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ABSTRACT

This handbook provides a list of Staff Senate and Committee members of the Staff Association of Montgomery College, a copy of the bylaws of the association, and sections of the college's "Policies and Procedures Manual" that affect staff employees. These sections of the manual pertain to: Administrative and Staff Communication; Affirmative Action and Non-discrimination; Conflict of Interest; Definition of Terms; Director of Personnel; Educational Assistance Program; Employment Procedures; Establishment and Abolishment of Positions; Evaluation; Examination, Ratings, and Eligible Lists; Grievances; Group Health and Life Insurance Plan; Health; Honors and Awards; Leave; Pay Plan; Personnel Actions; Physical Examinations; Position Classification Plan; Pre-employment Physical Examination; Probation and Permanent Status; Publications of the Faculty, Administrators, and Staff; Retirement Benefits; Staff Association; Staff Council, Takoma Park Campus; Staff Personnel Policies; Staff Personnel Records; Staff Review Board; Tax-Sheltered Annuities; Travel; Tuition Waiver Plan; Wearing of Uniforms; and Workmen's Compensation. (DB)

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TAKOMA PARK, MARYLAND

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STAFF ASSOCIATION HANDBOOK

1974-75

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JC 740 304

THE STAFF ASSOCIATION
OF
MONTGOMERY COLLEGE

The Staff Association of Montgomery College represents the nearly 500 College employees who hold neither faculty or administrative positions at the College. Staff members are found in virtually all administrative and instructional offices of the College performing functions that are vital to the College's programs and services to the community.

The Association was established in the spring of 1970 to represent the needs, concerns, and aspirations of Staff members. The voice of the Staff Association is an elected, seven-member Senate with proportional representation from the Rockville and Takoma Park Campuses and from Central Administration. All members of the Staff Association have the right to participate in this election; each Staff employee holding permanent status at the College is eligible to be a candidate for the Senate or to serve on a committee of the Senate. The Bylaws of the Staff Association, which follow, explain the structure, the duties, and the responsibilities of this representative Senate.

Since the formation of the Staff Association, Staff personnel have achieved an important role in the governance of the College. The chairperson of the Staff Senate is a member of the President's Advisory

Council and of the Staff Review Board and has both the responsibility and the right to speak before the Board of Trustees on matters pertaining to Staff employees.

There are Staff representatives on all College-wide committees and on campus governance bodies, including the Campus Assemblies.

The Staff's role in College and campus governance not only assures that Staff concerns will receive consideration but that the expertise of Staff employees will contribute to the deliberations.

The Staff Association and its elected, representative Senate is YOUR voice in the College governance system. By your participation and involvement, by your attendance at meetings, by your informing your representatives of your concerns, that voice is heard--its questions answered--and its requests considered.

Following are a list of Staff Senate and Committee members for 1974-75, a copy of the Bylaws of the Staff Association, and sections of the Policies and Procedures Manual of the College which affect Staff employees. They are presented for your use and reference through the cooperation of the Staff Senate and the Personnel and Public Information offices of the College. A complete, updated copy of the College Policies and Procedures Manual is available in the reference section of the library at each campus.

STAFF ASSOCIATION HANDBOOK
1974-75

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MEMBERSHIP OF THE
STAFF SENATE, 1974-1975

Pat Branthover	Rockville	115CT	X339
Frank Gallo, Chairperson	Central	229ADM	X355
Lucia Gilbertson	Central	208ADM	X312-3
Aggie Harrell, Vice-Chairperson	Rockville	105SSB	X280-1-2
Estelle Hewitt	Takoma Park	202A	X74
Sylvia Holliday	Rockville	131FA	X247
Paula Matuskey	Takoma Park	100B-AD	X35

COMMITTEE CHAIRPERSONS, 1974-1975

Communications	Lucia Gilbertson
Governance	Paula Matuskey
Policies and Procedures	Frank Tusa
Salaries and Benefits	Aggie Harrell

BYLAWS OF
THE STAFF ASSOCIATION
OF MONTGOMERY COLLEGE

Statement of Purpose

The Staff is one of the four vital groups that make up the total college structure, and is recognized along with the other three groups, faculty, administrators, and students, as an integral part of the institutional program. It may exercise, through an appropriate elected body, the right to express its concern and make recommendations to the President and through him to the Board of Trustees.

Structure

1. The Staff Association is established to represent all Staff personnel.
2. The Staff Senate shall be the body elected by the Staff Association to speak for the group, and shall be their official channel of communication with the governing entities of the college.
3. Each campus will be represented in the Senate. The proportionate representation will be as follows:

Central Administration - Two Senators
Rockville Campus - Three Senators
Takoma Park Campus - Two Senators

4. To fulfill the statement of purpose, the bylaws of the Staff Association have been developed by Staff personnel. The bylaws set forth in this and subsequent paragraphs of this document have been ratified by a majority vote of the Staff, approved by the President, and transmitted to the Board of Trustees.
5. The bylaws written here are not of a fixed nature, but are designed to accept the creative and experimental attitude toward change. The amendments are accomplished by a majority vote of those present at The Staff Association's Annual Meeting. In the event that a meeting is not feasible, the Chairman has authority, with the approval of the Senate, to distribute mail ballots. A majority count of responses to these ballots will determine the amendment, subject to the approval of the President.

The Staff Senate

The Staff Senate is an elected body with the assigned task of being the official representative of Staff employees, and through its chairman or his assistant, communicating their concerns and recommendations to the appropriate parties.

Senate Structure

The Senate is made up of seven elected members who shall elect from among themselves their Chairman and Vice-Chairman. The Chairman will appoint

two (2) secretaries, (one from Rockville and one from Takoma Park) to take minutes of the meetings on their respective campuses. The secretary will not be considered a member of the Senate.

Senate Responsibilities

1. Reviews continuously the college Policies and Procedures regarding Staff personnel and makes appropriate recommendations.
2. Makes comments, presents suggestions, or takes other appropriate action on policy and procedural matters affecting the Staff in general, in accordance with Section 4.07 of the Policies and Procedures Manual.
3. Appoints committees as deemed necessary to perform certain tasks and holds these committees responsible for their assigned tasks.
4. Reviews and evaluates information passed to it by the committees, and makes recommendations to the appropriate areas.
5. Meets with the President to present recommendations and discuss concerns which are pertinent to the represented body and the college.
6. Appoints annually from among the Staff a parliamentarian to serve at all meetings of the full Staff, for which official minutes will be maintained and a copy sent to the President and other appropriate bodies.
7. Acts as the spokesman group for the Staff employees of Montgomery College. The chairman or designee may accompany an employee and act as counsel on his behalf when requested to do so.
8. Exercises judgment for referring Staff considerations to appropriate areas or channels.
9. Considers for action only those grievances which relate to established policies and procedures of the College or which affect an entire group of employees, such as a department, but does not act upon individual grievances other than to acquaint the employee with the established procedures for review.

General Affairs

1. Minutes of all Senate meetings will be available to the represented members so that all persons represented by that body will have contact with all matters discussed by that body. The minutes of all Senate meetings will be transmitted to the President, the Board of Trustees, and any other appropriate parties.
2. A manual will be developed by the Senate outlining the Association. Copies will be distributed to all represented employees and made available to the Personnel Office to become part of the information packet given to newly hired employees.

3. An annual College-wide Staff Association meeting will be held during spring vacation on a day the College is open. Additional Staff Association meetings may be called between the hours of 8:00 A.M. and 4:00 P.M. by the Chairman of the Senate in cooperation with the Director of Personnel who shall coordinate arrangements with appropriate administrative personnel in order that the meetings will not interfere with the normal functions of the College.
4. Special meetings will be called by the chairman in cooperation with the Director of Personnel as in item 3 above. To support these meetings, a document will be required stating the nature and urgency of the matter in question with signatures of at least 20% of the represented employees attached. When the details of the meeting are established, an information flyer will be sent to all represented employees.
5. Meetings of the full Senate are to be held once each month, between the hours of 8:00 A.M. and 4 P.M., the date and location established around the member's availability. In order that a meeting become part of the official records, five of the seven members must be present.
6. Meetings of the bodies of the Staff Association are to be held between the hours of 8:00 A.M. and 4:00 P.M. of the normal work day, except in cases where the Chairman of the Senate feels an urgent meeting is needed.
7. Any item to be considered at the regular Senate meeting must be in the hands of the Senate members 4 days prior to the meeting date. Otherwise it will be discussed at the next regular meeting.

Duties of the Senate Chairman

1. Presides over the Senate and conveys recommendations to the appropriate parties. Abides by the bylaws of this document in the performance of his duties. Is empowered to make necessary editorial changes to conform the bylaws to changes in college titles of positions and bodies.
2. Appoints the chairman of all standing and ad hoc committees with the advice of the Senate.
3. Will be informed of all Board of Trustees meetings involving matters pertaining to Staff employees. He or his designee will have the responsibility and right to speak freely before the Board of Trustees at such meetings.
4. Will receive a copy of the minutes of all Board meetings where Staff matters have been discussed, for review before the Senate.
5. Will be a member of the President's Advisory Council and the Staff Review Board. He or his designee will attend the meetings of these two groups.
6. In the event of loss of a senator before his term of office has expired,

the chairman of the Staff Senate may, with the approval of the Senate, appoint a person to serve out the remainder of the term.

Duties of the Senate Vice-Chairman

Presides over the Senate in the absence of the chairman and carries out the duties usually associated with the office.

Duties of the Senators

1. Attend meetings of the Senate. After two consecutive absences from regularly scheduled Senate meetings, a Senator will be asked, by the Chairman, to declare his intention either to resign or to participate actively in the fulfillment of the duties of his office.
2. Perform duties as outlined in Senate Responsibilities.
3. Receive communications from any Staff employee and convey this information to the full Senate.

Duties of the Appointed Secretary

The secretary will take minutes of the meetings assigned, put them in final form, and transmit them to the Chairman of the Senate to be distributed as stated in the bylaws.

Eligibility for the Senate

Any Staff employee holding permanent status is eligible to become a candidate for the Senate, or to serve on a committee of the Senate.

Tenure

1. The term of office of a Senator shall be two years except that for the first year (only), three of the Senators shall serve a term of one year.
2. No Senator may be elected to serve more than two consecutive terms.

Election

1. Any Staff employee is eligible to vote.
2. At the March Senate meeting, an Ad Hoc Elections Committee of three (one each from Central Administration, Rockville Campus, and Takoma Park Campus) shall be appointed by the Chairman of the Senate with the advice of the Senate. This committee shall within 10 working days inform all Staff employees of Senate positions to be filled in the annual election and invite nominations in accordance with the following paragraphs. Nominating ballots must be returned to the Elections Committee within 10 working days. (Remainder deleted, see number 6.)

3. Any candidate must receive the total number of nominations that would equal 5% of the employees who are eligible to vote for that candidate. All nominating ballots for a candidate shall be added to determine the total number of nominations received.
4. The Ad Hoc Elections Committee shall have the responsibility of determining the number of employees in each division who are eligible to vote, and indicating on the nominating ballots which they distribute, the number of signatures required to nominate a candidate.
5. The Elections Committee shall have the responsibility of determining that nominees hold permanent status with the College and are willing to serve and fulfill the duties and responsibilities of a Senator.
6. The names of all eligible candidates together with a brief description including position(s) at the College and service on the Senate or its committees shall be transmitted to the Chairman of the Senate within 5 working days after the close of nominations so that the election may be held at least one week prior to the last working day in May. The results of the election shall be publicized no later than the last working day in May.
7. Write-in votes will not be permitted since such candidates have not been certified by the Elections Committee as to eligibility and willingness to-serve nor have they met the nomination requirement. In the event of a tie vote, the seven current Senators shall, by secret ballot, determine the election.
8. Any employee who will not be present to vote on the established day may arrange to vote at another time by requesting an absentee ballot from the Chairman of the Ad Hoc Elections Committee. Availability of absentee ballots and the acceptable reasons therefor shall be included in the announcements of the Elections Committee.
9. Between election and July 1, the Senate will meet at which time the outgoing Senators will turn over materials to their successors and the new Senate shall elect its Chairman and Vice-Chairman, who shall take office upon election.

STAFF POLICIES AND PROCEDURES

4.00 GENERAL

The guidelines in this chapter are those governing the staff employees of the College, formerly referred to as Supporting Services. Those paragraphs titled "policy" contain policies promulgated by the Board of Trustees; those titled "procedures" contain the approved implementing procedures. Definitions of terms used herein are contained in paragraph 4.70. [pp. 51-52]

4.05 AUTHORITY

- a. The personnel policies and procedures governing all staff employees are promulgated with the understanding that the Board of Trustees, in consultation with the President, and on the basis of all available facts, establishes the policies by which the College is operated, and that the President, with the full approval of the Board exercises his professional skill in administering the policies and in reporting the effectiveness or need for modifications of the policies to the Board. These policies are established by the Board of Trustees pursuant to the authority vested in the President and the Board of Trustees by Article 77A, Section 1, Annotated Code of Maryland. (See Page A-100)
- b. Policies governing the staff personnel which are adopted by the Board of Trustees shall be consistent with the State Law, and all action shall be effective after a public meeting, the formal record of which shall likewise be public.
- c. The responsibility for the administration, in matters pertaining to staff personnel of the College, is vested in the President of the College. (Board of Trustees Resolution 410-67, July 17, 1967)
- d. The use of the term Staff to refer to all employees who are not faculty or administrators was approved by the Board of Trustees on January 24, 1972.

4.07 PURPOSE AND APPLICATION

The purpose of establishing personnel policies for staff employees is to provide a basis for personnel regulations. The President shall establish procedures deriving from the policies which shall become guidelines to provide uniformity in handling personnel matters of Montgomery College.

In all cases of proposed modification to policy or procedures affecting staff employees in general, the Staff Senate shall be consulted concerning the proposed modifications with sufficient lead time so that it shall have the opportunity to make comments, present suggestions, or take other appropriate action before any decision-making body or official of the College is requested to take action with respect to the proposed modifications.

4.08 STAFF PERSONNEL RECORDS (Approved by President, April 6, 1973)

4.081 GENERAL

The personnel file of any present or former member of the Staff of the College is considered a confidential record of the College. Access to such a file is limited to those persons who have legitimate need for information contained

therein. Only duly authorized personnel of the College as designated by these regulations are permitted access to such a file. In the event a legal jurisdiction shall subpoena the release of records, this shall be construed to mean everything in such files except those items which are considered to be privileged information. Those considered to be privileged information are: letters of recommendation; reference forms; other confidential material related to initial appointment; and medical, or other confidential material which has been received by the College. (See also Article 76A, Annotated Code of Maryland; republished as Appendix B to this manual.)

4.083 ADMINISTRATION OF AND ACCESS TO PERSONNEL FILES

- a. The College Personnel Office maintains a personnel file for each member of the Staff. The Director of Personnel is responsible for the security of this file. The file consists of:
 - (1) Original application for employment.
 - (2) Letters of recommendation, reference forms, and other confidential material related to initial appointment.
 - (3) Medical reports and other confidential material related to continued employment.
 - (4) Copies of personnel actions which authorize the payment of salary.
 - (5) Copies of forms related to insurance, retirement, fringe benefits, and leave authorization.
 - (6) Evidence of compliance with the legal aspects of employment, such as the proof of freedom from active tuberculosis.
 - (7) Miscellaneous correspondence and memoranda relevant to the individual's continued employment with the College.
- b. The degree of access authorized to a personnel file is determined on the basis of legitimate need. The file is open to the President, the Dean of Administration, the Director of Personnel, and staff members designated by the Director of Personnel as those responsible for carrying out the assigned functions of the Personnel Office. With the exception of a confirmation of employment by the Personnel Office, no information about a Staff member will be given over the telephone by anyone.
 - (1) An individual member of the Staff shall have the right to the review of his own personnel file by himself or by his duly authorized representative, designated as such in writing by the individual, in accordance with the following:
 - (a) An appointment must be made for the review with the Director of Personnel who shall be responsible for such a review.

- (b) The material listed in 4.083 a(2) and 4.083 a(3) is removed from the file by the Director of Personnel prior to the review session.
 - (c) The entire review is conducted in the Personnel Office in the presence of the Director of Personnel or his authorized assistant and no material is permitted to leave the room or to be removed from the file.
- (2) A supervisor of one or more Staff personnel shall have the right to review the personnel file of a member of the Staff when:
- (a) The member of the Staff works under his supervision and access to the file is deemed necessary for normal conduct of supervisory responsibilities or when,
 - (b) The member of the Staff has made written application for transfer or promotion to a position under his supervision.

Such review of a Staff member's personnel file shall be conducted under the same conditions as described in paragraphs (1) a, b, and c above.

- (3) Outside requestors may, upon proper identification and upon adequate determination of need, meet with the Director of Personnel for the purpose of obtaining information about a Staff employee. The Director of Personnel will retain the file and answer questions from it. Properly authorized written requests will be given an appropriate response by the Director of Personnel. In the event a legal jurisdiction shall subpoena the release of records, this shall be construed to mean all files except those listed in 4.083 a(2) and 4.083 a(3), which are considered to be privileged information. Notification of such subpoena action shall be given to the individual concerned and to the President of the College. The Director of Personnel will assure the safe transport of appropriate records to the legal jurisdiction which has issued the subpoena.

4.09 ESTABLISHMENT AND ABOLISHMENT OF POSITIONS

4.091 POLICY

- a. The President shall recommend to the Board of Trustees ^{2/} for approval the number of permanent and conditional positions he determines to be necessary for the efficient operation of the College. The President may establish temporary positions for a limited period of time to meet the unforeseen and temporary needs of MC.
- b. The President may authorize employment in excess of the number of budgeted positions in a particular classification when there is a critical need and when applicants who are unusually well qualified are available, provided the total number of budgeted positions is not exceeded.

^{2/} Hereinafter referred to as "the Board".

4.092 PROCEDURE

a. Types of Positions

Positions shall be identified as permanent, conditional, and temporary.

- (1) Permanent Positions. A permanent position is one which has been established by the Board with the anticipation that it will be necessary to maintain the existence of such position indefinitely on a continuous year-round or academic year basis.
- (2) Temporary Positions. A temporary position is one, not continuous in nature, which may be established by the President on the recommendation of the Director of Personnel with the approval of the account manager. It shall remain in existence only as long as a temporary work situation requires it. Such position shall be abolished automatically by the President when the temporary work requirement no longer exists.
- (3) Conditional Positions. A conditional position is one established by the Board for the period of time that monies are available in whole or in part by the United States Government, a private organization, a foundation, a revenue-producing source (cafeteria and bookstore), or an individual for use in special research or other long-term projects. This position shall be automatically abolished when no longer needed or when funds are no longer made available.

b. Establishment of Positions

(1) During Budget Preparation

Positions may be proposed during the preparation of the budget through the recommendation of an appropriate official to the Director of Personnel and subsequent approval by the President, or by the President upon his own initiative. In either case, approval of the Board is required for final establishment of the position.

(2) After Budget Adoption

Appropriate forms requesting a new position which was not budgeted must be originated by the appropriate official and approved by the Director of Personnel and the Dean of Administration prior to submission to the President. When in the judgement of the President, it is necessary for an official to employ a person on an extra-help basis in a type of position for which there is no classification provided in the classification plan, the President, on recommendation of the Dean of Administration, shall fix the amount of compensation, shall determine the minimum qualifications for the additional employee, and shall limit the period of time the position may be allowed.

c. Abolishment of Position

(1) Notice to Employee

When a proposed abolishment of a position necessitates the dismissal or demotion of a permanent-status employee, he shall be notified in writing by the Director of Personnel two weeks in advance of Board action. He shall be informed that if he wishes to do so he may present reasons against the action to the Dean of Administration. (Revised by President, 10/25/71)

(2) Placement Consideration for Employees

Each satisfactory permanent-status employee who has been adversely affected by a reclassification shall be given first consideration for other positions for which he is qualified and in which vacancies exist.

(3) Decision on Salary Assignment

Determination of a salary assignment in the case of a downgrading reclassification or transfer of an employee whose position has been abolished shall be made by the Director of Personnel. (Approved by President, 10/25/71)

4.10 POSITION CLASSIFICATION PLAN

4.101 POLICY

The President shall classify all positions of MC and recommend the adoption of the classifications to the Board. The President shall recommend to the Board for adoption new classifications and the reassignment of a classification from one pay grade to another. The classification title of a position shall be used in all official personnel and budget records and transactions.

4.102 PROCEDURE

a. Criteria for Classification of Positions

Assignment of a position to a classification shall be determined by the duties and responsibilities of the position, based on the principle that all positions shall be included in the same classification if they are:

- (1) Sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used.
- (2) Substantially the same standards as to education and experience are required of applicants.
- (3) Substantially the same tests of knowledge and ability are used in selecting qualified appointees.
- (4) The same salary range can be made to apply with equity to all of the positions in the class.

b. Reclassification

- (1) A request for a study for reclassification may be made to the Director of Personnel by an employee's supervisor or the employee. The Director of Personnel, after consultation with the appropriate official, may initiate a study of existing classifications. The criteria for classification of positions will be applied to determine whether:
 - (a) No change should be made in the classification of the position; or
 - (b) The position should be reclassified to a more appropriate class in the existing classification and pay plan; or
 - (c) A new classification should be established to which the position would be assigned; or
 - (d) No change be made in the classification of the position, but that the position classification be assigned a higher or lower pay grade.

- (2) Any personnel recommendation which requires the establishment, division, combination, or abolishment of existing classes or the reassignment of a classification to another pay grade shall be submitted by the President to the Board for action during July, November and March of each year.

4.11 STAFF REVIEW BOARD (Approved by Staff Review Board, 4/15/71)
Revised by President, 10/25/71)

- a. A Staff Review Board is appointed by the President and is comprised of the Dean of Administration, the Dean of Education, the campus deans, the Director of Personnel, and the Chairman of the Staff Senate. The Review Board will consider all requests for establishing and abolishing position classifications, reclassification of positions, transfer of positions between organizational units or offices and all recommendations for outstanding service awards as discussed in section 4.263b. The Review Board also will consider changes to college policies and procedures relating to staff employees.
- b. Matters to be considered are first directed to the Director of Personnel for review and development of materials for consideration by the Review Board. Where appropriate the Staff Senate is involved in this process in accordance with section 4.07. The Review Board will make its recommendations to the Dean of Administration. The President has delegated to the Dean of Administration the approval authority for reclassification of positions, inter-organizational unit transfer of positions, and outstanding service awards. Recommendations pertaining to all other matters will be directed by the Dean of Administration to the President with the recommendation of the Dean. In those cases where the Dean of Administration does not concur in the recommendation of the Review Board, both sides of the issue will be presented to the President for decision. Recommended establishment and abolishment of position classifications, changes in pay grade assignments to classes of positions, and policy changes will be presented to the Board of Trustees by the President.

4.12 PAY PLAN

4.121 POLICY

The President shall recommend to the Board for action a staff pay schedule and shall assign all classifications to the schedule. The President shall establish procedures for placement and movement of employees on the salary schedule, for payment for overtime work, and for recognizing length of service.

4.122 PROCEDURES

a. Current Classifications

The currently approved assignment of grade classifications to the pay schedule is maintained in the Personnel Office.

b. Revising the Classifications and Pay Schedule

The Director of Personnel shall collect data on existing rates of pay and pay practices in the local area, changes in cost-of-living indices, and other factors which should be taken into account. On the basis of such data, a recommendation shall be made to the President for Board approval

of those changes deemed necessary in the staff pay schedule, pay practices, and placement of classifications on the pay schedule.

c. Placement on the Salary Schedule

Employees are placed on the salary schedule dependent upon the type of appointment which they are granted. (See paragraphs 4.162 f and g)

d. Movement on the Salary Schedule

(1) Processing Recommendations

Movement on the salary schedule or the granting of salary increments, are normally the result of recommendations submitted on an individual employee. Salary increment recommendations must be in writing and shall be submitted to the Director of Personnel via the appropriate campus dean, or the Dean of Administration for the central administrative staff employees, at least 15 days before the recommended effective date. Such recommendation shall be made by the appropriate official, shall contain a certification that the employee's work record is or is not satisfactory, and shall include a statement that the granting of a salary increment is or is not recommended. Authorization for appropriate action will be made by the Director of Personnel after review of recommendations.

(2) Eligibility for Salary Increment Awards

A permanent or conditional employee and a temporary employee filling a permanent position on a military-temporary appointment shall be eligible to be considered each year for a one step salary increment award. Such salary increments may be awarded annually until an employee reaches the top pay step (not including longevity) of the pay grade to which his position is assigned. Salary increments are limited to one pay step annually and, as they must be earned by satisfactory performance of work, an employee cannot be granted a salary increment automatically or solely on the basis of length of service. In unusual circumstances, the Director of Personnel may approve the award of not more than a full pay step salary increment annually to other temporary employees filling permanent positions. (Revised by President, 10/25/71)

(3) Temporary Service Credits for Salary Increment

A full-time temporary employee appointed to a permanent position without a break in service shall be entitled to be credited with that amount of service credit for a salary increment.

(4) Salary Increment While in Probationary Status

An eligible employee may receive a salary increment while on probation. However, if an employee becomes eligible for a salary increment during a probationary period which

has been extended for cause, he may not receive a salary increment until he is approved for permanent status. Upon satisfactory completion of the extended probationary period, the effective date of the employee's permanent status will become the salary increment date. An employee who has been assigned a probationary period of more than one year may receive an increment, even though he has not yet earned permanent status, provided his work record up to that time warrants advancement.

(5) Salary Increment Dates (Approved by the President, July 22, 1972)

Increment dates will be the anniversary of the date of initial employment. The effective date of a salary increment is the first day of the first pay period following the pay period in which the employee's increment date falls. Should an adverse action be taken such as the extension of the probationary period for cause, the salary increment date will be reestablished. A temporary employee who is assigned as a permanent employee without a break in service shall have his increment date determined by the date of his employment as a temporary employee. An employee on an extended military leave shall be assigned an increment date determined by the date of employment.

(6) Reassignment of Salary Increment Date

A new salary increment date shall be assigned under the following circumstances:

- (a) When an employee's probationary period has been extended for cause, his salary increment date will be extended an equal amount of time. He may not receive a salary increment until approved for permanent status.
- (b) When an employee has been on authorized leave without pay for a period exceeding two calendar months (excluding leave for military service, disability, or self-improvement), the salary increment date shall be adjusted in accordance with the number of months the employee is on approved leave.

(7) Delayed Salary Increment

An appropriate official may recommend that an employee's increment be delayed if he believes that the employee's performance has been substandard. In such cases he shall submit in writing to the Director of Personnel his reasons for the delay and a recommendation as to the period of time the salary increment award should be delayed. Approval of the appropriate campus dean, or the Dean of Administration, and the Director of Personnel shall be necessary before such action is taken. The Director of Personnel shall report in writing to the President in July of each year a summary of all actions taken during the previous fiscal year regarding each delayed salary increment requested and/or approved. (Approved by Supporting Services Review Board, April 15, 1971)

(8) Notification of Salary Increment Delay

In all cases of salary increment delay, the affected employee shall be notified in writing at least two weeks in advance of the increment date by the Director of Personnel of the reasons for the action. He shall be informed that he may register a grievance if he wishes to do so. The affected permanent or conditional employee must request a hearing in accordance with the grievance procedure within five days of receipt of notification of the action; otherwise, his salary increment will be delayed. (See paragraph 4.302) [p. 34]

(9) Special Within-Grade Advancement

The Director of Personnel may recommend to the Dean of Administration that employees of a particular classification be given a special within-grade advancement in special or emergency situations. Detailed supporting evidence will be supplied by the Director of Personnel and other appropriate officials. (Revised by President, 10/25/71)

e. Overtime Work

(1) Compensation for Overtime Work

Overtime is defined as work in excess of 8 hours per day or 40 hours per week. Hours paid for but not worked such as holidays, vacation, and paid leave shall be considered hours worked in the implementation of this policy. The rate of pay for overtime work shall be time and one-half the employee's regular rate of pay. Notwithstanding the foregoing, an employee may work more than 8 hours in one day at his regular rate of pay to make up for hours absent during the same week provided that:

- (a) He requests such an arrangement for his own convenience, with the understanding that he will not be paid time and one-half.
- (b) His supervisor consents to the arrangement.
- (c) A written agreement to the arrangement, signed by the employee and his supervisor be filed with the Director of Personnel before more than 8 hours are worked in one day.
- (d) No more than 40 hours are worked in the week.

(2) Approval for Overtime

Permission must be obtained from the Director of Personnel before overtime is worked. In exceptional or emergency circumstances:

- (a) The campus deans may permit overtime when it is necessary to protect property or to keep the College in operation.
- (b) Campus deans may authorize overtime because of required after-college use of facilities and field trips for which NC will be reimbursed.

The appropriate form should be submitted by the Campus Deans to the Director of Personnel after he has authorized overtime under the circumstances mentioned in (a) and (b) above.
(Revised by President, 10/25/71)

f. Longevity Pay

(1) Amount of Longevity Salary Increments

The amount of each longevity salary increment shall be a one-step increase on the Staff pay schedule.

(2) Effective Date

A longevity salary increment shall be effective the first day of the first pay period following completion of the employee's 10th, 14th, and 18th year of creditable service according to his anniversary date.

(3) Computing Creditable Service

Creditable service for computing eligibility for longevity salary increments shall include all permanent and conditional employment with MC, such service with MCPS as is certified by the MCPS Department of Personnel, and such service with the Montgomery County Government as is certified by the County Personnel Officer as qualifying toward longevity under the County Personnel regulations. Creditable MC service shall also include all authorized leave with pay, authorized leave without pay for military service or self-improvement, the period of temporary employment, and the time a permanent employee is on approved disability leave. In computing the sum for such service, no credit shall be given for any month in which an employee was employed fewer than 15 calendar days.

(4) Creditable Service for non-staff employees of MC assigned to a staff position

Whenever a non-staff employee of MC is appointed to a staff position, he shall be granted creditable service for the purpose of computing longevity as a permanent or conditional staff employee for all periods of full-time employment by MC.

g. Night Shift Differential Pay

All staff employees who are employed to work regularly more than 25 hours per week and who are required to work between the hours of 10:00 p.m. and 6:30 a.m. shall receive a premium of 25¢ per hour for all hours actually worked during that period of time. No shift differential shall apply for less than one full hour worked during that period. (Approved by the Board of Trustees, September 25, 1972)

(1) Eligibility for Night Shift Differential Pay

All staff employees who are employed to work regularly more than 25 hours per week and who are required to work one or more hours during the night shift shall be eligible to receive the Night Shift Differential Pay premium.

(2) Approval for Night Shift Differential Pay

Approval must be obtained from the Personnel Office before staff employees are either permanently or temporarily assigned to the night shift. Such approval shall be requested in writing by the appropriate supervisor (or administrator) and shall identify the positions to be assigned to the night shift by position number, and shall be valid for an indefinite period of time in the case of permanent assignment and for a specified period of time in the case of temporary assignment. In exceptional or emergency circumstances where it is impossible to obtain such prior approval, approval after the fact must be obtained at the first available opportunity.

(3) Reporting Hours Worked on the Night Shift

Supervisors of employees assigned to the night shift are responsible for maintaining adequate documentation of all the hours worked by such employees and for accurately reporting such hours of work for pay purposes.

(4) Time of Implementation

Implementation of Night Shift Differential Pay is authorized for July 1, 1973, or sooner, if funds should become available for this purpose during FY1973.

4.14 AFFIRMATIVE ACTION AND NON-DISCRIMINATION POLICY

4.141 POLICY (Approved by the Board of Trustees, May 21, 1974)

Montgomery Community College is an Equal Opportunity Employer and as such does not discriminate in any of its personnel policies or procedures against any employee, or applicant for employment, on the basis of age, sex, race, color, religious belief or national origin. Montgomery Community College is committed to undertaking conscious, deliberate action designed to assure equal opportunity for all employees and to make additional efforts to recruit, employ, and promote members of diverse groups as well as groups formerly under-represented at the various levels of responsibility who are qualified or who may become qualified through appropriate training or experience. It is the goal of the College to encourage all employees to realize their fullest potential, to assist them to function more effectively, and to reach levels of performance commensurate with their abilities and ambitions.

4.142 PROCEDURE

Any person having information concerning a violation of this policy shall file said information in writing with the President. Upon receipt of said information, the President shall cause an investigation to be conducted to determine whether the non-discrimination policy has been violated. If the President determines there has been a violation of this policy, he shall take whatever remedial action he may deem necessary and appropriate.

4.16 EMPLOYMENT PROCEDURES

4.161 POLICY

The President shall make provision for the receipt of applications on a non-discriminatory basis and shall establish an eligibility file. He shall recommend the best qualified applicants for appointment by the Board.

4.162 PROCEDURE

a. Method of Application

Each applicant shall submit an approved application form to the Director of Personnel. Although a vacancy may not exist, an application is also accepted for the purpose of establishing an eligibility file. Applications and related material shall be considered the property of Montgomery College.

b. References

References are required to determine the reputation, competence, honesty, stability, and dependability of each applicant. The Director of Personnel may recommend disqualification of an individual before or after appointment who does not possess a satisfactory record.

c. Employee Identification

Identification Cards

An identification card is given to each employee. The identification card contains the picture of the individual, means of identifying the individual, and the signature of the individual. A second identification card is placed in the personnel file of each employee. No employee should report to work before receiving his identification card. Employees who resign must return their identification card to the Director of Personnel. The final salary check will be withheld until the card is received.

d. Review of Applications

Each application shall be reviewed by the Director of Personnel and a decision will be made regarding eligibility for employment.

e. Causes for Rejection of an Applicant for Employment

Any of the following may be deemed sufficient cause for rejection of an applicant for employment:

- (1) Lack of specified minimum qualification requirements.
- (2) Making false or incomplete statement on the application.
- (3) Lack of physical, mental, or personal requisites deemed necessary for the effective performance of the duties and responsibilities of a position.
- (4) Illegal use of narcotics or the excessive use of alcoholic beverages.
- (5) Civil or criminal record.
- (6) Record of dismissal or resignation not in good standing from the MCPS or MC.
- (7) Discharge or release from the military service under conditions other than honorable.
- (8) Failure to make and complete application on standard application form.
- (9) Such other causes and reasons as deemed sufficient by the President.

f. Regular Appointments

Regular appointments, as contrasted to trainee status appointments, involve applicants who are considered fully qualified for the position for which they are applying. Regular appointments involve permanent, conditional, or temporary employees. Employees so appointed will be placed on the salary schedule in accordance with the responsibilities of the job to which they are being appointed and their own abilities.

(1) Permanent or Conditional Employees

The Director of Personnel shall recommend the best qualified applicant to the President for appointment by the Board to a permanent or conditional position. More than one person may be appointed to a position; however, the total number of hours may not exceed the number established for the position. Part-time employment may be rescinded whenever a full-time qualified applicant is available for appointment to the position on a full-time year-round or academic year basis.

(2) Temporary Employees

An applicant may be assigned, as a temporary employee, to a temporary position or to a permanent or conditional position when the position cannot be filled by a permanent or conditional employee, or if the position is temporarily vacated by an authorized absence. Other persons working under special Board projects for which monies but not positions were allocated are also considered to be temporary employees.

(3) Substitute Employees

Substitute employees are assigned according to the needs of MC. They are paid for hours worked but are not eligible for other employee benefits.

g. Trainee Status Appointments

When it is considered in the best interest of MC, a permanent position may be filled by an applicant who does not possess all of the qualifications as described in the class specification. An individual so appointed will be identified as being in a trainee status. He will hold a trainee status appointment until he has satisfactorily completed a prescribed training program and it has been determined by the appropriate official and the Director of Personnel that he meets the qualifications described in the class specification. The length and content of the training program will be determined at the time of appointment. Alterations in the training program must be approved by the Director of Personnel.

(1) Trainee Appointments

A trainee appointee will have all the rights and privileges of other staff personnel except that he shall not hold permanent status while a trainee.

(2) Salary Assignment of Trainees and Length of Training Program

The length of the training period and the pay grade to which the trainee is assigned will depend on the nature of the job and the degree of training and job experience that the applicant possesses at the time of employment.

(3) Permanent Appointment

Upon satisfactory completion of the training program, the incumbent will be granted a regular appointment to a permanent position. He shall then serve the normal probationary period required and upon successful completion will hold permanent status.

(4) Early Promotion

In instances of exceptionally rapid growth in competence, a trainee may become eligible for promotion prior to the completion of his training program. For pertinent procedures refer to Section 4.283c.

4.18 PHYSICAL EXAMINATIONS

4.181 POLICY

Each person appointed to a position is to be free from disabling ailments or defects which would disqualify him for the position for which he is applying and must be of sufficient health and vigor to perform the duties and responsibilities of the position to which he is appointed. The President shall determine the health and physical requirements for applicants and employees in each classification.

4.182 PROCEDURE

- a. All employees are required to submit certain evidence of freedom from active tuberculosis. See paragraph 7.90 for details. p. 81
- b. Whenever it appears that an MC employee has a physical or mental condition which adversely affects his competence or the well-being of either the public or other employees, or causes him to be absent excessively, the Director of Personnel may require him to discontinue work immediately or to be examined by the County Health Officer or a duly licensed physician, who shall report his findings to the Dean of Administration. An employee who is required to discontinue work may not return to work until authorized by the Director of Personnel. The status of such employee during this period shall be determined by the Director of Personnel.
(Revised by President 10/25/71)

4.20

EXAMINATION, RATINGS, AND ELIGIBLE LISTS

4.201 POLICY

The President shall establish a comprehensive program of examinations for all MC staff positions and procedures for the implementation of such program. Entrance and promotional examinations shall be competitive, free, and open to all eligible persons.

4.202 PROCEDURE

a. Examination Program

(1) Composition of Examination

The Director of Personnel shall determine the composition and scope of all examinations with the approval of the Dean of Administration and after consultation with the appropriate officials to determine the content, concepts, and standards. Examinations may consist of oral, written, and/or job performance tests or any other examination method deemed necessary to determine the relative abilities of the examinees to perform the duties and responsibilities of the position for which the examination is being given.

(2) Examination Schedules

Examinations shall be conducted on a continuous basis. Applicants or employees may be given examinations individually or in groups.

(3) Safeguarding Confidential Content of Examinations

The Director of Personnel shall take reasonable precautions to safeguard the content of examinations. Information therein may not be released without specific authorization of the President.

(4) Invalidating Examinations

The Director of Personnel may invalidate an examination, in whole or in part, at any time, if he determines that there has been any irregularity in any phase of the examination process. This action may disqualify the examinee.

b. Rating Examinees

A numerical rating system or other appropriate rating system may be used to rate examinees.

c. Eligibility Files

(1) Establishment of Eligibility Files.

Ratings of examinees who pass examinations for a position shall be placed in the eligibility files established for that position. Eligibility files shall be maintained by the Director of Personnel reflect accurately the employee's relative standing. All lists shall be considered the property of Montgomery College.

(2) Duration of Eligibility Files

Names remain in the eligibility files for a period of one year. However, because of unusual circumstances, eligibility files may be abolished prior to or extended beyond that date by the Director of Personnel.

(3) Use of Eligibility Files

Whenever an existing position becomes vacant, the Director of Personnel shall assign the best qualified eligible applicant to the position.

4.22 EVALUATION

4.221 POLICY

The President shall establish employee performance evaluation procedures. The purpose of performance evaluations shall be to stimulate improvement of employee services and the ratings shall be a determining factor in personnel actions.

4.222 PURPOSE OF EVALUATION CONFERENCE

An evaluation conference shall be held annually, or more frequently if needed, to provide motivation for self improvement, thereby gaining greater effectiveness of the employee's service. In addition, the ratings of the performance evaluation shall be used in considering employee salary increment, promotion, demotion, transfer, dismissal, and advancement within grade as well as for other appropriate action.

4.223 NOTIFICATION

The Director of Personnel will notify the employee's supervisor of the required evaluation conference to be scheduled. The notification will indicate the purpose of the evaluation, i.e., permanent status, annual performance.

4.224 PRE-EVALUATION CONFERENCE

- a. At the beginning of the employee's service, the immediate supervisor should hold a conference to orient the employee to his new work assignment and explain when, how, and why the employee will be evaluated. Standards of work and personal traits as related to work should be used as a basis for discussion. The current position description should serve as a guideline throughout such a conference.
(Approved by Supporting Services Review Board 4/15/71)

- b. When there is evidence that the employee will need to improve before he is given permanent status, before a salary increment will be recommended, or before other action will be taken, more than one pre-evaluation conference must be held. The supervisor should make a written record of the conference and a copy should be given to the employee. In all such cases, a pre-evaluation conference shall be held at least three months before a final determination must be made concerning an employee's status or eligibility for a salary increment. At that time an employee shall be given specific suggestions for continued improvement.

4.225

EVALUATION CONFERENCE

- a. Evaluation conferences should be scheduled so that the employee will be given sufficient notice of the appointed time. The employee and the immediate supervisor will participate in the evaluation conference.
- b. The evaluators should take this opportunity to discuss areas of strengths and needed improvements, and to identify changes that may need to be made in the employee's position description. (Approved by Supporting Services Review Board, April 15, 1971)
- c. The evaluators shall make comments and recommendations and shall be responsible for obtaining the signature of the employee. If the employee does not concur with any part of the evaluation, he may attach his comments to the evaluation form.
- d. Personnel action requiring an evaluation may be determined by the report of the last evaluation conference if one was held within three months of the date of the proposed action. In such case, only the recommendation section of the evaluation form which was forwarded by the Director of Personnel will be completed. The signature of the employee and the evaluations are required.
- e. The appropriate campus dean will review and sign evaluations for employees assigned to his campus. The Dean of Administration will review and sign evaluations for employees assigned to the central administrative staff.

4.24

PROBATION AND PERMANENT STATUS

4.241

POLICY

The President shall make provisions that allow an employee to attain permanent status after demonstrating competency.

PROBATION**a. Length of Probationary Period**

The normal probationary period shall be six months. When the Director of Personnel deems it necessary, he may assign longer probationary periods. (Approved by President, 10/25/71)

b. Miscellaneous Provisions

A probationary employee filling a permanent or conditional position shall become eligible for consideration for permanent status upon satisfactory completion of the probationary period. A probationary employee is subject to personnel action (i.e., transfer, lay-off, dismissal, and other personnel action). A probationary promoted employee who has permanent status in his former position may be returned to his former status without the right of appeal.

c. Extension of Probationary Period for New or Promoted Employees

If the appropriate official is not satisfied that a probationary employee's work record is sufficiently satisfactory to warrant his recommending that the employee be granted permanent status, he may recommend extension of that employee's probationary period for a specified period of time, not exceeding six months. This recommendation shall be in writing, shall be submitted to the Director of Personnel at least 15 days prior to the date the employee is eligible for permanent status, and must contain the reasons for recommending the extension. After review and approval of the recommendation by appropriate campus dean or the Dean of Administration, and the Director of Personnel, the employee shall be notified in writing of the extension of the probationary period in advance of the effective date of extension.

d. Separation During Probationary Period of New Employees

- (1) If at any time during a probationary period an appropriate official determines that a probationary employee's work record is unsatisfactory, he may recommend to the Director of Personnel that the employee be dismissed. Such recommendation shall be in writing and must include the reasons for the recommendation. He shall so notify the employee in writing at least two weeks in advance of the effective date of dismissal. Such notification shall inform the employee of the reasons for the dismissal and of his right to appeal.

(2) The employee who has been recommended for dismissal may appeal the decision within 5 days of receipt of such notification, otherwise the dismissal shall become final. Such appeal shall be made in writing to the Personnel Officer and shall state specific reasons why the dismissal action should be reversed. The Director of Personnel shall submit the appeal along with all other materials pertinent to the action for dismissal to the Dean of Administration for review and final decision. The appellant may request a hearing by the Dean of Administration. The decision of the Dean of Administration shall be final and he shall notify the appellant of such decision in writing within 10 days of receipt of the appeal by the Director of Personnel. In the event of dismissal the employee shall receive such notice two weeks in advance of the effective date of dismissal.

(3) In the event the Director of Personnel does not approve the recommendation for dismissal, the supervisor recommending dismissal may appeal the matter to an ad hoc panel of three college employees to be appointed by the Staff Review Board.

e. Probationary Period of Promoted Permanent-Status Permanent Employees

Upon satisfactory completion of his probationary period, a permanent-status permanent employee may be awarded permanent status in the position to which he has been promoted. The same procedures provided for granting permanent status as a permanent employee shall be used. The effective date shall be the date on which a promoted employee satisfactorily completes the probationary period.

f. Probationary Period of Promoted Probationary-Status Employee

A probationary-status employee shall be required to serve at least a six-month probationary period in any permanent position to which he may be promoted. Such probationary period may run concurrently with his probationary period in the original position.

4.243 **PERMANENT STATUS**

a. Effective Date of Permanent Status

The effective date of permanent status shall be at the satisfactory completion of an employee's probationary period.

b. Special Credits

A temporary employee filling a temporary or a permanent position and appointed to a permanent or conditional

position without a break in service shall be entitled to be credited with that amount of service credit toward permanent status.

c. **Transfer of a Probationary-Status Permanent Employee**

Each probationary-status permanent employee who is transferred from one permanent position to another permanent position of like responsibility shall retain the months he has satisfactorily served in his former position for credit towards earning permanent status as a permanent employee and for the award of a salary increment. If the prior service has not been satisfactory, he may be assigned a new probationary period and a new salary increment date.

d. **Recommending Permanent Status**

A permanent status recommendation must be in writing and shall be submitted to the Director of Personnel at least 15 days before the recommended effective date. Such recommendation shall be made by the appropriate official and shall contain a certification that the employee's work record is at least satisfactory and a statement that the granting of permanent status is recommended.

4.244 **STATUS OF INCUMBENT OF RECLASSIFIED POSITION**

The incumbent of a reclassified position shall retain the status he has in that position at the time it is reclassified.

4.245 **TRANSFER OF A PERMANENT-STATUS PERMANENT EMPLOYEE**

Each permanent-status permanent employee who is transferred from one permanent position to another permanent position shall retain the months he has satisfactorily served in his former position for credit towards the award of a salary increment or longevity salary increment.

4.246 **LOSS OF PERMANENT STATUS**

Each staff employee who leaves the service of Montgomery College shall be considered a probationary employee when he is re-employed.

4.247 **STATUS OF EMPLOYEE TRANSFERRING FROM ONE TYPE OF STAFF POSITION TO ANOTHER**

A permanent-status employee transferring to a temporary position shall automatically forfeit his permanent status as an employee. A temporary employee transferring or being promoted as a probationary employee to a permanent position shall be required to serve the probationary period of that position before he can become eligible to earn permanent status.

4.248 RECREDITING OF FORMER SERVICE CREDITS

A former employee, upon re-appointment to a permanent or conditional position in the same classification, may be granted full credit for years of service with MC in determining placement on the salary schedule, provided he completed five or more years of satisfactory service at MC and is re-employed within three years of the termination of his employment.

4.26 HONORS AND AWARDS PROGRAMS

4.261 POLICY

The President shall provide for suitable programs to recognize employees who bring honor to MC or to themselves as well as incentive programs which recognize and encourage excellent performance of duties. (See also Paragraph 7.13.) [p. 70]

4.263 PROCEDURE FOR GRANTING OUTSTANDING SERVICE AWARD

a. Eligibility

An employee who performs the duties and responsibilities of his position in a sustained, outstanding manner and whose work is continuously well above expectations shall be eligible to be considered for advancement one or more steps within his grade or for other awards.

b. Awards

When an outstanding service increment award is recommended, it shall be ordinarily limited to one step on the salary schedule and shall be granted only in recognition of sustained outstanding service rendered MC. Other types of

outstanding service awards which may be granted include certificates and/or cash. (See also paragraph 7.13.) P. 70

c. **Procedures for Recommending an Outstanding Service Award**

When an appropriate official believes that an employee under his supervision has qualified for consideration for an outstanding service award, he may recommend the employee for an award. The recommendation must be in writing, must contain specific examples of the outstanding work, and must be submitted to the Director of Personnel for transmittal to the Staff Review Board.

d. **Staff Review Board**

The Staff Review Board (see paragraph 4.11) shall review nominations and recommend outstanding service or other incentive awards according to the information submitted. Such awards (and reasons therefor) shall be made a part of the employee's personnel file. Nominations for awards shall be reviewed in July, November and March, or more frequently, if needed. (Approved by President, 10/25/71)

e. **Procedure for Recognizing Acts of Heroism**

In recognition of an exceptional act or an act of heroism, an employee will be honored in a public ceremony. He may be granted an advancement of one or more steps within his pay grade which will not affect the employee's increment date, or he may be given a cash award. A certificate recognizing the act of honor will also be awarded.

f. **Other Recognition**

Employees should report to the Director of Personnel any persons they consider worthy of recognition. The honor received will be publicized in appropriate MC publications.

4.28 **PERSONNEL ACTIONS**

4.281 **POLICY**

The Board recognizes the necessity for certain personnel actions which support the principle of career employment. The President shall make provisions and prescribe procedures for such actions as transfer, promotion, demotion, resignation, retirement, reduction in force, suspension, and dismissal.

4.282 **TRANSFER PROCEDURES**

a. **Definition**

Transfer is the movement of an employee from one position to another within the same classification.

b. Status of Transferred Employee

An employee who meets minimum qualifications established for a position of the same classification may be transferred with or without his consent, except that transfer to a temporary position requires the consent of a permanent employee. A transfer to a permanent or conditional position shall not change the status (probational or permanent) which the employee holds.

c. Rights of Transferred Probationary-Status Employee

A probationary-status employee or a temporary employee shall have no rights to his former position if he fails to perform satisfactorily the duties and responsibilities of his new position or if he wishes to be transferred back to his former position. However, every effort will be made for proper adjudication of the problem.

d. Rights of Transferred Permanent-Status Employee

A permanent-status employee, if he fails to perform satisfactorily the duties and responsibilities of the position to which he was transferred (except for reasons of misconduct), may be permitted to transfer back to his former position or comparable position if a vacancy exists. If no vacancy exists, every effort will be made to place him in his former position or a comparable position when an opening occurs. If he requests a hearing, the employee may not be separated from MC service prior to a hearing before the Dean of Administration. (Approved by President, 10/25/71)

4.283

PROCEDURES FOR PROMOTION

a. Definition

Promotion is the movement of an employee from one classification to another classification with more responsibility at a higher pay grade.

b. Promotional Policies and Procedures and Eligibility for Promotion

Each employee who meets the promotional requirements established by the President for a position may be deemed eligible for consideration for promotion. After the employee files a promotion request for review by the Director of Personnel the employee is scheduled for a promotional examination - either written, oral, or both. If the employee is determined to be qualified, his application is placed in the eligible file. As promotional vacancies occur, the best qualified promotional applicants will be referred from the eligible file. If the appropriate supervisor does not wish to select the referred applicant, he must submit in writing in detail, to the Director of Personnel, his reason(s) for rejecting the applicant. If satisfactory reasons for rejecting

are made, an additional promotional referral may be made by the Director of Personnel.

c. Promotion of an Incumbent in a Trainee Status

In cases where an employee who is not fully qualified for his position in terms of education, training and experience, is occupying that position in a trainee status at a lower grade level than the established grade for the position, the employee may be considered for promotion to that established grade level upon completion of at least one year's experience as a trainee in that position. In such cases the appropriate supervisor will be required to demonstrate to the Director of Personnel that the employee has been performing the tasks of the assigned position in a manner comparable to that of fully qualified incumbents of like positions. A promotion under these circumstances which involves an advancement of more than three pay grades requires the approval of the Supporting Services Review Board.

d. Promotion of an Incumbent in a Position which has been Reclassified

An employee who is an incumbent in a position which has been reclassified shall be given first consideration for promotion to the reclassified position on a non-competitive basis. If the employee does not meet the new qualification requirements or does not otherwise qualify for promotion, the appropriate supervisor may recommend retention of the incumbent in the reclassified position in a trainee status or he may request that the employee be transferred to a different position.

e. Salary Step of a Promoted Employee

An employee who is promoted from a lower grade to a higher grade ordinarily shall be placed on the lowest step thereof of the new grade paying a salary which is approximately 5 percent greater than the salary he is receiving at the time he is promoted. However, when there is an increase upon promotion of three or more pay grades, an employee shall be placed on the lowest step of the new grade which will assure at least a 10 percent increase in pay. A placement which differs from this procedure requires the approval of the Dean of Administration. (Revised by President, 10/25/71)

f. Longevity Pay of a Promoted Employee

Longevity pay shall not be used in determining the basic salary step to which a promoted employee will be assigned. The longevity pay an employee is receiving at the time he is promoted will be adjusted to be effective on the same date the employee's promotion is to be effective.

g. Effective Date of Promotions

The effective date of any promotion shall be the date on which an employee is assigned his new position.

4.284

PROCEDURES FOR DEMOTION AND VOLUNTARY REASSIGNMENT

a. Definition

Demotion is the movement of an employee from one grade to a lower grade. The purpose of demotion may be to match the skills and/or abilities of an employee with those required by a classification, to provide placement for an employee when a position is being abolished, or to provide disciplinary action.

b. Employees Subject to Demotion

Any employee who does not satisfactorily perform the duties and responsibilities of his position, who fails to obey duly authorized directions of his supervisor, or who acts in a manner deemed not in the best interest of MC service shall be subject to demotion.

c. Demotion Procedures

An appropriate official may, when he considers such action to be necessary, recommend that an employee be demoted. Such demotion recommendation shall be in writing, shall state the reasons for such recommendation, and must be submitted to and approved by the Director of Personnel.

d. Notification of Demotion

Any employee who has been demoted shall be notified in writing by the Director of Personnel at least two weeks in advance of the effective date. Such written notification shall state the reasons for the demotion.

e. Appeals from Demotion

A permanent-status permanent employee who has been demoted must request a hearing before the Dean of Administration within five days of the receipt of the notification of the action; otherwise his demotion shall become final without action by the Dean of Administration. (Revised by President, 10/25/71)

f. Demotion of Probationary-Status Employee

A probationary-status employee does not have the right to appeal. A permanent employee who has permanent status as an employee but who is in a probationary status in his present position as a result of a promotion shall be informed in his notification of demotion that he does not have the right to appeal if he is demoted to his former position, grade, and salary step. A permanent-status permanent

employee who is in probationary status in his present position as the result of promotion shall have the same appeal privilege as a permanent-status employee in that position if his demotion would result in his being placed in a different type of position with a lower grade or salary than the position he was filling at the time he was originally promoted.

g. Decision on Demotion Appeals

Whenever an employee appeals a demotion, the Dean of Administration shall be informed of the reasons for the demotion by the Director of Personnel. The Dean of Administration shall grant a hearing on all demotion appeals, and his decision on demotion shall be final.
(Revised by President 10/25/71)

h. Procedures for Voluntary Reassignment to a Lower Grade Position

An employee may be continued in his position without a reduction in salary, whenever it is reclassified to a lower grade. An employee may be reassigned with or without reduction in his salary whenever he requests a reassignment to another position of a lower pay grade or whenever his position is abolished and there is no other vacant position in the same or higher grade for which he may be qualified.

4.285 PROCEDURES FOR RESIGNATION

a. Definition

Resignation is the separation of an employee from Montgomery College through the submittal of a notice that he wishes to resign.

b. Resignation in Good Standing

An employee who wishes to resign in good standing shall give his immediate supervisor and the Director of Personnel written notice at least two weeks prior to his last duty day. The Director of Personnel may agree to a shorter period of time in unusual circumstances.

c. Status of Leave Credits on Resignation

An employee who leaves Montgomery College receives termination pay as provided under procedures for disposition of sick and annual leave credits.

d. Resignation Not in Good Standing

An employee who does not submit his resignation in compliance with the provisions of these regulations or whose resignation is not approved in good standing shall be considered as having resigned not in good standing.

e. Resignation Without Notice and Not in Good Standing

An employee who is absent from work for a period of three days or more without notifying his immediate supervisor, the Director of Personnel, or other appropriate official, of the reasons for his absence shall be considered as having resigned without notice and not in good standing, provided that the failure to contact the appropriate official was not caused by unavoidable circumstances.

The same rule shall apply when an employee fails to return to work within three days of the expiration of authorized leave.

f. Penalty for Not Resigning in Good Standing

An employee who leaves the College's service without resigning in good standing may be deprived of the opportunity to be considered eligible for reemployment and may be denied a satisfactory reference.

g. Resignation Form and Procedure

An employee who is resigning shall submit his resignation in writing as prescribed by the Director of Personnel, on the appropriate form. Resignation notices should include the date the resignation is submitted, the effective date of the resignation, and the reason for resigning.

h. Reemployment Recommendation of Appropriate Officials

The appropriate official shall indicate his approval or disapproval of reemployment of a resigning employee. The resignation notice shall then be forwarded to the Director of Personnel.

i. Request for Review of Resignation Not in Good Standing

A permanent-status employee whose resignation has not been accepted in good standing may request an appeal thereon before the Dean of Administration. Such request for an appeal must be submitted within five days of receipt of notification of the acceptance of his resignation not in good standing, and it shall contain the reasons why the employee believes his resignation should have been accepted in good standing. Resignations not appealed within five days shall become final without action of the Dean of Administration.
(Revised by President, 10/25/71)

RETIREMENT

- a. All staff employees covered under the Maryland State Teachers' Retirement System, Employees' Retirement System of the State of Maryland, and/or the Montgomery Community College Retirement Plan, shall be eligible for retirement when they have fulfilled the requirements for retirement as specified by the appropriate retirement plan. The Board, upon recommendation of the President, shall act upon request for retirement.
- b. All permanent-status staff employees not covered under the Maryland State Teachers' Retirement System or the Employees Retirement System of the State of Maryland, and/or the Montgomery Community College Retirement Plan, but who would otherwise meet the requirements for retirement may request retirement from Montgomery College. The Employees Insurance Benefit Plan provides certain benefits to employees who retire. The Board, upon recommendation of the President, shall act upon requests for retirement.
- c. All retired employees are eligible to continue membership in the Employee Benefit Plan.

REDUCTION IN FORCE

a. Definition

Termination of the employment of a Montgomery College employee may be made when, because of a change in duties or organization, lack of work or lack of funds, it becomes necessary to reduce the number of positions temporarily or to abolish positions.

b. Procedure

- (1) The Director of Personnel shall recommend any required reduction in force and report the necessity for termination of employees and the reasons therefor to the President through the Dean of Administration. (Revised by President 10/25/71)
- (2) If the President approves this recommendation, the Director of Personnel shall notify the employee(s) by letter, stating the reasons for the reduction in force and indicating the opportunity for reemployment. Each employee so terminated shall be given as much advance notice as possible and in no event, less than two weeks. (Approved by Supporting Services Review Board, April 15, 1971; (Revised by President 10/25/71)
- (3) Method of Determining Employees to be Terminated as a Result of Reduction in Force
Although work records and length of service may be considered by the President in determining

which employee(s) shall be terminated because of reduction in force, the chief basis of the decision shall be the relative competence of the employees for the job that remains. Thus, in choosing between two employees, the employee more competent for the job that remains shall be retained.

4.288 SUSPENSION

a. Definition

Suspension is the temporary removal of an employee from the MC service. A suspended employee shall not receive pay, nor shall he be permitted to use or to accrue any privileges or benefits during the suspension period.

b. Employees Subject to Suspension

An employee may be suspended by the Director of Personnel without pay for reasons of investigation, misconduct, negligence, inefficiency, insubordination, disloyalty, repeated unauthorized absences, or other offenses, when alternative personnel actions, (demotion, dismissal, etc.) would not be appropriate. The Dean of Administration is the appellate authority in such cases. (Revised by President 10/25/71)

c. Procedure

(1) The Director of Personnel may suspend an employee for purposes of investigation at any time. Such suspension notice shall be in writing to the employee and shall contain the effective date of suspension. (Revised by President, 10/25/71)

(2) Status of an Exonerated Employee for the Period he was Suspended During an Investigation

Whenever an employee is suspended during an investigation and such employee is subsequently "exonerated," he shall be reinstated without loss of pay and benefits.

(3) Status of Employee Found "Not Guilty" for the Period he was Suspended Pending a Court Decision

Whenever an employee is suspended pending a Court decision and such employee is subsequently found "Not Guilty," he may be reinstated without loss of pay and other benefits.

4.289 DISMISSAL

a. Employees Subject to Dismissal

Any employee may be dismissed for cause when alternative personnel actions would not be sufficient.

b. Causes for Dismissal

Any one of the following shall be deemed sufficient cause for dismissal, though dismissal may be for causes other than those enumerated:

- (1) That the employee be incompetent or inefficient in the performance of his duties.
- (2) That the employee has been wantonly careless or negligent in the performance of duty.
- (3) That the employee has been offensive or brutal in his treatment of students, fellow employees or other persons.
- (4) That the employee has some permanent or chronic physical or mental ailment or defect that incapacitates him for the proper performance of his duties.
- (5) That the employee has violated an official regulation or order of the Board or failed to obey reasonable directions given by an appropriate official when such violations or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in loss or injury to the Board or to the public.
- (6) That the employee has taken for personal use a fee, gift, or other valuable in the course of his work for MC or in connection with it when such is given him by any person in the hope or expectation of receiving preferential treatment.
- (7) That the employee has engaged in the illegal use of narcotics, has reported to work under the influence of alcohol, or has imbibed after reporting to work.
- (8) That the reputation of MC has been prejudiced by an employee's conduct of his personal affairs, as by his failure to pay just debts or to maintain common ethical and moral standards.
- (9) That the employee has been convicted of a criminal offense or of a misdemeanor involving moral turpitude.
- (10) That the employee through negligence or willful conduct has caused damage to public property or waste of public supplies.

- (11) That the employee has been guilty of using, threatening to use, or attempting to use unethical pressure on any member of the Board or any employee of MC in securing promotion, transfer, leave of absence, increased pay, or other favors.
- (12) That the employee is a subversive person or member of a subversive group as defined by law.
- (13) That the employee fails to comply with the MC health regulations.

c. Dismissal Procedures

An appropriate official may recommend to the Director of Personnel that an employee be dismissed when such action is deemed to be necessary by virtue of one or more of the causes for dismissal as set forth in paragraph b. immediately preceding. A dismissal recommendation, shall be in writing, shall state the reason(s) for such recommendation, shall bear the endorsement of the appropriate campus dean or central office dean, and must be submitted to the Director of Personnel for review. If the Director of Personnel decides upon dismissal, he notifies the employee of the effective date of dismissal and his right to appeal. (See subparagraph e below) If the Director of Personnel decides that dismissal is not warranted, he may take whatever alternative action he deems most appropriate for the best interest of the College. (Revised by President, 10/25/71)

d. Notification of Dismissal

An employee who is to be dismissed shall be so notified in writing by the Director of Personnel. Such written notification shall state the reason(s) for the dismissal, and shall be given to the affected employee at least two weeks in advance of the effective date of dismissal. (Revised by President, 10/25/71)

e. Appeal from Dismissal

A permanent or conditional employee who has received notification of dismissal may appeal the decision within five days of receipt of the notification of dismissal action, otherwise dismissal shall become final. Such appeal must be made in writing to the Director of Personnel and shall state specific reasons why the dismissal action should be reversed. The Director of Personnel shall submit the appeal along with all other materials pertinent to the dismissal action to an Appeals Panel composed of two deans and a member of the Staff Senate.

None of these three panel members shall be from within the same organizational unit as the appellant and they shall be elected by the Senate to serve on this panel. The Appeals Panel shall hear the appellant's case, conduct whatever investigation it deems necessary, and make its recommendation to the Dean of Administration. If its conclusion is not unanimous, a minority statement shall also be submitted to the Dean. The Dean's decision shall be final and he shall notify the appellant of his decision in writing. The appellant shall receive such notice two weeks in advance of the effective date of such dismissal.

4.30 GRIEVANCES

4.301 POLICY

A uniform procedure will be established for expeditiously handling grievances of all personnel employed by the Board. Every effort should be made to settle such matters in the normal system of supervision and administration. An aggrieved person may contact other designated individuals for advice and assistance and may petition a grievance review without penalty or being placed in jeopardy for this action. Reviews will be conducted by MC employees especially chosen for this purpose. Reports and recommendations will be made to the President.

4.302 PROCEDURE

- a. In the event that an employee feels he has a grievance, he should contact his immediate supervisor or administrator or a higher level supervisor or administrator in the normal channels of supervision and administration. Whenever it is possible to reach a satisfactory solution through this means, this procedure should be followed.
- b. An employee who feels he has a grievance may, at any time, contact other employees of MC for advice and assistance.
- c. If the employee feels a satisfactory solution cannot be or has not been reached, the aggrieved employee or his representative will contact the Director of Personnel to request a grievance review. These procedures are to be discussed and accepted in writing by the aggrieved and the statement becomes a part of the formal record. The review will be conducted by a special committee of five MC employees.
 - (1) The panel of five shall consist of two people selected by the Director of Personnel, and three representatives selected by the aggrieved. The clerk of the Director of Personnel will be charged with the responsibility of convening the committee, keeping the records, and presiding until a chairman is elected.

- (2) All matters pertaining to a hearing shall be considered strictly confidential.
- (3) Formal records are to be kept on any and all proceedings of the committee and are to be maintained in the aggrieved individual's personnel records -- such records to be classified confidential.
- (4) The committee of five will be called to convene for hearing the aggrieved's summary presentation of his own case no later than three weeks after referral to the Director of Personnel.
- (5) This preliminary hearing will be restricted to the aggrieved's oral summary of his case and presentation of any materials he wishes to submit in support of his case. If the grievance has been filed against an individual(s), a written summary of the charges contained in the grievance will be submitted to the individual(s) by the Chairman of the committee of five. Within 10 days after receipt of the written statement, the individual(s) shall appear to discuss the charges with the committee of five at either the committee's request or the individual's request.
- (6) The committee of five shall have authority to request individuals for testimony, to review records (provided such personnel records are not classified confidential), and to secure relevant data from the Director of Personnel. No record may be used in the final determination of the case by the committee unless it has been presented to the aggrieved and to the committee of five.
- (7) Relevant data, records, or documents should be made available for review by committee members at the beginning of each subsequent hearing.
- (8) The committee of five is to function as a unit in conducting necessary investigations. An aggrieved employee, as well as principals in the case, shall have no communications with individual committee members prior to preliminary hearing or during subsequent steps of committee procedure and should be so advised.
- (9) Reports and recommendations are to be forwarded to the Director of Personnel in writing for appropriate action except in those cases where the Director of Personnel is the person against whom the grievance is filed. In such cases, the reports and recommendations should be forwarded in writing to the Dean of Administration for appropriate action with one copy to be sent to the Director of Personnel. These reports must be signed in final form by the aggrieved and by each member of the committee. If there are dissenting opinions, a minority report must also be made.

(10) One copy of the recommendation is to be forwarded to each of the following:

(a) The aggrieved

(b) The individual(a) against whom the grievance was filed

d. Any employee who has followed one or more of the above procedures and whose grievance remains unresolved may make a final appeal to the President.

4.35 CONFLICT OF INTEREST

The policies of the Board of Trustees governing conflict of interest are applicable to all employees of the College. These policies are enumerated in paragraph 3.28. [p. 57]

4.40 LEAVE (Approved by the Board of Trustees, June 4, 1973)

a. General

The leave described in paragraphs 4.41 through 4.53 pertains to members of the Staff. The various types of leave to which these employees are entitled are: holiday leave, annual leave, sick leave, administrative leave, leave without pay, and special leave with pay for such reasons as bereavement, court service, annual military training, disability, self-improvement, while attending professional meetings and extended administrative leave.

b. Definitions

(1) Pay period -- a period of two weeks.

(2) ADE -- a date of employment which has been moved backward in time for the purpose of granting credit for previous service with the College, Montgomery County Public Schools and the Montgomery County Government; or which has been moved forward in time to allow for excluded periods of service. (See 4.421 c.)

4.41 HOLIDAY LEAVE

4.411 POLICY

Members of the Staff are authorized paid leave on official holidays when such holidays fall on days on which they are regularly scheduled to work. Such leave is referred to as "holiday leave". Official holidays are those days designated each year in the College calendar on which the College is listed as being closed, including the Saturdays and Sundays so listed.

4.412 PROCEDURE

a. Eligibility

Each employee who is assigned to a permanent, conditional, or temporary position and who works a regularly scheduled 20 hours per week or more is eligible to be granted paid holiday leave. Temporary employees not assigned to established positions (authorized in accordance with

Section 4.09) are not eligible for paid holiday leave.

b. Work on Holidays

An employee may be required to work on an official holiday if a determination is made that certain College services must be maintained. The President or the appropriate Campus Dean or Dean of Education or Dean of Administration shall determine which College services must be maintained and each department head concerned shall determine which employees work and which employees do not work on the holiday involved.

c. Pay for Work on a Holiday

An eligible employee who is required to work on an official holiday shall be paid (in addition to pay for his regular holiday leave) at one and one-half times his regular rate of pay for each hour of work performed on such holiday, or a total of two and one-half times base pay.

d. When an Official Holiday Falls on an Employee's Regular Day Off

When an official holiday falls on an employee's regularly scheduled day off, such employee shall not be paid for that day.

e. Pay for Work Performed on an Official Holiday Falling on Regular Day Off

When an employee is required to work on an official holiday falling on his regular day off, he shall be paid for such work at one and one-half times his regular hourly rate of pay.

f. Holiday Falling during Periods of Other Authorized Leave

When an official holiday falls during a period of either annual or sick leave, it is counted as a day of holiday leave.

g. Temporary Change in Regular Work Schedule

In those situations where a temporary change in work schedule serves to reduce the individual's number of paid holidays below the minimum number received by those working a regular work schedule, the person so affected will receive an alternate paid holiday during the same week.

4.42 ANNUAL LEAVE

4.421 POLICY

a. General

Eligible Staff employees shall be granted paid annual leave which shall accrue throughout each year as it is earned.

b. Eligibility

Each employee who is assigned to a permanent, conditional, or temporary position and who works a regularly scheduled 20 hours per week or more

shall earn annual leave.

c. Entitlement

Annual leave shall be earned and computed bi-weekly on the basis of assigned work week and work year.

- (1) Employees with less than three years of service with the College and whose assignment is a 40-hour work week, earn annual leave at the rate of 4.6154 hours per pay period worked. Each such employee with three or more years but less than 15 years of College service shall earn annual leave at the rate of 6.1539 hours per pay period worked. Each such employee with 15 or more years of College service shall earn annual leave at the rate of 8 hours per pay period worked.
- (2) Employees whose assignment is less than 40 hours, but no less than 20 hours per week, shall earn annual leave in the proportion that their work week is to a 40 hour work week.
- (3) Changes in entitlement are effected on the first day of the first pay period following completion of the prescribed years of service as computed from the adjusted date of employment (ADE).

d. Disposition of Accumulated Annual Leave upon Termination of Employment

- (1) An employee who leaves the service of the College prior to the completion of 30 calendar days of employment shall not be eligible to receive payment for annual leave earned during these first 30 days of employment.
- (2) An employee who leaves the service of the College after completion of 30 calendar days of employment shall receive a lump-sum payment for all accrued but unused annual leave at the terminal salary rate, but not to exceed a maximum of two years' entitlement, or 30 days (240 hours), whichever is the lesser.

4.422 PROCEDURE

a. Use of Annual Leave

- (1) Annual leave may not be used during the first 30 calendar days of employment unless pre-arranged as a condition of employment or in exceptional cases approved by the Director of Personnel. After the first 30 calendar days of employment leave may be used only after it has been earned and credited to the employee's account. See paragraph c below for exception to this provision.
- (2) Annual leave shall be scheduled by the appropriate supervisor at such time(s) as may be deemed to be in the best interest of the College. Generally, blocks of annual leave (more than two successive days) for ten-month employees should be scheduled during periods when Faculty are not on duty.

- (3) Except in emergencies, a request for annual leave shall be made through the appropriate supervisor(s) in advance of use. In an emergency, the employee is responsible for reporting to his supervisor as early as possible that he will be unable to report for work, stating the reason for the absence and his desire to use annual leave.
- (4) Except in emergency situations every eligible employee upon request shall be granted the opportunity to use at least one year's entitlement of earned annual leave during each year.

b. Accrual and Accumulation of Annual Leave

- (1) Although annual leave is earned from the date of employment, it is not credited to the employee's account until the completion of the first 30 consecutive calendar days of employment.
- (2) Annual leave not used may be accumulated up to a maximum of 30 days (240 hours) and carried forward to the next year.
- (3) Each year annual leave that is not used, or forwarded in accordance with (2) above, shall be automatically transferred (up to a maximum of 10 days) to the employee's accumulated sick leave account at 12:01 a.m. on the first day of the first full pay period in September. Any further excess annual leave shall be lost.

c. Special Credit for Temporary Service

A temporary employee, not assigned to an established position, who is later assigned to a permanent, conditional, or temporary position without a break in service shall be credited with that amount of annual leave that would have otherwise been credited to him had he been placed initially in an established position.

d. Advancement of Annual Leave

In exceptional cases, an employee may be advanced unearned or earned but not credited annual leave upon the recommendation of his supervisor with the approval of the Director of Personnel. Such advance shall not exceed the amount to be earned during the next succeeding twelve months.

e. Creditable Service

Creditable service for use in determining an employee's annual accrual rate for annual leave shall include all previous full-time service in an established position with the College (service in 10-month positions and part-time positions of 20 hours per week or more to be counted proportionately). Such service shall include all authorized paid leave, authorized leave without pay for military service or self-improvement, the period of a temporary appointment when it is immediately followed by a permanent appointment, and the time a permanent employee is on approved disability leave. Previous service with the Montgomery County

Government and Montgomery County Public School System properly authenticated is considered creditable service.

f. Transfer of Accumulated Leave or Indebtedness

An employee who transfers from one College position to another (Staff, Administrative or Faculty) shall retain his accumulated annual leave balance or any indebtedness or advanced annual leave he may have incurred.

g. Excluded Service

Periods of layoff and suspension and periods of authorized leave without pay in excess of two months (60 calendar days) shall not be credited for use in determining annual leave accrual rate. The only exceptions to this are leave without pay for military service, for self-improvement, and for disability.

h. Indebtedness at Termination of Employment

Indebtedness by an employee for advanced leave or any other indebtedness shall be deducted from the employee's final pay. In the event the employee's final pay is insufficient to cover such indebtedness, the employee shall be billed for the remaining balance of such indebtedness and he shall make arrangements for payment satisfactory to the College. If, because of long-term disability or death, the indebtedness cannot be eliminated, it shall be written off.

4.43 SICK LEAVE

4.431 POLICY

a. General

Eligible staff employees shall be granted paid leave when, because of personal illness, injury, or quarantine, they are unable to perform their assigned duties. Such leave is referred to as "sick leave". Sick leave may also be used for medical examination or treatment impossible to schedule on non-duty days. Sick leave may also be used for illness in the immediate family if the employee's attendance is required.

b. Eligibility

Each employee who is assigned to a permanent, conditional or temporary position and who works a regularly scheduled 20 hours per week or more shall earn sick leave.

c. Entitlement

Sick leave shall be earned and computed bi-weekly on the basis of assigned work week and work year.

- (i) Sick leave accrues at the rate of 3.6923 hours per pay period for eligible full-time (40 hours per week) employees.

- (2) Employees who work less than 40 hours per week but no less than 20 hours per week shall earn sick leave in the proportion that their work week is to a 40-hour work week.

d. Disposition of Accumulated Sick Leave at Termination of Employment

An employee who resigns from the service of the College after completion of at least five consecutive years of service immediately preceding such separation shall receive a lump-sum payment at the terminal salary rate for one-fourth of his accumulated, unused sick leave. An employee who is dismissed from employment with the College is not entitled to this lump-sum payment.

4.432 PROCEDURE

a. Use of Sick Leave

- (1) Sick Leave may be used only after it has been earned and credited to the employee's account. See paragraph c below for exception to this provision.
- (2) The employee is responsible for reporting to his supervisor as early as possible that he will be unable to report for work because of personal illness, injury or illness in the immediate family. Unless physically impossible, this reporting should be accomplished before or during the working hours of the first day of such sick leave. If an employee fails to comply with this requirement, he will be considered absent without authorized leave (without pay status) unless it can be demonstrated to the satisfaction of his supervisor that it was physically impossible for him to have complied.

b. Accumulation

Unused sick leave may be accumulated and carried forward from year to year without limit.

c. Advancement of Sick Leave

Upon recommendation of the employee's supervisor an advancement to an employee of unearned sick leave with pay not to exceed the amount to be earned during the next succeeding twelve months may be approved by the Director of Personnel. For possible further extension of paid leave for illness, see Section 3.45. p. 58

d. Use of Sick Leave While on Annual Leave

When an employee becomes ill or disabled while on annual leave, he may use his accumulated sick leave provided he notifies his supervisor as soon as possible and submits to his supervisor satisfactory evidence confirming the illness or disability.

e. Transfer of Accumulated Sick Leave

An employee who transfers from one College position to another (Staff, Administrative or Faculty) shall retain his accumulated sick leave

balance or any indebtedness for advanced sick leave he may have incurred.

f. Excessive or Questionable Use of Sick Leave

Each supervisor is responsible for reviewing the use of sick leave by each employee under his supervision. If an employee's use of sick leave appears excessive or questionable, the supervisor shall report this fact in writing to the Personnel Office. The Director of Personnel may require such employee to have a physical examination or to submit medical evidence confirming the necessity for the sick leave in question. If it is established that an employee used more sick leave than was medically necessary, the Director of Personnel may take appropriate administrative action, including adjustment to the amount of sick leave allowable.

g. Indebtedness for Advanced Sick Leave at Termination of Employment

An employee who leaves the service of the College with an indebtedness to the College for advanced, unearned sick leave shall have the amount of such indebtedness deducted from his final pay. In the event the employee's final pay is insufficient to cover such indebtedness, the employee shall be billed for the remaining balance of such indebtedness and shall make arrangements for payment satisfactory to the College. If, because of long-term disability or death, the indebtedness cannot be eliminated, it shall be written off.

4.44 ADMINISTRATIVE LEAVE

4.441 POLICY

Staff employees may be granted paid leave when the safety, health, or general welfare of the employee is in danger or when such leave is deemed to be in the best interest of the College. Such leave is called "administrative leave" and may be granted on either an institution-wide basis or to selected segments of the Staff of the College.

- a. When conditions justify administrative leave on an institution-wide, campus or central office basis, the President authorizes such leave.
- b. When conditions justify granting administrative leave to only selected offices or personnel of the College staff, such authorization shall be made by the Director of Personnel upon the recommendation of the appropriate administrator for the organizational unit involved.

4.442 PROCEDURE

a. General

When administrative leave is authorized, it shall be announced in writing by the authorizing official no later than the day following the authorization decision. The notification shall identify those employees entitled to use such leave.

b. Administrative Leave - Institution-Wide, Campus or Central Office

When administrative leave is authorized for all employees of the College, or major segment thereof, it shall apply to all affected employees who are on the payroll in a work or paid leave status. If such leave happens to fall on an employee's normal day off, it shall not apply for that employee.

c. Administrative Leave - Selected Offices or Personnel

When administrative leave is authorized for selected offices or personnel of the College, only those employees so identified, and who are on the payroll in a work or paid leave status, shall be entitled to use such leave. If such leave happens to fall on a normal day off for any such employee, it shall not apply for that employee.

d. Required Work During Periods of Administrative Leave

Those employees who are required to work in order to service and protect those portions of College property affected by the authorized administrative leave shall be paid for such work in the same manner as employees are paid for work performed on an official holiday. (See Section 4.412c.) [p. 37.]

4.45 LEAVE WITHOUT PAY

4.451 POLICY

a. General

Leave without pay may be granted a Staff employee for a definite time period not to exceed 12 months. Leave without pay may be granted for such reasons as illness in the family, maternity, military service, travel, family obligations, self-improvement, disability or any other reason which is in the best interest of both the College and the employee. In the case of military service (see Section 4.48 below for leave for periods of annual military reserve training) in the armed forces of the United States, such leave without pay may be extended to cover the entire period of such service. An employee does not earn paid leave of any type while on leave without pay.

b. Eligibility

Only those Staff employees who have achieved permanent status may be granted leave without pay in excess of 30 calendar days.

c. Reinstatement Rights

- (1) An employee who has completed three consecutive years of satisfactory service to the College and who has been granted leave without pay under this section shall have the right of reinstatement in his (or her) former position upon return from such leave unless the employee waived such right prior to the expiration of such leave.

- (2) An employee who has completed less than three years of satisfactory service to the College and who has been granted leave without pay for a period no greater than three months shall have the right of reinstatement in his (or her) former position upon return from such leave unless the employee waived such right prior to the expiration of such leave.
- (3) In all cases where reinstatement rights do not apply, the College will make every attempt to place the employee in a position comparable to the one previously held. If such placement is not achieved by the end of six months from the end of the period of leave without pay, the employee will be separated from the service of the College in good standing.

d. Benefits During Leave Without Pay (Approved by the Board of Trustees, 6/25/73)

- (1) An employee on leave without pay, except when such leave is granted for military service, may continue participation in the employee benefit plan.
 - (a) Eligible Staff employees, having fulfilled the standards set forth in criteria approved by the President and the Board of Trustees, may be granted upon the recommendation by the President and approval of the Board of Trustees, leave without pay for self-improvement for periods from 30 days to 12 months. In such cases, the total cost of continued benefit plan participation (including the amount usually paid by the employee) shall be paid by the College, and the employee shall sign a written agreement to return to work at the College for a period of at least one year immediately following such leave. This agreement shall specify that in the event the employee fails to complete said one year of employment after return from leave, he (or she) shall refund to the College any funds paid to him or on his behalf by the College during such leave.
 - (b) In all other cases of approved leave without pay in excess of 30 calendar days the employee shall pay the entire cost of continued participation in the employee benefit plan, including the amount usually paid by the College. The employee shall be billed quarterly and if payments are not received promptly, benefits will be discontinued.
- (2) As a result of each period of leave without pay in excess of 60 calendar days (except for self-improvement, disability, and military service), the employee's annual salary increment date and adjusted date of employment shall be moved forward the same number of days as the employee was on leave without pay in excess of 60 calendar days.

e. Criteria (Approved by the Board of Trustees, July 16, 1973)

A Staff employee who has completed three consecutive years of service with the College may be granted leave without pay for self-improvement by the Board of Trustees and the College may pay the total cost (including the amount usually paid by the employee) of the employee's continued participation in the employee benefit (retirement, health and life insurance) plan upon satisfactorily meeting the following standards.

- (1) The content of the planned course of study or vocational training program is directly applicable to the work performed by the employee for the College and will be of immediate benefit to both the employee and the College upon the employee's return from leave, or, it will prepare

the employee for a different role at the College which is mutually agreed upon in advance and identified as an actual, funded need of the College. In the latter case the planned course of study must be sufficient to enable the employee to meet fully the required qualifications for the new position. In either case the applicability of the course or program content must be clearly established by the materials presented in support of the recommendation.

- (2) The course of study is either a terminal program; a self-contained, independent unit; or the final phase of a degree or other long term program; and can be completed within the maximum period of time (12 months) allowable for this kind of leave.
- (3) The course of study will be undertaken at an institution or organization which has appropriate accreditation, professional reputation or status in the field being studied. In the event of doubt on this point the opinion of a recognized expert in the field will be obtained by the College to consider the selection.
- (4) The course of study is full-time, and the employee provides a written certification to the effect that during this leave he or she will not engage in other employment which might jeopardize the obtaining of maximum benefit from the study. In addition, the employee documents the fact that he or she will not receive from a scholarship, grant, or salary (either singly or combined) an amount greater than the salary regularly received from Montgomery College less the amount regularly contributed to the cost of participation in the retirement, health and life insurance plans by the employee. All allowances over and above the grant, scholarship, or other compensation, which are awarded specifically for necessary related purposes such as housing, traveling, and moving expenses, are to be identified but not counted in this income comparison.

4.452 PROCEDURE

a. General

- (1) Leave without pay for one through five consecutive working days may be granted to a Staff employee by his supervisor.
- (2) Leave without pay for self-improvement for periods from 30 days to 12 months, involving College payment of the total cost (including the amount usually paid by the employee) of continued employee participation in the employee benefit plan, requires approval by the Board of Trustees.
- (3) All other leave without pay in excess of five consecutive working days may be granted only upon approval of the Director of Personnel.

b. Application

- (1) In all cases of leave without pay in excess of five consecutive working days but no more than 30 consecutive calendar days, the employee shall submit, through the immediate supervisor to the Personnel Office, a request accompanied by a brief explanation of the need for leave.
- (2) In all cases of leave without pay in excess of 30 consecutive calendar days the request shall be submitted to the Personnel Office via the

appropriate administrative channel. In those cases where it is required, the Director of Personnel will prepare the materials to be presented to the President for obtaining approval from the Board of Trustees.

- (3) All applications for leave without pay for military service shall be accompanied by a copy of the employee's official orders which summon the employee to active duty. Military service includes active service as a commissioned officer, warrant officer, or enlisted person in the Army, Navy, Air Force, or Marine Corps.

c. Reinstatement After a Period of Leave Without Pay

- (1) An employee who has been on leave without pay for a period of not more than three months shall notify the Personnel Office no later than two weeks before the end of the leave period of his or her intention to return to duty.
- (2) An employee who has been on leave without pay for a period in excess of three months shall notify the Personnel Office no later than 30 calendar days before the end of the leave period of his or her intention to return to duty.
- (3) An employee with reinstatement rights shall be reinstated in the former position, assuming the individual is still qualified to perform the duties of said position and assuming that the position has not been abolished or reclassified. The Director of Personnel shall have the responsibility for determining the returning employee's fitness for resuming the responsibilities of his or her former position.
- (4) If the returning employee's former position no longer exists or has been reclassified he shall be given preferential consideration for any other comparable vacant position; or, if qualified, he shall be placed in the reclassified former position.
- (5) If the returning employee's experience while on leave has resulted in qualifying him for a higher level position than the previously held position, the employee may request consideration for any other vacant position for which he is now qualified, instead of automatic reinstatement in the formerly held position.
- (6) An employee on leave without pay for military service shall surrender all reinstatement rights if, after completing the initial period of military service, he voluntarily elects to remain in the military service; or, after being discharged subsequently decides to re-enlist voluntarily. An employee shall not be eligible to be granted leave without pay for military service or to be continued on such leave for such voluntary service beyond the initial period of service.
- (7) An employee returning from leave without pay who does not accept reinstatement to his former position or to a comparable or better position shall thereby surrender all reinstatement rights.

(8) An employee returning from military leave who does not accept reinstatement to his former position or to a comparable or better position within 90 days after the offer of reinstatement is made shall thereby surrender all reinstatement rights.

(9) In cases where the employee who has been on leave without pay does not have reinstatement rights, the Personnel Office shall make every effort possible to place the returning employee in a position comparable to the formerly held position at the earliest possible date.

4.46 SPECIAL LEAVE WITH PAY FOR BEREAVEMENT

4.461 POLICY

A Staff employee may be allowed up to a maximum of five consecutive work days of special leave with pay upon the death of a member of the employee's family.

4.462 PROCEDURE

The employee shall submit a request to the Personnel Office through the employee's supervisor.

4.47 SPECIAL LEAVE WITH PAY FOR COURT DUTY

4.471 POLICY

A Staff employee who is subpoenaed as a court witness or who is called to serve on a jury may be granted special leave with pay for the period he (or she) is required to be in court plus necessary travel time.

4.472 PROCEDURE

- a. The employee shall submit a request to the Personnel Office through the employee's supervisor. A copy of the subpoena or summons shall be attached to the request.
- b. Upon return to work the employee shall substantiate the extent of his (or her) absence by the submission of an official statement from the court indicating the exact duration of the employee's court service.
- c. Any pay (less extra travel or other necessary and uncompensated expenses) received by the employee for such court service shall be paid to the College unless the employee elects to use annual leave or leave without pay, in which case the employee may retain all pay received for such court service.

4.48 SPECIAL LEAVE WITH PAY FOR ANNUAL MILITARY RESERVE TRAINING

4.481 POLICY

A Staff employee who is a member of the National Guard or of the United States Armed Forces Reserves may be granted special leave with pay for training purposes not to exceed 15 calendar days in any 12-month period

When required by federal or state order. In addition, such leave with pay as may be required may be granted an employee when his (or her) reserve unit is activated by federal or state order in the event of a civil disturbance or other emergency.

3.482 PROCEDURE

- a. The employee shall submit a request to the Personnel Office through the employee's supervisor. A copy of the military or other governmental orders shall be attached to the request.
- b. Any pay (less extra travel or other necessary and uncompensated expenses) received by the employee for such active duty shall be paid to the College unless the employee elects to use annual leave or leave without pay, in which case the employee may retain all pay received for such active duty.

3.49 SPECIAL LEAVE WITH PAY FOR DISABILITY

3.49.1 POLICY

A Staff employee who is unable to report for work because of an injury or an illness may be granted special leave with pay for disability after all available sick leave has been exhausted. See Section 3.45 for details.

3.50 SPECIAL LEAVE WITH PAY FOR SELF-IMPROVEMENT

3.50.1 POLICY

a. General

Eligible Staff employees, having fulfilled the standards set forth in criteria approved by the President and the Board of Trustees, may be granted, upon the recommendation by the President and approval of the Board of Trustees, paid leave for various periods of time not to exceed ten calendar months for the purpose of attending school or pursuing other forms of study designed to help them perform more effectively and prepare for higher level responsibilities in their employment with the College.

b. Eligibility

A Staff employee who has achieved permanent status in a regular budgeted position and who has completed at least seven consecutive years of full time employment with the College without leave for self-improvement may be granted paid leave in excess of 30 calendar days for the purpose of attending school or pursuing other long-term study. The employee shall sign a written agreement to return to work at the College for a period of at least two years immediately following such leave. The agreement shall specify that in the event the employee fails to complete such two years of employment, he (or

she) shall refund to the College any funds paid to him by the College during such leave.

c. Pay

Self-improvement leave may be granted either with full pay for periods no longer than five calendar months or with one-half pay for periods between five and ten calendar months. The period of approved leave for self-improvement shall count towards creditable service and shall be considered in evaluating the employee for a merit increment.

d. Criteria (Approved by the Board of Trustees, July 16, 1973)

An eligible Staff employee may be granted special leave with pay for self-improvement by the Board of Trustees upon satisfactorily meeting the following standards.

- (1) The content of the planned course of study or vocational training program is directly applicable to the work performed by the employee for the College and will be of immediate benefit to both the employee and the College upon the employee's return from leave or, it will prepare the employee for a different role at the College which is mutually agreed upon in advance and identified as an actual, funded need of the College. In the latter case the planned course of study must be sufficient to enable the employee to meet fully the required qualifications for the new position. In either case the applicability of the course or program content must be clearly established by the materials presented in support of the recommendation.
- (2) The course of study is either a terminal program; a self-contained, independent unit; or the final phase of a degree or other long-term program; and can be completed within the maximum period of time (10 months) allowable for this kind of leave.
- (3) The course of study will be undertaken at an institution or organization which has appropriate accreditation, professional reputation, or status in the field being studied. In the event of doubt on this point the opinion of a recognized expert in the field will be obtained by the College to consider the selection.
- (4) In the event the employee is the recipient of a grant, scholarship, or other form of financial aid from external sources, leave at full pay will be granted only in those cases where it can be clearly shown that the amount of external (to the College) financial aid is only enough to cover increased costs of living attributable solely to the course of study being undertaken; otherwise, the pay provided by the College will be reduced correspondingly.
- (5) The program of study is full time and the employee provides a written certification to the effect that he or she will not engage in other employment during this leave.

(See also Paragraph 7.38.) [p. 73]

4.502 PROCEDURE

a. Application

In all cases of self-improvement leave the request shall be accompanied by a detailed outline of the planned course of study with particular attention given to the relevance of the study to the individual's work at the College. This application shall require the approval of the appropriate campus or administrative dean and the Director of Personnel. The Director of Personnel will prepare the materials to be presented to the President for obtaining approval from the Board of Trustees.

b. Benefits

An employee may continue to participate in College benefit programs during periods of self-improvement leave. Annual and sick leave may not be used or earned while on self-improvement leave.

c. Reinstatement

Upon completion of self-improvement leave the employee shall return to the position held prior to such leave unless by mutual agreement it is decided to place the returning employee in a different position.

4.52 LEAVE WITH PAY FOR ATTENDING PROFESSIONAL MEETINGS

4.521 POLICY

Staff employees may be granted paid leave for the purpose of attending off-campus professional meetings (conventions, conferences, seminars and short courses) when it is determined that such attendance is in the best interest of both the individual and the College.

4.522 PROCEDURE

Applications for this type of leave are submitted through normal supervisory channels on MC Form 7.40. See paragraph 7.40. p. 77

4.53 EXTENDED ADMINISTRATIVE LEAVE (Refer to Paragraph 3.446.) p. 57

4.54 EDUCATIONAL ASSISTANCE PLAN (Refer to Paragraph 3.60.) p. 65

4.55 TUITION WAIVER PLAN (Refer to Paragraph 3.61.) p. 68

4.56 GROUP HEALTH AND LIFE INSURANCE PLAN (Refer to Paragraph 3.51.) p. 61

4.57 RETIREMENT SYSTEMS

A description of the retirement systems to which staff employees may belong is contained in paragraph 3.55. p. 63

4.58 WEARING OF UNIFORMS (Approved by the Board of Trustees, FY1973 Operating Budget, May 15, 1972)

4.581 POLICY

All security, maintenance, custodial and warehouse personnel of each campus are authorized by the College to wear uniforms. Each employee authorized a uniform may wear it while traveling to and from the College and while at the College. No other use of the uniform is permitted. The entire cost of rental and upkeep is borne by the College.

4.582 PROCEDURE

- a. Each employee of the College who is authorized to wear a uniform shall furnish his immediate supervisor with the measurements necessary to insure a good fit of the particular uniform articles he is authorized to wear. The supervisor will notify the Director of Procurement who will arrange with the appropriate vendor for the correctly altered uniform to be included in the earliest possible scheduled weekly delivery of cleaned and reconditioned uniforms.
- b. All female maintenance employees are authorized to wear white uniform dresses. Each employee is authorized five changes of uniform per week.
- c. All male central maintenance employees are authorized to wear white industrial short sleeve shirts and forest green trousers. Each employee is authorized five changes of uniform per week.
- d. All other male maintenance, custodial and warehouse personnel are authorized to wear white industrial short sleeve shirts and blue trousers. Each employee is authorized five changes of uniform per week.
- e. All security personnel are required to wear white shirts, beige trousers, and, if assigned to the Rockville Campus, burgundy blazers; if assigned to the Takoma Park Campus, navy blazers. Each employee is authorized one change of uniform per week.

4.71 DEFINITION OF TERMS

- a. Permanent Employee: One who has completed the designated period of probation and is granted permanent status in a permanent or conditional position.
- b. Temporary Employee: One who is employed for a limited period of time.
- c. Conditional Employee: One who is assigned to a staff position established for the period of time that monies are made available in whole or in part for use in special research or other long-term projects by the United States Government, a private organization, a foundation, a revenue-producing source (e.g., cafeteria, bookstore) or an individual.
- d. Substitute Employee: One who is employed in a permanent, temporary, or conditional position during absences of the incumbent.
- e. Salary Increment: A one-step pay increase which shall be granted annually for satisfactory service.
- f. Creditable Service: All permanent and conditional employment and temporary employment when followed within 30 duty days by appointment to a permanent or conditional position.
- g. Reduction in Force: Termination of employment of an employee when necessary to reduce the number of employees.
- h. Transfer: Movement of an employee from one position to another within the same classification.
- i. Promotion: Movement of an employee from one classification with more responsibility at a higher pay grade.

- j. **Demotion**: Movement of an employee from one classification to another classification with less responsibility at a lower pay grade.
- k. **Appropriate Official**: Division Chairman, Administrator, or immediate supervisor, depending on the employee's position.
- l. **Duty Days**: Those days on which the employee is required to report for duty as determined by the college calendar adopted annually by the Board of Trustees.
- m. **Military Service**: Military service as that term is used in the Selective Service Act of 1948, as amended, and hereinafter referred to as military service, includes active service as a commissioned officer, warrant officer, enlisted man in Army, Navy, Air Force, Marine Corps, Coast Guard, the Coast and Geodetic Survey, and Public Health Service; a cadet of the United States Naval Academy or United States Coast Guard Academy.
- n. **Pay period**: A period of two weeks.
- o. **ADE**: A date of employment which has been moved backward in time for the purpose of granting credit for previous service with the College, Montgomery County Public Schools and the Montgomery County Government; or which has been moved forward in time to allow for excluded periods of service.

2-42 DIRECTOR OF PERSONNEL (Board of Trustees, December 15, 1971)

2-421 GENERAL

Under the supervision of the Dean of Administration, the Director of Personnel serves as the official responsible for recruitment, selection, classification, evaluation, promotion, training and separation of the staff. He is further responsible for position control and certain phases of employment processing and salary administration for Administrators and Faculty, as well as administration of employee benefits for all employees of the College. He is responsible to the Dean of Administration.

2-422 ADMINISTRATIVE AND STAFF COMMUNICATIONS

Minutes of the meetings of the Administrative Senate and the Staff Senate are transmitted to the Board by the President of the College for the information of the Board.

2-423 COMMUNICATIONS

a. Policy

Communications between the Board and the College are in writing through the President of the College.

b. General

Normally, effort is made within the college to take into account representative points of view on matters to be presented to the Board. However, when there is an unresolved substantial difference between the recommendations of the President of the College and the point of view of any of the senates, after appropriate efforts toward solution have not succeeded, the President of the College will invite a representative of the involved senate to speak at the Board meetings where the particular item has been placed on the agenda for this purpose. This senate point of view, expressed in writing, is distributed to the Board through the President of the College in advance of the meeting of the Board. Such items would typically relate to Board policies affecting an entire body, such as salary, fringe benefits, leave evaluation, tenure, the academic calendar, and new curricula.

2.65 STAFF ASSOCIATION (Approved by President, July 27, 1971)

2.631 PURPOSE

The Staff is one of the four vital groups that make up the total college structure and is recognized along with the other three groups, faculty, administrators, and students, as an integral part of the institutional program. It may exercise, through an appropriate elected body, the right to express its concerns and make recommendations to the President and through him to the Board of Trustees.

2.632 CONSTITUTION AND BY-LAWS

The Association maintains its own constitution and by-laws and develops changes thereto. The constitution and by-laws are ratified by the staff employees, approved by the President before implementation, and transmitted to the Board of Trustees.

2.633 MEMBERSHIP

All staff employees of the College are considered members of the Association and are entitled to a vote in any plenary session and in any election of officers to the Association's senate.

2.634 ANNUAL MEETING

An annual College-wide Staff Association meeting will be held during spring vacation on a day the College is open.

2.635 ORGANIZATION

As specified in the by-laws, the Association is represented by an elected senate that includes a balanced representation from each campus and from Central Administration, serving in staggered terms that afford continuous representation. The members of the Senate elect from among themselves their chairman and vice chairman. The chairman sits as a member of the President's Advisory Council and the Staff Review Board, among others. Standing committees have been established in four areas of employee concerns; other committees are developed as needed.

2.637 RESPONSIBILITIES

The responsibilities of the elected representatives are outlined in the by-laws.

2.639 REPORTS AND COMMUNICATIONS

A copy of the minutes of each meeting of the Senate and of the full Association is forwarded to the President of the College. All written communication with the Board of Trustees is through the President; the Senate chairman or his designee will have the responsibility and right to speak freely before the Board of Trustees at its Meetings.

2.90 STAFF COUNCIL, TAKOMA PARK CAMPUS (Approved by Campus Dean, Takoma Park, March 10, 1972)

2.901 CAMPUS ROLE OF THE STAFF (SUPPORTING SERVICES)

- a. The campus staff should participate in formulating those college policies and procedures that concern them directly and in which they are knowledgeable. The Staff Council will encourage attitudes which will serve to strengthen unity among the campus staff and to promote cooperation and foster the exchange of ideas with faculty and administrators.
- b. The Staff Council officially represents the campus staff.

2.902 FUNCTIONS

The Staff Council:

- a. Advises the dean of the campus and makes recommendations to him concerning the day-to-day operation of the campus as it affects the staff.
- b. Presents recommendations to the Staff Senate concerning any campus matters that have college-wide implications.
- c. Conducts the election of a staff member to attend meetings of the Campus Assembly. This individual shall also be the vice chairman of the Staff Council.
- d. Annually appoints two campus staff members to serve on the Campus Assembly Committee on Facilities Planning, Maintenance, and Use. Annually appoints one member to serve on the Traffic Appeals Board. Biennially appoints two members to serve on the Takoma Park faculty/staff fund committee. The chairman of the Staff Council shall keep the Campus Dean and the Campus Assembly Chairman informed of such appointments.
- e. Appoints an election committee and such ad hoc committees as may be required and charges these committees with the tasks to be performed. The Staff Council shall keep the Campus Dean informed.
- f. Calls staff meetings whenever it considers that such meetings are required, or by request of the Campus Dean, or upon written request of at least ten percent of the campus staff.
- g. Determines the content of the agenda for campus staff meetings and priority of items therein.
- h. Maintains communication with the Staff Senate.

2.903 COMPOSITION, LENGTH OF SERVICE, AND MEETINGS

- a. The Staff Council shall be made up of representatives of all segments of the campus staff: bookstore, buildings and grounds, business office, cafeteria, Campus Dean's office, Division of Humanities and Social Sciences, Division of Mathematics and Science, instructional aides, learning resources, library, registrar's office, security, and student personnel. Any group of two or more employees may request permission of the Staff Council to appoint a representative. These representatives

are responsible for maintaining close contact with the staff members they represent.

- b. The term of office for members of the Staff Council shall be for one year.
- c. The Staff Council shall meet at least once a month or at other times at the call of its chairman.
- d. All meetings of the Staff Council shall be open meetings.

2.904 PROCEDURE FOR ELECTING A STAFF REPRESENTATIVE TO THE CAMPUS ASSEMBLY

- a. During the first two weeks in May each year, an election committee will conduct an election of a staff representative to the Campus Assembly.
- b. The election committee will be appointed by the Chairman of the Staff Council.
- c. Nominations will be solicited from all employees and an election conducted by ballot.
- d. The person receiving the largest number of votes will be the staff representative to the Campus Assembly.

2.905 PROCEDURE FOR CHOOSING STAFF COUNCIL MEMBERS

- a. Staff Council members shall be chosen during the last two weeks in May each year.
- b. Each staff group will choose a representative (and an alternate) from that group to serve as a member of the Staff Council.
- c. Each supporting staff member will receive the following information about May 15 each year:
 - (1) A list of all staff groups on the campus and the names of the individuals in each group.
 - (2) The name of the person in each group who is responsible for
 - (a) Meeting with the group to select its representative and
 - (b) Notifying the Chairman of the Staff Council of the decision.

2.906 OFFICERS OF THE STAFF COUNCIL

- a. The Staff Council Chairman shall be chosen by the Staff Council and shall serve as an alternate for the staff representative to the Campus Assembly.
- b. The staff representative to the Campus Assembly will serve as the vice chairman of the Staff Council.
- c. A secretary is chosen by the Staff Council. The secretary shall maintain a record of all actions taken or conclusions reached by the Staff Council.

3.28 CONFLICT OF INTEREST

3.281 GENERAL POLICY

The following policy on conflict of interest and related matters was adopted by the Board of Trustees, Montgomery College, in resolution 532-62, November 19, 1962 and reaffirmed on June 29, 1967. This policy supersedes all existing policies pertaining to this matter and covers all employees of the College.

"No employee of the Board of Trustees of the Montgomery College shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities."

3.282 OUTSIDE EMPLOYMENT

a. General

- (1) Employees shall not at any time engage in any employment that would affect their usefulness as employees in the system, would compromise or embarrass the College, would adversely affect their employment status or professional standing, or would create a conflict of interest.
- (2) Employees shall not engage in work of any type where the source of information concerning customer, client, or employer originates or results from any information obtained from the College.

3.446 EXTENDED ADMINISTRATIVE LEAVE (Approved by the Board of Trustees, September 17, 1973)

- a. General - Extended administrative leave is defined as that type of personnel development leave authorized and assigned an Administrator or a member of the Faculty or Staff and required for the benefit of the college. College personnel are placed on extended administrative leave only for the purpose of acquiring a set of skills or specific knowledge required for the operation of the College. Placement of an individual on such leave, and the financial arrangements therefor, must be approved by the Board of Trustees. Extended administrative leave will not be used when other methods such as independent or self-programmed study or educational (tuition) assistance will provide the skill needed in the time frame involved. When the criteria for the Educational Assistance Program are met, the program may be used in conjunction with extended administrative leave, with the approval of the President. See paragraph 3.49.1 /p. 65/
- b. Eligibility - Any individual currently employed full-time by the College may be placed on extended administrative leave provided that the person is willing and that, normally, the person has been in the service of the College for at least four consecutive years.

Declining the offer to be placed on this leave will not affect the person's employment status at the College.

- c. Salary and Benefits - All salary and benefits normally received will continue during an individual's leave. In addition, expenses for travel, room and board may be paid by the college, as warranted.
- d. Contractual Agreement - An individual who agrees to be placed on extended administrative leave must contract to return to the college upon its completion for twice the duration of the leave but in no case less than the equivalent of half of an academic year. Failure to return and serve will make the individual liable for all monies paid to him or on his behalf by the college, unless relieved of this obligation, in part or in full, by the Board of Trustees for such reasons as disability or death.
- e. Duration of Leave - Extended administrative leave is normally for no more than the equivalent of a semester. The minimum duration of extended administrative leave will usually be more than two weeks. Personnel development leave of two weeks or less will normally be considered under the category of short-term leave to attend professional meetings. Although extended administrative leave will usually be for periods in excess of two weeks, an individual's daily absence over a continued period of time while on extended administrative leave might well be for only a fraction of a working day, for example, two hours per day for six weeks.
- f. Tenure and Status - An individual on this leave will have the time of authorized absence count toward tenure or other employment status and will return to the same or equivalent position on return from leave.

(See also Paragraph 7.38 - Administration - Personnel Development Leave.) /p.

3.447 OTHER LONG-TERM LEAVE

The Board of Trustees may authorize, upon recommendation of the President, long-term leave with pay for unusual and imperative reasons not covered by any of the foregoing categories of leave. The President may authorize, upon recommendation from the appropriate dean, long-term leave without pay for categories of leave not covered in the preceding paragraphs pertaining to long-term leave. A determination will be made in each case concerning continued participation in the retirement and other benefit plans and payments therefor. (Modified by the Board of Trustees, November 1, 1971; see reading agenda November 19, 1971.)

3.45 DISABILITY LEAVE (Approved by the board of trustees, March 19, 1971)

3.451 POLICY

All eligible college personnel who have been disabled because of sickness or accidental bodily injury can be granted disability leave with pay during the first 12 calendar months of disability. Eligibility for disability leave is determined in accordance with the following determinations.

3.451.1 EMPLOYEES

1. An eligible person is one who has completed at least six months

of continuous service with the College and who is an Administrator, Faculty or Staff member of the College who works at least half time in a regular budgeted position on a continuing basis.

- (2) Eligibility for disability leave does not require that a person be a participant in the long-term disability insurance plan to which the College makes contributions.
 - (3) A disabled person is one who, by reason of sickness or bodily injury, is completely unable to engage in his or her regular occupation.
 - (4) Due proof is a medical opinion by a legally qualified physician as to the nature and extent of the sickness or injury responsible for the person's inability to completely perform his or her regular tasks which includes a statement as to the effective date of such disablement and an estimate as to the probable duration of the disability. When in the opinion of the President or his designated representative, or the Board in instances requesting its approval, there is a reasonable doubt as to the nature, extent or continuation of a disability claim, the individual may be required to have a medical examination by a legally qualified physician, selected or approved by the College, at the College's expense for the purpose of justifying the continuation of disability leave pay. In cases where the legally qualified physician retained by the College and the legally qualified physician retained by the individual disagree as to whether or not the individual is a disabled person, the two physicians shall together select a third physician to examine the disabled individual at the College's expense. The majority opinion of the physicians concerned shall prevail.
 - (5) Regular pay is the compensation per pay period at the current salary rate exclusive of extra compensation for such things as coaching, special projects, summer school and community services instruction.
- b. Disability leave provides for salary continuation at 80% of regular pay after exhaustion of all accumulated sick leave and continues for as long as six consecutive months.
 - c. Upon completion of the period authorized under (b) above, disability leave may be continued at 60% of regular pay for the remainder of the 12 month period following the first date of sickness or injury.
 - d. In instances where the disabled person qualifies for Workmen's Compensation, Social Security or other disability compensation plans to which the College contributes, the rate of salary continuation by the College under (b) and (c) above shall be reduced by the amount of such compensation received from these other plans.
 - e. In all cases where the requested period of disability leave exceeds by more than 30 calendar days the expiration of all earned sick leave, the request shall require approval by the Board of Trustees.
 - f. In instances where due proof (as defined above) establishes disability effective during a period of approved leave without pay or during the no pay period for continuing 10-month personnel (only those who have been committed to return to pay status) salary continuation under (a)

above shall commence on the date the individual was scheduled to return to active duty and pay status.

- g. If a disabled person engages in any rehabilitative work for wage or profit, the disability leave pay otherwise payable with respect to any month during this 12-month period, will be reduced by 80% of the amount of such wage or profit to which the employee is entitled for such work during that month.
- h. The period of 12 calendar months for which the College grants paid disability leave shall not be extended. Successive unrelated disabilities shall entitle the individual to a new 12-month period under the disability leave provisions. In the event an individual returns to work prior to the end of the initial 12-month period and subsequently is unable to continue at work because of the original disability, the individual is entitled to receive the benefit of any remaining unused balance of the original 12-month salary continuation permissible under these regulations.
- i. Disability leave with pay shall not be granted for disabilities caused or contributed to by:
 - (1) war or any act of war, whether declared or undeclared;
 - (2) intentionally self-inflicted injury,
 - (3) injury sustained in the commission of or in consequence of having participated in committing a felony;
- j. Eligibility for paid disability leave will automatically cease on:
 - (1) the date the individual returns to active duty with the College;
 - (2) the individual's 65th birthday;
 - (3) the date upon which the individual retires under the College retirement plan, if prior to 65th birthday;
 - (4) the date on which employment with the College ceases;
 - (5) the date on which the individual ceases to be under the care of a legally qualified physician;
- k. No period of time during which disability leave pay is being received shall be counted toward satisfaction of the required probationary period for granting of tenure or permanent status.

3.45 PROCEDURES

- a. The individual, or his or her representative, completes a copy of MC Form 3.45 "Application for Disability Leave" and submits the completed form along with due proof of disability to the Personnel Office through

To be published. Until publication, requests for approval of Disability Leave are to be submitted by memorandum and should contain such specifics as are required to enable those concerned to render appropriate decisions on the request.

the appropriate administrative channel for processing and approval.

- b. On the basis of this medical opinion, and any other pertinent information available, the Director of Personnel shall establish the effective date of disablement.
- c. The Personnel Office makes the necessary arrangements with the Director of Finance to effect salary continuation during periods of approved disability leave.
- d. In all cases where the requested period of disability leave with pay exceeds by more than 30 calendar days the expiration of all earned sick leave, the Personnel Office shall prepare the required materials for requesting Board of Trustees' approval.
- e. The Director of Personnel is the designated representative of the President for purposes of administering Section 3.451 a (4) of the policy on Disability Leave.

3.453 ACCOUNTABILITY

- a. The Director of Personnel is responsible for the administration of the disability leave program.
- b. Appeals from disability leave decisions of the Director of Personnel may be made to the President.

3.51 GROUP HEALTH AND LIFE INSURANCE PLAN

3.511 BENEFIT PLAN COVERAGE

All persons employed by Montgomery College who work at least half time and who occupy regular budgeted positions on a continuing basis are eligible to participate in the Group Health and Life Insurance Plan consisting of life, accidental death and dismemberment, long term disability, hospitalization, surgical, medical, dental, and major medical coverages. The College pays 80% of the premiums attributable to this insurance program. (See brochure "Montgomery College Group Health and Life Insurance Plan" for details.) All questions concerning this insurance should be referred to the Personnel Office.

3.512 ENROLLMENT

The Personnel Office will explain the Group Insurance Plan to all persons employed by the College and will provide each individual with a copy of the benefit plan brochure. Each person will complete either an enrollment or a refusal card dependent upon his or her desire to participate in the plan. If enrollment is completed during the first 30 days of employment, no evidence of insurability is required and coverage becomes effective (except for long term disability insurance which has a 6 month waiting period) on the first of the month following enrollment. Enrollment after the first 30 days of employment may be accomplished only after provision of evidence of insurability satisfactory to the insurance company.

3.513 TERMINATION OF EMPLOYMENT

Upon termination of employment with the College, an individual who is enrolled in the group insurance plan may convert certain portions of the College group insurance to individual coverage with the College insurance carrier. In order to take advantage of this conversion privilege, the terminating person must contact the insurance company and accomplish the necessary conversion paperwork within 30 days of the date of termination.

3.514 CLAIM PROCEDURES

a. Health Insurance

Each enrolled person and spouse is provided an identification card which contains information descriptive of the plan, in addition to identifying data. Claim forms are also provided at the time of enrollment and additional claim forms may be obtained as needed from the Personnel Services Office. To apply for benefits, the individual presents the identification card and a claim form to the hospital, physician, dentist, laboratory or other provider of health services. The provider of health services may verify coverage by telephoning the John Hancock Mutual Life Insurance Company; 703-534-6077 (collect, if from another toll zone). The provider of health services submits the claim form to the local office of the insurance company and payment is made directly to the provider of the health service, except for major medical claims which are paid directly to the individual who has submitted the claim.

b. Long-Term Disability Insurance

Claim forms for use by the enrolled person are available in the Personnel Services Office. Benefits are paid directly to the enrolled person.

c. Life Insurance

Upon the death of an enrolled person, the Personnel Services Office should be notified immediately. Three copies of the death certificate or an attending physician's report, whichever is most expedient, will be required for processing of a death claim by this office.

3.515 BENEFITS FOR PERSONS ON LEAVE AND FOR RETIREE

- a. All coverages for which an individual is enrolled remain in effect during periods of authorized leave.
- b. Certain portions of the College group insurance program continue in effect for retirees. These include a reduced amount of life insurance and basic health insurance. The Personnel Services Office should be contacted for details of the coverages continued for retirees.

3.54 TAX-SHELTERED ANNUITIES

3.541 PURPOSE

Tax-sheltered annuities should be considered principally as supplemental retirement income.

3.542 PROVISION

a. Simply Stated, a Tax-Sheltered Annuity Provides:

- (1) An employee may elect to have his salary reduced - Federal income tax paid on reduced amount.
- (2) The employer purchases a nonforfeitable annuity in an amount equal to the salary reduction.
- (3) Federal income tax to be paid by employee or retiree on full amount received from annuity.

b. Options: (Board of Trustees, March 19, 1973)

Employees have the opportunity to purchase tax-sheltered annuities from the Teachers Retirement System of the State of Maryland, The Prudential Insurance Company of America or the Teachers Insurance and Annuity Association - College Retirement Equities Fund (TIAA-CREF). Forms are available at the Employee Services Office.

c. Employee's Contribution: (Reduction of Salary)

There is a legal limit to the amount of reduction of salary allowed. Employees may request the Teachers' Retirement System, the Prudential Insurance Company or TIAA-CREF to calculate the maximum participation allowed.

d. Employer Participation:

The employer purchases annuity on request of the employee with the funds withheld from employee. There are no employer matching contributions to the annuity fund.

3.55 RETIREMENT BENEFITS

3.551 BACKGROUND

a. Full-time employees of the College are permitted to participate in the retirement systems as follows:

- (1) Maintenance, custodial, and cafeteria employees are enrolled only in the Montgomery Community College Retirement Plan (Aetna supplemental).

(2) In order that College policy be in accord with State policy, and to provide for optional membership or other provisions which the State may from time to time provide, by Resolution 70-89, July 7, 1970, the Board of Trustees provided that "all eligible Faculty and Staff shall become members of the Teachers' Retirement System of the State of Maryland subject to the provisions of the Public General Laws of Maryland, as amended from time to time."

(3) The Montgomery Community College Retirement Plan is a supplementary plan to (2) aforementioned. Participation is automatic for Faculty, Staff, and Administrators who belong to the Maryland State Teachers' Retirement System. By Board Resolution 74-37, February 18, 1974, participation is voluntary for those employees described in subparagraph (1) above.

b. Those who are enrolled only in the Montgomery Community College Retirement Plan (3.551a (1)) will receive all of their retirement income from the Aetna Life Insurance Company, which administers the plan. Those enrolled in both the Maryland State Teachers' Retirement System and the Montgomery Community College Retirement Plan will receive two checks - one from the Teachers' Retirement System and a supplemental check from the Aetna Life Insurance Company.

3.553 BENEFITS

a. Benefits that accrue from the Teachers' Retirement System, without supplementation from the College plan, accrue in the following manner:

<u>Years of creditable service</u>	x	Average final compensation
55		for highest three consecutive years

b. Retirement benefits paid, as a result of participation in both systems or in the College plan only, are calculated in the following manner:

Years of service	x	2.0%	x	Average final compensation
(to a maximum of 36)				for highest three consecutive years

3.60 EDUCATIONAL ASSISTANCE PROGRAM (Board of Trustees, August 27, 1971; Modified by approval of the FY73 Operating Budget, p. 516 and the FY74 Operating Budget, Appendix G-1)

3.601 POLICY

The purpose of the Educational Assistance Program (EAP) is to assist all eligible College employees with educational expenses in order:

- a. To help them perform more effectively in their current job classifications through improved knowledge and skills.
- b. To help them in preparing for higher level responsibilities in the College by virtue of broadened capabilities.

3.603 DEFINITIONS

- a. An eligible employee is one who is working full time at the College and who has completed six months of employment with the College.
- b. Eligible study is any course or training program, offered either for credit or not for credit, which is related to any of the functional areas of the College in which an eligible employee works or through normal career progression may expect to work, if qualified.
- c. An acceptable educational institution is: a public or private secondary, vocational, trade, or business school; or a public or private college, university, professional school, or technical institution. It is expected that the educational institution is accredited or recognized by some agency or governing body from within its general functional area or frame of reference.
- d. Educational expenses are the costs for tuition, books and materials required for the eligible study approved through the EAP procedures.
- e. Satisfactory completion is the obtaining of any grade or designation other than failure in accordance with the standards established by the institution or organization attended.

3.605 FINANCIAL BENEFIT

- a. The maximum financial benefit in the form of assistance to defray educational tuition expenses for eligible study is \$400 per employee, per fiscal year. Of this \$400 maximum, \$50 may be applied toward the cost of books and materials necessary for the approved course(s).
- b. In instances where the employee is eligible for benefits under the Tuition Waiver Plan (see paragraph 3.61), reimbursement of up to \$50 per fiscal year for required books and supplies may also be allowed from EAP, provided that the course of study at Montgomery College is job-related or a part of a degree or certificate program which is job-related.
- c. Funds shall normally be apportioned for use by Faculty, Administrators, and Staff members based upon the percentage of eligible College employees in each category. Variations from this apportionment will be approved by the Dean of Administration.

- d. An employee receiving other educational benefits, including Veterans' Administration benefits, for a given course of study, is eligible to receive benefits under EAP for the same course only if the other benefits do not cover the full cost of tuition. In such cases the amount of benefit under EAP is limited to the difference between the amount of the total tuition costs and the amount supplied by the other benefits, except that, in addition, the EAP benefit is subject to the limitation set forth in paragraph 3.605a.
- e. The costs associated with this benefit for study during regular summer school sessions will be charged to the budget of the fiscal year in which such summer school session ends.

3.607 APPLICATION PROCEDURES

- a. The employee is responsible for applying at an appropriate, acceptable educational institution for admission to or enrollment in a course or program of eligible study.
- b. To apply for EAP benefits, an eligible employee completes MC Form 3.607b, "Application for EAP/Tuition Waiver Plan Benefits", and submits the completed form according to the following:
 - (1) An administrator shall submit the completed forms to his supervisor who shall review the application for accuracy of data, make a recommendation regarding approval of the selected study and forward the application to the Director of Personnel. The Director of Personnel shall review the application for proper procedure and give approval of the selected study within the established guidelines.
 - (2) A staff employee shall submit the completed forms to his supervisor who shall review the application for accuracy of data, make a recommendation regarding approval of the selected study and forward the application to the Director of Personnel. The Director of Personnel shall review the application for proper procedure and give approval of the selected study within the established guidelines.
 - (3) A faculty member shall submit the completed forms to his department chairman who shall review the application for accuracy of data, make a recommendation regarding approval of the selected course and forward the application to either the Campus Dean (for faculty assigned to the Takoma Park Campus) or the Academic Dean (for faculty assigned to the Rockville Campus). The Campus Dean or Academic Dean shall review the application, give approval of the selected study within the established guidelines, and forward it to the Director of Personnel for processing. The Director of Personnel shall review the application for content and proper procedure.

After complete processing and approval, the copies of the application form are distributed to: the Personnel Office, the supervisor, and the employee.

- c. When an application for EAP involves study during normal work hours, an agreement detailing how the employee is to make up the lost time must be attached to the application. This agreement must be signed

by the employee and his supervisor and approved by an appropriate administrator. Approval should be granted only in instances where the absence of the employee will not result in any interruption of normal services of the office or department concerned and where the study desired is not generally available outside of the regular working hours.

- d. Upon completion of processing and/or approval of the application, the Personnel Office will, upon request as indicated on the application form 3.607b, issue the employee a letter authorizing the selected educational institution to bill the College for the proper tuition expenses within the limitations set forth in paragraph 3.605. If the employee so chooses, he may instead receive the benefit by reimbursement. (See paragraph 3.608a).
- e. In the event the educational institution selected is not willing to bill the College, the employee will normally receive this benefit by reimbursement. (See paragraph 3.608a). However, if in such instances the eligible employee does not have sufficient funds to pay the eligible expenses in advance, he may so certify to the Director of Finance on MC Form 3.607b, and the Director of Finance may advance the employee an appropriate amount to cover only the actual expenses incurred and within the limitations set forth in paragraph 3.605, as an interest free educational loan. Such a loan is to be repaid via the reimbursement procedure. (See paragraph 3.608a).
- f. In all cases, the application should be received by the Personnel Office no later than 15 days prior to registration. An employee should submit his application in time to allow his supervisor sufficient time to meet this deadline.

3.608 REIMBURSEMENT AND REPORTING PROCEDURES

- a. Upon completion of approved study for which an employee paid the approved educational tuition expenses himself because either he did not choose to use a letter from the College authorizing the selected institution to bill the College directly, or because the selected institution was not willing to bill the College, reimbursement may be requested by submitting MC Form 3.609, "Request for EAP Reimbursement," to the Personnel Office, accompanied by a tuition receipt and evidence of satisfactory completion of the approved study. Receipts will be required also for reimbursement for costs up to \$50 of necessary books and materials. After approval by the Personnel Office, this form is sent to the Finance Office for processing and reimbursement to the employee. In cases where the employee received a loan from the College, the processing of the form, after it is approved, will effect the payment.
- b. In order to be eligible for continued financial benefits under EAP, the employee must have submitted evidence of satisfactory completion of all study for which he has received EAP benefits, to his supervisor and to the Personnel Office, or have applied to the Personnel Office for excused withdrawal for reasons of health, family obligations, or similar compelling considerations.

- c. Employees who do not satisfactorily complete study for which EAP benefits have been received must reimburse the College for all monies that the College has expended in relation to that specific study which was not satisfactorily completed before being eligible to apply for any further benefits under EAP

3.609 ACCOUNTABILITY FOR EAP

The Director of Personnel is responsible for the administration of the EAP. Appeals from decisions of the Director of Personnel may be made to the Dean of Administration.

3.61 TUIITION WAIVER PLAN (Approved by the President, December 20, 1973)

3.611 GENERAL

The purpose of the Tuition Waiver Plan is to allow college employees, under certain conditions, to enroll in courses for credit at Montgomery College without paying tuition charges. There is no limit on the number of courses that can be taken, nor is there any requirement as to the grade level that must be maintained.

3.612 DEFINITIONS

- a. Eligible personnel are all full-time college employees.
- b. Eligible study is any credit course offered at Montgomery College having at least ten regularly enrolled students and scheduled outside of the individual's normal working hours.

3.613 APPLICATION PROCEDURES

- a. To apply for Tuition Waiver Plan benefits, an eligible employee completes MC Form 3.607b, "Application for EAP/Tuition Waiver Plan Benefits", and submits the completed form according to the following:
 - (1) An administrator shall submit the completed form to his supervisor who shall review the application for accuracy of data and forward it to the Director of Personnel. The Director of Personnel shall review the application for proper procedure. If within established guidelines, he shall approve it. If rejected, the applicant shall be notified of the reason therefor.
 - (2) A staff employee shall submit the completed form to his supervisor who shall review the application for accuracy of data, make appropriate recommendations and forward it to the Director of Personnel. The Director of Personnel shall review the application for proper procedure. If within established guidelines, he shall approve it. If rejected, the applicant shall be notified of the reason thereof.
 - (3) A faculty member shall submit the completed form to his department chairman who shall review the application for accuracy of data, and forward it to either the Campus Dean (for faculty assigned to the Takoma Park Campus) or the Academic Dean (for faculty assigned to

the Rockville Campus). The Campus Dean or Academic Dean shall review the application, make recommendations, and forward it to the Director of Personnel. The Director of Personnel shall review the application for proper procedure. If within established guidelines, he shall approve it. If rejected, the applicant shall be notified of the reason therefor.

- b. In conjunction with the Tuition Waiver Plan, application may be made under the Educational Assistance Program for up to \$50 to defray the cost of books and materials in cases where the course of study is job related. (See paragraph 3.60.)

3.614

ACCOUNTABILITY AND APPEALS

The Director of Personnel is responsible for the administration of the Tuition Waiver Plan. Appeals from decisions of the Director of Personnel may be made to the Dean of Administration.

7.13 RECOGNITION AWARDS

7.131 POLICY (Approved by Board of Trustees, February 20, 1973)

- a. To provide recognition for outstanding service to the College by members of the Board of Trustees, the Faculty, the Staff, and Administrators, the award, as appropriate, of a silver or bronze medallion is authorized and is made retroactive for services completed after July 1, 1970.
- b. As an exception to the prescribed completion date, an initial award of medallions was made at the 25th Anniversary Convocation, or in connection therewith, to surviving founders of the College (members of the Montgomery County Board of Education in 1946, members of the Founding Committee, members of the first full-time faculty, the State Superintendent of Schools, and the widow of the founding dean, in commemoration of his services to the College.)
- c. The College President is responsible for development of criteria for the award of such certificates as he may deem essential to proper recognition of other types of service to the College.

7.132 AWARD OF MEDALLIONS (Approved by Board of Trustees, February 20, 1973)

The following guidance is provided in connection with the development of awards of medallions for outstanding service and the submission of recommendations therefor. In each case the specific action(s) supporting a determination of outstanding service will be included in the recommendation. The length of service to the College, indicated in the following paragraphs, is to be considered only as guidance; the quality of the service is to be the essential basis for the award.

a. Silver Medallions

- (1) Board of Trustees: Upon departure from the Board after completion of at least one appointed term of office; the award is initiated at the discretion of the Board of Trustees, coordinated by the President of the College, and approved by the Board.
- (2) President: Upon departure from the College, usually after at least five years in the office. The award is initiated at the discretion of and approved by the Board of Trustees.
- (3) Faculty, Administrators, Staff: Upon retiring or resigning after 10 continuous years of service with the College with distinction. A confidential recommendation for the award may be initiated by the person's immediate supervisor or by the Director of Personnel. It is forwarded for consideration to the College President through appropriate supervisory personnel for final approval by the Board of Trustees. The recommendation must contain appropriate detailed justification and description of the outstanding service rendered.

5. Bronze Medallions

- (1) Board of Trustees: Upon departure from the Board prior to completion of appointed term of office. The award is initiated at the discretion of the Board of Trustees, coordinated by the President of the College, and approved by the Board.
- (2) President: Upon departure from the College, with less than five years in office. The award is initiated at the discretion of and approved by the Board of Trustees.
- (3) Faculty, Administrators, Staff: Upon retiring or resigning, with distinction, with less than 10 years at the College. A confidential recommendation for the award may be initiated by the person's immediate supervisor or by the Director of Personnel; it is forwarded for consideration to the College President through appropriate supervisory personnel for final approval by the Board of Trustees. The recommendation must contain appropriate detailed justification and description of the outstanding service rendered.

7.86 PUBLICATIONS OF THE FACULTY, ADMINISTRATORS, AND STAFF (Approved by President, February 25, 1972)

Publications of the faculty, administrators and staff may be deposited in campus libraries for reference by interested parties. The following procedure is followed in handling such publications:

- a. The Office of the Dean of the Faculty will announce periodically to the faculty, administrators, and staff that publications of Montgomery College personnel may be sent to the Office of the Dean of the Faculty for deposit in their respective campus library.
- b. Upon receipt of the publication, the Dean of the Faculty will forward information concerning the publication to the President for inclusion in the Board of Trustees' Reading Agenda.
- c. The publication will then be deposited in the respective campus library.
- d. Each library will designate shelf space for publications of Montgomery College personnel and will maintain a locator card for all such publications deposited in the library.

Eligibility

- a. Members of the full-time Faculty, Staff, and Administration, will be presented a suitable award upon completion of certain intervals of years of creditable service with Montgomery College. Those included under the term "full-time" are: Staff persons who normally work 40 hours per week during the academic year or calendar year, depending upon their assignment or other employment agreement; Faculty members who have a full-time academic year assignment; and Administrators who are assigned to a full-time position. "Years of creditable service" include all time worked from the original date of hire to the completion of the required length of service for recognition under this paragraph. These definitions specifically include an academic year for Faculty and a 10-month assignment for Staff as one full year of service.
- b. A certificate and an appropriate decorative pin will be awarded upon completion of 10 years and each 5-year interval thereafter.
- c. The President will present the certificates and pins at appropriate ceremonies throughout the year.
- d. The Director of Personnel is responsible for the design of the certificate and pin, the identification of eligible persons, and the preparation and processing of certificates.

7.375 WORKMEN'S COMPENSATION

- a. Workmen's Compensation protects the employee from serious financial loss if he is injured in the course of employment, except:
 - (1) When the injury results from the willful intention of the employee to injure himself or another, or
 - (2) When the injury results solely from the intoxication of the injured employee while on duty.

In general, all medical or hospital expenses directly associated with an injury resulting from an on-the-job accident are covered. Employees must report all accidents to their supervisors immediately.

- b. In the event an individual employee wishes to file a claim against Workmen's Compensation, he should obtain a claim form from the Employee Services Office.
- c. The Workmen's Compensation claim should be completed as instructed and sent to the Employee Services Office within 48 hours after the accident.
- d. The Employee Services Office will make one photostat of the claim form and file it in a file under the claimant's name and then send the original claim form to the company for processing.

7.38 ADMINISTRATION OF PERSONNEL DEVELOPMENT LEAVE (Approved by the President,
September 17, 1973)

7.381 GENERAL

For the purpose of this paragraph, personnel development leave encompasses that leave which is granted with pay under the categories of sabbatical leave, paragraph 3.441 a; extended administrative leave, paragraph 3.446, and special leave with pay for self-improvement, paragraph 4.50. It is the purpose of this section of the Policies and Procedures Manual to delineate approved policy and to provide the necessary administrative and fiscal procedures for coordinating the granting of these three types of leave and for considering the prior use of short-term leave for professional meetings before authorizing extended administrative leave.

7.382 POLICY (Board of Trustees, 11/19/73)

The evaluative criteria that follow will be used by the President and the President's designees in determining what recommendations will be made to the Board of Trustees concerning proposals requesting consideration for sabbatical leave.

- a. The proposal should clearly indicate how the program to be undertaken by an individual on sabbatical leave will benefit the person's professional duties at Montgomery College.
- b. The following are examples of types of activities or projects that might be engaged in during the period of the sabbatical leave:
 - (1) To carry on a program of purposeful course work for a period of at least one semester or to attend a semester-long institute.
 - (2) To complete a book or some other scholarly work that is of value to the individual concerned and/or to the academic community.
 - (3) To participate in research or an operational project of at least a semester's duration or more which would result in improvement of the applicant's overall competency for responsibilities at Montgomery Community College.
 - (4) To take part in some organized community project designed to improve relations between the College and the citizenry supporting it.
 - (5) To travel, provided such travel has a direct bearing on the particular subject matter field or educational methodology of the instructor.
- c. The following aspects will also be considered in arriving at a recommendation with a report thereon to the President.
 - (1) Contributions which the applicant has made over the years to the College as a whole.
 - (2) The eventuality that the applicant may have had such leave or comparable leave before.
 - (3) Length of service of the applicant at Montgomery Community College.

It should be understood, however, that the above criteria are not listed in an order of priority or importance and that the leave policy will be administered on a college-wide basis; i.e., without necessarily allocating available sabbaticals to the campuses in equal measure, but with due consideration to the burden placed upon the College in any particular discipline in any year.

7.783 APPLICATIONS FOR LEAVE

- a. Applications for sabbatical leave and special leave for self-improvement, are processed in accordance with paragraphs 3.441a and 4.50, respectively.
- b. In the case of sabbatical leave, an ad hoc committee is appointed by the Faculty Senate with the concurrence of the President. The President selects the ad hoc committee chairman each year with the concurrence of the Faculty Senate. The ad hoc committee reviews applications, and within approved evaluative policy and fiscal guidance, establishes recommended priorities for consideration of the President.
- c. Although normally initiated at the supervisory level, any member of the College may recommend that extended administrative leave be granted to one or more eligible persons or for one or more purposes. If not originating with the President, a Campus Dean, the Dean of Administration, or the Dean of Administration, or the Dean of Education, the request will be forwarded through supervisory channels to the appropriate dean. The request should explain the purpose of the leave, state how it will benefit the operation of the College, explain why it is necessary or essential for the College to authorize this type of leave, provide a specific cost estimate, recommend an individual (s) to be sent on the leave, list any prior leave for professional meetings or extended administrative leave granted to that person during the prior 12 months, and indicate the willingness of the individual (s) to be placed on leave if it is granted. The dean concerned will review the request, make a recommendation, and forward it to the Director of Personnel for consideration and recommendation to the President. The President, upon receipt of the recommendation of the Director of Personnel, may approve and recommend the request to the Board of Trustees for final approval, or may disapprove or modify it as appropriate.
- d. All salary and benefits normally received will continue when a person is placed on extended administrative leave. In addition, travel, room, and board expenses may be paid by the College, as warranted. The amount of allowance for room and board will be determined in advance by mutual agreement between the individual and the Director of Finance, and be approved by the President.

- e. When extended administrative leave has been authorized by the Board of Trustees, application for leave will be made administratively on MC Form 7.40. Request for Leave for Professional Meetings And/Or Special Funds. In the space, "Reason for Request", the applicant will enter: "Extended Administrative Leave as approved by resolution number _____, Board of Trustees, _____, 197__."
- f. Applications from the Staff for "Special Leave for Self-Improvement" are considered by the Staff Review Board.

7.384 THE COLLEGE COMMITTEE FOR PERSONNEL DEVELOPMENT LEAVE

a. General

The annual operating budget will usually contain limited funds for the support of personnel development leave (i.e., sabbatical leave, self-improvement leave and extended administrative leave). The overall budgetary ceiling requires, therefore, that a process be created to develop recommendations for the President regarding the amount to be included for such leave and to recommend to the President an amount to be allocated to each such category after the budget has been funded. For this purpose, there has been established a College Committee for Personnel Development Leave.

b. Committee Organization

The College Committee on Personnel Development Leave is appointed by and reports to the President. It is composed of the following members and such additional appointees as may be desirable from time to time:

Dean of Administration	Campus Deans
Dean of Education	Two (2) Staff Senate designees
Two (2) Faculty Senate designees	Director of Personnel (w/o vote)
Dean of the Faculty	

The chairman of the committee is appointed by the President.

c. Committee Functions

The Committee:

- (1) Develops recommendations concerning criteria, formula, parameters, or guidelines to be used in determining amounts to be included each year in the operating budget for each type of leave, sabbatical, self-improvement, and extended administrative. For these purposes, the Committee's tentative recommendations are developed and discussed with their constituencies by committee members, after which final recommendations are forwarded by the Committee to the President, with any minority comments, for approval.

- (2) Develops, for FY1974 only, recommended initial allocations of budgeted funds to be used for sabbatical leave, special leave with pay for self-improvement, and extended administrative leaves; forwards the Committee's recommendations, with any minority comments, to the President for approval.
- (3) Using previously approved criteria, develops, for fiscal years other than 1974, recommended amounts to be included as a single line item in the operating budget in support of sabbatical, self-improvement, and extended administrative leaves, and forwards its recommendations to the President for approval.
- (4) Recommends, on request of the President, after final approval of the operating budget, the annual allocation of funds for personnel development leave in order to take into consideration the amount finally funded for this type of leave.

7.40 TRAVEL

7.401 GENERAL

Employees of the Board of Trustees who are required to travel on business pertaining to the College will be reimbursed dependent upon the type of travel performed, local or distant. Specifically designated students, who are members of college-level committees which function under the approved statutes for the governance of the College, are also authorized local travel reimbursement. Regardless of the type of travel, when vehicles are used, individuals going to the same location are requested to use one vehicle only, unless the capacity of the vehicle is less than the number of persons involved. Since the total amount of travel funds is limited, payments from such funds are governed by the following guide-lines. Should budgeted funds for travel become insufficient to support payments as explained herein, temporary modifications to these procedures will be issued by the Director of Finance.

7.402 LOCAL TRAVEL (PAC, April 29, 1971; President, June 26, 1971, Modified November 21, 1972)

- a. Local travel, as used in this manual includes, but is not limited to, inter-campus travel and travel between an individual's assigned campus and other points of business. It does not include travel:
- (1) For which overnight accommodations are required.
 - (2) For which round-trip mileage exceeds 300.
 - (3) Between an individual's assigned campus and his residence, for normal duty during regular work days. Mileage between an individual's residence and a campus other than the assigned campus may be reimbursed in the case of authorized travel to the other campus prior to reporting to the assigned campus. In such instances reimbursement will be only to the extent that the distance between the assigned campus and the residence by way of the other campus exceeds the direct distance between the assigned campus and the residence. Round-trip mileage between the residence and a campus other than the assigned campus may be reimbursed in situations where it would have been impossible, impractical, or inefficient to make the trip enroute to or from the assigned campus but only to the extent that such mileage exceeds a round trip between the residence and the assigned campus.
 - (4) To or from places of business located on a direct route between an individual's assigned campus and his residence, unless it would be impossible or impractical to make the required visit to these places of business enroute to or from the assigned campus. If a place of business is visited enroute to or from the assigned campus, and it is not on the direct route between the home and the assigned campus, reimbursement shall be based on the difference between the mileage between home and assigned campus by way of the place of business and the distance between home and assigned campus by direct route.
 - (5) To and from meetings of the Board of Trustees, except where the individual is required to attend such meetings by virtue of:

- (a) The office in which he is serving.
- (b) Material he must personally present to the Board, or
- (c) A request from his supervisor.

When one of the above qualifications is met, the round-trip travel shall be reimbursable regardless of the campus on which the Board of Trustees meeting is held.

- b. Authorized travel between campuses is that which is necessary to attend scheduled classes, departmental meetings, and officially scheduled meetings of the college staff or faculty, and return to the assigned campus when such is required. Distance between campuses is officially recognized as 15 miles.
- c. Authorized travel between a campus and a place other than another campus is that which is necessary to conduct official college business at the second place. This would include travel between a campus and scheduled classes off campus, e.g., physical education classes at golf ranges and bowling alleys and nursing classes at hospitals.
- d. Authorized personnel are reimbursed for the use of their privately owned vehicles at the rate of 12 cents per mile traveled. They may also be reimbursed for parking fees. When two or more individuals travel in the same privately owned vehicle, only one person will receive compensation for the mileage traveled, usually the owner. The driver, if the owner is not present, may receive a mileage payment if one is not claimed by the owner.
- e. Reimbursement for travel will be made only to those individuals who submit an approved "Statement of Local Travel Expense", MC Form 7.403. This form may be obtained from the Office of the Director of Procurement on Stores Requisition, MC Form 7.506. Monthly statements should be submitted to the appropriate departmental chairman or staff supervisors for approval no later than the third of each month for travel during the preceding month. Statements should be processed through appropriate account managers so as to reach the Director of Finance by the sixth of each month.

7.404 DISTANT TRAVEL (Approved by the President, November 21, 1972)

- a. Distant travel, usually used in conjunction with leave for professional meetings (paragraph 3.442 f), is travel which meets any one or more of the following criteria:
 - (1) Overnight accommodations are required.
 - (2) Total expense incurred for all reimburseable items related to the trip, including conference registration fees, exceeds \$50.00.
 - (3) Round trip mileage exceeds 300.
- b. Requests for approval of use of college funds and subsequent reimbursement for expenses incurred on distant travel will be submitted through the individual's supervisor on the Form for Request for Leave for Professional Meetings and Special Funds, MC Form 7.40.

- (1) Distant travel, for members of the Faculty, for which reimbursement is to be requested, must first be approved on the Request for Leave for Professional Meetings and/or Special Funds, by their Department Chairman, Division Chairman/Academic Dean, and Campus Dean.
- (2) Distant travel by members of the Administration and Staff, for which reimbursement is to be requested, must first be approved by the individual's immediate supervisors. Final approval is granted by the College President for the Campus Deans, Dean of Administration, Dean of Education, Dean of the Faculty and personnel assigned to the President's office. The Campus Deans, Dean of Administration, or Dean of Education approve requests submitted by personnel assigned respectively to the offices supervised by them.

c. Travel to distant points may be made by any conveyance desired by the individual. Reimbursement for travel by private conveyance, however, will be made only on the basis of the lesser of 10 cents per mile or the cost of a tourist ticket by air. Actual tickets, if desired may be obtained through the College. When air transportation is used, travel reimbursement will also include the cost of travel between home and airport, airport and hotel at destination, and travel between hotel and place of business at destination. In addition to travel reimbursement, individuals are authorized reasonable reimbursement for the cost of meals and, upon submission of a paid bill, overnight lodging.

d. An annual record of expense (MC Form 7.404 (7/1/72)) incurred for distant travel for each individual member of the faculty and administrative staff is maintained in the Office of the Director of Finance.

7.406 USE OF COLLEGE VEHICLES

a. General

Whether travel on official business by Faculty, Staff or Administrators is local or distant, college vehicles, if available, should be used.

When this mode of travel is used, no monetary reimbursement for mileage is authorized. Requests for the use of these vehicles should be made to the responsible office well in advance to insure their availability. Priority for the use of vehicles will normally be in accordance with the requests received. Exceptions, if any, will usually be based on obtaining the greatest economy in the use of College travel funds.

b. Responsible Offices

- (1) The Office of the Campus Facilities Manager is responsible for the daily control of vehicles assigned to the Rockville Campus.
- (2) The Office of the Business Manager is responsible for the daily control of vehicles assigned to the Takoma Park Campus.
- (3) The Office of Internal Management is responsible for the daily control of vehicles assigned to the Central Administration.

c. Procedures

The following procedures will govern the use of College vehicles:

- (1) On the campuses, keys are maintained in the Security Office; for the Central Administration, keys are maintained in the Office of Internal Management. When keys for a vehicle which has been reserved are picked up, the operator of the vehicle also obtains a Motor Vehicle Trip Form, MC Form 7.406. The trip form, fully executed, is to be returned with the vehicle keys at the conclusion of the trip.
- (2) Normally, employees may not drive motor vehicles to their home. When it is necessary to do so, however, the employee must include this information on the trip form.
- (3) Gasoline and oil for college vehicles are to be procured from the Lincoln Center or the Randolph Road Depot of the Montgomery County Public Schools which will bill the College for supplies used. The gasoline in the storage tank on the Rockville Campus is reserved primarily for use of utility vehicles assigned to the Rockville Campus.
- (4) When fuel is needed and the vehicle is distant from MCPS facilities, or the need is at an hour when MCPS facilities are closed, the operator should purchase gasoline or oil using cash or his own personal credit card. If using cash, a cash receipt must be obtained and attached to the monthly "Statement of Local Travel Expense", MC Form 7.403, in order to secure reimbursement. If the individual uses his personal credit card, he should attach his copy of the voucher to the Statement of Local Travel Expense in order to secure reimbursement.
- (5) No vehicle should be returned after use with less than one fourth of a tank of fuel.
- (6) No vehicle is to be away from the College overnight unless permission is granted by the responsible office. Normally, college vehicles will not be kept out overnight locally.
- (7) Normally, vehicles are to be driven only by Administrators or members of the college Staff or Faculty who possess a valid operator's license. Students are not normally authorized to drive college vehicles. In unusual circumstances, permission may be granted only if the student is over 21, possesses a valid operator's license, and receives permission from the office responsible for the operation of the particular vehicle.
- (8) Hitchhikers shall not be picked up.
- (9) If mechanical failure occurs to a vehicle within a 25 mile radius from the responsible office, the responsible office should be contacted. Otherwise, a nearby local garage, preferably one which specializes in the make vehicle affected, should be contacted for assistance. If it is estimated that repairs will exceed \$100, the responsible office should be contacted for clearance prior to authorization of repairs. Bills for repairs should be turned in to the responsible office for reimbursement from the appropriate vehicle repair account.
- (10) A driver of a College vehicle involved in an accident should immediately contact the local police and the Director of Internal Management.

7.90 **HEALTH**

7.901 **POLICY (Board of Trustees, March 20, 1972)**

The Board of Trustees of Montgomery Community College requires as a condition of employment that:

- a. All employees submit medically verified evidence of freedom from active tuberculosis at the time of employment.
- b. In addition to the above, food service employees submit similar evidence on an annual basis throughout their employment.

7.902 **PROCEDURES (Approved by President, March 20, 1972)**

- a. The evidence of freedom from active tuberculosis required by paragraph 7.901 may be in the form of a signed physician's statement or other official health certificate indicating that, by means of a chest X-ray, intradermal tuberculin test, or other medically recognized method, the person concerned has been found to be free of tuberculosis at the time of his employment at Montgomery College. This evidence must be submitted prior to reporting for work, and no prospective employee will be considered as employed until this requirement has been satisfied.
- b. Persons who desire to satisfy their health certification requirement by obtaining a chest X-ray on a mobile unit or in a hospital health clinic shall submit as a certificate the postal card or other official document returned to them as evidence of freedom from active tuberculosis.
- c. Proper evidence of freedom from active tuberculosis may be obtained in the geographical area of residence of the individual concerned.
- d.
 - (1) All food service employees, as well as faculty, staff, or students participating or enrolled in programs or courses which involve the handling of food, or the supervision of its preparation or serving, will submit evidence of freedom from active tuberculosis both on an initial and an annual basis.
 - (2) Chapter 82, Montgomery County Code, 1965 edition, also requires that such persons be free of all communicable diseases and infected wounds, sores, or lesions on exposed parts of the body. Although no initial or periodic certificate is required, supervisors are held responsible for reporting suspected carriers and reporting them to the proper authorities for proper verification of their health condition.
 - (3) The Montgomery County Code defines a food service employee as "Any person, including owner or manager, who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served."
 - (4) The above code also requires that "Every person connected with an eating and drinking establishment whose work brings him in contact with the production, handling, serving or storage of food, drink, utensils or equipment, shall furnish such information, permit such physical examination, and/or X-rays, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infections."

7.91 HEALTH MAINTENANCE PROGRAM

7.911 POLICY (Approved by the Board of Trustees, FY 1974 Operating Budget, May 21, 1973)

The Health Maintenance Program (HMP) is designed to encourage College personnel to schedule regular physical examinations in the interest of the maintenance of good health. The program provides for the reimbursement of up to \$25 every other fiscal year to each eligible person toward payment of the physician's fee (exclusive of charges for diagnostic services, such as x-ray or laboratory work) for a general physical examination.

7.912 ELIGIBILITY

An eligible person is a full-time College employe at least 40 years of age who has worked for the College for at least one year.

7.913 PROCEDURE

- a. Application for reimbursement of the \$25 is accomplished by completion of an Application for Reimbursement (MC Form 7.91) which is available from the Employee Services Office.
- b. After the physician has certified that the physical examination was performed, the form MC 7.91 is submitted to the College Personnel Office.
- c. Upon verification that the employe is at least 40 years old, has been a full-time employe of the College for at least one year, and that he or she has not received reimbursement during the current or immediately preceding fiscal year, the Director of Personnel authorizes reimbursement.
- d. One copy of the approved Form MC 7.91 is forwarded to the Finance Office as authorization for the reimbursement and the other copy is retained in the Personnel Office.
- e. In the event the application is not approved, it is returned to the requestor by the Director of Personnel with an explanation for the disapproval.

7.92 PRE-EMPLOYMENT PHYSICAL EXAMINATION

7.921 POLICY (Approved by the Board of Trustees, May 20, 1974)

- a. All candidates for approved positions at Montgomery College shall have a pre-employment physical examination for the purpose of assuring that each person employed is physically able to perform the duties and responsibilities of the position for which the individual is being considered, and for the purpose of avoiding the employment of persons whose health and physical condition could adversely affect the health, safety, and welfare of persons associated with the College. It is the expectation of the Board of Trustees, also, that the pre-employment physical examination will help to minimize the applicable public cost of staffing the College. The medical opinion shall be a significant consideration in the final decision relative to employment. Under exceptional circumstances the President, or the

President's designee, may authorize temporary employment in spite of a medical opinion which would normally preclude employment because of a health condition.

- b. If temporary employment is authorized under exceptional circumstances, the person employed will not be eligible for participation in the College's group health and life insurance program and the College's disability leave program for a period of at least twelve consecutive calendar months. During this period the College will contribute (up to the current dollar amount paid by the College for similar coverage for those persons covered by the College group insurance policy) toward the cost of reasonably equivalent individual health and life insurance obtained independently by the employee. If, after completion of at least twelve consecutive calendar months, the individual has been completely treatment free in relation to the pre-existing condition, the employment status can be changed by the President, or the President's designee, to regular (as opposed to temporary), thereby making the individual fully eligible at that time to participate in the group health and life insurance and the disability leave program.
- c. Except for purposes indicated herein, the pre-employment physical examination will not be used to deny employment to qualified persons who are selected by the College.

7.922 PROCEDURES (Approved by the President, May 20, 1974)

- a. In the application process, the College shall notify each applicant that a pre-employment physical examination is a condition of employment and will provide the applicant with forms and information, as appropriate.
- b. The Director of Personnel shall recommend to the Dean of Administration, and the Dean of Administration shall select, a physician or team of physicians experienced in the field of occupational medicine to provide pre-employment physical examinations for the College at a reasonable unit fee. This fee shall be paid by the College. The Director of Personnel shall provide the physician with a job description, and related information as required, in order for the physician to have an adequate understanding of the physical requirements of the position to be filled, and in order for the physician to be able to use this and other data in reaching a medical opinion concerning the physical fitness of candidates for employment with the College.
- c. Prior to final consummation of an employment agreement and upon receipt of a notice of prospective employment, the Director of Personnel will make arrangements for a pre-employment physical examination. Notice of prospective employment is made by the employing supervisor for Staff candidates, by the Campus Dean for faculty candidates, and by the President for administrative candidates. The notice of prospective employment shall be in writing indicating to the Director of Personnel that the candidate probably will be recommended for employment upon receipt of a favorable medical opinion. The position number of the vacancy to be filled by the candidate should also be indicated on the notice of prospective employment.
- d. The Director of Personnel shall provide a medical examination form (MC Form 7.92) for the candidate and make the arrangements for the examination with a physician selected by the College. Under certain

circumstances, a candidate may be granted permission by the Director of Personnel to have the examination performed by a different physician at the expense of the individual candidate, with reimbursement from the College up to the same amount paid by the College for the same service. In this case the report from the other physician must be prepared on the College form (MC Form 7.92), and sent to the College-selected physician for review and development of a report on the candidate's physical fitness for employment at the College. The Director of Personnel will grant this deviation from normal procedure in those cases where a final employment decision would be unduly delayed or the candidate unduly inconvenienced in terms of time and expense by adherence to the standard procedure.

- e. The examining physician will perform a routine physical examination including such items as:

- Medical history
- Vision
- Hearing
- Blood pressure
- Urinalysis
- Serology

As a result of the examination the college-selected physician will provide the College with a medical opinion regarding the ability of the candidate to perform the task of the position for which the candidate is applying. When the examination is performed by other than the College retained physician, the examiner's report shall be sent to the College retained physician for review and development of such a medical opinion.

- f. This physician's report to the College will state that either: (1) The candidate's health and physical condition are acceptable for any position at the College, or, (2) The candidate's health and physical condition are acceptable for the proposed assignment only and that further medical opinion should be required before any change of assignment is made or, (3) The candidate's health and physical condition are not acceptable for the proposed assignment at Montgomery College.
- g. All medical records shall be retained by the College-selected physician.
- h. Upon receipt of the physician's report, the Director of Personnel shall send a copy of this report to the candidate and to the referring College official for consideration in arriving at a decision relative to employment. Except in extremely unusual circumstances (such as the candidate's possession of an extremely rare skill or expertise) the medical opinion shall be a significant consideration in the final decision relative to employment. When unusual circumstances pertain, the involved campus or administrative dean may request that an exception to standard practice be made and that employment be authorized in spite of the contrary medical opinion. The request must be in writing to the Dean of Administration when the candidate is being considered for a Staff position and to the President when the candidate is being considered for a Faculty or Administrative position. Upon approval of the request by the President, or his designee, the requesting supervisor and the Director of Personnel are authorized to proceed with appropriate employment arrangements.

- i. In cases where temporary employment is authorized by the President or his designee under exceptional circumstances, and enrollment in the College group health and life insurance program is not allowed, the Director of Personnel will arrange for payment of a monthly amount (no greater than the current dollar amount paid by the College for similar coverage for those persons covered by the College group insurance policy) toward the cost of reasonably equivalent individual health and life insurance coverage obtained independently by the employee. Such payment shall be authorized and paid to the individual only after the Director of Personnel has been provided due proof of the existence of such equivalent insurance protection by the employee or the designated insurance carrier.
- j. If, after completion of at least twelve consecutive calendar months, the individual has been completely treatment free in relation to the pre-existing condition which precluded employment on a regular basis, the Director of Personnel will inform the appropriate administrator who authorized the employment initially. This person will change the employment status from temporary to regular. This change in status makes the individual eligible at that time to participate in the group health and life insurance and the disability leave program. Upon receipt of confirmation of this change in employment status from the appropriate administrator, the Director of Personnel will see that the employee is properly enrolled in the group health and life insurance program and is otherwise treated as a regular employee rather than a temporary one.
- k. If, after completion of at least twelve consecutive calendar months, the individual has not been completely treatment free, he or she may be continued in a temporary capacity for another twelve consecutive calendar months under the conditions outlined in (i) above.

7.923 ACCOUNTABILITY

The Director of Personnel shall be responsible to the President or his designee for the coordination of the pre-employment physical examination program and for authorizing the expenditure of funds budgeted for the program.

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