

STAFF POLICY MANUAL

Published by the Maricopa County Community College District
Human Resources Division

*Established May 1,
2013*

*Most recent amendment
effective January 5, 2023*



The Maricopa County Community College District does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status, or genetic information in employment or in the application, admissions, participation, access and treatment of persons in instructional programs and activities

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Memorandum of Understandings have replaced with [C-7](#), [C-8](#) and [C-9](#) effective 5/22/2018.



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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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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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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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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	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).

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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.

- 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"> 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. 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. 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. 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. 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 	<ol style="list-style-type: none"> 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. Unknowing violation of MCCCCD's Hiring of Relatives policy or Administrative Regulation 4.18 - Consensual Relationships policy. 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. Failure of an employee authorized to drive MCCCCD vehicles to report to the employee's immediate supervisor and the district Risk Manager a

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.

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.

13. Unauthorized possession, use, neglect, misuse, abuse, or destruction of the private property or assets of or another employee that occurs during work time.

14. Willful and intentional violation of MCCCDC's Hiring of Relatives policy or Administrative Regulation 4.18 - Consensual Relationships policy.

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.

B.
Performance

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.

2. Intentional destruction or threat of destruction of MCCCDC property, with malicious intent.

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.

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.

5. Performing personal work while on-duty.

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.

7. Driving a motor vehicle on duty without a valid, applicable operator's license.

8. Misuse, removal or destruction of MCCCDC documents or records, or revealing or

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.

2. Discourteous treatment of the public or a fellow employee.

3. Failure to cooperate or interference with the work performance of other employees.

4. Failure to observe official health, safety, and sanitation rules, or common health, safety, and sanitation practices.

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.

6. Substandard performance of assigned duties; or performance below minimum required standards of performance.

7. Unknowing failure to obtain, maintain and/or report to the immediate supervisor the loss, suspension or

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

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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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 MCCCDC’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 MCCCDC 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 MCCCDC 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 MCCCDC base pay for regularly scheduled hours. The amount paid will not exceed 100% of the employee's MCCCDC base pay.
 - b) Fringe Benefits.
 - i) Health Insurance. An employee will remain covered under MCCCDC'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 MCCCDC'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 MCCCDC'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 MCCCDC 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 MCCCDC'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/AA 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 MCCCDC 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 MCCCDC 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, 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	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 MCCCDC'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 MCCCDC employees covered by this manual and all MCCCDC 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. MCCCDC places a high priority on the safety and health and of its employees, and regards safety and health as a fundamental value of the institution. MCCCDC 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 MCCCDC'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 MCCCDC's methods to meet these responsibilities.

2. Recordable/Reportable Claims. It is MCCCDC'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 MCCCDC.
 - 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 MCCC'D'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 – MCCC'D 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. MCCC'D 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. MCCC'D 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. MCCC'D 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 MCCC'D.

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	Non-Substantive Changes: 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 MCCCDC 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 MCCCDC employees covered by this manual.

C. POLICY.

1. Generally. Relatives of employees of MCCCDC may apply for, be considered without prejudice for, and be hired into any employment position with MCCCDC. However, no person may be employed by MCCCDC 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 MCCCDC 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, MCCCDC will attempt to accommodate this newly-created relationship if such accommodation can be done without impairing MCCCDC 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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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 – (Two Days, Thursday and Friday)
 - j. Memorial Day

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 MCCCDC's policy regarding public stewardship and institutional ethics and the ethical and professional conduct expected of every MCCCDC employee.

B. APPLICABILITY. All MCCCDC 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 MCCCDC 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 MCCCDC must do two things:
 - i. The employee must disclose the substantial interest to MCCCDC 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 MCCCDC only if the contract is awarded after public competitive bidding. The college seeking to engage in the contract should contact the MCCCDC Purchasing Division for a description of the competitive bidding requirements.
- c. During employment with MCCCDC and for 12 months after leaving employment, an employee may not represent another person or entity for compensation before MCCCDC on a matter:
 - i. If the employee was directly concerned with the matter while an MCCCDC employee;
 - ii. If the employee personally participated in the matter during MCCCDC employment; and
 - iii. If the matter involved a substantial and material exercise of administrative discretion by the employee.
- d. During MCCCDC 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 MCCCDC 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 MCCCDC.
 - f. An MCCCDC 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 MCCCDC:
 - i. MCCCDC 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. MCCCDC 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 MCCCDC 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	Reason for Change: 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 MCCCDC 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. MCCCDC’s management employees, as defined herein, are responsible for establishing a system of internal controls, risk management and organizational processes over the operations of MCCCDC in a manner which provides the MCCCDC 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 MCCCDC 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	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).

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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 MCCCDC's categories of employment for certain specified employment positions, including each employment position's status, scheduling and duration category.

B. APPLICABILITY. All MCCCDC employment positions currently covered by this manual.

C. POLICY.

1. Categories for Included Positions.

- a. Status Categories. The MCCCDC 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 MCCCDC 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 employees¹
- b. Scheduling Categories:
 - i. Hours per Week Schedule Categories. All employment positions with MCCCDC 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.

¹ 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	Non-substantive Change: C.2.d. Struck “These dates are for the 2012-2013 fiscal year and change each fiscal year.”
Revision	05/22/2018	Reason for Change: 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 MCCCCD 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 [MCCCCD Administrative Regulations 5.1 – 5.1.16](#).

REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Revision	05/22/2018	Reason for Change: 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/AA 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.

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 MCCCDC to be smoke-free and tobacco-free.

B. APPLICABILITY. All MCCCDC-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 MCCCDC 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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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 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 and register with the company access code "maricopa".

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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 MCCCDC'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 MCCCDC.
- C. POLICY.**
1. Generally. Violence, threats, harassment, intimidation, and other disruptive behavior in MCCCDC facilities are prohibited and will not be tolerated. It is the responsibility of all employees, students, contractors, and visitors of MCCCDC to report any occurrence of such conduct to MCCCDC Public Safety. Every employee, student, contractor, and visitor on MCCCDC 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 MCCCDC 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 MCCCDC, 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 MCCCDC 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 MCCCDC, 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	Reason for Change: 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	Reason for Change: 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	Reason for Change: May 22, 2018 (Item No 10.6, Motion No 10567).

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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	Reason for Change: 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	Reason for Change: 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	Reason for Change: 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	Reason for Change: 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	Reason for Change: 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	Reason for Change: 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	Reason for Change: 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	Reason for Change: 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	Reason for Change: 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	Reason for Change: May 22, 2018 (Item No 10.6, Motion No 10567).

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STAFF POLICY MANUAL

Policy A-41	SALARY ADMINISTRATION		
<u>Effective Date:</u> 02/05/2018	<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.

B. **POLICY.**

1. Employee Base Pay.

- a. *Pay Ranges.* Each classification shall be assigned a pay range. Pay ranges shall have a minimum, midpoint, and maximum. A list of pay ranges by classification can be found [here](#).
- b. *Pay Placement.* All employees shall be assigned a base pay rate between the pay range minimum and the midpoint based on established pay placement procedures, except that an employee may be assigned a pay rate above the midpoint if (a) the employee exceeds the minimum qualifications for the position based on established pay placement procedures and (b) approved by the Chief Human Resources Officer or designee.
- c. *Pay Increases.* Annual pay increases are subject to availability of funding and approval by the Governing Board. Applicability and eligibility will be identified in the corresponding Governing Board Action Item.
- d. *Market-Based Pay System.* The District uses a compensation system that determines the market value of a job classification based on the skills, knowledge, and responsibilities required to competently perform a position. The Chief Human Resources Officer shall recommend changes to established pay ranges, as appropriate, for approval by the Chancellor and Governing Board.

2. Other Forms of Compensation.

- a. *Variable Pay Plans.* The District may establish recognition, bonus, incentive, and other variable pay plans, as recommended by the Chief Human Resources Officer and approved by the Chancellor and Governing Board. Such plans are subject to availability of funds.
- b. *Merit Pay Plan.* The District may establish a merit pay program based upon annual performance ratings outcomes. Such plans are subject to availability of funds.
- c. *Uniform Allowance.* Certain District positions require uniforms. Employees required to wear uniforms will receive an annual uniform allowance in an amount recommended by the Chief Human Resources Officer and approved by the Chancellor and Governing Board. The uniform allowance shall be paid in two lump sums bi-annually.

Employees who serve in a position eligible for a uniform allowance for only a portion of a year shall receive a pro-rated allowance.

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

10 years of continuous service:	\$500.00
20 years of continuous service:	\$1,000.00
30 years of continuous service:	\$1,500.00

APPLICABLE TO ALL: Time spent serving as a residential faculty member, adjunct faculty employee, student worker, or hourly request for personnel (RFP) worker does not count toward an employee's years of service for purposes of an anniversary award.

- e. *Professional Development.*

- i. *Professional Development Activities.* Employees may be eligible for reimbursement for professional development activities, subject to approval by the appropriate College President or Vice Chancellor.
- ii. *Educational Awards.* Employees shall receive a permanent base pay increase upon the completion of a bachelor's, master's, or doctoral degree, earned at an accredited institution, as approved by the Chief Human Resources Officer or designee. If a qualified employee would exceed the maximum of her or his pay range if provided such an increase, the employee shall receive a one-time award that is equivalent to the base pay increase the employee would have received.

To qualify for an educational award, the degree must be (a) job-related or pursued in preparation to take on greater responsibilities or a higher position; and (b) part of an individual career development program.

3. Position Changes and Compensation.

- a. *Promotion.* An employee promoted to a higher-graded job classification shall receive a base pay increase within the higher job classification pay range consistent with pay placement procedures.
- b. *Demotion.* An employee demoted to a lower-graded job classification shall receive a base pay decrease within the lower job classification pay range consistent with pay placement procedures.
- c. *Lateral Transfer.* An employee who transfers to a position in a classification at the same grade level shall receive no change in pay.
- d. *Reclassification.* An employee whose position is reclassified to a higher-graded job classification shall receive the greater of (a) the new pay range minimum or (b) a 5% base pay increase. An employee whose position is reclassified to a lower-graded job classification shall maintain her or his base pay if it falls within the pay range for the lower classification. If the employee's base pay is above the maximum of the lower job

classification pay range, the employee shall receive a pay decrease to the maximum of the pay range. An employee whose position is reclassified to a job classification at the same grade shall receive no change in pay.

- e. *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. An increase for an in-range progression shall not exceed 5% of the employee’s base pay. The new base pay shall not exceed the classification pay range maximum.

To qualify for an in-range progression, an employee must (a) not have received any disciplinary actions for the 12 months preceding the request; (b) not be on probation; and (c) have received a “Meets Expectations” rating or above on the previous year’s performance evaluations. Human Resources will establish in-range progression procedures.

- f. *Temporary Reassignment.* An employee temporarily reassigned to a position in a higher-graded job classification shall receive a base pay increase within the higher pay range consistent with pay placement procedures. Upon completion of the temporary reassignment, the employee shall return to her or his previous classification and pay.

An employee temporarily reassigned to a position in the same or lower-graded classification will not receive any change in pay.

REVISIONS

Type	Date	Description
Effective	2/5/2018	Initial Policy
Revision	2/9/2018	Ministerial corrections to Section (3) (d)

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STAFF POLICY MANUAL

Policy A-42	CLASSIFICATION & EMPLOYMENT MOBILITY		
<u>Effective Date:</u> 02/05/2018	<u>Applicable Law/Statute:</u>	<u>Source Doc/Dept:</u>	<u>Authorizing Pol/Reg.</u>

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

B. **POLICY.**

1. Classification of Positions. Positions are classified based on the level and scope of assigned duties and responsibilities. Positions with similar duties, responsibilities, and decision-making authority are grouped together in the same classification. Classifications that focus on similar fields of work are grouped together in the same job family. A list of classifications, job families, and class specifications can be found [here](#).
2. Reclassification of Existing Positions. A position may be reclassified when there has been a significant change to the duties and responsibilities of the position. Human Resources will establish reclassification procedures.

Absent exceptional circumstances, a reclassification request may be made no more than once in a 12-month period. Reclassification decisions are not subject to the grievance procedure contained in this manual.

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.*

3. Employee Movement. When an employee moves from one position to another, the move may result in a change in classification.
 - a. *Promotion.* Promotion is the movement of an employee to a position in a higher-graded job classification. Promotions are made based on qualifications and performance.
 - b. *Demotion.* Demotion is the movement of an employee to a position in a lower-graded job classification. Demotions may be voluntary or involuntary.
 - c. *Lateral Transfer.* A lateral transfer is movement of an employee to a different position in the same job classification or to a different job classification in the same pay range.
 - d. *Temporary Reassignments.* A temporary reassignment is the short-term movement of an employee from one position to another. Upon completion of a temporary reassignment, an employee shall return to the employee's previous position.

- e. *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 the Human Resources Division.
4. Succession Planning. As needed and as deemed appropriate, the Chancellor may direct the assessment of leadership needs of the District to ensure the training and selection of qualified leaders from inside and outside the District.

REVISIONS

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

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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 MCCCDC 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 MCCCDC'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 MCCCDC locations.
 7. **Emergency.** An event, incident or circumstance that interrupts or compromises operations at, or travel to or from the MCCCDC 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 MCCCDC 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. MCCC'D'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 MCCC'D 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-MCCC'D employees, for example);
 - ii. Securing the transmission of confidential information; and
 - iii. Adhering to all electronic communications, technology resource standards, and privacy requirements of MCCC'D Administrative Regulations 4.3, 4.4, and 4.22.
- f. Remote employees should use approved MCCC'D-issued devices when fulfilling their work obligations.
 - i. Employees who are unable to use MCCC'D property such as those on Virtual Work, may use their own personal equipment at the approval of their supervisor while still maintaining MCCC'D 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 MCCCDCD 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 MCCCDCD 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 MCCCDCD 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 MCCCDCD.
- 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 MCCC. 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, MCCCCD 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 MCCCDC.
- a. Overall, the employee must demonstrate the expected contribution(s)/benefits to MCCCDC, 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 MCCCDC 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 MCCCDC 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 MCCCDC.
- 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 MCCCDC may require reasonable documentation of absences of three or more consecutive work days, MCCCDC 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	Non-substantive Change: C.4 a. and C.4.c. Struck "Time and Labor" and inserted "HCM". Substantive Change: 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	Reason for Change: 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
Up to 3 years	80 hours	0.038462	3.08
After 3 years	120 hours	0.057692	4.62
After 5 years	136 hours	0.065385	5.23
After 7 years	160 hours	0.076923	6.15

- b. Eligible FLSA exempt employees:

Years of Service	Annual Leave	Accrual Per Hour Paid	Accrual Per Pay Period
All	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			
		<15 years	480 hours	15 + years	536 hours
Crafts	56 hours		480 hours		
MAT	48 hours		480 hours		
M&O	56 hours	<10 years	480 hours	10+ years	496 hours
PSA	56 hours		480 hours		
Public Safety	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>Non-substantive Change: C.4 a. and C.4.c. Struck "Time and Labor" and inserted "HCM".</p> <p>Substantive Change: 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	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	01/05/2023	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	Non-substantive Change: C.4 a. and C.4.c. Struck "Time and Labor" and inserted "HCM".
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)

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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. MCCCDC 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. MCCCDC 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	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)

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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 90th 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	Non-substantive Change: C.1 Struck "HRMS Self-Service portal" and inserted "HCM".
Revision	05/22/2018	Reason for Change: 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 et. seq.	<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 MCCCDC will be cancelled during FML. Employees on FML for their own serious health condition may not attend classes at MCCCDC 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. MCCCDC shows that denying reinstatement "is necessary to prevent substantial and grievous economic injury" to MCCCDC's operations;
 - ii. MCCCDC notifies the employee that reinstatement will be denied at the time MCCCDC 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 MCCCDC'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 MCCCDC for the total insurance premiums paid by MCCCDC 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, MCCCDC 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 MCCCDC.

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	Non-Substantive Changes: 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	Reason for Change: 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 MCCCDC, when necessary to provide legal advice or representation to MCCCDC.
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 MCCCDC 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 MCCCDC 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	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).

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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, and diverse 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 and Affirmative Action 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 diverse 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	Reason for Change: May 22, 2018 (Item No 10.10, Motion No 10567).
Reissued and Adopted	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.11, Motion No 10567).

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STAFF POLICY MANUAL

Policy C-2	GRIEVANCE		
<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.

1. Classified employees subject to this manual. This policy does not apply to:
 - a. Initial probationary employees;
 - b. Non-classified employees.

2. This policy applies to “grievances,” which are defined as an allegation by an eligible employee of a misapplication or violation of a specific provision of an MCCCDC 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 MCCCDC policy, rule, or procedure. In such cases, MCCCDC policy, rules and procedures shall take precedence.

3. This policy does not apply to complaints, objections, or questions related to:
 - a. The termination of classified employees, involuntary demotion of classified employees, or the suspension without pay of 30 days or more of classified employees (see Notice and Appeal of Certain Disciplinary Measures Policy)
 - b. Claims of harassment or discrimination ([See EEO Administrative Regulation 5](#))
 - c. Salary or wage levels
 - d. Determination of position classification
 - e. Assignment of work and/or hours
 - f. Performance evaluations
 - g. Flexible or alternative work schedules
 - h. Job transfers
 - i. Reductions in workforce (see Reduction in Workforce Policy)

The establishment, revision, or substantive content of MCCCDC Employee Policies and procedures, Governing Board policy, or administrative regulations.

B. POLICY.

1. Generally. It is the policy of Maricopa County Community Colleges District (MCCCD) to provide employees with a fair and efficient process to present and resolve complaints and grievances arising out of the employment relationship. MCCCD encourages employees to address workplace concerns with their supervisors as they arise.

2. Available Resources. MCCCD 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 the supervisor’s supervisor, Human Resources, the Center for Mediation, and the Employee Assistance Program.

3. Informal Grievance Process. If a grievance cannot be resolved through communication between the employee and their supervisor, the employee may file an informal grievance. An employee must follow the informal grievance process before filing a formal grievance.

4. Formal Grievance Process. In cases where a grievance cannot be resolved through the informal grievance process, an employee may file a formal grievance according to MCCCD’s established procedures.

5. No Loss of Time or Pay. 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 formulating or preparing a grievance shall be done outside of the regular work schedule and 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 depend upon the willingness of all members of the MCCCD community to participate when asked, and to participate truthfully. A grievance filed in good faith, pursuant to this policy will not affect a grievant’s or a participant’s future employment, compensation, or work assignments.

7. Protection against Retaliation. Employees are encouraged to use MCCCD’s grievance procedures. MCCCD will not tolerate retaliation against an employee who participates in any grievance-related activity.

REVISIONS

Type	Date	Description
Effective	05/01/2013	Initial Policy
Repealed	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.10, Motion No 10567).
Reissued and Adopted	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.11, Motion No 10567).

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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 (formerly Principles of Corrective Actions)		
<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. All employees subject to this manual.

B. POLICY.

1. Generally. Maricopa County Community Colleges District (MCCCD) provides employees who violate policy, or exhibit unsatisfactory job performance, an opportunity to comply with MCCCD or departmental requirements by means of progressive disciplinary actions.
 - a. *Performance Expectations.* Employees are expected to abide by the established rules and policies of their departments, MCCCD Administrative Regulations, and MCCCD Employee Policies and Procedures. 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 disciplinary action.
 - iii. Ensure that prompt, consistent disciplinary action is administered.
 - b. *Disciplinary Action.* The intent of this policy is to use a series of progressive disciplinary actions, when appropriate, as a means to assist and encourage employees to correct their conduct and to achieve satisfactory work performance. Particular circumstances may dictate that the disciplinary action be tempered or expanded because of the facts of the situation. Specific disciplinary measures, including discharge, may result from violation of any:
 - i. State or federal law,
 - ii. Applicable ordinance, MCCCD Governing Board Policy, or MCCCD Administrative Regulations, and/or
 - iii. MCCCD Employee or departmental rules or policies.
2. Progressive Discipline. Outlined below are the steps of corrective action and progressive discipline from least to most severe. Steps prior to written warning are not considered formal discipline. MCCCD reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense.
 - a. *Feedback/Coaching.* Counseling or coaching involves a cooperative attempt between the employee and the supervisor to determine and correct performance problems.

- b. *Verbal Warning.* A verbal warning is a documented conversation between the employee and the supervisor. The purpose of a verbal warning is to clarify policies and expectations.
 - c. *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.
 - d. *Suspension without Pay.* A suspension without pay is the temporary involuntary separation of the employee from MCCCCD service without compensation. Classified employees, who receive a suspension without pay of more than 30 days, shall have the right to notice and an appeal pursuant to the Notice and Appeal of Certain Disciplinary Measures Policy. Unpaid suspensions of 30 days or less shall be subject to MCCCCD's Grievance Policy.
 - e. *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.
 - f. *Involuntary Termination of Employment.* Termination is the dismissal of an employee for conduct that involves dishonesty, violation of the law, significant risk to MCCCCD's operations, the safety or well-being of oneself or others, repeated or serious violations of MCCCCD's policies, procedures, or Administrative Regulations, Employment Standards, other serious misconduct or sustained unsatisfactory performance. Classified employees, who are terminated, shall have the right to notice and an appeal pursuant to the 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 Written Warning, Suspension, or Demotion.
- 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.

Annual Increase. Employees who have received a written warning or have been suspended or involuntarily demoted within the last twelve months 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.
 - b. *Governing Board.* All involuntary terminations for classified employees shall be approved by the Governing Board.
6. Resources Available to Employees. The Employee Assistance Program (“EAP”) is available to provide resources and suggestions as an employee is taking steps to ensure that impermissible conduct or a policy violation does not reoccur.
7. Cross-References.
 - a. Progressive Discipline ([Policy C-2](#))
 - b. Leaves of Absences ([Policy B-7](#))
 - c. Grievance Process ([Policy C-4](#))
 - d. Administrative Regulations
 - i. [Employment Standards 6.7](#)
 - ii. [Administrative Leave 6.1](#)
 - iii. [Administrative Regulation 5: EEO](#)
 - iv. [Administrative Regulation 2.4](#) (Title IX)
 - e. 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	Reason for Change: May 22, 2018 (Item No 10.10, Motion No 10567).
Reissued and Adopted	05/22/2018	Reason for Change: May 22, 2018 (Item No 10.11, Motion No 10567).

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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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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 MCCCDC 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. Employees who are subject to other approved disciplinary or involuntary termination procedures (i.e., faculty, non-classified and CEC);
2. Employees on administrative leave with pay pending an investigation of allegations relating to an employee;
3. All other forms of disciplinary action, including but not limited to written warnings (See Grievance Policy);
4. 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;
5. 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 (MCCCD) 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 MCCCD policy or procedure, and/or a violation of established college/division/department policy or procedure;
 - c. Management conducted an investigation in accordance with MCCCD 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 MCCCDC 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 MCCCDC.
- 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 MCCCDC 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)

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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. APPLICABILITY. All employees covered by this manual.

B. POLICY.

1. Generally. Conditions may arise that necessitate a reduction in the workforce. A reduction in force may occur for several reasons, including a lack of funds, a lack of work, reasons of economy, or reorganization for efficiency. The District shall have the sole right to determine:
 - a. When a reduction in force shall occur,
 - b. The college, department, job classifications, and positions that are subject to a reduction in force.

2. Recommendations. All workforce reduction 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.

3. Selection. The VCHR will determine the employees subject to a reduction in force using the following guidelines:
 - a. A temporary employee in a position identified for a reduction in force 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, performance, and productivity of the employee.
 - iii. Length of service.

4. Impact on Benefits.
 - a. *Compensatory Time.* Compensatory time shall be paid upon termination.
 - b. *Vacation.* Unused vacation time will be handled in accordance with the Vacation Policy.
 - c. *Sick Leave.* Unused sick leave will be handled in accordance with the Sick Leave Policy.
 - d. *Group Insurance Plans.* Group insurance plans may be continued in accordance with Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).
 - e. *Retirement Contributions.* Contributions to retirement plans are discontinued at time of termination. Contributions may be left on account or withdrawn after separation, based on the guidelines of the specific retirement plan.

5. Miscellaneous. All reductions in workforce are subject to approval of the Human Resources Division.

6. Cross-References.
 - a. Progressive Discipline ([Policy C-2](#))
 - b. Leaves of Absences ([Policy B-7](#))
 - c. Grievance Process ([Policy C-4](#))
 - d. [Equal Employment Opportunity Administrative Regulation 5](#)
 - e. Procedures for Processing Termination of Employment

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)

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