



*"Creating Opportunities for You!"*

**Luna Community College**

**Faculty Policy and Procedure  
Manual**

**Adopted 10/10/06**

*Updated 7/30/14*

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## Chapter 1 Introduction

### 1.1 Accreditation.

Luna Community College (the “College”) is accredited by the North Central Association of Colleges and Secondary Schools, 30 North LaSalle Street, Suite 2400, Chicago, Illinois, 60602-2504, as a degree-granting institution. Membership in this accrediting association makes possible the transfer of credits to other colleges and universities. Accreditation information is available to the public upon written request to the College.

### 1.2 Mission Statement.

“Creating Opportunities for You!” (*Approved by Board of Trustees May 13, 2013*)

### 1.3 Vision Statement.

“New Mexico’s Premier Community College: Preparing Students for Success” (*Approved by Board of Trustees May 13, 2013*)

### 1.4 The Guiding Principles of the College.

1.4.1. Provide accessible, affordable and quality education designed to optimize opportunities for student participation

1.4.2. Prepare students through dual credit and concurrent enrollment and facilitate their aspirations by early admissions with the ultimate goal of earning meaningful employment

1.4.3. Provide students with greater insight into their strengths, needs, aspirations, and foster a greater appreciation and understanding of their cultural background and experiences

1.4.4. Promote general education CORE curriculum to ensure that our graduates possess adequate literacy and general knowledge to function in employment, to pursue additional education, and to participate in the cultural and political life of the community and society

1.4.5. Promote collegiality, respect and dignity among staff and students

1.4.6. Prepare students for employment through a broad range of vocational, technical, and professional education programs

1.4.7. Enhance job effectiveness through promotion of critical thinking skills, continued training, advancement in technology, distance learning, and maintain relevant skills needed in the job market

1.4.8. Promote transfer of credits between institutions of higher education

*(Updated 7-22-14)*

1.5 Institutional Goals.

The Board of Trustees of the College (“Board”), its administration, faculty, and staff have adopted the following six long-term institutional goals identified by the National Alliance of Community and Technical Colleges (1601 South Miami Avenue Miami, FL 33129):

1.5.1 Access and Equity.

The College shall endeavor to provide members of the surrounding communities’ equal access to relevant post-secondary education regardless of academic preparation or background.

1.5.2 Employment Preparation and Placement.

The College shall dedicate itself to preparing today’s workforce for the needs of tomorrow’s workplace. Toward that end, the College shall commit to expanding its relationship with northeastern New Mexico businesses by focusing on the needs of local employers and by targeting its academic programs, student support programs, and community relationships to fulfill those needs.

1.5.3 College and University Transfer.

A significant role of the College shall be to facilitate students’ ability to transfer to four-year colleges and universities for the purpose of obtaining baccalaureate degrees.

1.5.4 Economic Development.

The College shall contribute to the economic development of the communities it serves by ensuring the availability of relevant post-secondary education and training, and by providing prospective employers with effectively-trained, workplace-ready employees.

1.5.5 College and Community Partnerships.

The College shall make its facilities and services available to individuals and groups from the surrounding communities and shall encourage faculty, staff, and students to commit themselves to volunteer service benefiting the surrounding communities.



#### 1.5.6 Cultural and Cross-Cultural Development.

Recognizing that the College serves a diverse population consisting of individuals of various racial, ethnic and religious backgrounds, as well as students with special needs, the College shall serve as a catalyst for cross-cultural awareness and collaboration, and shall make available to its students, faculty and staff opportunities for participation in the cultural arts, as well as sports and recreational activities.

#### 1.6 Strategic Planning.

To help guide and measure the College's progress toward its long-term goals, the Board has undertaken strategic planning, including the adoption of performance indicators and corresponding performance metrics.

#### 1.7 About This Handbook.

1.7.1 All provisions within this Handbook shall be interpreted consistent with federal and state law.

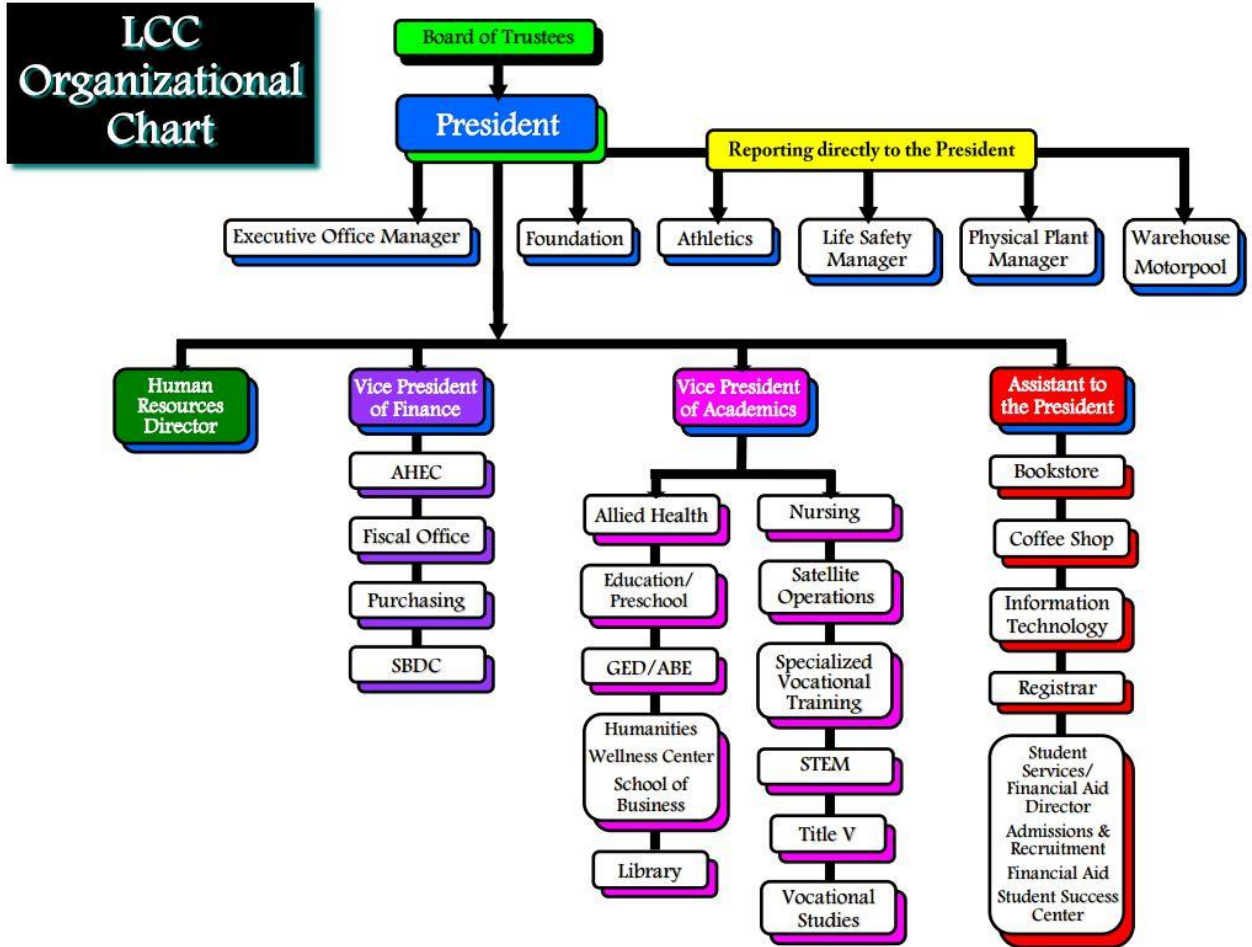
1.7.2 A copy of this Handbook shall be posted on the College's website and a hard copy shall be placed in the College's Learning Resource Center and in the Human Resources Office.

1.7.3 Amendments to this Handbook may be proposed by the College's President, Vice President for Instruction, Chief Financial Officer, or Employee Policy and Procedure Standing Committee. Proposed amendments shall be presented to all Department Directors, the Chief Financial Officer, the Vice President for Instruction, and the President of the College for their prior consideration and input. Following the aforementioned review process, which may include revisions, the President shall then propose the amendment to the Board for ratification.

1.7.4 This Handbook, as well as any subsequent amendments hereto, shall become effective upon the date of its approval or ratification by the Board. The complete procedure for amending this Handbook is available from the Human Resources Office.

## Chapter 2 Organization and Governance

### 2.1 Organizational Chart.



## 2.2 Governance and Instructional Organization.

### 2.2.1 Board of Trustees.

The Board is the governing body of the College. The New Mexico Community College Act of 1985 establishes the Board's authority. The Board is composed of seven elected members from each of the seven participating school districts served by the College. The school districts currently being served by the College are the Las Vegas City School District, West Las Vegas, Maxwell, Mora, Santa Rosa, Springer, and Wagon Mound districts. The duties and responsibilities of the Board are outlined in the Board Policies. The Board's primary duty is that of determining the financial and educational policies of the College. The Board has delegated the responsibilities of implementing and enforcing Board policies to the College President.

### 2.2.2 President.

The President is the Chief Executive Officer of the College. The Community College Act, the rules and regulations of the New Mexico Higher Education Department (HED) and the policies of the Board charge the President with carrying out the policies of the Board and administering the College efficiently and effectively. The President is directly responsible to the Board for the College's operation and is expected to provide creative educational leadership in achieving the College's mission and goals.

Upon the President's recommendation, the Board shall employ other administrative personnel, instructional staff, and other personnel as needed for the operation, maintenance, and administration of the College. The President is responsible for the establishment of an administrative organization as appropriate to the size, complexity, and objectives of the College.

The College is organized into seven major departments, with the President providing general administrative leadership in these seven areas. The seven major departments are: (1) Academics, (2) Satellite and Instruction, (3) Finance and Administration, (4) Student Services and Planning, (5) Human Resources, (6) Development, and (7) Plant and Maintenance. The President shall hold regularly scheduled meetings with the administrative staff to give and seek advice, provide counsel, and give direction consistent with the goals of the College.

### 2.2.3 Vice President of Instruction.

**Definition:**

The Vice President for Instruction will help lead Luna Community College toward the fulfillment of its Mission Statement, and its journey toward a premier rural community college in America.

**Essential Functions:**

Essential functions, as defined under the Americans with Disabilities Act may include, but are not limited to the following characteristics, duties, responsibilities, knowledge, skills and other characteristics.

**Tasks:**

The Vice President for Instruction is the Chief Academic Officer of the College, reporting directly to the President and serving as a member of the President's Executive Committee. The incumbent is a senior officer for the College working with and coordinating the team of senior staff who are responsible for achieving the College's major goals, which are established by the President and the Board of Trustees. The Vice President for Instruction has responsibility for the leadership of all academic division operations.

The Vice President for Instruction provides the leadership for Luna Community College's strategic planning for academic programs. The incumbent ensures the development and enhancement of high quality certificate and associate degree programs through ongoing program review and assessment, the raising of academic standards. The VP of Instruction works with the VP of Student Services on the expansion of research and other scholarship/creative activity. As an important part of this process, the Vice President for Instruction works directly and closely with development teams to identify new sources of revenue to support existing programs.

The Vice President for Instruction leads a multifunctional integrated academic team consisting of seven academic departments: 1) ABE & Developmental Education Department 2) Business & Professional Studies Department 3) Department of Humanities 4) Allied Health Department 5) Department of Education and Childcare Services 6) Math, Science, & Technologies Department 7) Trades & Vocational Education Department. Specific responsibilities include, among others, on-campus and off-campus academic programs, specifically Springer Satellite, Santa Rosa Satellite and the Mora Satellite. The Vice President of Instruction is also responsible for the development, implementation, of delivery of program coordinated through all of the Academic Directors.

The incumbent must possess the intellectual vision and energy necessary to lead the college on its journey toward a status of premiere. The incumbent must also possess an ability to successfully motivate and collaborate with a college-wide team at all levels, to deepen the understanding and appreciation of the College's core values, and to demonstrate appropriate responsiveness to the needs and concerns of students, faculty and staff of Luna Community College.

### **SUPERVISION RECEIVED:**

The Vice President for Instruction functions as an employee under the general supervision of the President of the College. The incumbent will be evaluated annually by the President on the basis of goal accomplishment and leadership effectiveness.

### **SUPERVISION EXERCISED:**

The Vice President for Instruction directly supervises the academic directors, and satellite and site directors and coordinators.

### **MINIMUM QUALIFICATIONS:**

- Earned doctorate in an academic discipline from an accredited institution
- Demonstrated record of distinguished research/scholarship or teaching
- Understanding of a broad range of academic scholarship
- Understanding of academic and student services administration
- Demonstrated commitment to diversity
- Fiscal management experience
- Demonstrated ability to manage a complex academic organization and work effectively with colleagues across all units of the campus
- Demonstrated success as a creative leader and in securing external support of academic programs
- Highly motivated team player who possesses a high level of energy and who functions effectively in a fast-paced environment
- Excellent communication skills, both oral and written

### **PREFERRED QUALIFICATIONS:**

- Demonstrated sustained, inclusive and decisive leadership in higher education at the level of dean or higher
- Successful experiences, such as the following: leading strategic planning, substantive and decisive evaluation of academic programs, learning outcomes assessment and accreditation, developing interdisciplinary programs and the application of new technologies
- Demonstrated critical thinking skills
- Experience administering college-level education
- Ability to function effectively in external and internal environments with sound judgment in the context of politics, public relations, and academe

## **EXAMPLES OF DUTIES AND RESPONSIBILITIES:**

- Advises the President on all matters relating to the academic functions of the College.
- Provides academic and executive level leadership and supervision for all academic with collaboration and coordination with all student service programs, including undergraduate, certificate and continuing education programs.
- Works with and coordinates the team of senior staff who will be responsible for achieving entire goals or goal components.
- Oversees the development and maintenance of quality in education and student service programs and operations consistent with goals and objectives of the College.
- Provides direction, leadership, and motivation for all faculty and staff within the academic division.
- Promotes excellence in teaching, research, scholarship and creative activity.
- Sets high standards for assessing the quality of programs, teaching of the curriculum and student learning.
- Stimulates the development, implementation and assessment of academic and long-range plans, including continuous assessment of the College's long-term enrollment plan, enhancement of student life on campus, advancement of diversity, and the integration of technological tools that will enhance a learning environment.
- Oversees the activities and programs of all academic programs, while coordinating and aligning processes with the registration office, student services and enrollment management.
- Advances the College's commitment to diversity.
- Understands and coordinates with the other VPs that academic and student services, and enrollment programs and plans, including educational assumptions, are current and are integrated with the institutional mission statement, in consultation with others through the principles of shared governance.
- Ensures that the data necessary for academic planning and decision-making are available as needed.
- Identifies new sources of revenue to support existing programs, and provides leadership for the creation, and funding, of new programs, which foster the mission of the College.
- Becomes involved in, and takes leadership responsibility for, other tasks as assigned by the President and/or Board of Trustees. *(updated 7-22-14)*

#### 2.2.4 Academic Directors.

##### **Definition:**

The Academic Department Directors position is a twelve-month administrative position. The director holds faculty status and teaches as deemed appropriate.

Under administrative direction, the Academic Department Director is responsible for the day-to-day operations of their respective departments. The director provides leadership and supervision to staff, faculty and students within the department. The director also assists the VP of Instruction in curriculum development, assessment and evaluation; personnel recruitment, evaluation, retention and professional development; and student recruitment, retention, and academic achievement.

##### **Essential Functions:**

Essential functions, as defined under the Americans with Disabilities Act may include, but are not limited to the following characteristics, duties, responsibilities, knowledge, skills and other characteristics.

##### **Tasks:**

Determines and oversees short- and long-term direction and activities for the department; plans and prepares program budgets, financial and related reports and funding proposals.

Is responsible for monitoring budgets, preparing budget adjustment requests as appropriate, adherence to rules and regulations governing purchasing and travel for your respective department and all staff under your supervision.

Provides support for faculty in curriculum planning, classroom instruction planning and evaluation, syllabus preparation and problem solving; prepares performance appraisals and participates in professional development planning activities; conducts department meetings and provides information on institutional activities.

Initiates and administers student recruitment and retention efforts related to the academic program, including advising prospective students, and scheduling, administering and compiling outcomes assessment examinations; initiates referrals; and oversees departmental grievance procedures.

Participates in institutional, professional and other internal committee activities; establishes and maintains external professional contacts and relationships; conducts ongoing research to maintain currency in supervision, curriculum development, and other areas of responsibility.

Other Duties as assigned: I.E. (Board Meetings, Committees, Trainings, and Interviews).

**Knowledge, Skills and Other Characteristics:**

Knowledge of budget development and administration.

Knowledge of adult learning theory, curriculum development and classroom presentation techniques.

Knowledge of counseling and advising methods and techniques.

Knowledge of research methodology and information resources related to departmental matters.

Knowledge of supervisory practices.

Skill in program development, administration, and evaluation.

Skill in preparing and presenting classroom lectures.

Skill in the use of standard office equipment, including personal computer and standard office software.

**Qualifications:**

Preferred Doctorate; Master's degree required in a departmental discipline, three (3) years of teaching experience, or an equivalent combination of teaching and administrative experience.

**Working conditions:**

Typical office environment and some travel is required.

2.2.5 Advisory Committees.

In order to ensure the best possible education and training programs for the citizens of the service area, the Institute shall recognize that constructive study and progress require active participation and consistent involvement by members of the general public. The Board of Trustees and Administration shall establish procedures to encourage and utilize community advice and evaluation. Community participants shall serve to keep the Institute informed concerning the needs of the community, as well as to keep the general public apprised of the offerings and directions of the Institute.

2.2.6 Committees.

Committees are appointed by the President, with assistance and consultation of the Administrative staff, to address a specific issue, or set of issues, and may be dissolved whenever their assignments are completed.

The President shall determine the selection, structure, and charge of each committee. The President may, if he/she deems necessary, seek advice from the Board, the Institute's administrators, and/or selected members of the public at large.



### **Chapter 3 Faculty Handbook Amendment Procedures for all Personnel and Employee Handbook**

- 3.1 The Faculty Handbook shall be interpreted in such a fashion as to be consistent with current interpretation by the courts of the United States and the State of New Mexico.

The Board of Trustees will ratify the Faculty Handbook policy and procedures, and the President and the administrative staff of Luna Community College will implement the policies and procedures and coordinate its implementation.

- 3.2 Amendment Procedures.

These personnel policies, procedures, and practices, are subject to review annually in order to maintain legal compliance, and operational effectiveness. The historical background, mission, goals and objectives will be amended as required. The Professional and Support Employee Policies and Procedures will be posted on the LCC Website, and a hard copy located at the Learning Resource Center and at the Human Resource Office.

Amendments may be enacted by the Board of Trustees, or proposed by the President, Vice President of Instruction, Vice President of Finance and Administration, or Professional and Support Employee Policy and Procedure Standing Committee. Proposed amendments shall be presented to all Department Directors, Vice President of Finance and Administration, Vice President of Instruction, and President. The President shall propose amendments to the Board of Trustees. Upon ratification by the Board of Trustees, the Professional and Support Employee Policies and Procedures will become effective on the date of ratification. The complete process can be obtained from the Human Resources Office.

## **Chapter 4 Non Discrimination Policy**

### **4.1 Policy.**

- 4.1.1 It is the College's express policy and purpose to provide educational and employment opportunities without regard to race, religion, color, national origin ancestry, sex, sexual orientation, gender identity, spousal affiliation, age, disability, or veteran's status, in conformity with the laws of the United States and the State of New Mexico.
- 4.1.2 Equal opportunity extends to all aspects of the employment relationship with the College, including hiring, transfers, promotions, training, terminations, working conditions, compensation, and benefits.
- 4.1.3 It is the responsibility of each member of the College's staff to comply with the College's nondiscrimination policy. The College's Human Resources Office is responsible for ensuring the College's compliance with its nondiscrimination policies in all personnel and employment matters.

### **4.2 Compliance.**

#### **4.2.1 Recruitment and Selection.**

The Human Resources Office shall oversee recruitment and selection systems to ensure compliance with the College's Nondiscrimination Policy. To attract qualified applicants, the College shall utilize recruitment resources, including secondary schools, other institutions of higher learning, and the New Mexico Department of Labor.

#### **4.2.2 Supervisor Training.**

As part of the College's Professional Development Plan, employees with supervisory authority shall be provided on-going training and technical assistance on the various laws and regulations underlying the College's Nondiscrimination.

#### 4.2.3 Job Description Review.

The Human Resources Office shall conduct periodic reviews of the College's job descriptions to confirm that essential job functions are listed and to verify that the required qualifications are job-related and consistent with business necessity.

Supervisory staff shall review job descriptions prior to each evaluation period and shall create a summary of additional job duties, as assigned.

#### 4.2.4 Equitable Compensation.

The College shall provide equal pay for equal work to ensure that individual compensation is based upon the job held and the experience of the individual within a particular job category.

#### 4.2.5 Employee Training Opportunities.

On-the-job training programs, as well as other training and educational programs offered by the College, shall be made available to all employees without regard to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, age, disability, or veteran status.

4.2.5.1 Luna Community College's long-term objective is to focus on building formalized on-the-job development programs within the College structure by putting a greater emphasis on internal skill development. The two reasons for this increased focus are to ensure that College has the skills available to fulfill current demands and to provide employees the opportunity to learn new skills, therefore, creating a strong foundation with a firm commitment to the College.

4.2.5.2 Employee training development objectives need to be set annually and reviewed regularly. The following are the steps necessary in the implementation of this policy.

- Identify the functions specifically performed by the Department Director and determine which functions would be completed by the designated employee.
- Develop a training process. The supervisor or the person currently performing the job can do the training.
- Outline a schedule to perform the new skills periodically.

4.2.5.2.1 Regular Full-Time Employee Additional Duties (*Approved January 12, 2016*) - Per the President's discretion, other considerations for regular full-time employees that assume additional duties based on functions of high priority during a job vacancy or a position of a full-time employee within the department that is on extended leave such as FMLA, etc.

1. Per the President's discretion, compensation shall be based on 20% of the entry level salary of the range of the open position and will become effective upon the President's review and assignment. This will only be for the employee(s) that specifically assume the additional duties of vacant position or upon a position of an employee within the department that is on extended leave such as FMLA, etc.
2. The interim position shall not exceed six (6) months and shall be evaluated by Administration before the position is filled.

Luna Community College continues onward revolving around a learning culture. (*Approved by the Board of Trustees on May 14, 2014*)

#### 4.3 Required Notices Concerning Nondiscrimination Policies.

4.3.1 As required by law, the Human Resources Office shall post federal and state government nondiscrimination posters in conspicuous locations throughout the College campus. The College's nondiscrimination policies and procedures shall also be explained to all new employees during employee orientations conducted by the Human Resources Office.

4.3.2 Notices, advertisements, forms, job descriptions, and other documents related to employment shall not indicate any preference, limitation or discrimination on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition, status as an armed forces veteran, or any other prohibited basis, in conformity with federal and state law.

4.3.3 All employment advertisements placed by the College or its contract recruiters must include the phrase: Luna Community College is an Equal Employment Opportunity Employer.

#### 4.4 Procedure for Reporting Violations of the College's Nondiscrimination Policies.

4.4.1 College employees who believe they have been subjected to prohibited discrimination or harassment should immediately report the incident to their supervisor or to the Human Resources Director within five (5) days following the actual or constructive knowledge of the alleged discrimination or harassment. Employees may use the Discrimination/Harassment Reporting Form included as Attachment F to this Handbook. The supervisor shall report all discrimination or harassment complaints to the Human Resources Director.

4.4.2 Every reported violation of the College's nondiscrimination policies and procedures shall be promptly investigated by the Human Resources Director. Failure by an employee to fully and timely report alleged violations of the College's nondiscrimination policies or to provide supporting information, may compromise the College's ability to investigate or remedy the alleged violation. Employees found to have engaged in discriminatory conduct or harassment shall be subject to immediate disciplinary action, up to and including termination of employment with the College.

4.4.2.1 If the Human Resources Director is implicated in the complaint, he or she will not conduct the investigation. In the alternative, the President would hire an outside entity to investigate the claim and recommend discipline (if any). The President would then rule on the proposed discipline.

4.4.2.2 If the President is implicated in the complaint, the Human Resources Director can either (1) investigate the claim and recommend discipline directly to the Board, or (2) hire an outside entity to perform this function and report its findings to the Board.

#### 4.5 Employment Classification

##### 4.5.1 Faculty

Faculty will present evidence of current curricula, content, and organization through continuously improved course syllabi, selection of texts, and related instructional materials; exhibit proficiency in oral and written communication skills; exhibit a continued interest in inquiry and teaching through professional self-development; provide accurate student advisement relative to course selection, support services, career choices and student academic outcomes; follow LCC's and department guidelines and procedures regarding academic instruction, i.e., actively recruit students, follow exam schedules, submit grades on time, attend faculty meetings, conduct classes as scheduled, fulfill office hours, meet reporting deadlines, and meet LCC's record keeping requirements. Faculty also need to participate in committee assignments.

##### 4.5.2 Per Course Faculty

Per Course Faculty are individuals whose primary employment is outside the College and who, because of their professional standing, provide part-time instruction and/or training to LCC students on a voluntary or contractual basis.

## 4.6 Faculty Terms of Employment

### 4.6.1 Issuance of Contracts

Faculty are issued contracts on a year-to-year basis specifying the status, the period, teaching assignment, pay range, and salary. On or before the month of May of each academic year, duties and responsibilities, as stated in this manual, are incorporated by reference.

### 4.6.2 Service Period

Full-time faculty are employed on a nine-month contract and are required to serve the entire period of the contract. During scheduled semester breaks when students are not on campus, the faculty member is not required to report to the campus but should leave a number where he/she can be reached. Full Time Faculty will remain working on campus during scheduled in-service days.

### 4.6.3 Teaching Load

Although, LCC does not adhere strictly to a regular 40 hour work week and the normal 8 a.m. to 5 p.m. daily schedule, it is assumed that for every credit hour a faculty member devotes two (2) clock hours to direct instruction and related activities, i.e., lecture and test preparation, homework and test grading, attendance monitoring and reporting, departmental and committee meetings, professional readings, etc. The equivalent within a 40 hour work week is 15-17 credit hours.

- 15 credit hours x 2 = 30 class hours + 10 office hours
- 16 credit hours x 2 = 32 class hours + 8 office hours
- 17 credit hours x 2 = 34 class hours + 6 office hours

The same faculty member is expected to adhere to required posted office hours; thus, the equivalent is a 40-hour workweek. It should be understood that many of the workload requirements may not always be performed on campus or during the Monday through Friday work schedule.

Similarly, the normal working hours between 8 a.m. and 5 p.m. from Monday through Friday are not strictly applied. Classes may be scheduled at LCC, or any of its satellites, between the hours of 8 a.m. and 5 p.m., Monday through Saturday. Faculty may be scheduled to teach classes within this time frame

according to the College and department needs, i.e., as student demand and needs dictate.

#### 4.7 Supplemental Contract

There are three supplemental Contracts that can be issued for faculty.

4.7.1 **Overload:** Teaching overloads are discouraged, and LCC avoids assigning overloads whenever possible. If an overload is necessary, the following process is required: After the Academic Director requests an overload, approval is required from the Vice President of Instruction, the Vice President of Finance and Administration, and the President. Qualifying faculty will be full-time instructors who are teaching a minimum of 15-17 credit hours with a minimum of 4-5 courses. Overload is paid at the current per course faculty rate. (See Human Resource Technician for pay rate scale.)

4.7.2 **Summer Session:** Appointment for a summer session in any year is a separate contract to be entered into by the mutual consent of the College and the faculty member. The full-time teaching load is from 6 to 8 credits and a minimum of one office hour per week for each course assigned. Compensation is calculated at the overload rate through a supplemental contact.

4.7.3 **Special Projects:** These projects are academic projects that are funded through proposals to local, state, and federal funding sources.

4.7.4 **Directed Study:** Approval is required from the Academic Director, Vice President of Instruction and LCC President.

#### 4.8 Equal Employment Opportunity Policy

##### 4.8.1 Employment Policy and Practices

###### Working Hours Equal Employment Opportunity Statement

Luna Community College (LCC) is committed to providing equal employment opportunity for all persons regardless of race, color, religion, gender, age, marital status, national origin, citizenship status, disability, or veteran status.

Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

LCC complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of harassment, including sexual harassment. LCC considers harassment in all forms to be a serious offense.

#### 4.8.2 Director of Human Resources.

**Position:**

Direct the comprehensive human resources program and manage the activities of Luna Community College's (College) Human Resources Office that include staff training/development, safety/risk management, planning, organizing, developing, implementing and directing. Translates broad general guidance and policy into programs and **advises management on all human resources issues**. Subject to general supervision and policy determinations of the President, duties of this position are carried out with wide latitude, judgment and discretion.

**Essential Functions:**

Essential functions of this position may include, but are not limited to the following:

**Tasks:**

Supervises a professional human resource staff in the coordination of specialized College-wide Human Resources activity.

Establishes human resources procedures and operations consistent with current laws and College policies; studies and evaluates current procedures and recommends changes.

Administers classification programs, which include classifying, reclassifying positions, and writing job descriptions.

Develops and maintains affirmative action program.

Maintains records, reports, and logs to conform to EEO regulations.

Conducts various cost analyses, relative to human resources budgetary planning control.

Serves as liaison with College management and staff to discuss and resolve a variety of human resources issues such as staffing, reorganization, policy and rule interpretation, and related personnel issues.

Conducts research, analysis and studies to address major issues and problems related to a specialized human resource area and recommend or initiate programs or actions to resolve problems and enhance services.

Plans, develops, and recommends new or revised human resource policies and programs to meet the operating needs of the College and the needs of its employees.

Analyzes and evaluates the impact of proposed legislation and rule changes; assists in the establishment of College human resources policies, rules and procedures.

Serves on various College committees as representative of the Human Resources Department.



Establishes and implements short- and long-range goals, objectives, policies, and operating procedures.

Coordinates grievance panel nominations, hearing, and activities.

Responsible for labor relations.

Monitors unemployment claims and assists departments with appeals.

Monitors performance appraisal programs.

Monitors workers' compensation claims.

Monitors posting of position announcements, the interview processes and selection of employees.

Monitors maintenance of attendance records.

Other duties as assigned by the President.

**Knowledge, Skills and Other Characteristics:**

Knowledge of federal, state personnel laws, regulations, and public sector employment policies and procedures.

Knowledge of alternative dispute resolution processes.

Knowledge of contemporary human resources principles, processes, procedures, and documentation, applicable to a public institution.

Knowledge of contemporary human resources principles, processes, procedures, and documentation, applicable to a public institution.

Knowledge of the principles and practices of effective leadership, management and supervision.

Knowledge of program management principles and practices.

Skill in examining and re-engineering operations and procedures, formulating policy, and developing and implementing new strategies and procedures.

Skill in the interpretation and advising on the application of EEOC laws and regulations.

Skill in both verbal and written communication.

Skill in supervising and training assigned staff including organizing, prioritizing, and scheduling work assignments.

Skill in compiling data and preparing reports.

Skill in the use of computers (PC) in a Windows-based operating environment.

Skill in working under pressure, handling significant problems and tasks that arise simultaneously and/or unexpectedly.

**Qualifications:**

Bachelor's degree in personnel management, business administration, psychology, or education, and six (6) years general experience in the Human Resources field; OR Master's degree in Human Resource management or related Personnel/Human Resources field and four (4) years general experience in the Human Resources field. Any equivalent combination of experience and training that provides the required knowledge, skills, and abilities will be considered for

the position of Human Resource Director. Must possess knowledge of state and federal personnel laws. Must have a valid New Mexico Driver's License.

#### 4.8.3 Supervisors Equal Employment Opportunity Responsibilities

- Creating and maintaining a work environment free of discrimination and harassment;
- Investigating promptly complaints of discrimination or harassment within their respective departments;
- Reporting discrimination and harassment complaints to LCC's Director of Human Resources;
- Taking corrective action to prevent prohibited conduct from reoccurring.

#### 4.8.4 Employees Equal Employment Opportunity Responsibilities

Respecting the rights of their coworkers and avoiding discriminatory or harassing conduct.

#### 4.8.5 Equal Employment Opportunity Communication

Regarding this Equal Employment Opportunity Policy, LCC will communicate to its employees through Federal and State government nondiscrimination posters that are displayed in conspicuous locations in all LCC facilities. As well, LCC's EEO and/or AAP Policies are addressed in new employee orientation.

Notices, advertisements, forms, job descriptions, and other specifications relating to employment shall not indicate any preference, limitation, or discrimination based on race, color, religion, gender, age, national origin, citizenship status, disability, or status as a disabled veteran or veteran of the Veteran Forces Era. All employment advertisements placed by LCC or its contract recruiters must include the phrase: "**LCC is An Equal Employment Opportunity Employer.**"

## Chapter 5 – Recruitment and Hiring

### 5.1 Human Resources Office.

The Human Resources Office recruits applicants and accepts applications for job openings at the College. All applications are kept on file for a maximum of one (1) year. Applications will not be considered for other job openings unless requested in writing by the applicant.

### 5.2 Employee Designations.

#### 5.2.1 Professional, Executive, and Administrative Staff.

- 5.2.1.1 The terms Professional, Executive, and Administrative (non-faculty) Staff shall mean employees who hold positions classified as exempt under the federal Fair Labor Standards Act (FLSA), as amended, and New Mexico law. As exempt employees, Professional, Executive, and Administrative Staff are not entitled to overtime/compensatory time.
- 5.2.1.2 Professional, Executive, and Administrative Staff shall be considered a part of the Management of the College, and are expected to spend the time and intellectual energy necessary to fulfill their job responsibilities.
- 5.2.1.3 Professional, Executive, and Administrative Staff include, but are not limited to, the following job titles: Director, Manager, Accountant, System Analyst, Supervisor, and Counselor. There are two subcategories of Professional, Executive, and Administrative Staff: (1) Regular and (2) Temporary. An individual may work either full-time or part-time in either of these subcategories.
- 5.2.1.4 Professional, Executive, and Administrative Staff are expected to serve as role models for students and other employees by maintaining the highest standards of both personal and professional conduct.
- 5.2.1.5 Professional, Executive, and Administrative Staff are expected to attend the College functions outside of regularly-scheduled working hours without additional compensation. In situations where Professional, Executive, and Administrative Staff are asked to perform work not usually associated with their regular job responsibilities, the College may issue a Supplemental Contract with the prior approval of the President.

#### 5.2.1.6 Definitions.

- 5.2.1.6.1 Professional. An employee who must spend more than 50 percent of his or her time in scientific or specialized study, or in performing original and creative work, or instruction.
- 5.2.1.6.2 Executive. An employee who must spend more than 50 percent of his or her time in management of an organized department or subdivision thereof.
- 5.2.1.6.3 Administrative. An employee who must spend more than 50 percent of his or her time performing office or non-manual work relating to management policies or functions directly related to academic instruction or training.
- 5.2.1.6.4 Supervisor. An employee who devotes a substantial amount of work to supervisory duties and who customarily directs the work of two or more other employees.

#### 5.2.2 Faculty.

Faculty members are considered exempt Professional employees. Faculty positions are covered in the Faculty Handbook.

#### 5.2.3 Support Staff.

The term Support Staff shall mean personnel holding positions classified as Anon-exempt@ under the Fair Labor Standards Act (FLSA), as amended. Non-exempt employees are entitled to overtime/compensatory time under federal and state law. Support Staff include, but are not limited to, the following job titles: Secretary, Clerical Employee, Maintenance Employee, and Service Workers. There are two subcategories of Support Staff: (1) Regular and (2) Temporary. An individual may work either full-time or part-time in either of these subcategories.

#### 5.2.4 Regular Employee.

- 5.2.4.1 Regular Full-Time Employee. An employee hired to fill an established, budgeted position, who is scheduled to work forty (40) hours or more per week for twelve (12) months per year.
- 5.2.4.2 Regular Part-Time Employee. An employee hired to fill an established, budgeted position, who is scheduled to work less than forty (40) hours per week for twelve (12) months per year.

- 5.2.4.3 Multiple Regular Part-Time Positions. An employee working two (2) regular part-time positions that together total forty (40) hours per week will be considered a Regular Full-Time employee. If the combined hours normally worked by the employee are less than forty (40) hours per week, the employee will be considered a Regular Part-Time Employee.
- 5.2.4.4 Regular Part-Time and Temporary Part-Time Positions. An employee working both Regular Part-Time and Temporary Part-Time (as defined, below) will be considered a Regular Part-Time Employee.

5.2.5 Temporary Employee.

- 5.2.5.1 Temporary Employee positions are those of limited term, less than twelve (12) months per term, created and filled to satisfy a short-term need of the College. Benefits will not be provided to Temporary Employees.
- 5.2.5.2 Temporary Full-Time Employee. An employee hired to work forty (40) hours per week, for a term less than twelve (12) months. Time extensions may occur depending on the needs of the College and any extension must be requested through the Human Resources Office and approved by the President. Any extension does not change the character of the temporary position to one that is regular.
- 5.2.5.3 Temporary Part-Time Employee. An employee hired to work less than forty (40) hours per week, for a term less than twelve (12) months.
- 5.2.5.4 Multiple Temporary Part-Time Positions. An employee hired to work two or more Temporary Part-Time positions totaling forty (40) hours per week shall be considered a Temporary Full-Time Employee. If the combined hours normally worked by the employee are less than forty (40) hours per week, the employee will be considered a Temporary Part-Time Employee.

5.2.6 Classification Changes.

Classification changes from Temporary Full-Time to Regular Full-Time may occur under the following circumstances:

- 5.2.6.1 When a Temporary Full-Time position is re-classified as a Regular Full Time position, it shall be considered a new position and treated consistent with College policies governing new positions or vacancies. The incumbent Temporary Full-Time Employee may apply for the new Regular Full-Time position and, if selected, benefits associated with the

new position shall be awarded as of the date the employee assumes duties as a Regular Full-Time Employee.

### 5.3 Hiring of Regular Employees.

- 5.3.1 All Regular Employee contracts, whether Full-Time or Part-Time shall be made for the period of time required by the position for which the employee has been hired to work.
- 5.3.2 There shall be no commitment, express or implied, to renew the contract of any employee beyond the expiration date of the employee's contract. If no expiration date is given for a particular contract, the expiration date shall be the last day of the College's fiscal year.
- 5.3.3 The procedure for recruiting Regular Employees shall be as follows:
  - 5.3.3.1 A Position Vacancy Notice and Recruitment Approval Form (attached hereto as Attachment A) shall be filled out by the relevant Department Director or Program supervisor, signed by all required administrators and submitted to the President. The Vacancy Request Form shall identify the availability of the funds for the position, job description, minimum qualifications for the position, justification for the position, intended date of hire, and the account number for the available position. For newly created positions, the Department Director or Program Supervisor shall fill out an RPSP form, as approved by the Vice President for Finance and Administration. Each RPSP form shall include a written explanation of the need for the new position, a budget summary, and a description of how the new position will benefit the College. (Note: A reclassified or upgraded position shall not be considered a new position).
  - 5.3.3.2 Each proposed job announcement for an open position shall include a brief job description and the minimum qualifications required for the position.
  - 5.3.3.3 The President shall approve the position before any Regular Employee position opening may be announced.
  - 5.3.3.4 The job announcement shall be posted on the bulletin board near the Human Resources Office and on the College's website for a period of not less than five (5) days. Each job announcement shall contain a closing date for consideration of applications.
  - 5.3.3.5 All qualified applicants who apply within the time specified in the job announcement shall be considered for the position. A record of each job application received shall accompany the final recommendation for

employment by the Human Resources Office. Contingent upon the number of job applications received, up to five (5) applicants with the best qualifications shall be given the opportunity to interview with the Interview Committee.

- 5.3.3.6 The Interview Committee shall consist of the following: one representative from the department requesting the employee, one representative from the Human Resources Office to facilitate the interview process, and two randomly picked employees from the College's pool of Administrative Professional, Faculty, and Other Regular Full-Time Staff. When an employee is selected to participate on an Interview Committee, it is a commitment that is expected to be met. Regular Full-Time employees will be granted time off with pay to attend job interviews scheduled during working hours, provided they have notified and made advance arrangements with their supervisor.
- 5.3.3.7 The applicants interviewed shall be ranked by the Interview Committee based on their performance in the job interview and their qualifications for the position.
- 5.3.3.8 The President shall be responsible for evaluating the qualified applicants presented by the Interview Committee and for conferring with the Department Director or Program Supervisor seeking to fill the job opening.
- 5.3.3.9 Only the President shall be authorized to offer employment to the applicant.
- 5.3.3.10 The President shall include an informational item on the agenda at the Board's first regular meeting after an employment offer has been accepted in order to inform the Board of the College's hiring activities.
- 5.3.3.11 When a position is filled, unsuccessful applicants for the job shall be notified by mail by the Human Resources Office.

#### 5.4 Hiring of Regular Part-Time and Temporary Employees to fill a Regular Full-Time Position.

- 5.4.1 When necessary, Regular Full-Time positions at the College may be filled by hiring Regular Part-Time or Temporary Employees. The decision to fill a position with a Regular Part-Time or Temporary Employee shall be made by the President, in consultation with the relevant Department Director or Program Supervisor.

5.4.2 Department Directors or Program Supervisors wishing to hire a Regular Part-Time or Temporary Employee to fill a Regular Full-Time Employee position must submit a memorandum rationalizing the need for a Regular Part-Time or Temporary Employee to fill the position, in addition to the Vacancy Request Form.

5.5 Pre-Employment Testing for Support Employees.

The College may administer validated pre-employment tests to applicants (e.g., typing tests for clerical/secretarial applicants for support staff positions, physical functional capacity tests for Physical Plant Department employees, etc.). All pre-employment tests shall be administered by the Human Resources Office, its authorized designee or contractor.

5.6 Employment Eligibility Verification Form (I-9).

The Immigration Reform Act of 1986 requires employers to verify the identity and authorization to work in the United States on every individual hired after November 6, 1986. All persons hired by the College must provide the required information within three (3) days of hire. The College will only employ individuals who have been approved to work in the United States and can present the appropriate documentation.

5.7 Travel and Moving Expenses.

The College does not customarily reimburse travel and moving expenses of newly-hired, promoted, or transferred employees. Such expenses are solely the responsibility of the employee.

5.8 Age Limitations.

The College does not employ persons who are under sixteen (16) years of age. Any exceptions to this policy must be approved by the President and comply with state and federal laws related to the employment of minors. Minors employed by the College who are under the age of sixteen (16) years must have a workers permit issued by the New Mexico Department of Labor.

5.9 New Employee Orientation.

New employees shall receive a new employee orientation on the first day of work. Employees shall sign the following forms during the orientation:

- Email Acceptable Use Policy
- Acceptance of Systems Password(s)
- Agreement of Security and Confidentiality
- Drug Test Screen Form
- Acknowledgement of Sexual Harassment Policy Orientation Form



- Direct Deposit Agreement Form
- Form W-4
- I-9 ( Employment Eligibility Verification Form)
- New Hire Orientation Form
- Employee Technology Systems Account Requests
- NMPSIA Enrollment Form
- NMERB Enrollment Form
- Employee Handbook Acknowledgement Form

#### 5.10 Procedure for Changes in Employee Personal Status.

Employees are required to notify the Human Resources Office of any change in their personal status, including a change in name, address or other identifying or contact information. In addition, the following changes shall require the employee's signature before being authorized:

5.10.1 Changes in the employee's income tax withholding, including changes in the number of personal exemptions the employee wishes to take.

5.10.2 Changes in the employee's group medical benefits or life insurance coverage.

5.10.3 Changes in the employee's personal deductions (i.e., deductions taken to fund savings bonds, annuities, etc.).

5.10.4 Changes in the employee's automatic bank deposits.

5.10.5 Changes as identified by the Human Resources Office related to the personal circumstances or status of the employee which may affect the employee's right, interest, or qualification for any employee benefit, obligation, or option.

#### 5.11 Anti-Nepotism (*Updated October 18, 2016*)

5.11.1 The President shall not initially employ or approve the employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister or sister-in-law of the President or of a member of the Board of Trustees of Luna Community College.

5.11.2 Nothing in this Policy shall prohibit the continued employment of a person employed on or before October 18, 2016.

## 5.12 Assignment of Personnel.

5.12.1 Assignment is defined as placement of an employee in a work site position. Position assignment of new employees will be made by the President of Schools or Director for Human Resources as delegated by the President after consultation with the immediate supervisor. An employee shall not be assigned to any work site which would cause the employee to be under the direct or indirect supervision of a mother, father, husband, wife, sister, brother, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law who is an administrator/supervisor. Personnel assignments made prior to the adoption of this policy will be grandfathered.

5.12.2 Work site assignments will be made by the supervisor. It is the policy of the College to ensure equivalence/comparability among departments in the assignment of personnel.

5.12.3 Work site assignments/schedules of shared personnel assigned to multiple work sites may be adjusted at any time by agreement of the supervisors or direction of the President.

5.12.4 When an assignment change is necessary within the work site, the supervisor must secure approval for the change from the Human Resources Director and will notify the employee of the change as soon as practicable. The supervisor shall provide written notification of the change in assignment to the employee with copies to the Human Resources Director and the President's Office.

5.12.5 Employees who marry are subject to Administrative Transfer if the marriage would cause one employee to be directly or indirectly supervised by the other employee. Employees are required to notify their supervisor and the Human Resources Director when this circumstance occurs. *(Approved by the Board of Trustees on February 7, 2014)*

## 5.13 Contract Renewal.

The President will consider re-employment of all employees on or before the end of each academic year. Written notice of action by the President for renewal or non-renewal will be provided as soon as it is known, but no later than the last day of the academic year. Failure to provide an employee notice of renewal or non-renewal by the end of the academic year will result in the presumption of re-employment for the following academic year.

## 5.14 Faculty Classifications

- **Provisional Status**

New full-time faculty are appointed on provisional status on an annual basis. Provisional faculty are evaluated on a semester basis for a three-year period, and renewal is dependent on satisfactory performance

- **Regular Status**

Upon successful completion of the three-year provisional period, faculty are appointed in regular status. Faculty who fall under this status are evaluated annually, and renewal is dependent on satisfactory performance.

- **Part- Time Status**

Part-time faculty are employed as needed. Duties and responsibilities are those under “teaching and related activity for full-time faculty,” items a-g. One posted office hour per week, per class is also required, usually before or after class.

#### 5.15 Notice of Renewal/Non-Renewal

The Board of Trustees shall consider re-employment of all faculty before the end of that academic year. A letter of intent for renewal will be provided, not later than the end of the academic year. Failure to provide notice by the end of the academic year will have the effect of re-employment of the faculty member for the next year.

#### 5.16 Formal Performance Evaluation Process.

5.16.1 Department Directors will be provided a schedule for performance evaluations by the Human Resources Office after the schedule has been approved by the President.

5.16.2 Employees shall conduct self-evaluations and submit the completed self-evaluation to his or her immediate supervisor. The self-evaluation should provide an honest summary of the employee’s performance during the rating period. Employee self-evaluations shall be signed by both the employee and the employee’s supervisor.

5.16.3 Supervisors shall evaluate employees using a Supervisor Appraisal Form (attached hereto as Attachment B) based on each employee’s Professional Development Plan, job description, and self-evaluation.

5.16.4 The Supervisor should review the employee’s summary of each rating criterion and compare the summary with the employee’s Professional Development Plan and job description before completing the Supervisor Appraisal Form.

5.16.5 Supervisors shall meet with each employee under their supervision and shall execute the Supervisor Appraisal Form with the employee present. Supervisor

Appraisal Form ratings of “excellent” or “needs improvement” must include a written explanation for the rating chosen. Supervisor Appraisal Forms submitted to the Human Resources Office without a proper written explanation for a rating of excellent or needs improvement will be returned to the supervisor for the purpose of obtaining the missing written explanation.

5.16.6 At the conclusion of the supervisor’s evaluation of an employee, the supervisor shall provide the employee with a copy of the Supervisors Appraisal Form along with revised, measurable goals and objectives (“Professional Development Plan”) for the employee which shall form the basis for the employee’s next appraisal.

5.16.7 Once a supervisor has completed the Supervisor Appraisal Form, the supervisor shall recommend renewal or non-renewal of the term of the evaluated employee to the Human Resources Office. The Human Resources Office will forward supervisor’s recommendations for renewal or non-renewal to the President. The President shall then provide a consolidated list of employee renewals or non-renewals regarding employment to the Board.

#### 5.17 Academic Advising

5.17.1 All new students who enter LCC are initially advised by the Access Center. The Access Center schedules Compass testing dates, along with orientation of the student to the various programs available. Based in initial Compass Scores, students are advised of the institutional course requirements they need to complete to start the process of declaring a major. The Access Center also acts as a liaison to refer students to the LCC admissions process, student financial aid, and other departments to assist them in starting their college career. Once admitted to LCC, all new students are invited to attend an orientation day that is set up to provide basic information about college policies and procedures and matters that assist a new college student.

5.17.2 A new program advisor is assigned when a student declares or changes majors. The role of the program faculty advisor is crucial to the success of the student. The faculty advisor is the liaison between the student and LCC by interpreting program policies and procedures, program admission requirements, and ensuring that the student meets academic requirements for graduation. A plan for program completion can be developed with the student that sets up a schedule for completion of their program major.

5.17.3 Registration cards for each semester are to be signed by the program advisor who will advise students of their progress toward completion of a declared program.

#### 5.18 Other Assignments

5.18.1 Faculty members may be assigned additional duties within their department or for LCC. These duties may include, but are limited to, faculty, departmental, or institutional committees.

**Instructor A:** This instructor is teaching five 3- credit hour courses for a total of credits. The equivalent in clock hours is 30 hours. Posting 10 office hours provides an equivalence of a 40-hour week.

**Instructor B:** This instructor is teaching four 3- credit hour courses and one 4- credit hour course for a total of 16 credits. The equivalent for this instructor is 32 hours. Eight posted hours complete the 40-hour equivalent.

**Instructor C:** This instructor is teaching three 3 -credit hour courses and two 4- credit hour courses for a total of 17 credits. The equivalent is 34 hours. Posting 6 office hours completes the 40-hour equivalent.

**Instructor D:** This instructor is teaching three 4- credit hour courses for a total of credits. The equivalent of 30 hours, together with 10 posted office hours, completes this instructor’s 40 –hour equivalent.

**Instructor E:** This instructor is teaching four 3-credit hour lecture courses a one credit hour lecture/ lab course meeting 2 hours of lecture and 2 hours of lab, for a total of 15 student credit hours. The adjusted credits for the faculty member are 14 credits of lecture and 1.33 credits of lab, for a total of 15.66 credits. The clock-hour equivalent is 31.12 rounded off to 31 clock hours. This, together with nine posted hours, completes the 40- hour equivalent.

## 5.19 Course Scheduling

These guidelines have been developed to help manage the complex process of developing a semester’s course schedule, with the primary goal of facilitating a balanced schedule of course offerings.

5.19.1 The approved standard daytime class periods for the **typical three credit and four credit courses** are shown in the box which follows. This table is included as a helpful means of listing standardized time frames to supplement the grid pictorial.

THREE-CREDIT HOURS	FOUR-CREDIT HOURS
Monday, Wednesday, Friday	Monday, Wednesday
8:00 — 8:50 am MWF	8:00—9:40am MW
9:00 — 9:50am MWF	10:00—11:40am MW
10:00 —10:50am MWF	1:00—2:40pm MW
11:00 —11:50am MWF	
1:00 —1:50pm MWF	Tuesday, Thursday

	8:00—9:40am TR
Monday, Wednesday Afternoon	10:00—11:40am TR
2:00—3:15pm MW	12:00—1:40pm TR
3:30—4:45pm MW	2:00—3:40pm TR
Tuesday, Thursday	Friday
8:00—9:15am TR	8:00—11:30am F
9:30—10:45am TR	1:00—4:30pm F
11:00—12:15pm TR	
1:00—2:15pm TR	
2:30—3:45pm TR	
4:00—5:15pm TR	
Friday Afternoon	
2:00—4:45pm F	

- 5.19.2 The Monday, Wednesday afternoon option is not available at any start time before 2:00pm as shown in the above table. The primary problems associated with classes offered at non-standardized times (e.g. Monday, Wednesday times before 2:00pm) are overlapping times frames causing room scheduling problems and students being unable to schedule classes due to the overlapping time frames.
- 5.19.3 Each department is expected to offer a schedule distributed across the *full week*, distributed *through the day and evening* with a balance between MWF, MW, TR and one day offerings. This balance of course offerings ensures that students can get full time schedules, reduces student scheduling conflicts and the number of trips to campus, and maximizes room utilization.
- 5.19.4 **25% of course sections within each department should be offered in the MWF standardized time block to ensure the balance of scheduled course offerings.**
- 5.19.5 In circumstances that prevent the use of a standardized time block, requests for exception can be forwarded to the Vice President of Instruction for review/approval. Requests for non-standardized time course offerings should be forwarded to the Vice President of Instruction.
- 5.19.6 Please make use of Friday evenings and Saturdays as instructional days, including the potential utilization of Friday evening/Saturday combinations of lecture and lab, Saturday a.m. lecture /Saturday p.m. lab.
- 5.19.7 Courses not meeting the established start times will most likely not be entered into CARS when the schedule is created. Some exceptions will be made for a few

courses, some in Trades, the prison, DC at the high school, NRSB prefixes, etc. However, most other classes across all disciplines, including General Education, NRSB pre-requisites, etc., need to follow start time for consistency.

5.19.8 No classes in large blocks during the day.

5.20 Course Substitutions (for students)

5.20.1 Students must complete the curriculum/academic plan outlined in the college catalog for their program of study. Course substitutions are not permitted when a course is deemed essential for a degree or certificate requirement and generally are not used in lieu of a student needing to complete a required course. However, in certain instances upon graduation, it may be appropriate to substitute a course completed at LCC or a transferred course for a requirement if the resulting substitution maintains the integrity of the student's program. **Course substitutions are considered only upon the student Petitioning to Graduate with the Office of the Registrar.** Course substitution requests require approval. Forms are available at the Office of the Registrar.

5.21 Summer Session

5.21.1 During summer session, classes will follow the same scheduling commencing at 8 a.m. Classes will meet for one (1) hour and fifteen (15) minutes with the exception of a 4-credit hour class. A 4-credit hour class will meet for 1 hour and 40 minutes. All classes will meet on consecutive days beginning on Monday. They will be conducted on Monday, Tuesday, Wednesday, and Thursday.

## Chapter 6 Instructional Department Directors

### 6.1 Evaluation (for Academic Directors)

Academic Directors will be evaluated yearly by department faculty and the Vice President of Instruction. The faculty member's evaluation forms are sent directly to the Vice President, who prepares a summary of the results. The VP, after reviewing the evaluations, prepares his evaluation of the Department Head and discusses the content of the evaluation with the Academic Director. **See examples of the Academic Director Evaluation Form.**

### 6.2 Absence of an Academic Director

When an Academic Director is to be absent for period of two weeks or more, the Vice President and the President may assign an interim Academic Director.

### 6.3 Removal of an Academic Director

The Academic Director, upon consultation with departmental full-time faculty, the Vice President and the President, may relieve the Department Director of his/her administrative duties if there is good reason for such action, but only after the Academic Director has had an opportunity to respond to the Vice President concerning the reasons for the action.



## Chapter 7 Curriculum

### 7.1 Curriculum Planning and Evaluation

- 7.1.1 Curriculum planning is designed to achieve the aims of the Institution. Curriculum planning considers current and future needs for human, financial, and physical resources. This systematic planning is based on continuing institutional self-evaluation and assessment of the needs of the Institution's constituencies. All appropriate segments of the Institution are involved in planning.
- 7.1.2 The responsibility for design, approval, implementation, and revision of the curriculum is vested in designated bodies with clearly established channels of communication and control. The faculty has a major role in such processes as assigned by the respective directors.
- 7.1.3 The Institution engages in periodic review of program and departmental quality and effectiveness under clearly specified and demonstrably implemented procedures. The process is based on current qualitative and quantitative data, which are used to assess strengths and weaknesses in achieving program goals and projected outcomes.
- 7.1.4 Policies and procedures for additions and deletions of programs or courses are carefully developed and administered, are based on curriculum planning, and are consistent with the resources of the Institution, the capabilities of faculty, and the needs of the community served by the Institution.

### 7.2 General Education

- 7.2.1 The educational program is designed to give students a substantial and coherent exposure to the major broad domains of higher education. All programs leading to the Associate degree include a major area and a general education component.
- 7.2.2 The general education segment of all educational programs that is based on a philosophy and rationale that are clearly stated and provide the criteria by which the appropriateness of each course in the general education component is evaluated.
- 7.2.3 The plan for general education is cooperatively developed by faculty and administrative staff and approved by the governing board.
- 7.2.4 The general education program introduces the content and methodology of the major areas of knowledge-the humanities, the fine arts, the natural sciences, and the social sciences-and helps students develop the intellectual skills and social attitudes that will make them effective learners and citizens.

- 7.2.5 The educational program provides opportunities for all students to develop and demonstrate competence in communication and quantitative skills, critical analysis of data and argument, and appreciation of cultural diversity.
- 7.2.6 Student performance is evaluated in terms of defined and published course requirements.
- 7.2.7 Criteria for evaluating student performance or achievement, grades (A, B, C, etc.) are clearly established, stated in LCC publications, and are generally understood by faculty and students.
- 7.2.8 Credit awarded is consistent with student learning or achievement and based upon generally accepted norms.
- 7.2.9 The degree or certificate awarded upon successful completion of an educational program is appropriate to the demonstrated achievement of the graduate.
- 7.2.10 Clear and well-publicized distinctions are made between courses which offer degree and non-degree credit.
- 7.2.11 LCC has a systematic procedure for articulating its programs with other Jr. /Community schools or baccalaureate institutions.
- 7.2.12 The curriculum planning process involves liaison with post-secondary institutions.
- 7.2.13 The curriculum planning process involves coordination with baccalaureate institutions, particularly with respect to major and general education requirements.
- 7.2.14 The relevance of courses to job requirements is ensured by a systematic analysis of specific job requirements and curriculum review.

### 7.3 Curriculum Requirements

- 7.3.1 Under delegation of curriculum approval authority, the faculty will submit new programs to the Dean's office for approval. However, to maintain the delegation of approval authority, LCC must have a definite need for the course. In most cases, associate degree credit courses serve as required preparation for a degree, certificate, or transfer. In many cases such courses also meet general education requirements for the associate degree and/or transfer major. The course objectives must be clearly designed to meet that stated need.
- 7.3.2 The student syllabus must reflect a quality in the course sufficient to obtain the objectives and content. The student syllabus must also include types and examples of assignments, instructional methodology, and methods of evaluation. It must be

rigorous and effective in integrating throughout the student syllabus the required components of critical thinking, essay writing/problem solving, and college level skills and vocabulary. Citations of texts and other reading material must be current, that is, reflect the present knowledge of skills and principles upon which the course is founded.

- 7.3.4 LCC must commit the resources, both in terms of staff and facilities, to assure the feasibility of offering the course with sufficient frequency to maintain course objectives. The course must comply with any other applicable laws such as those related to classes for those with disabilities. Will the features of a student syllabus assist in conveying the essential depth, breadth, quality, and appropriateness of a course as they relate to these general education standards?
- 7.3.5 The program and course objectives should clearly specify the subject matter to be covered, the intellectual skills to be acquired and learning methods used, the affective and creative capabilities to be developed, and the specific occupational skills to be mastered.
- 7.3.6 Luna Community College will engage in periodic review of program and departmental quality and effectiveness under clearly specified and demonstrably implemented procedures.

#### 7.4 Role of the Student Syllabus

- 7.4.1 The student syllabus plays a critical educational role on campus and is the primary vehicle for course planning. When a course is revised or updated, it is the student syllabus that records the changes. As such, it forms the basis for a contract among the student, instructor, and institution identifying the expectations which will serve as the basis of the student's grade and giving the fundamental required components of the course which the student is guaranteed to receive from the instructor and institution. More than just specifying the required components of the course, the student syllabus of record states the content and level of rigor for which students across all sections of the course will be held accountable. Courses are designed to provide a coherent body of knowledge to prepare students in a particular subject. The prerequisites students need to advance successfully through a series of such courses are based on information in the syllabus of record.
- 7.4.2 Maintaining academic standards means providing consistent, quality instruction in the classroom. As various instructors, both full-and part-time, teach our courses it is by reviewing the student syllabus that they may clearly identify the standards and content of the courses they are to teach. In addition, the student syllabus plays a critical role in the on-going process of program review by which a college seeks to keep the curriculum relevant and to allocate its resources sufficiently to maintain programs. When new programs are designed, it is through the selection

of courses and construction of new student syllabi that the program design is evaluated for its ability to meet the newly identified needs of students.

7.4.3 The student syllabus of record should not be confused with the master syllabus. A student syllabus gives the basic components of the course required to be taught by all instructors. It gives the instructor the opportunity to bring out his or her particular talents and strengths.

7.4.4 Another role of the student syllabus is to demonstrate that all the required components are present in the course to the required degree or rigor. When questions arise as to the appropriateness of a course or program offering, the Dean may request copies of the pertinent student syllabus for review. If these reviews and approvals are not satisfactory, the colleges may not offer the programs and/or courses. In addition, the Dean may also use the quality of the student syllabus of record to determine that colleges are meeting the conditions for delegation of curriculum approval authority.

The student syllabus may serve as the basis for evaluation and the transferability of these courses and to substantiate their equivalence to those courses offered at four-year schools.

The student syllabus itself must demonstrate that all required components, such as critical thinking, are an integral part of the course. Often the college faculty handbook will provide examples of various types of student syllabuses: general education and vocational certificate, etc. Annotations on these samples stating the purpose of each of the components are also useful.

7.4.5 The effort of revising and upgrading our student syllabus of record should continue to be a priority for those of us in the classroom. Our curriculum, as expressed in our student syllabus, assures those in business and industry that our students are prepared for their careers and assures other university colleagues that our students are ready for upper division work.

## 7.5 Student Syllabus of Record Format for Degree Credit Courses

7.5.1 The student syllabus format is not a “recipe for success.” All courses depend on the experience, training, and dedication of classroom instructors to generate the fundamental quality instruction that should be reflected in the student syllabus of record. This model is intended to convey the components of a student syllabus that will be expected when a review is done.

7.5.2 The catalog description should clearly state the scope of the course. The level, and what kinds of student goals the course is designed to fulfill. For example, state “designed for Liberal Art’s.” It should be evident from the catalog description that no two courses in the curriculum are redundant.

7.5.3 Luna Community College approvals are based partly on an evaluation of need. One aspect of need is showing that the course plays a role in the curriculum that no other course fulfills effectively. Need statements are critical for innovative courses. Need can be demonstrated in a number of ways.

- The course is required for completion of an associate degree, a certificate, or an articulated transfer program.
- The course meets an associate degree and/or transferable general education requirement in a specific area not adequately covered in another course.
- The course meets a specified need of industry as detailed by an industry advisory committee or survey of employers.
- The course provides an alternative route to meet goals specified in other courses by students unable to benefit as fully from those other courses. (In such cases it should be made clear that the student cannot receive credit for both courses).
- The course makes productive use of particular strengths that LCC has to offer and is in demand by students with transfer or occupational goals.
- The course meets an innovative subject matter or instructional need.

7.5.4 For those courses with prerequisites or co requisites, the student syllabus should list those skills without which the student would be highly unlikely to succeed. (Or, for advisories, state the skills with which the student's learning in the course would be enhanced). The basis for these statements of skills is the professional judgment of the instructors in the discipline.

Together with a comparison with the exit skills from the prerequisite course, this section is the basis of the required content review.

The central component of the syllabus is the course content. This section should include a complete listing of the topics taught in the course.

The type or examples of methods of instruction should be specifically related to the course objectives. They should provide real guidance to instructors in designing their class sessions. For example, rather than stating "lecture" the description might be "lecture and demonstration by instructor, with in-class practice, including feedback, coaching, and evaluation by the instructor."

7.5.5 This section must establish that the work is demanding enough in rigor and independence to fulfill the credit level specified. The nature of the assignments must clearly demand critical thinking. Assignments should be adequate to assure that students who successfully complete them can meet the objectives of the course. Appropriate out-of class work is required for credit courses.

Types and examples of methods of evaluation should be listed. This section should be substantively related to the stated objectives of the course. The evaluation must clearly show that critical thinking skills are required. Types or examples should be extensive enough to show that course objectives are evaluated. Statements in this section should clearly show the basis for grading. For example, “term paper shows topic coverage, basis of comparison, and critical analysis.”

Course Content covers all the objectives.

Methods of Instruction are identified with particular objective.

Assignments and Evaluation clearly show how students attain all objectives.

Texts are of college level and cover the theory and principles of the subject.

- Pay particular attention to critical thinking.

Catalog Description

- Write a short paragraph as a well-developed overview of topics covered
- Identify the target audience: required for major, degree or certificate, transfer, etc. “Meets general education laboratory science requirement” for example.
- List prerequisites, co requisites, and/or advisories.
- Include lecture/lab/studio hours and credits.

Need/Justification/Goals

- State fulfillment of degree, certificate, transfer or other need.
- Distinguish purpose as related to similar courses.
- Clearly state goals to allow evaluation of objectives.

Prerequisite Skills

- For pre- and co-requisites list entry skill without which student success is highly unlikely: “upon entering the course the student should be able to...”
- For advisors list entry skills which would broaden or enhance student learning but without which the student would still succeed.

## Objectives

- State in measurable terms what students will be able to do:  
“upon completion of the course the student should be able to...”
- Be concise but complete.
- Use verbs showing analysis: rather than “understand,” “identify”, “describe”, say “explain” or “compare and contrast”.
- Adequately cover theory, principles, and concepts. Use skills and applications to reinforce and develop concepts.
- Be broad and introductory in scope, not too advanced, narrow, or specific.

## Course Content

- Compile a complete list of all topics taught in the course.

## Methods of Instruction

- Use methods appropriate to the objectives. If an objective is self-criticism of original work, lecture as a method is not enough.
- Types or examples of methods of instruction as well as assignments and how they are evaluated [see below] are required. If all instructors agree, the student syllabus may show just one teaching pattern. However, instructors have the academic freedom to choose how they will achieve course objectives. Attaching syllabi with enough information to evaluate instructional methodology may reduce detail.

## Assignments and Methods of Evaluation

- Give assignments that reflect coverage of all objectives and content.
- In addition to listing graded assignments, give the basis for grading and relate to skills and abilities in objectives.
- Out-of-class assignments must be sufficient to show independent work.
- Be sure that knowledge of required material constitutes a significant portion of the grade as reflected in assignments and methods of evaluation.

7.5.6 Application Forms and Instructions for New Degree and Certificate Programs. From the objectives in the student syllabus for each required course, it should be evident how all the courses required do in fact support the objectives of the program, why they are required, and why they are sequenced as they are. If this relationship is not evident for a given course, its relationship should be fully explained in the rationale.

## 7.6 New Program Application

### 1. Mission.

Are the objectives of the proposed course or program, as stated in the program application, consistent with the mission of LCC?

### 2. Need.

Is there a demonstrable need for a course or program that meets the objectives as stated at this time and in the region that LCC serves?

### 3. Quality.

Are the objectives of each required course necessary to meet the stated goals and objective of the program? Are they sufficient? Will the successful completion of the week as laid out in the student syllabus submitted for each course required in the program, and in the required sequence, be sufficient to enable students to fulfill the program goals and meet the stated program objectives? Are student syllabi for each course complete, rigorous, current, and effective?

### 4. Completeness.

Does the standard format for the student syllabus used by LCC encourage complete information? Are the examples of textbooks, teaching methods, assignments and evaluation of sufficient substance and specificity?

### 5. Rigor.

Do the stated objectives of the course meet the standards expected by those who are accepting the course as fulfilling the purposes for which it is designed? Specifically, does the course meet the standards of critical thinking, writing, evaluation and grading at the college level? Do the objectives include some that call for course specific critical thinking? Are these objectives carried through in the remainder of the student syllabus making clear how critical thinking will be taught, required, and evaluated?



## **6. Currency.**

Do the course content, textbooks, software, and other materials, including library assignments, represent current or emerging knowledge and practice for that subject or occupation?

## **7. Effectiveness.**

Are the course objectives comprehensive enough that it is possible to trace the reason for each of the course specifications by reference to at least one course objective? Is each objective implemented in at least one course specification?

## **8. Feasibility.**

Can LCC commit the resources necessary to support the program and the level of quality presupposed in the program design, for the purposed numbers of students, and can it offer it with sufficient frequency to meet the program objectives and enrollment projections?

## **9. Compliance.**

Does the program comply with any other laws applicable to it, including federal regulations, licensing requirements, and the particular legal requirements explained?

### 7.6.1 Procedures

Procedures employed both by the curriculum committee and in other phases of the local curriculum development and approval process assure that standards will be applied with consistency and rigor to different cases. Relevant indicators include:

- a) Reviewers follow a process that is systematic and well publicized and that includes both those with disciplinary expertise in the subject matter at issue and those outside the discipline who are affected by the course.
- b) Handbooks, checklists, and model outlines, or other aids, used in the review process correctly address this Handbook's standards.
- c) Faculty is accorded the scope of responsibilities mandated by law.

### 7.6.2 Knowledge

The first condition is that faculty and staff charged with curriculum review should be knowledgeable of state standards and requirements for curriculum review and approval, and of the information in this Handbook and related materials on curriculum design and instructional methods.

## Chapter 8 Employee Conduct and Progressive Discipline

### 8.1 Employee Conduct

It is Luna Community College (LCC) Policy that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the College, is in violation of College policy, is unsatisfactory or is offensive will not be tolerated. Employees are expected at all times to conduct themselves in a positive and professional manner and to promote the best interests of the College.

Luna Community College (LCC) expects the highest standards of conduct from all employees, and believes that with appropriate supervision, disciplinary actions against employees should not be necessary. However, on rare occasions, disciplinary actions are necessary for employees who repeatedly do not perform the duties of their positions with excellence, or who engage in misconduct.

#### 8.1.1 Management Rights and Approval for Corrective Disciplinary Actions

The President of the College retains the right in accordance with Federal and State Laws and approval of the LCC Board of Trustees to exercise control and direction over the Institute and its operations, as follows:

To direct employees of the Institute; to hire, promote, transfer, assign, and retain or remove employees and to suspend, demote, dismiss, or take other disciplinary action against employees; and to maintain the efficiency of the operations entrusted to the administration.

To determine the methods, means and personnel by which the Institutions operations are to be conducted.

To take whatever actions may be necessary to carry out the functions and mission of the Institute and maintain uninterrupted service to its employees, students, and community members in situations of emergency.

Supervisors may take corrective disciplinary action with an employee under his/her authority when such disciplinary action *does not* have an immediate effect on the employee's employment status, compensation or benefits, i.e., demotion, suspension, or dismissal of employment as defined in this Policy.

#### 8.1.2 Prohibited Conduct

It is the duty and the responsibility of every employee to be aware of and abide by existing LCC rules and regulations. It is also the responsibility of the employee to

perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established, and to request additional instruction when needed.

Employees engaging in any of the following behavior, which is *not an all-inclusive list*, may be subject to disciplinary action as well as immediate demotion, suspension or termination of employment:

- Consuming alcoholic beverages while on duty, except at approved LCC functions, or the possession or consumption of illegal drugs while on duty.
- Reporting for work under the influence of alcohol or illegal drugs.
- Deliberate or careless conduct endangering the safety of self or other employees, including the provoking of, or instigating of, a fight or assaulting another individual during working hours or on LCC property.
- Engaging in acts of insubordination including, but not limited to, refusing to follow management's instructions concerning a job-related matter.
- Excessive tardiness or absenteeism.
- Failing to report to work punctually at the assigned times, or failing to be at the proper workstation ready for work as scheduled or leaving assigned work area.
- Failure to report for work without giving the employee's supervisor or appropriate department Director's advance notice of absence. Employees are required to contact his/her supervisor 2-hours in advance of an unexpected absence such as an illness unless the employee's supervisor and/or Director require additional advance notice.
- Immoral or indecent conduct on LCC property.
- Inattentiveness to work, neglect of duties, leaving assigned work area, or developing a personal project during working hours without authorization from appropriate supervisor(s).
- Intentionally falsifying or altering any LCC record or report, such as an application for employment, a medical report, a production record, a time record, a financial record, an absentee report, or a shipping and receiving record.
- Intimidating, abusing, threatening, or coercive treatment of another individual while on duty or on LCC property.
- Knowingly admitting an unauthorized person or persons into any locked or restricted building or area of the campus.

- Playing malicious or dangerous pranks or practical jokes, or engaging in horseplay.
- Posting unauthorized materials on walls or bulletin boards, defacing, or removing authorized material from bulletin boards.
- Sexual harassment or discriminatory statements or actions.
- Sleeping while on duty.
- Smoking in prohibited areas.
- Theft, intentional destruction, or defacing of the LCC's, or another employee's or student's property.
- Using profanity or abusive language.
- Vending, soliciting, or collecting contributions on LCC's time or premises without prior appropriate authorization from the LCC President.
- Violation of a safety rule or practice.
- Violation of LCC policies and/or procedures.
- Wearing clothing inappropriate for the work being performed.

### 8.1.3 Progressive Discipline Definition

The purpose of this policy is to provide employees the opportunity to improve job performance and comply with College and departmental policies and procedures. Discipline in its literal sense is training that corrects, molds, or improves job-related performance or behavior.

Discipline should be progressive in nature so that the College imposes the least severe action necessary to correct undesirable behavior and moves to increasingly severe measures only if the problem is not corrected.

With the exception of demotion, suspension or termination of employment, the primary objective of discipline is to correct, not punish, the employee.

There are no set formulas or rules that will apply to all situations as to the proper disciplinary step to take. Each disciplinary action will depend upon the nature and severity of the offense and the related circumstances. In order for discipline to be effective and correct employee behavior, it must have certain fundamental characteristics, and the discipline must be progressive.

Working with Human Resources: Supervisors are required to work closely with the Human Resources Director during any disciplinary action. The Human Resources Director facilitates employees and supervisors in complying with standard practices, and also ensures that LCC remains in compliance with LCC, State, and Federal mandates. The Human Resources Director is available to meet with all employees and supervisors who become involved in disciplinary situations.

Equitable Treatment: A supervisor is required to apply progressive discipline to each employee in a similar manner. Each disciplinary problem is unique and requires that the disciplinary process be flexible in order to select the most appropriate course of action. It is important not to overlook the principle of equity or fairness.

This principle requires that employees in similar circumstances should be treated in a similar manner. Equity does not mean the supervisor should always impose the identical disciplinary action for the same offense. Disciplinary action does not have to be identical to be fair.

At times it is necessary to treat employees differently to be fair. This may be based upon differences in the length of employment, discipline history, level of responsibility, type of position within the College, or other circumstances. All of these factors affect the level of discipline.

Another component of equitable treatment is the principle of past practice. By definition, past practice is a reasonably uniform response to a recurring situation over a substantial period of time, which has been recognized, implicitly or explicitly, and in situations where the contract language is ambiguous. It is significant to note that a past practice may be established on a College-wide basis, confined to a division or department, or limited to an operation or small group of employees.

Timeliness of the Disciplinary Action: There is no universally accepted rule on this point; however, it is expected that the disciplinary action should be administered *as soon as possible after the problem occurs or is discovered*. As a rule of thumb, it should not take more than ten (10) working days to complete an investigation and administer the appropriate disciplinary action after the incident or after the supervisor learns about the incident. If more time is needed, the employee should be informed that an investigation is still underway and provide a date by which a decision will be made.

#### 8.1.4 Progressive Discipline Process

*Essential Elements of Each Step* - At each step in the disciplinary process, the supervisor must insure that the following actions occur:

The supervisor initiating discipline is responsible for **documenting all actions** on the counseling and discipline form attached to this policy. The Human Resources Director is available to provide guidance prior to initiating a disciplinary action.

Conduct a thorough investigation and make certain that the facts show that the employee violated an LCC policy and/or procedure **prior** to disciplining the employee. As facts are gathered, witnesses (if applicable) are questioned and evidence reviewed, the investigation must be well documented, including dates, times, names of the employees questioned, and the information they provided.

Depending on the circumstances and the step in the disciplinary process, it is recommended that a member of management be asked to witness the disciplinary action being taken.

Provide opportunity for the employee to request a witness during the investigative and disciplinary meeting(s) as well as in any follow-up meeting. Allow the employee the opportunity to explain what happened. The action taken may vary, depending on the employee's explanation.

Clearly identify the problem and attempt to insure the employee understands the violation discussed. Regardless of the particular disciplinary measure being imposed as part of progressive discipline, it is vital at each step that the supervisor effectively communicate to the employee the nature of the problem, the consequences of the employee's actions, expectations, and a warning that more serious discipline will follow if the problem isn't corrected.

Clearly explain the expected behavior the employee. With the employee's input, a decision is made about what the employee needs to do to correct the problem. The solution to the problem should be described in specific terms and goals, and timelines established.

A supervisor should follow-up at the time specified in writing to determine if the problem has been corrected or if further disciplinary action is warranted.

At every step of the process, inform the employee that if they do not agree with the disciplinary action they have the right to utilize the LCC "Problem Resolution and Grievance Policy."

The President of the College is **the only individual** with the authority to approve a recommendation to demote, suspend, or terminate an LCC Employee.

**Witness:** When the supervisor schedules a meeting to discuss a problem at any step in this process, the supervisor shall inform the employee that he/she is allowed to have a witness present. In the event the employee elects to have a witness present, the employee may only select a current LCC employee who does not **act** in a management capacity. If the employee elects not to have a witness present, the supervisor will note on the appropriate disciplinary form that the employee declined to have a witness present.

Role of the Witness: The witness is present to verify what was said and may take notes for the employee. The witness *does not serve in an advice-giving role*; the witness is not allowed to represent the employee in any capacity other than to take notes and witness the meeting for the employee.

**Step 1: Oral Warning/Counseling Session:** The supervisor will meet with the employee (and witnesses if applicable) in a private location and make certain that the infraction committed is made clear to the employee. It is imperative that supervisors describe the problem in specific, unbiased terms and provide an exact timeframe for correcting the problem.

The supervisor is required to ensure that the employee understands the nature of the problem and how the problem affects the operation of LCC. The Supervisor shall inform the employee that it is an Oral Warning/Counseling Session and that there will not be a written record of the Oral Warning/Counseling Session placed in the employee's official personnel file at this point in the process. Even though this is considered an Oral Warning/Counseling Session, the custodian of record is required to maintain a written record in the employee's personnel file, using attached counseling form.

At this step in the process, the consequences may be stated, as *"failure to correct the performance problem will lead to further disciplinary action"*.

**Step 2: Written Warning:** If an employee does not correct the problem within the specified timeframe or the problem progresses in nature, the supervisor may proceed to a formal Written Warning.

The supervisor will meet with the employee (and witnesses if applicable) in a private location and make certain that the infraction committed is made clear to the employee. It is imperative that supervisors describe the problem in specific, unbiased terms and provide an exact timeframe for correcting the problem. The Written Warning informs the employee of the potential consequences if the problem is not resolved. The written warning will accompany all necessary documentation, which defines for the employee what he/she must do in the future.

The supervisor shall communicate what will happen if the problem is not corrected and how the progressive discipline policy works. The supervisor shall communicate that failure to correct the problem may result in more severe

discipline, up to and including suspension with or without pay, demotion or termination of employment.

The Supervisor shall inform the employee that it is a Written Warning and that there will be a written record of the discipline placed in the employee's official personnel file.

**Step 3: Demotion or Suspension:** When an employee has not corrected the problem within the specified timeframe at Step 2, demotion or suspension may be necessary. *Prior* to a Demotion or Suspension being considered or imposed by the Supervisor, Department Director, with the assistance of the Director of Human Resources, must receive approval from the President of the College.

A demotion in position may result in a decrease in pay in accordance with the LCC compensation structure.

A suspension may be with or without pay, and its duration may vary depending on the circumstances. A suspension involves the temporary removal of the employee from the work place for a specified period of time.

The employee may not accrue vacation and sick leave benefits during a non-working, non-paid period of time. Again, the purpose of this disciplinary step is to correct the identified problem. A suspension is the strongest warning to the employee that the problem is, indeed, extremely serious, and it is the last opportunity the employee has to correct the problem.

The length of the suspension is determined by the supervisor and, the Human Resources Director, and approved by the President and generally ranges from one (1) to five (5) working days. A suspension longer than five (5) working days may be imposed in certain cases.

**Step 4: Termination of Employment:** If the employee has failed to correct the problem in Step 1, Step 2 or Step 3, in this process, this is the time to consider termination of employment. Dismissal of employment is the final step in the progressive disciplinary process and obviously is not corrective.

In any situation serious enough to justify termination of employment, the President of the College and Human Resources Director are to be contacted *prior* to taking any action. The Supervisor, Human Resources Director, and President will review the documentation to verify that there is just cause for dismissal of employment and that the employee has been afforded due process. *Only the President of the College has the authority to approve a dismissal of employment.*



#### 8.1.5 The Pre-Disciplinary Hearing:

In circumstances where LCC is contemplating Suspension Without Pay, Demotion, or termination of an employee, the employee shall be afforded a pre-disciplinary hearing.

Notice of the time, place and alleged charges shall be given to the employee at least 5 days prior to the pre-disciplinary hearing by certified return receipt mail or by courier that requests signature upon delivery to the employee's home. (Sample Notice Attached)

At the pre-disciplinary hearing this meeting, the employee may elect to have a representative in attendance to witness the explanations by LCC and the employee regarding the reasons and circumstances of the contemplated demotion, suspension without pay, or termination of employment.

A Hearing Officer appointed by the President of LCC shall conduct the hearing. At such hearing, the employee shall have the right to be represented by counsel, to present witnesses, evidence and otherwise defend against the proposed discipline. With approval from the President, the Hearing Officer shall provide the employee with the final decision of the disciplinary action taken during the scheduled hearing.

If the employee does not respond to the notice or attend the scheduled pre-disciplinary hearing, LCC will consider the employee to have voluntarily resigned their position with LCC.

#### 8.1.6 Post-Disciplinary Hearing:

If the employee is dissatisfied with the decision made by the Hearing Officer at the pre-disciplinary hearing, the employee has the right to appeal the Hearing Officers decision.

The LCC Board of Trustees shall hold a hearing within forty-five (45) working days of receipt of the notice of appeal, which shall be delivered to the Office of the President of LCC. At such hearing the employee has the right to be represented by counsel, to present witnesses, evidence and otherwise defend against the decision appealed.

#### 8.1.7 Further Appeals:

If the employee is dissatisfied with LCC Board of Trustees decision, the employee may appeal to the District Court as may be provided by law.

## 8.2 Student Records

- 8.2.1 Student records kept by LCC Faculty shall be used solely for the promotion of students' achievement and welfare, and maintained for the academic year. The registrar will maintain all student records.

Release of information contained in student records or examination of student records shall abide by the Family Educational Rights and Privacy Act of 1974 and the Inspection of Public Records Act. The President shall appoint a person who shall serve to inform personnel and maintain procedures for the purpose of release and examination of student records, and this person shall see that these procedures include and abide by all provisions and regulations provided by the law.

Any employee who deems it necessary to release information concerning students shall consult with the person noted above and shall receive instructions and shall ensure that the release of information is in complete accord with law.

Lesson Plans are not utilized at the post-secondary level; the syllabi is the contract between the faculty and the student.

## 8.3 Right to Inspect Public Records

- 8.3.1 Under the Inspection of Public Records Act (Chapter 14, Article 2 NMSA 1978) every person has the right to inspect public records of the College, except as provided in the Act. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the officers and employees of the College. The Board of Trustees of the College, its officers and employees are committed to full compliance with the Act and hereby implement this policy to comply therewith.

- 8.3.2 Under the Inspection of Public Records Act, every person has a right to inspect any public records maintained by the College, except:

8.3.2.1 Letters of reference concerning employment, licensing or permits;

8.3.2.2 Letters or memorandums which are matters of opinion in personnel files or students' cumulative files;

8.3.2.3 Attorney-client privileged information;

8.3.2.4 Public records containing the identity or identifying information relating to an applicant or nominee for the position of a public institution of higher education;

8.3.2.5 Records pertaining to physical or mental examinations and medical treatment of persons confined to any institution; and

- 8.3.2.6 As otherwise prohibited by law.
- 8.4 As provided in Section 14-2-8 (B) of the Inspection of Public Records Act, nothing in the Act shall be construed to require the College to create a public record that it does not otherwise maintain.
- 8.5 A person who wishes to inspect public records may submit a request to the Custodian of Records, by email or in writing. The Director of Human Resources has been designated as the Custodian of Records for the College. Note: procedures and penalties prescribed by the Public Records Act apply only to written requests. A written request must contain the name, address, and telephone number of the person making the request. The request must describe the records sought in sufficient detail to enable the custodian of records to identify and locate the requested records.
- 8.6 Written requests to inspect public records should be submitted to the attention of the Director of Human Resources, located in the Administration Building of the Luna Community College, 366 the College Drive, Las Vegas, New Mexico, 87701, (505) 454-2500.
- 8.7 The Custodian of Records must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the Custodian receives a records inspection request. If inspection is not permitted within three (3) business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request.
- 8.8 If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the Custodian of Records explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen (15) calendar days after the Custodian receives the request for records inspection.
- 8.9 If a person requesting a records inspection would like a copy of a public record, a reasonable fee may be charged. The fee for documents, which are eight and one-half by eleven inches or smaller, is \$.50 per page. The fee for larger documents is \$1.00 per page. The Custodian of Records may request that applicable fees for copying public records be paid in advance. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request.

## Chapter 9 Termination Policies

### 9.1 Termination of Employment

Each termination must be categorized as falling within one of the following six (6) official types of terminations.

#### 9.1.1 Deceased

Final compensation will be provided to the beneficiary named in the NMPSIA.

#### 9.1.2 Termination

Terminated after corrective discipline has failed or the seriousness of conduct or situation so warrants.

#### 9.1.3 Layoff

Terminated because of reduction in force due to lack of funds, work, or other compelling reasons.

#### 9.1.4 Release

Termination at the end of temporary employment.

#### 9.1.5 Relieved

Terminated during the twelve-(12) month probationary period. Probationary employees may be terminated at any time prior to completion of the probationary period, without cause or recourse.

#### 9.1.6 Resignation

In the event an employee decides to resign, a written resignation must be submitted to the employer as soon as possible and no less than two (2) weeks prior to the effective date of proposed separation.

Is absent for two (2) consecutive workdays without permission except when an emergency situation precludes giving notice. Workdays are considered consecutive, even when broken by normal non-working days such as holidays or weekends.

Fails to return to work within the prescribed time limits following a leave for Extended Illness, Injury, or Personal Reasons.

## 9.2 Notice of Termination

All layoff and/or termination cases should have prior consultation with the Human Resources Office. All I.D. Badges, keys, equipment, and other LCC documents or property must be turned in as per the separation form.

## 9.3 Separation

A contract may be terminated by Board for just cause, including but not limited to, unsatisfactory work performance, incompetence, insubordination, physical or mental inability to perform required duties, or as a result of decreased enrollment, reduction in revenues, or a decrease or revision of educational programs, or for any other good and just cause.

Such termination may be affected only in accordance with the laws of the State of New Mexico and the rules and regulations for the Board as contained in the LCC Board Policy Manual. Said document is subject to change without notice. The faculty member is entitled to procedural due process under law. The faculty member may terminate the contract by providing a 30-calendar-day notice to the Board. Otherwise, the faculty member will be in breach of contract and liable to LCC for damages. All I.D. badges, keys, laptops, cell phones, or any materials handed out that belong to LCC shall be turned into the Director or the Human Resource Office.

## 9.4 Problem Resolution and Grievance Process Purpose

Luna Community College, is committed to providing the best possible working conditions for its employees and encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from supervisors and management.

The College is committed to providing equal employment opportunity for all persons, regardless of race, color, religion, gender, age, marital status, national origin, citizenship status, disability, or veteran status. Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

The College complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of discrimination, including sexual harassment. LCC considers harassment in all forms to be a serious offense which will not be tolerated.

The College strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect.

LCC recognizes that in any employee group, personnel problems will occasionally arise. It is usually in the best interest of both the College and the employee to resolve such problems as soon as possible at the lowest possible administrative level. In order that employees may be assured fairness in the consideration of such problem(s), a process of appeal and review, without prejudice, to higher levels of authority has been established. Employee problems or concerns regarding rules or regulations, working conditions, personnel practices, and the application of personnel policies should be addressed in the process established in this policy.

If an employee disagrees with a work-related matter, problem or condition alleging that there has been a violation of policies and practices or applicable state or federal law, rule or regulation, the employee can express their concern through the problem resolution procedure.

Not every problem may be resolved to everyone's satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment and helps to ensure everyone's job security.

#### 9.4.1 Grounds for a Grievance

Prejudicial or capricious decisions in the evaluation of an employee's performance resulting in a below standard or below average overall evaluation.

Acts of threat or intimidation or harassment. Sexual harassment complaints should also refer to the LCC's Sexual Harassment Policy.

Arbitrary or other actions which have an adverse impact on the employee. Adverse impact exists when a personnel procedure has a disproportionately negative impact on a legally protected group, such as ethnic minorities, women, and employees age 40 and over.

Violation of employee rights such as discrimination on the basis of national origin, race, religion, age, gender, and disability.

Any action by LCC where the employee believes that such action was unjust, inequitable or affected a term or condition of the employee's employment.

#### 9.4.2 Grievance Procedures

When an employee believes that a condition of employment or a decision affecting the employee is unjust or inequitable, the employee is encouraged to make use of the following procedures. **The employee may voluntarily discontinue the grievance process at any step. This should be done in writing and submitted to the appropriate LCC management personnel.**

Timely raising of a grievance is important to the early resolution of problems. Failure to submit the grievance within specified time frames disqualifies the grievant's claim.

The written grievance must include the following information:

- Name, Position Title, Department of Grievant
- Name, Position Title of Grievant's Supervisor
- Date Grievance was filed, description of the specific problem or dispute. List specific grounds for grievance, and the policy which the grievant believes has been violated
- Describe the direct and adverse effect that the specific problem or dispute has had on the grievant
- The grievant is required to propose a resolution and/or corrective action of the situation and state the reason why the desired resolution is appropriate.

#### 9.4.3 Grievance Steps

**Step 1:** The employee presents the problem to their immediate supervisor within 5 working days after the incident occurs. The employee should attempt to resolve the problem *informally by discussing* it with the employee's immediate supervisor. In situations where the employee's supervisor is not available, or the employee believes the situation cannot wait until their supervisor is available, or the problem would be inappropriate to discuss with their immediate supervisor, the employee may discuss the problem with the Human Resources Director or another member of LCC's Management personnel.

It is anticipated that a satisfactory resolution can usually be achieved by discussing the situation with their immediate supervisor at this level.

If the matter is not resolved to the employee's satisfaction informally, the grievance must be submitted in writing to the immediate supervisor within five (5) working days of the date when the employee was not satisfied with the outcome of the informal discussion.

The supervisor is required to respond in writing to the employee within five (5) working days with a copy of all documents to the Human Resources Director.

**Step 2:** If the matter is not resolved to the employee's satisfaction at Step 1, the employee may submit their grievance to the second level of review.

The second level of review will be by the employee's Department Director. The employee is responsible for submitting the grievance in writing within five (5) working days of the written response at Step 1.

The Director will respond in writing to the employee with a copy to the Director of Human Resources, within five (5) working days from the date of receiving the employee's written grievance.

**Step 3:** If the problem is not resolved to the employee's satisfaction at Step 2 of the process, the employee may take the matter to a third level of review.

The third level of review will be the Human Resources Director. The employee will submit his/her grievance in writing to the Human Resources Director within five (5) working days of the written response at Step 2.

At Step 3 of the appeal to the Human Resources Director, the employee may request that the Human Resources Director review the matter informally, or that the Human Resources Director establish an ad hoc Employee Advisory Committee, to review the matter and make a recommendation to the Human Resources Director.

Dependent on the circumstances, The Human Resources Director may also opt for review by the Employee Advisory Committee, whether or not the employee requests it.

The Advisory Committee will consist of *no more* than two unbiased employees, which shall be selected impartially by the Human Resources Director.

The Human Resources Director will respond in writing to the employee with a copy to the President within five (5) working days of receiving the grievance.

**Step 4:** If the problem is not resolved to the employee's satisfaction at Step 3, the employee may appeal the Human Resources Director's response to the fourth level of review. The fourth level of review will be by the President of the College. The employee must submit all documentation from Steps 1, 2 and 3 with a written request to review the grievance by the President of the College within five (5) working days of the response from the Human Resources Director.

The President will notify the employee in writing of the disposition of the matter within five (5) working days of the employee's request for review of the grievance.

- The President's decision may include, but is not be limited to, the following:
- Dismissal of the grievance;



- Reduction on any recommended sanctions;
- Upholding the Human Resource Director's decision;
- Other action as deemed appropriate by the President.

If the employee is not satisfied with the President's decision, the employee may request that the President present the Grievance to the LCC Board of Trustees for review. The request must be made by the employee in writing within five (5) working days of the response from the President.

Grievances will *only* be presented to the LCC Board of Trustees when an employee can demonstrate his/her grievance has adversely impacted their employment. Adverse impact exists when a personnel procedure has a substantial disproportionately negative impact on a legally protected group, such as ethnic minorities, women, and employees age 40 and over

- The LCC Board of Trustees has the option of permitting the parties involved in the grievance to present their issues;
- To uphold the President's decision;
- When a Grievance is presented to the College Board of Trustees, all parties involved in the grievance will be notified of the Board of Trustees' final decision in writing within five (5) working days of the Board's final decision, which shall be made not later than 60 days after hearing the same.

#### 9.4.4 Additional Provisions Relating to a Grievance

Upon Failure of the employee to exhaust all internal remedies under this procedure or to abide by the time limits with respect to each step, the grievance shall be presumed abandoned and the matter shall be considered settled.

In the event the appropriate College representative fails to give a response at any step within the time limits prescribed, the grievant shall have the right to proceed immediately to the next step.

The President has discretionary authority to extend the time limits in the event of illness, annual leave, or other extenuating circumstances.

No employee will be penalized, formally or informally, for voicing a complaint with the College in a reasonable, business-like manner, or for using the problem resolution procedure.

Failure or refusal to cooperate with or interfere with a campus investigation, including retaliation or reprisals against participants in an investigation, may be grounds for disciplinary action up to and including dismissal of employment.

## Chapter 10 Sexual Harassment

### 10.1 Philosophy

Luna Community College is an academic community which seeks to foster the fullest development of peoples' abilities and aspirations. The mission of Luna Community College can be realized only in an atmosphere of civility, mutual trust, and respect. Actions which diminish such an atmosphere shall not be condoned nor tolerated.

#### 10.1.1 Purpose

The purpose of this policy is to inform all Luna Community College students and employees that sexual harassment is **illegal** and that the College will not tolerate sexual harassment of its students or employees, nor will the College tolerate unprofessional conduct which leads to sexual harassment. The College intends, first, to deter sexual harassment through the posting of the policy on the LCC website, and publishing the policy. Secondly, by implementing corrective action for those individuals who disregard this policy, employees are cautioned that retaliatory actions directed towards persons initiating complaints is unacceptable conduct. The College will provide appropriate educational materials and programs related to understanding and implementing this policy for students and employees.

### 10.2 Definitions

#### 10.2.1 Sexual Harassment

Sexual harassment may be used to describe a wide range of behavior between students, between employees, or between students and employees.

These behaviors are described in the Equal Employment Opportunity Commission guidelines below. For students, the references to "employment" or "work" in the EEOC guidelines include the entire range of academic and non-academic functions of the college community.

The EEOC defines sexual harassment as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In determining what conduct constitutes sexual harassment, the question shall be determined from the perspective of a reasonable person of the gender and position of the person filing the complaint.

Consistent with principles of academic freedom, course content and teaching methods remain the province of individual faculty members. At the same time, faculty members shall refrain from classroom/clinical and other behavior that unnecessarily focuses attention on sex characteristics.

### 10.2.2 Related Unprofessional Conduct

Relationships between a student and an individual with professional responsibility for that student deserve particular attention. A College employee with professional responsibility for a student has real or potential power and authority over that student in a variety of roles including but not limited to, instructor, academic advisor, student organization advisor, work study supervisor, counselor, committee member, etc. To ensure that employees shall not abuse that power, no employee shall have engaged in, shall engage in, or shall solicit an amorous or sexual relationship (consensual or otherwise) with a student

- 1) who is enrolled in a class being taught by the employee;
- 2) whose academic work is being supervised by the employee or;
- 3) who is a member of a college group which is supervised or advised by the employee.

Amorous and/or sexual relationships between a student and an individual with professional responsibility for that student are presumed to be exploitive and constitute unprofessional conduct. The consensual nature of such a relationship does not necessarily constitute a defense to a charge of sexual harassment or related unprofessional conduct.

### 10.2.3 Facts about Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act 1964.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop. The victim should use the LCC complaint process or grievance system available.

When investigating allegations of sexual harassment, LCC will look at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which alleged incidents occurred. A determination of the allegations is made from the facts on a case-by-case basis.

Prevention will be the first avenue to eliminate sexual harassment in the workplace. LCC will take steps necessary to prevent sexual harassment from occurring. Employees will be trained and informed that sexual harassment will not be tolerated. They can do so by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

#### 10.2.4 Resolution

Any employee who is made aware of a complaint shall notify immediately the Human Resources Director who will notify the president. In the cases of formal complaint, there will then be an investigation conducted with sensitivity to all involved and with as much confidentiality as possible.

#### 10.2.5 Confidentiality

The confidentiality of all parties involved in a sexual harassment charge shall be strictly respected insofar as it does not interfere with the LCC's legal obligations to investigate allegations of misconduct and to take corrective action.

#### 10.2.6 Sexual Harassment Complaint Procedure

**Informal Procedures:** Any job applicant or employee of LCC may bring questions about procedure, seek informal advice, or present a complaint to the Human Resources Office.

The party submitting a complaint must originate and sign a written complaint alleging a breach of the above policies. This complaint must be completed within fifteen (15) working days of the occurrence of objectionable behavior. Unless the party submitting the complaint files a written complaint within fifteen (15) days alleging a breach of the above policies, LCC shall not be required to take further action on behalf of the party submitting a complaint of alleged misconduct.

Once a written complaint has been submitted, the Human Resources Department will:

- 1) Act as a mediator;
- 2) Act as a facilitator and consult confidentially with the person who the complaint has been directed toward, in order to call the objectionable behavior to that person's attention;
- 3) Conduct an informal sexual harassment investigation.

Employees charged with supervision authority who receive a verbal or written complaint of sexual harassment or who have actual knowledge of a violation of this policy will within five (5) working days of obtaining this knowledge report to the Human Resources Department. Except in an emergency, investigation of a complaint shall be made only after consultation with the Human Resources Department.

#### 10.2.6.1 Formal Procedures

The complainant will meet with a Human Resources Department contact person who will receive the complaint. The complainant must provide a signed and dated statement including a description of the alleged offensive behavior and the requested action. The contact person will encourage the complainant to provide a Sexual Harassment Complaint Form. The complainant will be advised that the alleged offender will receive a copy of the complaint. A formal letter will be provided to the alleged offender stating that a formal investigation has begun and directing him/her to not engage in any retaliatory behavior against the complainant. The letter shall be hand delivered or sent certified to the alleged offender's mailing address marked "Confidential." Copies of the letter and complaint will be sent to the complainant, the President, and Supervisor as appropriate.

#### 10.2.7 Formal Procedures

The complainant will meet with a Human Resources Department contact person who will receive the complaint.

The complainant must provide a signed and dated statement including a description of the alleged offensive behavior and the requested action. The contact person will encourage the complainant to provide a Sexual Harassment Complaint Form. The complainant will be advised that the alleged offender will receive a copy of the complaint. A formal letter will be provided to the alleged offender stating that a formal investigation has begun and directing him/her to not engage in any retaliatory behavior against the complainant. The letter shall be hand

delivered or sent certified to the alleged offender's mailing address marked "Confidential." Copies of the letter and complaint will be sent to the complainant, the President, and Supervisor as appropriate.

#### 10.2.8 Investigation under Formal Complaint Process

The President, in consultation with the Academic Dean, will appoint an investigator, or investigators. Generally the Human Resources Department will conduct the investigation, to include one male and one female.

The investigation will be conducted as promptly as possible, without compromising thoroughness. The investigator(s) will meet separately with the complainant and the alleged offender. The investigator (s) will request information about the alleged incident(s) and will seek information from individuals who might know about the incident (s) or other information helpful to the investigation.

If in the course of the investigation other allegations surface against the individual being investigated, which may themselves constitute sexual harassment or related unprofessional conduct, the investigator(s) shall notify the alleged offender of these allegations, in writing, and the individual will be given an opportunity to respond to these allegations before the investigator (s) submit their report and statement of findings. The investigators shall take notes on meetings they have with directors and witnesses. If directors and/or witnesses elect to have counsel present at the meetings, LCC reserves the right to also have counsel present.

At the conclusion of the investigation, the investigator (s) will send a copy of their findings and investigative reports to the LCC counsel before submitting the final report to the President. If the President determines that the final report is thorough and complete, he/she will disband the investigation and forward the report to the Human Resources Department. After the report and findings are accepted, the HR Director will send a copy of the report and findings to the complainant, the alleged offender, and such other persons as the Director seems appropriate under the facts and circumstances, including law enforcement officials.

If the President finds the report to be incomplete or does not concur with the findings, he/she may send the report back for further investigation.

If there are no findings of sexual harassment or related unprofessional conduct, the President will send letters to the alleged offender and the complainant informing them of the results of the investigation. No materials pertaining to the complaint will be placed in the personnel file or student file in such an instance. The Human Resources Director will retain the only record of the formal complaint in a locked designated file.

If there is a finding of sexual harassment or related unprofessional conduct, the report will be forwarded to the President, who will send the report to the LCC Attorney, Academic Dean and HR Director and the Offender. The President, Academic Dean, and HR Director with consultation with the LCC Attorney will discuss the appropriate disciplinary action. The HR Director will send the offender a notice outlining the proposed discipline being considered. If the offender is a student, the Vice President of Instruction and the ACCESS Director will initiate appropriate disciplinary procedures.

The complainant will be informed in writing of the conclusions of the case, and documentation of the case and a record of the disciplinary action taken will be placed in the offender's file.

There will be instances when an individual may choose not to make either a formal or informal complaint, but LCC may choose to follow-up on a concern with either an informal or formal process or a formal complaint.

### 10.3 Education

In developing an atmosphere of mutual trust and respect, LCC will provide educational programs that will work toward the elimination of offensive behavior. In these programs, LCC will:

- Make available to all employees and students copies of this policy and the procedures for implementation of the policy;
- Periodically distribute materials that define harassment and explain the rights and responsibilities of individuals under the policy;
- Provide students, faculty, and staff with information and learning experiences to heighten awareness of the issues and of the College's expectations;

LCC will continue to support, monitor, and revise the educational programs as it works toward the goals of eliminating sexual harassment and related unprofessional conduct and enhancing mutual trust and respect.

### 10.4 Rights and Penalties

Any person who violates this policy shall be subject to prompt and firm disciplinary action as determined by LCC. Such discipline may range from reprimand to termination.

Any student or employee may also seek other relief to which he/she is entitled by law.

Employees may be held personally liable for participation in or condoning sexual harassment.



Any employee of LCC may not refuse to cooperate in the investigation of a sexual harassment complaint, but the employee may assert whatever testimonial or evidentiary privileges that are available to him/her by law.

If the circumstances of the complaint warrant, LCC may take necessary action to alleviate the situation while the complaint is being resolved as outlined in this policy.

No employee or student who files a complaint in good faith shall suffer retaliation for filing the complaint. The College shall take necessary action to assure that there is no retaliation against persons who file complaints in good faith.

#### 10.5 Bad Faith or Frivolous Complaints

The policy shall not be used to bring frivolous or malicious complaints. Disciplinary action shall be taken against any person bringing a sexual harassment complaint in bad faith.

## Chapter 11 Benefits

### 11.1 Sick Leave

As per New Mexico Statute: Public funds shall not be expended for the purpose of paying compensation to any faculty member or employee of a state higher educational institution for any period of absence from his assigned duties with such state higher educational institution unless the period of absence:

- A. is a holiday or vacation period established in the published calendar of the institution;
- B. comes within the official sick leave or annual leave policies promulgated by the regents of the institution; or
- C. is approved by a designated administrative authority according to procedures established for this purpose by the regents.

The College recognizes that employees may become ill or injured and that time off with pay must be provided to protect employees during those periods. Paid sick leave is not granted as annual leave, but used when an employee is unable to work because of illness, injury, or medical, dental, or optical treatment. Sick leave may also be granted to employees due to illness, injury, or medical, dental, or optical treatment of an employee's immediate family member. Immediate family shall mean the spouse, child, grandchild, father, mother, sister, brother, grandparents, and any individual acting as a parent or guardian of an employee. Leave because of illness, injury, or medical, dental, or optical treatment for like relations of the employee's spouse must be submitted as annual leave. Sick leave may not be used in the place of annual leave or for non-health related situations.

#### 11.1.2 Eligibility

Full- and part-time Professional and Support Staff who work twenty (20) hours or more per week are eligible to receive paid sick leave. Occasional employees are not eligible for sick leave.

#### 11.1.3 Sick Leave Accruals

Eligible employees earn sick leave each pay period during time actually worked and during paid sick leave or annual leave time, holidays, and paid leave of absence. Sick leave is not earned during an unpaid leave of absence, including when an employee is on approved Family and Medical Leave. (See Family Medical Leave Act Policy) New employees' sick leave accruals start at date of hire. Leave taken, which exceeds accruals, will be charged to annual leave or Leave Without Pay (LWOP).

Employees accrue sick leave as indicated in the chart below:

<b>Full-Time</b>	<b>(40 hours per week)</b>
<i>Hours Per Month</i>	<i>Hours Per Pay Period</i>
12 hours	6 hours
<b>Part-Time</b>	<b>(Less Than 40 hours per week)</b>
<i>Hours Per Month</i>	<i>Hours Per Pay Period</i>
6 hours	3 hours

#### 11.1.4 Maximum Sick Leave Accruals

Employees on full-time status may accumulate up to a maximum of 720 hours (60 days).

An employee's unused leave balance may not exceed the following maximum limits.

<b>Type of Employee</b>	<b>Maximum Accrual Hours</b>
Full-Time	720 hours

Sick leave exceeding these limits is not recorded and is not available for use by the employee. If an employee's FTE decreases and the employee has accrued leave hours above the maximum allowed for his or her new employment status, the employee's leave balance will be adjusted accordingly.

#### 11.1.5 Reporting Absences Due To Illness

Any illness or injury necessitating an absence must be reported to the supervisor as early in the workday as possible. If an employee fails to inform his/her supervisor in a timely manner, disciplinary action may result. If an employee misses three days in a row without calling his/her supervisor, this will be considered a voluntary resignation from his/her position. An employee who reports his/her absence and utilizes three days of sick leave in succession must provide to their supervisor documentation by the attending physician. The physician's statement must certify that the employee was under the doctor's care during the period of absence and was unable to work. This documentation must be forwarded to the Human Resources Department for record keeping purposes. For leave extending beyond three days in succession, refer to the Family and Medical Leave Policy.

#### 11.1.6 Medical Certification or Fitness for Work Examination

The College wants to avoid the risk of aggravation or re-injury when an employee is experiencing problems in performing his/her duties due to an illness or injury; therefore, the employee may be requested to have his/her physician complete an

*Employee Fitness Assessment Form* prior to his/her return. This will enable the College to assess and make any reasonable accommodations that may be required.

#### 11.1.7 Sick Leave upon Separation of Employment

Upon separation, employees are not compensated for un-used sick leave.

#### 11.1.8 Reporting Absences of Sick Leave

It is the duty and responsibility of every employee to document and present to the immediate supervisor any and all time used as sick leave. Notification to the immediate supervisor shall be at least one hour prior to the working day. The immediate supervisor shall be held accountable for all leave used by employees reporting to them. The College will take corrective disciplinary action with an employee and/or supervisor if leave is utilized and not documented.

Leave requests, with appropriate signatures, are to be submitted to the Human Resources Department within the pay period in which leave is taken. The Human Resources Department keeps official leave records for the College. Each department should also maintain internal records of each employee's leave; however, reports are available, if requested by the department supervisor, from the Human Resources Department.

Employees who think there is a discrepancy in the calculation of their leave or eligibility may request a review of that calculation by the Human Resources Department.

#### 11.2 Transfer Provisions

Employees may retain unused sick leave on transferring from one department to another.

#### 11.3 Rehire Provisions

All former employees who are rehired will be considered new hires for purposes of computing accrued rate of sick leave.

#### 11.4 Leave with Pay

##### 11.4.1 Eligibility

Regular employees, full time and part time, are eligible for leave with pay. Temporary and part-time employees are not eligible for leave with pay. Temporary employees may be granted leave without pay.

##### 11.4.2 Practices

Normally, the employee arranges in advance with his/her supervisor to be absent. If this is not possible, the employee notifies his/her supervisor of the reason for the absence as early in the working day as possible. An employee must receive his/ her supervisor's permission before leaving the work place during working hours, unless unusual circumstances preclude requesting such permission.

## 11.5 Types of Other Leave with Pay

### 11.5.1 Closed Campus

Leave with pay will be authorized when the College is declared closed by the President, i.e., cases of inclement weather, national emergency, etc.

### 11.5.2 Voting

An employee who is a registered voter will be granted a reasonable period of time off from work to vote in a government election, as provided for herein.

On Election Day any employee may absent himself from employment for two hours for the purpose of voting between the time of opening and the time of closing the polls. The employee shall not be liable to any penalty for such absence; however, the College may specify the hours during this period in which the employee may be absent from work in order to vote.

The above does not apply to any employee whose work day begins more than two hours subsequent of the time of opening the polls, or ends more than three hours prior to the time of closing the polls.

### 11.5.3 Jury Duty and Enforced Court Attendance

An employee summoned for jury duty, or for duty as a witness (other than as plaintiff or defendant) is granted leave with pay for the time spent on these types of duty if the employee presents documents of evidence of the summons to his/her supervisor and remits the monies received or a statement of waiver of payment from the court to LCC Human Resources Office. If the employee fails to remit such fees or cause the same to be remitted to the College, such sum will be deducted from the employee's regular pay.

### 11.5.4 Maternity Leave

Maternity Leave shall be the same as other personal or disability leave; however, physician's verification shall be required. Maternity leave shall be deducted from the accumulated sick leave and annual leave, and, if that is exhausted, leave without pay may be granted. However, in such circumstances, the Family Medical Leave Act of 1993 will govern. The employee may work, prior to taking the

leave, as long as her physician allows. Maternity leave shall end 60 days after childbirth.

#### 11.5.5 Emergency Leave

Emergency Leave shall not exceed accumulated sick leave. All leaves under emergency shall be charged accumulated sick leave. The following shall constitute basis for the grant of emergency leave:

Birth of a child to the employee's spouse;

Death of a relative within the immediate degree of consanguinity or in the affinity such as an employee's spouse, child, mother, sister, father, grandchildren. Grandparents are exceptions to this policy that may be exercised by the Office of the President or designee.

#### 11.5.6 Reinstatement

"Termination of Sick Leave Use," An employee on leave with pay is expected to return to the former position which will be held for him/her. A temporary employee may be hired to replace an employee during leave with pay.

### 11.6 Leave Without Pay (LWOP)

#### 11.6.1 General Policy

The College may grant leaves without pay (LWOP) to employees in cases of illness, injury, personal reasons, professional reasons, professional leave, illness in family, and for other bona fide reasons.

Group insurance may be continued while the employee is on leave without pay, provided the full payment for the insurance is made in advance with no contributions being paid by LCC during the period except as provided by FMLA, and provided that continuance of the insurance while on leave is allowed by the insurance company.

The regulations of the New Mexico Educational Retirement Board prohibit the payment of retirement contributions if the employee does not receive a salary, and payments must be discontinued during the period of LWOP.

#### 11.6.2 Professional Leave

Leave for participation in professional activities may be granted at the discretion of the President. Professional Leave shall be consistent with the Professional Development plan. All employees of the College shall be encouraged to apply for Professional Development Grants and shall be subject to Professional in case an

Individual Professional Development Plan is approved. The goal of professional leave is to allow employees to improve their skills and credentials in the subject area in which they are employed. Therefore, it is required that the area of professional leave can be an area of study that would ultimately have a beneficial impact on the employee's performance upon his/her return to work at LCC.

### 11.6.3 Eligibility

Regular employees, full-time and part-time are eligible.

### 11.6.4 Procedures for Obtaining LWOP

Employee must request LWOP in writing from his/her supervisor. Requests for leave must be made two (2) weeks in advance, except where such notice is impossible or impractical. For employees on LWOP for more than (5) working days, a Personnel Action Notice (PAN) must be processed placing the employee on leave for the authorized period of time, and should indicate the reason for the leave.

PAN's are not required in those cases where LWOP is granted or imposed for short periods of time ( less than (5) working days), but the employee's time report to the Human Resources Department must clearly indicate LWOP for the days involved.

In those instances where LWOP is not recommended due to an unexcused absence or suspension, the absence must also be documented (in addition to the time report) by memo to the employee with a copy to the Human Resources Department for record purposes.

### 11.6.5 Reinstatement

A LWOP is not recommended or granted except with expectation of reinstatement, but reinstatement is not guaranteed. Operating conditions or needs may make reinstatement impractical at the time reinstatement is requested. Where practical, the College will attempt to fill the employee's position with a temporary employee during an extended LWOP, but reserves the right to eliminate the position or fill it with a regular employee.

An employee returning from LWOP must contact the Human Resources Office prior to the expiration of leave. An employee who fails to request reinstatement prior to the expiration of leave will be terminated his or her failure to be treated as a resignation. Every effort will be made to reinstate an employee to the same or equivalent job and rate held at the time of LWOP.

If the employee's previous position is no longer available and he/she is not placed in another similar position within a reasonable period, or if the employee refuses a position offered to him/her, the College has no further reinstatement obligation. The employee is then terminated as a resignation, based on constructive resignations.

An employee returning from LWOP for extended illness, including pregnancy or injury, is required to submit a doctor's statement certifying the employee is able to return to work. No employee will be permitted to return to work without being cleared for reinstatement by the Human Resource Office.

Employees on LWOP for more than (30) calendar days will have their anniversary (date in current position) date adjusted by the number of days spent on LWOP. Salary increases and probationary periods will be based on the adjusted anniversary date. Supervisors must clear employees for reinstatement by processing a Personal Action Notice. Annual leave and sick leave credits do not accumulate during LWOP. Unused accumulated sick leave will be held for one year and credited to the employee's account upon reinstatement, if the reinstatement is within the one-year period. Any vacation leave balance will be paid at the date the employee is placed on LWOP. An employee reinstated from LWOP within one year will be given credit for prior service in computing accrual rate for vacation, sick leave and other benefits.

#### 11.6.6 Holidays

This policy describes which holidays the College observes, which employees are eligible for holiday pay and compensation, and which employees must work on the stated holidays. Faculty should refer to the approved *Faculty Calendar* for holidays observed during the respective academic contract period.

#### 11.6.7 Eligibility

Only regular full-time or regular part-time employees, working twenty (20) or more hours per week, are eligible to be paid for holidays. Temporary and part-time employees working more than twenty (20) hours per week may be eligible to receive pay for holidays, if approved by the President of the College. Occasional employees are not eligible for annual leave.

#### 11.6.8 Holidays Observed

The following holidays are observed by the College:

- Martin Luther King Day
- Good Friday
- Easter Monday



- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Winter break - The specific days observed as the holiday period are announced in the approved yearly calendar. Approved calendars are available in the Human Resources Department.

Employees must work, be on annual leave, or on sick leave during the week in which the holiday occurs to be eligible for holiday pay. An employee who has announced intent to terminate may not use holidays, inclusive of winter break, to extend termination dates. If an employee announces his/her intent to separate with an extended separation date wherein holiday/s are included, the employee will not be paid for such holiday/s.

When the time an employee is on leave includes a paid holiday, the holiday hours are not charged against the leave.

#### 11.6.9 Special Circumstances Regarding Holidays

Because of the nature of certain jobs, supervisors may require employees to work on holidays. Each employee affected should be advised that this alternate holiday schedule is a condition of employment. In addition, to meet departmental needs, an employee may be required to work a holiday. In these situations, supervisors will need the approval of the President of the College and should give employees as much notice as possible.

Supervisors will assign employees to work holidays in a fair and reasonable manner, taking into consideration the needs of the College, availability, and willingness of employees. An employee who refuses to work a holiday may be subject to disciplinary action.

Dependent on the employee's exemption status and project assignment, compensation for any inconvenience wherein an employee is required to work on a holiday, will be paid accordingly for the hours worked on the holiday's, as approved by the President of the College.

## 11.7 Military Leave

Leave of absence shall be granted to any employee who is drafted or volunteers into the military service. Upon receipt of official military orders, employee must present orders or other evidence indicating that the employee is entering active military duty. The College grants Military Leave to regular employees during the time they are on active military duty in the Armed Services of the United States. Employees on military leave shall be given the benefits of any increments which would have been earned, provided they seek reinstatement within 90 days from the date of discharge.

Any employee who is a member of the National Guard, or any reserve unit or branch of any of the armed forces of the United States, shall be granted leave with pay not to exceed 15 days in any calendar year. The leave of absence shall be with pay from his/her duties with the College to perform duties or to receive training required or requested by the unit of the armed forces of which he/she is a member.

### 11.7.1 Services Covered

Armed Served of the United States: The United States Army, Navy, Air Force, Marine Corps, and Coast Guard and their respective reserve components, as well as the New Mexico National, and their reserve components.

### 11.7.2 Types of Active Duty

- 11.7.2.1 **Annual Duty for Training:** Training with the Reserve or National Guard. Such training is normally for a two week or 15-day period.
- 11.7.2.2 **Special Training:** Voluntary active duty for a special purpose, such as attending an armed forces school.
- 11.7.2.3 **Local Emergency:** Active duty for individuals ordered by the President of the United States or the Governor of New Mexico.
- 11.7.2.4 **National Emergency:** Extended active duty for individuals ordered by the President in a declared emergency.
- 11.7.2.5 **Payment While on Military Leave of Absence:** When a Military Leave of Absence is granted for annual duty for training or local emergency, the College will pay a military training allowance for time lost, up to a maximum of 15 calendar days per calendar year. Such military training allowance is paid at the employee's straight-time rate of pay. When military leave is granted for active duty other than annual duty for training or local emergency, such leave shall be considered LWOP.

#### 11.7.2.6 Reinstatement

An employee on Military leave will be reinstated to his/her original position of like seniority, status and pay, provided he/she:

- Is released from active duty under honorable conditions.
- Is still qualified to perform the duties of such position.
- Makes application for reinstatement within 90 calendar days after release from National Emergency, obligated or enlisted Service from hospitalization continuing after release for not more than one (1) year, or within six (6) working days after release from annual duty for training.

### 11.8 Insurance

#### 11.8.1 Employee Health Insurance Benefits

Employee benefits are offered through the New Mexico Public Schools Insurance Authority (NMPSIA). NMPSIA was created by the Legislature in 1986 to purchase insurance benefits for all New Mexico public school districts (except for Albuquerque Public Schools). Employees can participate in a diversified package of insurance benefits including health, dental, vision, basic term life insurance, and accidental death and dismemberment, voluntary term life and long-term disability. This policy provides a general description of the insurance benefits. For a more complete explanation of the benefits and required forms, contact the Human Resources Department.

#### 11.8.2 Eligibility and Enrollment Period

Only regular full-time or part-time employees, working twenty (20) or more hours per week, are eligible for benefits.

Temporary and part-time employees working less than twenty (20) hours per week are not eligible.

New hires have a window of opportunity of 31 days from date of hire to turn in their enrollment application and beneficiary designation forms. If an application is not submitted within the 31-day window of opportunity, the employee may enroll late to any of the medical plans, although late entrants are subjected to a maximum 18-month preexisting conditions limitation period.

### 11.8.3 Basic Term Life Insurance and Accidental Death and Dismemberment (AD&D) (100% Employer Paid)

Eligible employees are enrolled for \$50,000 with coverage beginning the first day of the month following their date of employment. Coverage will terminate upon separation of employment. The separating employee may convert their insurance to a prudential individual life insurance policy within 31 days from the date their group coverage terminates.

- Voluntary Term Life Insurance
- Dependent Voluntary Term Life Insurance: 1) Spouse Coverage:
- Changes in Health Care Benefits:
- Health, Dental and Vision Insurance
- Long Term Disability

Please refer to NMIPSA program or Human Resources Technician for Insurance information.

- Third-Party Benefits – Please see Human Resources Technician

### 11.9 Disclosure of Medical Information

Medical information relating to an employee is kept in secure, locked files in the Human Resources Department and access is closely controlled and contents may be examined or supplied only with approval of the Human Resources Director.

### 11.10 HIPPA

In addition, an employee may elect to add health insurance coverage (although the employee had elected no health insurance coverage during the initial eligibility period) due to marriage, or because of the birth or adoption of a child. To add a health insurance plan due to marriage or the birth or adoption of a child, the employee must complete a New Mexico Public Schools Insurance Authority (NMPSIA) change card within thirty-one (31) days of the event.

### 11.11 Updating Information

To make certain that the Institution's payroll information and personnel files are current and contain accurate, complete information, the Human Resources Department must be notified of any changes that need to be made such as name change, telephone number, home address, marital status, birth or adoption of child or change in number of dependents and beneficiary designations.

#### 11.12 Retiree Health Care Authority

The New Mexico Retiree Health Care Authority was created pursuant to Chapter 6, Laws of 1990. The purpose of the legislation was to create a pre-funded group health insurance benefit for current and future retirees of public employment. Once vested in the educational Retirement Fund and receiving a pension benefit from that fund, retirees of LCC become eligible for benefits under the Retiree Health Care Authority. The Authority provides affordable health insurance to employees retired from LCC, as well as other public employers. Employees should contact the LCC Human Resources Office for further information.

#### 11.13 New Mexico Educational Retirement Benefits

Luna Community College employees are covered by the provisions of the Educational Retirement Act. Membership shall be a condition of employment and shall exclude membership and participation in any other NM retirement program. Retirement contributions are calculated at a percentage of the employee's annual salary, with Contributions being made by both the employee and the employer. The percentage of contribution is subject to change annually. Employees are advised to contact the LCC Human Resource Office.

#### 11.14 Annuity

Tax-sheltered annuity and deferred income plans are available to all employees.

Retirement investments may be made under a payroll deduction arrangement.

These programs offer the employee income tax advantages. The Institute only acts as a collector of the premiums, without endorsing any of the participating companies. Employees are required to determine the efficacy and appropriateness of such plans for their particular circumstances, as LCC makes no representations in this regard. Information on participating companies is available in the Human Resources Office.

#### 11.15 Workers' Compensation

The Institution strives to make the workplace a safe and healthy environment for all employees. The key to a safe work environment is the prevention of on-the-job accidents before anyone can suffer an injury. This responsibility is shared by all, and everyone is encouraged to bring work-related health and safety concerns to their supervisor's attention as soon as possible. Supervisors are encouraged to conduct periodic safety inspections of all work areas under their division.

#### 11.15.1 Reports of Work Related Injuries or Illnesses

Workers' compensation statutes for the state of New Mexico require that an employee who has suffered a work-related injury or illness notify the employer within 15 calendar days. Notification is necessary to ensure proper medical attention and accurate processing of compensation claims.

The Human Resources Department has been designated the by Institution to administer workers' compensation issues. The Human Resources Department provides notice of accident report forms and reports the injury to the Workers' Compensation Administration.

When an injury or illness is life threatening in nature, such as loss of a limb or a severe burn, the employee shall go to the nearest emergency facility.

If an employee experiences a work-related injury or illness, the Human Resources Department shall notify the employee that he or she may qualify to request unpaid FMLA leave.

#### 11.15.2 Benefits during Workers' Compensation Leave

Workers' Compensation payments do not begin until the employee has been unable to work for seven (7) calendar days following the date of incident. An employee may elect to draw sick-leave benefits during this seven-day period. If the period of disablement extends past the twenty-eighth (28th) calendar day, Workers' Compensation will then pay the employee the amount allowable by law for the first seven (7) days of the disablement.

Beginning with the eighth (8th) calendar day of disablement, Workers' Compensation will pay two-thirds (2/3) of the employee's gross weekly wage up to the maximum established by law. Employees may elect to use any accrued sick and annual leave until his/her accruals end or they are released to come back to work. However, the total of leave with pay and Workers' Compensation may not exceed one- hundred percent (100%) of the employee's gross wages.

#### 11.15.3 Medical Certification or Fitness for Work Examination

The Institution wants to avoid the risk of aggravation or re-injury when an employee is experiencing problems in performing their duties due to an illness or injury, therefore, the employee may be requested to have his/her physician complete an *Employee Fitness Assessment Form* prior to his/her return. This will enable the Institution to assess and make any reasonable accommodations that may be required.

#### 11.15.4 Return to Work from Workers' Compensation Leave

When an injury or illness covered by the Workers' Compensation Program involves any lost time, a medical release from the employee's health care provider is required before an employee may return to work. If an employee is only able to return to his or her existing job with restrictions on certain job activities, the return to work is encouraged but must be approved by the employee's health care provider and the Human Resources Department Director.

#### 11.16 Reporting an Injury

Any employee who suffers a work-related injury or illness should immediately notify his/her supervisor of the accident or illness. Failure to immediately report such injury or illness will constitute a violation of this policy, except where the employee's injury or illness is of such nature that a report cannot be made. Failure of the employee to report an injury or illness within thirty (30) days may result in denial of all workers' compensation benefits as provided by law.

The immediate supervisor shall, within three (3) days of the employee's report of injury or illness, complete the Employer's First Report and submit this report to the Human Resources Office. The Human Resources Office shall then file the Employer's First Report within five (5) days of the initial report of injury with the Workers' Compensation Administration and send a copy to the New Mexico Public Schools Insurance Authority. The employee must properly execute an Authorization to Release Medical Reports and Information form, which shall be submitted to the Authority, along with the Employer's First Report copy.

#### 11.17 Americans with Disabilities Act (1990)

Title I of the Americans with Disabilities Act ("ADA") prohibits employment discrimination against qualified disabled individuals. Luna Community College (LCC) is committed to provide reasonable accommodation to those individuals unless that accommodation would impose an "undue hardship" on LCC.

The ADA defines a "qualified individual with a disability" as an individual with a disability who can, with or without reasonable accommodation, perform the essential functions of the job that the individual holds or desires.

A "**disability**" is defined as:

- (1) a physical or mental impairment which substantially limits a major life activity;
- (2) a record of having that type of impairment; or
- (3) being regarded as having that type of impairment.

LCC may screen out disabled individuals who cannot perform the essential functions of the job, even with accommodation, and those who pose a direct threat to their own health or safety, or the health or safety of others.

The Act places a number of limitations on the conduct of medical examinations and inquiries. LCC may not make pre-employment medical inquiries, but may ask about the ability of the applicant to perform job-related functions. Medical examinations may be used only after a conditional offer of employment has been extended. An offer of employment may be conditioned on the results of the examination only if: (1) all entering employees in the same job category are subjected to the examination regardless of whether or not they have a disability; and (2) the information obtained is treated as a confidential medical record and kept in a medical file separate from other personnel information.

As for current LCC employees, the ADA permits medical inquiries and medical examinations if they are both job-related and consistent with business necessity. Testing current employees or applicants to determine the “illegal use of drugs” is not considered a medical examination for purposes of the Act.

The employee with a disability and his/her supervisor should work together to arrange for necessary and reasonable accommodations. The accommodation may or may not be what was originally requested by the employee, but will be in compliance with the provisions of the ADA.

It is the employee's responsibility to inform his/her supervisor of the need for an accommodation to perform the essential functions of his or her job. In the event the employee does not feel it is appropriate to inform his/her supervisor of an accommodation, he or she may inform the appropriate Human Resources Representative.

29 C.F.R. §1630.1.  
Enforcement Guidance on Pre-employment Inquiries under the ADA  
(October 1, 1995).  
20:18

Older Workers Benefit Protection Act  
(1990)  
29 U.S.C. §§621 et seq.

Coverage and Prohibition: The Older Workers Benefit Protection Act (the “Act”) amends the Age Discrimination in Employment Act (“ADEA”) in several important areas. As its main focus, the Act reverses the United States Supreme Court’s ruling in *Public Employees Retirement System of Ohio v. Betts*, 492 U.S.158 (1989). In *Betts*, the Supreme Court held that employee benefit plans that are not intended to avoid the ADEA in other aspects of employment may offer older employees lower benefits than those offered to younger employees.



The Act restored and codified the EEOC's pre-Betts "equal benefit or equal cost" principle, which allows an employer to "observe the terms of a bona fide benefit plan," as long as the employer provides older workers the same or better benefits as younger workers. If the benefits offered to younger workers are better than the benefits offered to older workers, the employer must prove: (1) that the cost of providing those benefits to older workers would exceed the cost of providing the benefits to younger workers; and (2) that the benefits offered to older workers cost the employer at least as much as the benefits offered to younger workers.

The Act permits an employer to deduct from severance payments and long-term disability benefits the value of certain other employer-provided benefits. The Act also establishes offsets that are permitted against several benefits in connection with an early retirement incentive program.

Additionally, the Act imposes specific minimum conditions that must be met for an effective release of potential age discrimination claims under the ADEA. Employers must show the following in order for a release to be considered "knowing and voluntary:" (1) the waiver must be written in plain English; (2) the waiver must specifically refer to rights or claims arising under the ADEA; (3) the employee must receive something of value in addition to anything of value to which the employee is already entitled; (4) the waiver cannot bar the employee's right to pursue claims that may arise after the waiver is signed; (5) the employee must be given at least twenty-one days to consider whether to sign the agreement, or at least 45 days if the waiver is offered in connection with an exit incentive; (6) the employee has at least seven days following the signing of the waiver in which to revoke it; and (7) the employer must advise the employee in writing to consult an attorney. Slightly different rules apply to waivers signed in connection with group layoffs, lawsuits, or pending Equal Employment Opportunity Commission charges. Enforcement and Remedies: The enforcement procedures and available remedies are the same as provided for the ADEA. (See the ADEA, above.)

Related Regulations:  
Recordkeeping Requirements, 29 C.F.R. §1627

## 11.18 Social Security

Social Security is an insurance program of the Federal Government to which all employees must contribute and which provides benefits to the employee whenever he/she meets the conditions of eligibility. Disability prior to the age 62, reduced benefits at age 62, or full payment at the age of 65. The employee shall be encouraged to become informed concerning benefits and the amounts of contributions. Deductions are made from the employee's salary based on contribution rates designated by the federal government. In addition, the College contributes an equal amount into the Social Security fund.

#### 11.19 Medicare Tax

Medicare tax is computed for employees who work inadequate weekly hours to be covered by Social Security.

#### 11.20 Unemployment Compensation

Luna Community College provides unemployment insurance under the provisions of the New Mexico Unemployment Compensation Act. Cost of this coverage is borne totally by the College. The Employment Services Division determine eligibility based on the circumstances of each case and the provisions of the Unemployment Compensation Act.

#### 11.21 Family 1 Medical Leave Act

*Pursuant to the Family and Medical Leave Act of 1993, eligible employees may take up to 12 unpaid work weeks of leave during any 12-month period because of the birth or placement for adoption or foster care of a child. Because of the serious health condition of a child, a son or daughter over the age of 18, a legal spouse, or a parent (mother or father) or because of the employee's own serious health condition.*

Eligible employees are those who have been employed at least 12 months by Luna Community College (LCC), and who have provided at least 1,250 hours of service during the 12 months **PRIOR** to the leave request.

Employees are first required to use their accrued annual and vacation leave **as a part of the 12-week period**. If employee uses paid leave, LCC is required to provide only enough unpaid leave to total 12 weeks.

There are two general types of leave provided by this Policy, Family Leave and Family Medical Leave.

Family Leave provides that an eligible employee may take up to 12 work weeks of unpaid leave during any 12-month period because of the birth of the employee's child and to care for the child, or because of the placement of a child with the employee for adoption or foster care. The entitlement to family leave expires 12 months after the date of birth or placement of the child.

Family Medical Leave provides that an eligible employee may take up to 12 weeks of unpaid leave during any 12-month period to care for the employee's legal spouse, son, daughter, or parent (mother or father), if that family member has a serious health condition, or if the employee has a serious health condition.

Eligible employees are those who actually have day-to-day responsibility for caring for a child, even if the employee does not have a biological or legal relationship to that child. A son or daughter is specifically defined to include biological, adopted, or foster children,

step children, or legal wards under the age of 18, or children above that age who are incapable of self-care because of mental or physical disability.

#### 11.21.1 Serious Health Conditions May Include:

An illness, injury, impairment, or physical or mental condition that involves overnight care in a health facility or continuing treatment by a health care provider *for three or more days*.

Incapacity due to pregnancy, prenatal care, or a chronic serious condition (e.g., asthma), even for less than three days without health care provider treatment.

Multiple health care provider treatments for reconstructive post-accident or injury surgery or a condition (e.g., chemotherapy) likely to cause incapacity for over three consecutive days if untreated.

A qualifying serious health condition involving continuing treatment by a health care provider including:

A period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either treatment at least two times by a health care provider, by a nurse or physician's assistant under supervision of a health care provider, or by a "provider of health care services" (e.g., a physical therapist) under orders of or on referral by a health care provider; or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment (e.g., a course of prescription medication or therapy requiring special equipment) under the provider's supervision.

Any period of incapacity due to pregnancy or for prenatal care;

Any period of incapacity or treatment for incapacity due to a "chronic serious health condition," i.e., conditions such as asthma or diabetes that:

- Require periodic visits for treatment by a health care provider or by a nurse or physician's assistant under the provider's direct supervision,
- Continue over an extended period of time, including recurring episodes, and
- May cause episodic rather than a continuing period of incapacity.

A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease). The individual must be under the supervision of a health care provider, but need not be receiving active treatment.

Any period of absence to receive multiple treatments (plus any period of recovery from such treatments) by a health care provider or by a provider of health care services under orders of or referral by a health care provider for restorative surgery after an accident or injury, or for a condition that will likely result in a period of incapacity of more than three consecutive calendar days in the absence of treatment. Examples are chemotherapy or radiation treatment for cancer, physical therapy for severe arthritis, and dialysis for kidney disease.

#### 11.21.2 Scheduling FMLA Leave

Upon obtaining the appropriate approvals, leave may be taken on an intermittent or reduced basis for the birth or adoption of a child. Leave for a serious health condition, either of a family member (child, legal spouse, mother, or father) or the employee, may be taken intermittently or on a reduced schedule only if medically necessary where the patient is being treated by or is under the supervision of a health care provider, or for recovery from treatment or recovering from a serious health condition.

If both spouses are employed by LCC, and they wish to take leave to care for a newly arrived child or a sick parent, leave will be limited to an aggregate leave of 12 weeks. If the leave is requested because of the illness of a child or of the other spouse, each spouse is entitled to 12 weeks of leave.

Employees are required to provide at least 30 days advance written notice before the date on which the leave, will begin, in the case of leave for expected birth or placement for adoption of a child. If the employee is unable to provide such notice, (because the date of the birth or placement requires leave to begin in less than 30 days), the employee must provide as much notice as is reasonable under the circumstances.

Employees are required to provide 30 days advance written notice in the case of medical leave; if the leave is foreseeable based on planned medical treatment. If the treatment requires leave to begin in less than 30 days, as much notice as possible must be provided. Employees are required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of LCC.

If an employee fails to give 30 days' notice for foreseeable leave with no reasonable reason for the delay, LCC may delay the taking of Family and Medical Leave until at least 30 days after the date the employee provides notice to LCC of the need for Family and Medical Leave.

Employees requesting intermittent leave or a reduced schedule based on planned medical treatment may be transferred temporarily to an alternative position, with equivalent pay and benefits that better accommodate recurring periods of leave than the employee's regular position.

LCC requires that the employee provide certification of a serious health condition of the employee or a qualified family member issued by the health care provider of the eligible employee or the family member, in advance of the leave, when possible, or at the commencement of the leave. If the need for leave does not allow for this, such certification should be provided within two business days after the commencement of the leave.

In addition, the medical certification is to include the date on which the serious health condition began, the probable duration of the condition, and appropriate medical facts regarding the condition. If the certification is for leave to care for a family member (spouse, child, mother, or father), the certification must *ALSO* state that the employee is needed to care for the son, daughter, spouse, or parent (mother or father) and must include an estimate of the amount of time that such employee needs to care for the family member; and if certification is for leave because of the employee's own serious health condition, the certification must *ALSO* state that the employee is unable to perform the functions of the employee's position; and if the certification is for intermittent leave or reduced schedule, for planned medical treatment, the certification must *ALSO* state the dates on which treatment is expected to be given and the duration of such treatment.

LCC reserves the right to require that a second or third opinion be obtained at the expense of LCC. For pregnancy, chronic or permanent/long term conditions under continuing supervision of a health care provider, LCC may request re-certification every thirty (30) days absent significant change in circumstances or information in LCC's possession, which casts doubt on the employee's stated reason for the absence.

Employees are to report once a week to their immediate supervisor on their status and intention to return to work.

### 11.21.3 Return to Work from FMLA Leave

Upon return from Family and Medical Leave, employees are required to provide to the LCC Human Resources Department, certification from the health care provider of the employee that the employee is able to resume work.

An employee who completes a period of leave will be provided restoration, that is they will be returned either to the same position and FTE level they had before, or to an FTE level and position equivalent in pay, benefits, and other terms and conditions of employment.

Leave will not result in the loss of any previously accrued seniority or employment benefits, but neither are any benefits accrued during the leave.

LCC will pay its portion of health insurance benefits through an employee's leave. The employee is responsible for payment of the employee's share of health insurance premiums while on leave. LCC may recover health coverage premiums paid for an employee who fails to return from leave, except if the reason is the continuation, recurrence, or onset of a serious health condition, or something else beyond the employee's control. This is subject to certification by the health care provider.

***At the end of the 12-week period, if an employee has not returned to work with the appropriate release from their health care provider, the employee will be considered to have voluntarily terminated.***

#### 11.21.4 Exemptions

The only exemption to the restoration requirement of this policy applies to highly compensated employees. These are salaried employees, who are among the highest paid ten (10) percent of LCC's employees within 75 miles of the facility at which the employee works. For such employees, restoration may be denied if:

Such denial is necessary to prevent substantial and grievous economic injury to LCC's operations; and the employee is notified in writing by certified mail that LCC intends to deny restoration because of substantial and grievous economic injury at the time the employee gives notice of the need for leave or if this is not practicable, as soon as possible after receiving notice of the need for leave; and in any case in which the leave has commenced, the employee elects not to return to employment providing a two week notice within a reasonable period of time after receiving such notice.

If a two-week notice is not provided, annual and sick leave upon separation will not be given to the employee.

An employee who is not to be restored is still considered to be on leave for the duration of his or her leave period.

A "key" employee who takes leave is still eligible for continuation of health benefits, even if the employee has been notified that reinstatement will be denied. Under such circumstances, the employer may obtain no recovery of premium if such employee has chosen to take or continue leave after receiving such notice.

A "key" employee who does not return to work in response to LCC's notification of intent to deny restoration, is still required to request reinstatement at the end of the leave period. LCC must then again determine whether restoration will cause substantial and grievous economic injury based on the facts at that time. If it is determined that substantial or grievous economic injury will result, LCC shall notify the employee in writing by certified mail of the denial of restoration.

#### 11.21.5 Procedures for Family and Medical Leave (FMLA)

The employee must submit a request for Family and Medical Leave of Absence form at least 30 days in advance of the effective date of the leave. If the request is not initiated prior to the start of leave, the records of absence will be retroactive to the eligibility date of the leave, once the Human Resources Department receives the forms. Every attempt must be made to complete the request prior to start of the leave. The forms must be fully completed, signed by the employee and forwarded to the Human Resources Department for processing.

All requests for family and medical leave due to serious medical condition of the employee or a qualified family member will include the following information attached to a completed Request for Family and Medical Leave of Absence:

(1) Sufficient medical certification stating:

- The date on which the serious health condition commenced;
- The probable duration of the condition; and
- The appropriate medical facts within the knowledge of the health care provider regarding the condition.

In addition, for purposes of leave to care for a child, spouse, or parent, the certificate should give an estimate of the amount of time that the employee is needed to provide such care. If the purpose of the leave is for an employee's illness, the certificate must state that the employee is unable to perform the essential functions of his/her position.

In the case of certification for intermittent leave, or leave on a reduced leave schedule for planned medical treatment, the date on which such treatment is expected to be given and the duration of such treatment must be stated.

When the certificate of health care provider is submitted, the employee will receive LCC's response to employee's request for Family or Medical Leave.

Upon return from medical leave, employees are required to provide certification from their health care provider that the employee is able to resume work.



## **Chapter 12 OTHER POLICIES AND PROCEDURES**

### 12.1 First Aid Kits

First Aid Kits are located within each department. A listing of all locations will be kept at the Human Resources Office.

### 12.2 Promotion and Transfer

#### 12.2.1 Professional and Support Employees

New positions and job vacancies may be filled from within a department by promotion or transfer of qualified and interested persons. If it is determined that a new position or vacancy will not be filled from within the department, the administrative unit must then seek a pool of qualified applicants as defined in the Employment Policies and Practices.

#### 12.2.2 Positions Covered

All regular and temporary positions or vacancies are covered by this practice.

#### 12.2.3 Promotion or Transfer

All promotions or transfers are based on training, experience, and past performance without regard to race, color, creed, national origin, religion, age, sex, or disability. The Department Director shall be responsible to determine if a transfer or a search is in the best interest of the College.

#### 12.2.4 Eligibility

All regular and temporary employees are eligible under this policy.

#### 12.2.5 Support

If an employee is interested and believes he/she has the experience, education and skill required to fill the available position, he/she may apply for the position at the Human Resources Office. Promotion or transfer during the employee's probationary period is discouraged. Any employee who is promoted or transferred during that period will be required to serve a new probationary period in the new position.

When qualifications of two (2) or more employees are substantially similar, seniority of the applicants shall be the decisive factor used to determine the successful candidate. A regular full-time employee with less seniority may receive consideration over a more senior regular part-time employee.

## 12.3 Seniority

A seniority policy is established to determine priorities in promotions and transfers, when ability, skill, training and other relevant qualifications are equal as determined by the College. Nothing in this policy shall be deemed to override qualifications of employees as the primary consideration in promotions, transfers, etc.

### 12.3.1 Definition

Seniority is defined as an employee's length of continuous employment at the College.

### 12.3.2 Eligibility

This policy applies to all regular full-time employees and to regular part-time employees who work at least half-time. Temporary employees or regular part-time employees who work less than part-time do not accumulate seniority.

### 12.3.3 Computing Seniority

Seniority is computed from the first day of employment, but no employee is entitled to exercise any seniority rights until he/she has completed a six (6) month probationary period.

### 12.3.4 Special Provisions Regarding Seniority

Temporary or student employee's seniority begins on the date of regular employment. An employee on an approved leave does not lose accumulated seniority but does not accumulate additional seniority during the leave. Within a department, seniority shall be based on length of service in the employee's present department. An employee who has been laid off due to lack of funding, and reinstated within one (1) year, retains accumulated seniority to the date of layoff.

## 12.4 Drug Free Work place and Employee Drug and Alcohol Testing

### 12.4.1 Drug Free Work Place

LCC is commitment to providing a Drug-Free, healthful, and safe workplace. To promote this commitment, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. In addition, LCC complies with the Drug-Free Workplace Act of 1988 and The Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, which stipulates that the College provides a Drug-Free workplace policy as a condition of receiving grants from federal agencies.

LCC wishes to promote the health, safety, and welfare of its employees by striving to eliminate the negative effects of substance use and abuse from the workplace, and to assist those employees who have a drug or alcohol-related problem with rehabilitation. This policy defines prohibited conduct (listed below) relating to drug and alcohol abuse by employees and provides guidelines for taking steps toward rehabilitation and positive performance.

## 12.5 Drug and Alcohol Testing

LCC's policy is intended to comply with all state laws governing drug and alcohol testing and is designed to safeguard employee privacy rights to the fullest extent of the law. This Drug and Alcohol Testing Policy was established to demonstrate and strengthen LCC's commitment to a Drug Free Workplace.

LCC's Drug and Alcohol Testing Policy has been established in order to increase workplace safety, improve productivity, serve as a deterrent to current and future drug use on the job, reduce absenteeism, and to comply with state and federal laws governing drug and alcohol testing.

It is the policy of LCC to maintain a safe, Drug-Free work environment conducive to effective business operations. LCC requires that its personnel and operating practices be consistent with the highest standards of health and safety. To meet these objectives, LCC has adopted this Drug Free Workplace and Drug and Alcohol Testing Policy for all current and prospective employees.

### 12.5.1 Individuals Subject to Testing

All LCC employees and prospective employees will be required to submit to random drug and alcohol testing.

No prospective employee will be asked to submit to testing unless an offer of employment is forthcoming. An offer of employment by LCC, however, is conditioned on the prospective employee testing negative for drugs and alcohol. Prospective employees will be asked to sign a **Drug Testing Consent Form**, which is attached to this policy.

### 12.5.2 Tested Substances

LCC's Drug and Alcohol Testing program is limited to testing for substance abuse of the following:

- COCAINE
- THC: Marijuana
- AMP: Amphetamines
- OPI: Opium
- PCP: Hallucinogenic

## ALCOHOL: Beer, Wine, and Liquor

Any other substances that may be tested using the same method used to test for controlled substances will not be tested and, if found, will not be reported.

### 12.5.3 Definition of Drug

For purposes of this policy, the term "drug" includes over-the-counter medication, prescription medication, and all controlled substances, such as inhalants, the use of which is unlawful under state or federal law.

Over-the-counter medication and prescription medication, taken as medically directed, are excluded. However, it is recommended that any employee who uses prescription drugs should inform their supervisor if the use may impair the employee's ability to perform any assigned essential functions of the job safely and efficiently.

An employee's unlawful use, possession, purchase, distribution, dispensation, manufacturing, or being under the influence of any illegal drug without medical authorization during the work day while on Luna Community College premises or while performing services for Luna Community College is strictly prohibited.

### 12.5.4 Notice of Testing

The LCC Human Resources Director (HRD) will notify employee(s) by telephone that they have been scheduled to submit to a drug and alcohol test. If the Human Resources Director cannot get in touch with the employee(s), the Drug Testing Administrator will identify alternate employee(s) for drug and alcohol testing.

If an employee refuses to submit to the scheduled drug and alcohol test, LCC will consider their actions in violation of LCC Policy and they may be subject to immediate disciplinary action, up to and including termination of employment.

12.5.5 Third Party Administrator and Licensed Laboratory - Any drug and/or alcohol testing requested by LCC will be conducted by a qualified Third Party who is licensed by the state of New Mexico. Persons to be tested will be provided the address and telephone number of the Third Party Testing Administrator.

12.5.6 Costs - Luna Community College will pay the cost of any drug and alcohol testing that it requires or requests its employees or prospective employees submit to, including retesting of a confirmed positive result. **Any additional tests that the employee requests will be paid for by the employee.**

### 12.5.7 Notice of Results

If the employee is asked to submit to a drug or alcohol test, Luna Community College will notify the employee of the results within one week after it receives them from the laboratory. To preserve the confidentiality Luna Community College strives to maintain, the employee will be notified verbally and in writing whether the test was negative or confirmed positive. Drug and alcohol testing records will be maintained in a separate file in the Human Resources Department.

## 12.6 Justification for Drug and Alcohol Testing

### 12.6.1 Random Drug and Alcohol Tests

Unannounced **random** Drug and Alcohol tests will be conducted on current LCC employees in an unbiased fashion on an annual basis July 1 through June 30<sup>th</sup> *of every year*). LCC Employee ID numbers and names will be kept in a computer spreadsheet, and selected for random testing based on a random number generator. Mobile Blood Services, Inc. (New Mexico licensed laboratory) will generate the employee names and random numbers, which are then disclosed to the Human Resources Director.

### 12.6.2 Post-Accident Drug and Alcohol Tests

Any employee involved in an on-the-job accident (inclusive of approved travel on behalf of LCC) will be required to submit to drug and alcohol tests immediately after an on-the-job vehicular or non-vehicular accident.

### 12.6.3 Reasonable Suspicion Drug and Alcohol Tests

When a supervisor and an LCC executive management representative observe behaviors that indicate drug and/or alcohol use. Several of these behaviors are predefined in this policy.

### 12.6.4 Follow-Up Drug and Alcohol Tests

Will be conducted and used to monitor an employee after he or she has tested positive for illegal drug and/or alcohol use and has been referred to an Employee Referral Program. Follow-up drug tests will be conducted randomly for a period of one year and used to monitor an employee after he or she has been found to use drugs and has been referred to an Employee Referral Program.

### 12.6.5 Pre-Employment Drug and Alcohol Tests

No prospective employee will be asked to submit to testing unless an offer of employment is forthcoming. An offer of employment by LCC is conditioned on the prospective employee testing negative for drugs and alcohol.

### 12.6.6 Positive Test Results

In the event LCC receives notice that the employee's test results were confirmed positive, the employee will be provided a **48-hour period** to explain the positive result. The employee may request in writing to have the same sample retested at a laboratory of the employee's choice at LCC's expense.

In the event the employee fails to provide LCC with appropriate evidence within the 48-hour period, for example, a physician's statement or confirmation that he/she is taking prescribed medication ordered by a physician's, and that the positive test results were inaccurate, the employee will immediately be placed on Leave Without Pay.

If it is concluded that the employee's positive drug and alcohol test is due to drug or alcohol abuse, the employee will be referred to a reputable drug treatment program **at the employee's expense**.

Failure to comply, or to complete an Employee Referral Program in a reasonable period of time shall be grounds for dismissal. **A reasonable period of time shall be defined in accordance with a physician's and/or Employee Rehabilitation Program written statements.**

The Leave Without Pay shall be in effect until such time as the employee can provide documentation by a physician or a drug and alcohol treatment program representative, which establishes that the employee is drug and/or alcohol free and is able to return to work.

While on Leave Without Pay group insurance may be continued, by the employee, provided the full payment for the insurance is made in advance with no contributions being paid by the Institution during the period, provided further that continuance of the insurance while on leave without pay is allowed by the insurance company.

The regulations of the New Mexico Educational Retirement Board prohibit the payment of retirement contributions if the employee does not receive a salary, and payments must be discontinued during the period of LWOP.

Employees on LWOP under these circumstances will not be allowed to utilize any Sick Leave or Annual Leave accruals, exception for situations where a qualified physician identifies a serious medical condition as defined in the Family Medical Leave Act or Americans With Disabilities Act.

LCC will make a good faith effort to re-instate the employee who provides documentation by a physician or a drug and alcohol treatment program representative, which establishes that the employee is drug and/or alcohol free and is able to return to work.

LCC does not guarantee reinstatement and reserves the right to eliminate the employee's position or fill it with another individual.

#### 12.6.7 Grievance Procedures

If an employee believes that a positive drug and /or alcohol test result has affected a condition of employment, or a decision relative to Leave Without Pay is unjust or inequitable, the employee is encouraged to make use of the LCC Problem Resolution and Grievance Process.

#### 12.6.8 Adverse Employment Action

If there is reason to suspect, and the same is confirmed by a supervisor and an LCC executive management representative who observe behaviors that may indicate drug and/or alcohol use, that the employee is working while under the influence of an illegal drug or alcohol, the employee will immediately be placed on Leave Without Pay until the results of a drug and alcohol test are made available to Luna Community College by the testing laboratory.

#### 12.6.9 Confidentiality

Luna Community College will make every effort to keep the results of drug and alcohol tests confidential. Only persons with a *need to know* the results will have access to them. The employee will be asked for the employee's consent before test results are released to any other individual and/or agency.

If the employee is to be referred to a treatment facility for evaluation, the employee's test results will also be made available to the employee's counselor. The results of drug and/or alcohol testing in the workplace will not be used against the employee in any criminal prosecution.

#### 12.6.10 Prohibited Behavior

Drug and alcohol use has an adverse effect on job performance, creates dangerous situations, and serves to undermine the community's confidence in the College.

12.6.10.1 LCC prohibits the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance in the workplace, while on duty or while officially representing LCC in any capacity on or off an LCC work site.

LCC prohibits the consumption of alcoholic beverages and the illegal use of alcohol by employees while on duty, or while officially representing LCC in any capacity on or off LCC work site.

Employees may not report to work under the influence of controlled substances or intoxicants to any degree.

Employees may not bring or store any open containers of alcoholic beverages on any College property or work site or in the employee's vehicle while the vehicle is on College property.

Drug and alcohol use is prohibited in all LCC facilities, on all LCC property, in any LCC owned vehicle, and at any LCC-sponsored activity.

As a condition of employment, all employees must abide by this policy.

Employees who violate this policy may be subject to disciplinary action up to and including termination.

#### 12.6.11 Prescription Drugs

If an employee is taking physician-prescribed medication, LCC recommends that the employee inform his or her immediate supervisor of the potential side effects of that medication if the employee has reason to believe that those side-effects may affect his or her ability to perform the essential functions of the job, or work safely.

In such cases, the employee *may* be required to provide an appropriate statement from his or her physician that confirms the side effects of the medication.

#### 12.6.12 Self-Identification

Employees who voluntarily self-identify that they may be impaired due to drug or alcohol use may be referred to the referral services listed in this policy.

Employees are not disciplined for announcing impairment due to drug or alcohol use, but will be disciplined for showing up to work while impaired.

Employees are encouraged to voluntarily seek assistance before drug or alcohol-related performance problems result in disciplinary action.



### 12.6.13 Supervisory Responsibilities

Supervisors **are not called upon to diagnose** the reasons behind inappropriate behavior or performance. Supervisors who are concerned that an employee's performance and/or inappropriate behavior *may be* the result of illegal use of drugs or alcohol, are expected to consult with the Human Resources Director regarding contacting an appropriate referral agency and/or action to be taken. Examples of performance problems may include, but are not limited to:

- Absenteeism (excessive sick leave, repeated unexcused absences, excessive tardiness)
- On-the-job absenteeism (excessive absence from work station; excessive trips to water fountain or rest room)
- Unsafe behavior (readily preventable/unexplainable accidents, needless risks, disregard for safety)
- Lowered job efficiency (work requires greater effort, missed deadlines, increased errors, loss of interest, poor decision making)
- Confusion (difficulty recalling instructions, increased difficulty in handling complex assignments)
- Erratic work patterns (alternate periods of high and low productivity, inconsistent quality)
- Reporting to work in an obviously abnormal condition such as slurred speech, disorientation, drunken behavior, withdrawal, drowsiness, constricted pupils, nausea, mood swings, increased alertness, and violent
- Problematic interpersonal relations (over-reaction to real or imagined criticism, wide mood swings, increased irritability, unreasonable resentment, increased complaining); and abnormal behavior (inappropriate personal appearance, borrowing money from coworkers)

### 12.6.14 Employee Responsibilities

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or with the Human Resources Director to receive assistance or referrals to appropriate resources in the community.

If after a positive Drug and/or Alcohol test result and/or self-identification it is determined that the employee requires assistance and possible professional help, the supervisor should immediately speak with the Human Resources Director.

The Human Resources Director will then facilitate the employee's entrance into an appropriate referral program.

If it is determined that the employee needs emergency assistance (for example, the employee is expressing thoughts or behaviors of suicide or is unable to function), the supervisor should contact the Human Resources Department immediately during normal business hours.

Under no circumstances should a supervisor send an impaired employee home in the employee's own car. A family member or LCC Security Office should be contacted or to pick up the impaired employee.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take Leave Without Pay. Leave may be granted if the employee agrees in writing to abstain from use of the problem substance, abides by all LCC policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause LCC any undue hardship.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Human Resources Director without fear of reprisal.

#### 12.6.15 Consequences of Violating the Drug Free and Drug and Alcohol Testing Policy

Compliance by all employees with the terms and conditions of this policy is a condition of continued employment with Luna Community College.

Any acts in violation of this policy are inconsistent with Luna Community College's interest, and any employee who violates this policy will be subject to immediate disciplinary action, up to and including termination of employment.

Evidence of use, sale, or possession of prohibited drugs may be reported to the appropriate law enforcement agencies.

#### 12.6.16 Enforcement of Policy

Luna Community College requests that every employee comply voluntarily with this policy for his/her own health and safety, for the safety of others, and the good of Luna Community College. Due to the importance of this policy, LCC will take steps to ensure that it is followed. These steps will include, but are not limited to, the following:

- The following Notice will be posted at all times where employees work or report to work, informing employees and others of the Drug Free Workplace and Drug Testing Policy.

- An individual's refusal to submit to a test will preclude employment with LCC. No prospective employee will be asked to submit to testing unless an offer of employment is forthcoming. An offer of employment by LCC, however, is conditioned on the prospective employee testing negative for drugs and alcohol. Prospective employees will be asked to sign a *Drug Testing Consent Form*, which is attached to this policy and will receive a copy of Drug Free Workplace and Testing Policy.
- LCC retains the right to test employees randomly and/or after any accident involving employees, clients or LCC property.

12.6.17 Assistance Available

Recognizing that employees with alcohol or drug-related problems may require professional help, LCC provides assistance through referrals for any employee who wants to seek confidential counseling.

Without disclosing the reason, employees may contact the Human Resources Department (454-2502 extension 1066) to obtain the current referral phone numbers, or the employee may contact the referrals directly.

12.6.18 Employee Referral Programs

**Somos Familia .....505-426-0185**  
**The Watershed Addiction Treatment Programs, Inc....1-877-343-0243**

**Chapter 13 Proper Use of LCC Letterhead/Official Letters of Employment Verification and Letters of Recommendation** *(Adopted March 30, 2016)*

The purpose of this policy is to provide guidance to LCC employees regarding authorized use of LCC letterhead.

Employees shall not use LCC letterhead for any personal correspondence including letters of recommendation.

LCC letterhead shall be used for official college business only.

The Human Resources Department is the only LCC entity authorized to issue official letters of employment verification.

Violation of this policy may be subject to disciplinary action up to and including dismissal.