separation based on the guidelines of the specific retirement plan.

#### H. **RECALL.**

1. Classified Employees impacted by position elimination shall have the first right of refusal to be reinstated into their former position if the position is restored in the same capacity within the same work unit within 12 months of the date of separation. Individuals recalled under this provision will not be required to serve a new probationary period.
2. Laid-off Employees shall be placed on a recall list maintained by Human Resources for three years following the June 30 effective date of layoff. If a laid-off Employee accepts any other full-time permanent position within MCCCDC, the employee will be contacted and asked if they want to be removed from the recall list.
3. If employees are recalled within twelve (12) months of the date of separation, this will not be considered a break in service for purposes of vacation accrual. Further, the recalled employee shall be credited with sick leave accrued at the time of layoff. A recall, as described in this policy, shall not negatively impact the seniority rights of any employee whose employee policy manual specifically provides for seniority rights.

#### I. **Cross-References.**

1. Leaves of Absences for Medical/Personal Reasons ([Policy B-7](#))
2. [Equal Employment Opportunity Administrative Regulation 5](#)
3. Reduction in Force Standard Operating Procedure

#### REVISIONS

Type	Date	Description
Effective	05/22/2018	Initial Policy, May 22, 2018 (Item No 10.11, Motion No 10567)
Revision	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.9, Motion No 10567). Updated references to C-4 and C-2
Revision	04/23/2019	Reason for Change: April 23, 2019 (Item No 12.1, Motion No 10567)
Revision	07/01/2024	Full policy revision as approved by the Governing Board on 6/25/2024

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