

# Midland College

## Employee Handbook

*If you have difficulty accessing the information in this document because of a disability,  
please email [nmorgan@midland.edu](mailto:nmorgan@midland.edu).*



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# Employee Handbook Receipt

**NAME:** \_\_\_\_\_ **EMPLOYEE ID:** \_\_\_\_\_  
          LAST, FIRST, MI  
**TITLE:** \_\_\_\_\_ **DEPARTMENT:** \_\_\_\_\_

I hereby acknowledge receipt of a copy of the Midland College Employee Handbook. I agree to read the handbook and abide by the standards, policies, administrative regulations and procedures defined or referenced in this document.

Employees have the option of receiving the handbook in electronic format or hard copy. The electronic copy of the Employee Handbook may be accessed on the College's website [www.midland.edu/audiences/media/documents/employee-handbook.pdf](http://www.midland.edu/audiences/media/documents/employee-handbook.pdf).

Please indicate your choice by checking the appropriate box below:

- I choose to receive the employee handbook in electronic format and accept responsibility for accessing it according to the instructions provided.
- I choose to receive a hard copy of the employee handbook and understand I am required to contact the Human Resources/Payroll department to obtain a hard copy.

The information in this handbook is subject to change. I understand that changes in College policies may supersede, modify, or render obsolete the information summarized in this document. As the College provides updated policy information, I accept responsibility for reading and abiding by the changes. I also understand that the complete text of College policies may be accessed on the College's website <https://pol.tasb.org/Home/Index/885>. I understand that the online version of the Employee Handbook and is the most current and authoritative.

I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook.

I understand that I have an obligation to inform my supervisor and the Human Resources/Payroll department of any changes in personal information such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Human Resources/Payroll department if I have questions or concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

Please sign and date this receipt and forward it to the Human Resources/Payroll department.

# Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all College policies and procedures are included. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Director of Human Resources/Payroll.

This handbook is neither a contract nor a substitute for the official College policy manual. Nor is it intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to and a brief explanation of College policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate office. College policies can be accessed online at <https://pol.tasb.org/Home/Index/885>.

# College Information

## Description of the College

*Policies AA, AB, AC Series*

Midland College opened as a branch campus of the Permian Junior College System in September 1969. In November 1972, the Texas legislature passed an act enabling voters in Midland Independent School District to create a college district separate and apart from the Permian Junior College System. An election in December 1972 resulted in creation of the College District and issuance of \$5,100,000 in bonds to construct facilities for the new college. The College has been dedicated to community service since opening in 1969. Academic, occupational-technical, and continuing education programs are provided for students from all segments of the population.

The Midland College service area includes territory within Midland County, except the territory within the Greenwood Community; and Reagan, Pecos, Terrell, and Crockett Counties

## Purpose, Role, Mission Statement, Goals, and Objectives

*Policy AD*

### MISSION STATEMENT:

Midland College serves West Texas through exemplary teaching and dedicated public service.

We prepare and inspire diverse students to *start, strive, and succeed*. We strengthen community through educational leadership and collaboration.

Midland College provides quality programs and courses, relevant workforce development and continuing education, valuable personal enrichment and cultural experiences, and community- and student-centered services.

The Strategic and Operational Goals and Objectives of the College are:

### GOAL 1: Start

#### Increase participation in courses, programs and services

Strategic Objective 1.1: Expand community-focused education and training

Strategic Objective 1.2: Expand services focused on increasing community enrollment

### GOAL 2: Strive

#### Support student development and meaningful progress toward educational goals

Strategic Objective 2.1: Promote student competence in managing educational progress

Strategic Objective 2.2: Implement structural changes designed to support student progress

Strategic Objective 2.3: Build innovative, flexible student-centered support and resources



### **GOAL 3: Succeed**

#### **Improve students' achievement of their educational goals**

Strategic Objective 3.1: Align educational programs with the dynamic expectations of partner institutions and employers

Strategic Objective 3.2: Align services with the dynamic expectations of partner institutions and employers

#### **OPERATIONAL GOAL: Institutional Excellence**

##### **Maintain the quality of programs, services, support and infrastructure**

Operational Objective 1: Attract and retain a qualified, competent, and accountable faculty and staff

Operational Objective 2: Maintain the effectiveness of student-centered instruction and services

Operational Objective 3: Maintain the effectiveness of community improvement activities, and life-long learning and cultural experiences

Operational Objective 4: Maintain fiscal, physical and technological resources that support and strengthen programs and services

### **Board of Trustees**

*Policies BA series and BB series*

Consistent with Texas law and Southern Association of Colleges and Schools Commission on College standards, the Midland College Board of Trustees (the Board) has the power to govern and oversee the management of the College. The board is the policy-making body for the College and has overall responsibility for the curriculum, taxes, annual budget, facilities, and appointment of the president or other chief executive, dean, faculty, and other employees. The board has complete and final control over College matters within limits established by state and federal laws and regulations.

The Board is elected by the citizens of the college district to represent the community's commitment to a strong educational program for students. Board members are elected at large and serve six-year terms. Board members serve without compensation, must be qualified voters, and must reside in the College district.

Current Board members include:

- Paul L. Morris, Chairperson
- Steven C. Kiser, Vice Chairperson
- Charlene R. McBride, Secretary
- Adrian Carrasco, Board Member
- Stephen N. Castle, Board Member
- Linda J. Cowden, Board Member

- Scott Kidwell, Board Member
- G. Larry Lawrence, Board Member
- Scott Lynch, Board Member

## **Board Meetings**

### *Policies BD series*

The Board usually meets on the third Tuesday of each month at 4:00 p.m. Special and emergency meetings may be called when necessary. A written notice of regular and special meetings will be posted on the college website, at <https://www.midland.edu/about/guidance-vision/board-trustees.php> at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held or addition to the board agenda made with a one-hour notice.

The board meeting schedule, agendas, notices, and minutes are posted on the College website <https://www.midland.edu/about/guidance-vision/board-trustees.php>.

All meetings are open to the public. In certain circumstances, Texas law permits the Board to go into a closed session from which the public and others are excluded. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or consulting with attorneys regarding pending litigation.

## **Administration**

### *Policies BF series and BG series*

#### Administrative and Academic Officers

Steve Thomas, President

Rick Bender, Vice President of Administrative Services

Damon Kennedy, Vice President of Instructional Services

Deana Savage, Special Advisor to the President

Shawn Shreves, Vice President of Information Technology

Julia Vickery, Vice President of Student Services

Rebecca Bell, Executive Director of Institutional Advancement and the MC Foundation

Joseph Butts, Executive Director of Facilities

Dale Beikirch, Dean of Continuing Education

Wendy Collins, Associate Dean of Health Sciences Dual Credit and Continuing Education

Frank DeLaO, Dean of Social/Behavioral Sciences and Business

Michael Dixon, Associate Vice President of Instructional Support

Carmen Edwards, Dean of Health Sciences

William Feeler, Dean of Fine Arts and Communications  
 Lee Grimes, Dean of Instructional Support Services  
 Nereida Huffman, Dean of Outreach and Advising  
 Wendy Kane, Dean of Student Life  
 Denise McKown, Dean of Education  
 Jennifer Myers, Associate Vice President of Workforce Education  
 Curt Pervier, Dean of Applied Technology  
 Miranda Poage, Dean of Mathematics and Sciences  
 Matt Tarpley, Director of the Williams Regional Technical Training Center  
 Crystal Velasquez, Registrar  
 Katelyn Workman, Associate Dean of Admissions and Financial Aid  
 Vacant, Dean of Adult Education and Literacy

**College Event Calendar**

The College event calendar may be accessed on the College’s website  
<https://www.midland.edu/calendar/>.

**Helpful Contacts**

From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors or within the employee’s department, the employee is encouraged to contact the appropriate department as listed in the College directory. The directory may be accessed on the College’s website <https://www.midland.edu/directory/>.

**SUPPORT SERVICES**

Building Maintenance

On-Call ..... (432) 553-3992

**INFORMATION TECHNOLOGY**

Help Desk-[help@midland.edu](mailto:help@midland.edu) ..... (432) 685-4788

**MIDLAND COLLEGE POLICE DEPARTMENT**

Emergency Number ..... (432) 685-4734

**Note: This telephone number is answered 24 hours a day.**

# Employment

## Equal Employment Opportunity

*Policies DAA series, DIAA, DIAB*

In its efforts to promote nondiscrimination and as required by law, Midland College does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Additionally, the College does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

In accordance with Title IX and 34 C.F.R. part 106, the College does not discriminate on the basis of sex and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to employment. Inquiries about the application of Title IX may be referred to the College's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The College designates and authorizes the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination based on sex, including sexual harassment: Tana Baker, Title IX Coordinator/Compliance Officer, 3600 N. Garfield Street, Scharbauer Student Center, Room 131, Midland, Texas 79705, (432) 685-4781, [tbaker@midland.edu](mailto:tbaker@midland.edu).

The College designates and authorizes the following employee as the ADA/Section 504 Coordinator to address concerns regarding discrimination on the basis of a disability: Natasha Morgan, Director of Human Resources/Payroll, 3600 N. Garfield Street, PAD 104, Midland, Texas 79705, (432) 685-4534, [nmorgan@midland.edu](mailto:nmorgan@midland.edu).

Questions or concerns relating to discrimination for any other reason should be directed to the College President. Reports of discrimination may be made as described in the Discrimination, Harassment, and Retaliation topics.

## New Positions

*Policy DC*

The creation of a new position requires (1) administrative approval through the level of the appropriate Administrative Council member and President, (2) evaluation and classification by the Director of Human Resources/Payroll, and (3) supervisory approval and appropriate Administrative Council member's approval of the specific position announcement.

## **Job Vacancy Announcements**

### *Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis to the College website <https://midland.peopleadmin.com/>. Current employees may apply for vacancies for which they have appropriate qualifications.

## **Hiring Processes**

### *Policy DC*

Vacant positions may be filled internally by transfer, promotion or as a part of a reorganization on a noncompetitive basis. A supervisor may recommend a noncompetitive transfer or promotion. The recommendation must include a complete justification. The supporting justification for a recommendation of a noncompetitive transfer or promotion must include a review of the employee's qualifications for the position compared to the qualifications required and must include a review of the employee's performance on his/her current job and potential for successful performance in the transfer position. Consideration shall be given to eligible employees and the recommendation based upon demonstrated ability and qualifications. The recommendation will be referred to the President through the respective Administrative Council member. For contractual personnel, the President will submit the action to the Board for confirmation.

Vacancies not filled by internal transfers, promotions or reorganizations must be filled through a competitive selection process. No external candidate can be appointed to a full-time position except through a posted competitive selection process. Current or former employees are eligible to apply for any posted position for which they meet the minimum posted qualifications. The employee's performance in their current assignment and/or previous assignments shall be considered.

The Director of Human Resources/Payroll shall establish guidelines for advertising employment opportunities, posting notices of vacancies and selecting candidates to be recommended for approval. These procedures will be published on the intranet.

The selection of personnel shall be based on the posted specifications and the applicant's demonstrated skill, training, education and experience. Applicants shall be considered without regard to friendship, influence or factors that are unrelated to the position.

All individuals interested in applying for employment with Midland College should apply online. Applications will be processed by the Human Resources/Payroll department.

## **Pre-Employment Examination and Inquiries**

### *Policy DBB*

Applicants hired for jobs in the categories listed below, will be required to successfully complete a medical examination (work-steps physical) prior to beginning his or her job duties.

- Maintenance Technician

- Groundskeeper
- Custodian
- Vehicle Make Ready/Driver

## **Employment after Retirement**

### *Policy DC*

An individual receiving retirement benefits from the Teacher Retirement System (TRS) may be employed by the College if the Board determines that the employment is in the best interests of the College and the person has been retired for at least one full calendar month before the effective date of employment. An individual who retired under the Texas Optional Retirement Program also may be rehired and is not subject to a waiting period. Failure to follow TRS rules may result in a reduction or loss of annuity.

## **Reemployment of Former Employees**

### *Policy DC*

Faculty or classified employees who terminate employment, and are later re-hired, may be placed on the appropriate salary schedule at Step 10 or below; however, the step may not exceed the step the employee held at the time of termination. The foregoing are maximum limits of placement on the salary step; actual placement should be made after careful consideration of the employee's past performance, applicable experience, and skills qualification. The President must approve the step placement.

## **Contract and Noncontract Employment**

### *Policies DCA, DCC*

College employees are either issued a contract or are considered employed at will.

**Term Contracts.** Select employees, including faculty and administrators, will be employed by contract for a term of up to three years. The terms and conditions of employment are detailed in the contract and employment policies. All contract employees will receive a copy of their contract. Employment policies can be accessed online or copies will be provided upon request.

**At-Will Employment.** Employees not issued a contract are considered to be employed at will. Employment is not for any specified term and may be terminated at any time by the employee or the College.

## **Volunteers**

### *Policy DC, See [Appendix A](#) – Volunteer Agreement Form*

A volunteer is an uncompensated individual who performs services for the College. College volunteers are not covered by the Fair Labor Standards Act (FLSA) and are not considered employees for any purpose. Therefore, they are not eligible for any College benefits as a result of this volunteer association. Volunteers are not eligible for Workers' Compensation.

College volunteers are viewed as a representative of the College while performing assigned duties. Therefore, although they are not employees, volunteers are expected to abide by the policies and procedures of the College.

Volunteers are generally prohibited from performing the following activities:

- Operating heavy equipment
- Working with hazardous materials
- Working with confidential information
- Driving students or staff members in College or personal vehicles

A volunteer must consent to a criminal background check in the same manner as an employee.

An MC Volunteer Acknowledgement, Waiver, and General Release (Volunteer Agreement) form (See [\[Appendix A\]](#)) should be submitted along with the required background check release forms to the Director of Human Resources/Payroll for approval. The Volunteer Agreement form should be filled out by the volunteer and submitted up the chain of command through the appropriate Administrative Council member and to the Director of Human Resources/Payroll for final approval.

Once approved, the Director of Human Resources/Payroll or designee will notify appropriate parties.

## **Recertification of Employment Authorization**

*Policy DC*

At the time of hire, all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identity and employment authorization.

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact the Human Resources/Payroll department if you have any questions regarding reverification of employment authorization.

## **Searches and Alcohol and Drug Testing**

*Policies CR, DHB, See [Appendix B](#)*

Noninvestigatory searches in the workplace including accessing an employee's desk, file cabinets, work area, or College-owned technology to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the College reserves the right to conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if there is reasonable suspicion that an employee is under the influence of alcohol or drugs in

violation of College District policy. The College may search the employee, the employee’s personal items, and work areas including College-owned technology resources, lockers, and private vehicles parked on College premises or work sites or used in College business. Disciplinary action may result if an employee refuses to submit to testing or is found to violate College policy.

**Employees Required to Have a Commercial Driver’s License.** Any employee whose duties require a commercial driver’s license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people counting the driver, drivers of large vehicles, or drivers of vehicles used in the transportation of hazardous materials. Faculty, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements if their duties include driving a commercial motor vehicle.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists, at random, or after an accident at the employer’s discretion (even if not required by the FMCSA). Return-to-duty and follow-up testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty.

This table depicts the circumstances under which an employer is required to perform a post-accident alcohol or controlled substances test, in accordance with 49 CFR 382.303(a).

Types of accidents involved	Citation issued to the CMV driver	Test must be performed by the employer
Human fatality	YES	YES
Human fatality	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
Bodily injury with immediate medical treatment away from the scene	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
Disabling damage to any motor vehicle requiring tow away	NO	NO



All employees required to have a CDL or who otherwise are subject to alcohol and drug testing will receive a copy of the relevant policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs.

Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact the Director of Human Resources/Payroll, (432) 685-4534.

## **Workload and Work Schedules**

*Policies DEA, DJ*

**Professional Employees.** Faculty, administrators, and other professionals are exempt from overtime pay and are employed according to the work schedules set by the College. Notice of work schedules including start and end dates and scheduled holidays will be distributed each academic year.

**Support and Auxiliary Employees.** Support employees and some part-time professionals are considered nonexempt workers and receive notification of the required work schedule, hours of work, and holidays for their position on an annual basis. Nonexempt employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See [Overtime Compensation](#) for additional information.

## **Work Hours**

*Policy DEA*

The workweek for full-time employees is Monday through Friday, eight hours per day generally from 8 a.m. to 5 p.m. unless another schedule has been approved with a one-hour lunch break. The summer workweek changes to a nine-hour workday Monday through Thursday generally from 7:30 a.m. to 5:30 p.m. unless another schedule has been approved with a one-hour lunch break. A lunch break is not compensated. Each full-time employee is allowed a morning and afternoon break, not to exceed 20 minutes.

## **Travel – Determining Compensable Time for Nonexempt Employees**

*Policy DEA, See [Appendix C](#)*

Employees in positions classified as nonexempt (overtime eligible) under the Fair Labor Standards Act may be eligible for compensation for the time they spend traveling. The compensation that an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours. See [\[Appendix C\]](#) for additional information.

## **Breaks for Expression of Breast Milk**

*Policy DG*

The College supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a

multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

## **Outside Employment**

*Policies DBD, DBF, See [Appendix D](#) – Outside Employment Form*

Employees shall disclose in writing on the Notification of Outside Employment Form (Form) any outside employment. This form shall be submitted to the employee's supervisor prior to engagement in outside employment and annually each September thereafter. Form should be submitted up the chain of command to the appropriate Administrative Council Member. Executed Form should be submitted to the Human Resources/Payroll department for inclusion in employee's personnel file.

The outside employment must not in any way create a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the College. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

## **Performance Evaluation**

*Policies DL series, See [Appendix E](#)*

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria including end-of-course evaluation of faculty. All full-time employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the College. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

Upon receiving a report, a nursing peer review committee may review a nurse's nursing services, qualifications, and quality of patient care, as well as the merits of a complaint concerning a nurse, and a determination or recommendation regarding a complaint. A nurse may request, orally or in writing, a determination by the committee regarding conduct requested of the nurse believed to violate the nurse's duty to a patient.

## **Promotion**

*Policy DLC*

An employee who applies and is selected to a position at a higher skill level than his/her present position will be placed on the new skill level at the employee's current step.

However, no employee will be placed at a higher step on the new skill level than his/her current step.

## **Demotion**

### *Policy DLC*

An employee may be transferred to a job at a lower skill level than his/her present position. The employee will retain his/her salary until a step is reached for the new position where the salary would increase.

# Compensation and Benefits

## Salaries, Wages, and Stipends

*Policies DE, DEA*

Employees are paid in accordance with administrative guidelines and an established pay structure. The College's pay plans are reviewed by the administration each year and adjusted as needed. All College positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See [Overtime Compensation](#).)

Faculty who teach courses in addition to a regular course load and exempt employees who perform supplemental duties may be paid a stipend in addition to their salary according to the College's stipend schedule.

Employees should contact the Human Resources/Payroll department for more information about the College's pay schedules or their own pay.

## Salary Progression

*Policy DEA*

**Classified Personnel.** A new employee of the College will normally be placed on Step 1 at the appropriate level on the classified salary schedule. The employee will progress one step at the beginning of the fiscal year unless it is the employee's first year and he/she was hired in June, July, or August.

During times of financial exigency, step progression may be suspended.

An employee may be placed on Step 2 when prior experience is considered of direct benefit to the College. Such experience must be documented in writing by the hiring supervisor, the experience must be directly related to the job for which they are being hired, and must be justified in light of the experience of all other employees in like jobs.

When an employee reaches the maximum salary step, annual salary increases cease unless an exception is granted by the President.

**Pre-K Teachers.** For purposes of initial placement on the salary schedule, step placement is determined by the creditable years of service as defined by the Texas Administrative Code §153.1021 and education level. The maximum placement on the salary schedule is step 10. The employee will progress one step at the beginning of the fiscal year unless it is the employee's first year and he/she was hired in June, July, or August. During times of financial exigency, step progression may be suspended.

Newly employed teachers will have 60 days from the date of hire to submit teacher service records to be considered for step placement on the salary schedule.

When an employee reaches the maximum salary step, annual salary increases cease unless an exception is granted by the President.

## **Annualized Salary**

*Policy DEA*

All salaried employees shall be paid over 12 months, regardless of the number of months employed during the academic year.

Employees who are hired after January 1 and have less than a 12-month appointment may elect to have the pay prorated over the remaining portion of the fiscal year or for the period of appointment only. This election will only be given the first fiscal year and if reappointed the employee will be paid over a 12-month period starting the next fiscal year.

If a salaried employee terminates employment, the employee shall receive the balance of the unpaid salary earned on the regularly-scheduled payday corresponding with the approved effective date of resignation.

## **Salary-Grant Personnel**

*Policy DEA*

Grant personnel will be paid according to College salary schedules and professional ranges.

## **Reclassification**

*Policy DEA*

When duties and responsibilities of a job change significantly, the Director of Human Resources/Payroll shall, during budget development, review the position for possible reclassification. Justification is required. This procedure may result in a classification of a higher or a lower level.

When the job is reclassified to a higher level, the incumbent will retain his/her step on the new level. If the reclassification results in a lower skill level, the incumbent's salary will not be adjusted. However, his/her step and salary will remain unchanged until the salary schedule is adjusted where an increase in salary would occur at that step. Subsequently, annual step increments resume.

## Paychecks

All professional, salaried, adjunct faculty, and hourly employees are paid monthly. Classified employees and game-management employees are paid semi-monthly. Paychecks will not be released to any person other than the College employee named on the check without the employee's written authorization.

An employee's payroll statement contains detailed information including deductions and withholding information. Copies of payroll statements and schedule of pay dates are available on Payroll Advisor <https://mymcportal.midland.edu/ics>.

## Direct Deposit

Employees can have their paychecks electronically deposited into a designated account or to multiple accounts. Contact the Human Resources/Payroll department for more information about direct deposit.

## Payroll Deductions

*Policy CDDA*

The College is required to make the following automatic payroll deductions:

- Teacher Retirement System of Texas (TRS), optional retirement program (ORP), or a FICA-alternative plan (PTSA) selected by the College
- Federal income tax
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable
- English proficiency course costs, if applicable
- Garnishments required by state or federal law (i.e. bankruptcy, tax levy), if applicable

Other payroll deductions employees may elect include:

- Employee's share of premiums for health, dental, life, vision insurance, or other insurance coverages for which the College offers
- Annuities
- United Way
- Midland College Foundation
- Midland College programs
- Certain charitable contributions approved by the Board

Salary deductions are automatically made for unauthorized or unpaid leave.

## **Overtime Compensation**

### *Policies DEA, DEC*

The College compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees or hourly employees are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action.

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours. For the purpose of calculating overtime, a workweek begins at 12:00 a.m. Monday and ends at 11:59 p.m. Sunday.

Employees may be compensated for overtime at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Employees can accumulate up to 240 hours of comp time. Once the limit has been reached, the employee may be required to use the comp time or may receive overtime pay for additional hours.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- An employee may be required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.
- Overtime will be paid based upon the regular rate associated with the job that causes the overtime.

## **Travel Expense Reimbursement**

### *Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor must give approval. For approved travel, employees will be reimbursed for reasonable and allowable expenses according to the current rate schedule established by the College. Travel expenditures paid by a federal or state grant will be limited to the allowable amount as specified by the specific program. Employees must submit receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage. Expenses for meals associated with authorized travel not related to a

state or federal grant will be paid on a per diem basis. No receipts are required for expenses paid on a per diem basis.

## **Full-Time Employee Benefits**

### *Policy DE*

Full-time employees who customarily work at least 40 hours per week, shall have the option to receive the following employer-paid benefits upon meeting eligibility requirements of the Employees Retirement System of Texas (ERS) Group Benefits Program (GBP), if applicable:

- Health insurance that includes a prescription drug program and \$5,000 Basic Group Term Life Insurance with \$5,000 of Accidental Death and Dismemberment coverage;
- Short-term Disability;
- Long-term Disability;
- Dental Insurance;
- Optional Term Life Insurance Election 2, two times the employee's annual salary, reducing at certain ages; and
- Tax-Deferred Annuity payments in the amount of seven percent of an employee's base salary paid by the College District. Employees with temporary full-time assignments shall not be eligible for this benefit.

## **Retiree Benefits**

### *Policy DE*

The College District shall reimburse a retiree's portion of dental insurance, if enrolled, and for a maximum of the cost of retiree fixed optional life insurance coverage in the amount of \$10,000 until age 70, if enrolled.

## **Health, Dental, and Life Insurance**

### *Policy CKD, See [Appendix F](#) – PTOB Form*

Group health insurance coverage is provided to eligible full-time and part-time employees through the Employees Retirement System of Texas (ERS) Group Benefits Program (GBP). Full- and part-time employees are defined according to ERS rules.

For full-time employees, the College contributes 100 percent to the employee's premiums and 50 percent to the premiums of the employee's dependents. For part-time employees, the College contributes 50 percent to the employee's premiums and 25 percent to the employee's dependents.

Qualifying adjunct faculty may participate in the program, but the College will not contribute to the employee premiums. Tobacco users are subject to additional premiums that are not covered by the College.



See [[Appendix F](#)] for Guidelines and Request for Approval of Part-Time Employee Working Over 19 Hours Per Week (PTOB Form) for eligibility criteria.

Adjunct faculty members must meet several criteria to be eligible for GBP benefits. They must:

- Receive compensation for services rendered to the institution;
- Have taught at the College in the preceding academic year and;
- Have taught at least one course in the regular fall and spring semesters during the preceding academic year.

The GBP includes medical, dental, term and accidental life, and short- and long-term disability, vision insurance as well as prescription drug coverage. The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each year or within the first 31 days of the event when they experience a qualifying event (e.g., marriage, birth, divorce). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are located in the ERS Employee Benefits guide located on the College website <https://midland.edu/audiences/faculty-staff/hr/benefits.php>. Employees should contact the Human Resources/Payroll department for more information.

## **Supplemental Insurance Benefits**

*Policy CKD*

At their own expense, employees may enroll in supplemental insurance programs with AFLAC for cancer, critical illness and hospital insurance. Premiums for these programs can be paid by payroll deduction. Employees should contact the Human Resources/Payroll department for more information.

## **Cafeteria Plan Benefits (Section 125)**

*Policy CDDA*

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., health, tobacco user premium, accidental death and dismemberment, dental, vision, HCRA, DCRA, HSA and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

## **Workers' Compensation Insurance**

### *Policy CKE*

The College, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The College has workers' compensation coverage from the Texas Association of School Boards (TASB), effective 9/1/2005.

Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to the Human Resources/Payroll department. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. [See \*Workers' Compensation Benefits\*](#), for information on use of paid leave for such absences.

## **Unemployment Compensation Insurance**

### *Policy CKF*

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year, including the summer break, if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Human Resources/Payroll department.

## **Retirement**

### *Policy DF*

All College employees shall be required to participate in a retirement program.

All personnel employed on a regular, half-time or more basis for at least four and one-half months or work for more than one full semester shall be members of the Teacher Retirement System of Texas (TRS), unless excepted by law. Employees enrolled as students are not eligible for membership based on their student employment.

Full-time faculty may choose to opt out of TRS and enroll in an optional retirement program (ORP). The option to enroll in the ORP must be made no later than the 90th calendar day of the first day of employment. Failure to elect the ORP during the 90-day election period shall be a default election into TRS.

An employee who is eligible to elect the ORP shall only have one opportunity during his or her lifetime, including any future periods of employment in Texas public higher education, to elect the ORP in lieu of TRS. The election may never be revoked. Therefore, new employees are urged to make this decision carefully.

Part-time employees who are not members of TRS or an optional retirement program shall be required to participate in a FICA-alternative plan (PTSA) selected by the College.

Employees who plan to retire should notify the Human Resources/Payroll department as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web ([www.trs.texas.gov](http://www.trs.texas.gov)).

## **Optional Retirement Program Effective Date of Participation**

### *Policy DF*

The effective date of participation is determined in accordance with Chapter 25 of the Texas Administrative Code:

- For election after initial ORP eligibility date – The participation start date for ORP-eligible employees who sign the TRS 28 ORP Election Form after their initial ORP eligibility date, shall be the first day of the month following the date the form is signed with the following exceptions:
  - During month of initial ORP eligibility date – Employees who elect ORP by signing the TRS 28 ORP Election Form after their initial eligibility date but before the end of the month in which the initial ORP eligibility date falls may be treated as if they had signed the form on or before their initial ORP eligibility date provided all necessary and properly executed forms are signed and received by the Human Resources/Payroll department in time to be processed for the monthly payroll calculation.
  - After month of initial ORP eligibility – Employees who elect ORP by signing the TRS 28 ORP Election Form after the month in which their initial ORP eligibility date falls, but before the end of the month in which the form is signed may start participating in the month in which the form is signed rather than the first of the following month provided all necessary and properly executed forms are signed and received by the Human Resources/Payroll department in time for the monthly payroll calculation.
- Forms received after the monthly payroll calculation will be effective on the first of the following month.

## **Optional Retirement Program Supplemental Rate**

### *Policy DF*

The ORP participant and College make mandatory monthly contributions using percentages of salary that are established by the state legislature and subject to change. The College may provide a supplement to the state base rate under the following conditions:

**Amount of Supplemental Rate.** The supplemental rate may be any amount that, when added to the state base rate does not exceed the maximum employer rate established in the ORP statute.

**Grandfathered.** Each participant whose first date to participate in ORP in lieu of TRS at any Texas ORP employer, is prior to 9/1/1995, shall receive the same supplemental rate as other participants in this group, regardless of any break in service. This group of participants shall be referred to as the grandfathered group.

**Non-Grandfathered.** Each participant whose first date to participate in ORP in lieu of TRS at any Texas ORP employer is on or after 9/1/1995, shall receive the same supplemental rate as other participants in this group, regardless of any break in service. This group of participants shall be referred to as the non-grandfathered group.

**Annual Determination.** The amount of the supplemental rate shall be determined annually and approved by the College President to be effective for the entire year. There will be two different supplemental rates, one for the grandfathered group and one for the non-grandfathered group.

### **Other Benefit Programs**

*Policy DEB, [See Appendices G](#) and [H](#) – Wellness Release Time Approval Form*

**College District Scholarship.** Full-time employees and their dependents, including spouses and children, enrolled in credit courses at the College shall have their tuition paid to a maximum of \$224 per semester per enrolled student. Other related fees shall not be included.

**Departmental Scholarship.** Tuition and fees in excess of \$224 per semester may be paid from departmental budgets for employees to take one credit or non-credit course per semester if approved by the employee's respective administrative council member. Tuition and fees covered by departmental scholarships must directly relate to skills needed in the employee's current position.

**Foundation Grant.** The Midland College Foundation may award financial grants for tuition and fees to encourage employees to complete a degree or obtain credentials in a second teaching field in accordance with administrative regulations and upon the College President's recommendation. See [\[DEB \(LOCAL\)\]](#) for eligibility criteria and additional information. Employees should contact the Institutional Advancement/MC Foundation office for reimbursement procedures and additional information.

Employees approved for a Foundation Grant after August 31, 2020, will receive a total maximum grant as follows:

- Doctorate Degree - \$35,000
- Master's Degree - \$20,000
- Bachelor's Degree - \$10,000

**Fitness Center.** Employees may use the College Fitness Center during hours of operation and are allowed to bring one guest over the age of 16 with a College ID card. Employees should contact the Fitness Center for additional information.

**Athletic Events.** Employees have free admission to every home Midland College regular season event with a College ID card. Employees should contact the Athletics department for additional information.

**Employee Wellness Program-Chap Fit.** To encourage participation in health and wellness activities, full-time employees will be allowed 30 minutes of release time during normal working hours up to 2 times per week to participate in physical exercise, participate in fitness activities offered in the Midland College Fitness Center or attend on-site wellness seminars when offered. Activities are offered at all College operated locations. Approval to participate is required by the employee's supervisor. See [[Appendix G](#) for the Administrative Regulation] and [[Appendix H](#) for the Wellness Release Time Approval Form].

# Leaves and Absences

Policies CKD, DEC series, See [Appendices I and J](#) – Weekly Leave Request Form

See [Appendix S](#) for General Guidance and FAQ's for Employees and Supervisors related to COVID-19

The College offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of more than three days should call the Human Resources/Payroll department for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the College.

Employees must follow College and department procedures to report or request any leave of absence and complete the appropriate form or certification. Any unapproved absences or absences beyond accumulated or available paid leave shall result in deduction from the employee's pay.

**Medical Certification.** An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive workdays because of personal illness or injury or illness or injury in the immediate family. If the employee is absent because of illness or injury in the immediate family, the medical certification shall certify the necessity for the employee to care for the individual and the individual's expected length of recovery;
2. The College requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or College President;
3. The employee requests FMLA leave for the employee's serious health condition; for a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave;
4. An employee who has been absent more than ten consecutive workdays shall provide written permission from a doctor before resuming work.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA.

[\[See DECA\(LEGAL\)\]](#)

The College shall not approve the use of sick leave for an employee refusing to comply with a requirement to provide medical certification, and any resulting absences will be considered unapproved. In such case, employee shall be required to use an alternate form of paid leave, if available.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. *Genetic information*, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family

member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Continuation of Health Insurance.** Health insurance benefits for employees on paid leave and leave designated under the Family and Medical Leave Act will be paid or supplemented by the College as they were prior to the leave.

Employees on an approved unpaid leave of absence, other than family and medical leave, may continue their insurance benefits at their own expense. Otherwise, the College does not pay any portion of insurance premiums for employees who are on unpaid leave. This includes absences due to a work-related injury or illness.

## Vacation

### *Policy DEC*

Each full-time 12-month employee shall accrue paid vacation in accordance with administrative regulations and the following schedule:

Years of Employment	Accrual Rate Per Month	Annual Benefit	Maximum Accumulation
0 through 9	6.67	80	120
10 through 19	10	120	180
20+	13.33	160	240

An employee shall not take more vacation at one time than his or her annual benefit.

An employee who separates from employment with the College District shall be eligible for payment of accumulated vacation leave under the following conditions:

1. The employee's separation from employment is voluntary, i.e., the employee is retiring or resigning in compliance with DMD (LOCAL) or a result of a reduction in force and is not being discharged or nonrenewed.
2. The employee shall be reimbursed for accumulated vacation leave up to a maximum of their annual benefit at a rate of the employee's current base hourly rate. Vacation leave accumulated above employee's annual benefit will be forfeited even if the employee is rehired at a later time.
3. The employee has at least six months of full-time service with the College District. If an employee has less than six months of full-time service, all accumulated vacation leave shall be forfeited, even if the employee is rehired at a later time.

## Holidays

College Holidays may be found in the Academic Calendar

<https://www.midland.edu/academics/academic-calendars.php>.

The number of scheduled holidays can vary between employee groups, departments, and may change from year to year based on the calendar. Departments with scheduled holidays that differ from College Holidays as published in the Academic Calendar shall maintain a Departmental Calendar that is approved by the respective administrative council member and submit a copy of the approved calendar to the Director of Human Resources/Payroll.

## **Immediate Family**

### *Policy DEC*

The term “immediate family” is defined as:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.

## **Sick Leave**

### *Policy DEC*

Each full-time employee, including full-time faculty, shall earn eight hours of paid sick leave per month during the employee’s employment period as set forth in the employee’s most recent Memorandum of Appointment, if applicable, in accordance with administrative regulations.

Sick leave shall accumulate to a maximum of 720 hours.

Sick leave shall only be used for the following:

1. Illness or injury of the employee.
2. Illness or injury of a member of the employee’s immediate family.
3. Birth or placement of a child when taken within the first year after the child’s birth, adoption, or foster placement.
4. Contribution to a sick leave bank in accordance with College District sick leave bank policies and administrative regulations.

An employee who separates from employment with the College District shall be eligible for payment of accumulated sick leave under the following conditions:

1. The employee’s separation from employment is voluntary, i.e., the employee is retiring or resigning in accordance with DMD(LOCAL) or a result of a reduction in force and is not being discharged or nonrenewed.
2. The employee has at least ten years of full-time service with the College District. If an employee has less than ten years of full-time service, all accumulated sick leave shall be forfeited, even if the employee is rehired at a later time.



The employee shall be reimbursed for accumulated sick leave in excess of 240 hours at a rate of half of the employee's current base hourly rate.

## **Personal Leave**

*Policy DEC*

Each full-time employee, including full-time faculty, shall earn 16 hours of paid leave per calendar year to conduct personal business in accordance with administrative regulations.

Personal leave shall be noncumulative.

Personal leave shall not be used to extend vacations or be taken during critical school days.

Personal leave shall not be subject to payment.

## **Bereavement Leave**

*Policy DEC*

A full-time employee may use five days of available paid sick leave per calendar year upon the death of a member of the employee's immediate family, sibling, step-sibling, sibling or step-sibling-in-law, son or daughter-in-law, grandparent, grandparent-in-law, or grandchild in accordance with administrative regulations.

## **Sick Leave Bank**

*Policy DEC, [Appendices K, L, M](#)*

The College District shall establish a sick leave bank to which employees may contribute leave. An employee may request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all paid leave and any applicable compensatory time. Use of the sick leave bank shall be permitted only after all available local leave has been exhausted.

See:

- [Appendix K](#) for additional information regarding eligibility and procedures for requesting leave from the sick leave bank
- [Appendix L](#) for the Sick Leave Bank Withdrawal Request Form
- [Appendix M](#) for the Sick Leave Bank Donation Form.

## **Family and Medical Leave Act (FMLA)—General Provisions**

The following text is from the federal notice, *Employee Rights and Responsibilities Under the Family and Medical Leave Act*. Specific information that the College has adopted to implement the FMLA follows this general notice.

## **Leave Entitlements**

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

## **Benefits and Protections**

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

## **Eligibility Requirements**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave\*; and

- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

### **Requesting Leave**

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.

Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

### **Employer Responsibilities**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

### **Enforcement**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

[www.dol.gov/whd](http://www.dol.gov/whd)

## Local Procedures for Implementing Family and Medical Leave Provisions

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period measured backward from the date an employee uses FMLA leave.

**Use of Paid Leave.** FMLA leave runs concurrently with accrued paid leave, compensatory time, and absences due to a work-related illness or injury. The College will designate the leave as FMLA leave, if applicable, and notify the employee that accumulated leave will run concurrently.

Use of paid leave concurrent with FMLA leave will occur in the following order: sick leave, vacation leave, compensatory time, and personal leave.

**Combined Leave for Spouses.** Spouses who are employed by the College are limited to a combined total of 12 weeks of FMLA leave to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

**Intermittent Leave.** When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The College does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

**Fitness for Duty.** An employee that takes FMLA leave due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. When leave is taken for the employee's own serious health condition, the certification must address the employee's ability to perform essential job functions. The college shall provide a list of essential job functions (e.g., job description) to the employee with the FMLA designation notice to share with the health care provider. Fitness for duty is not required when an employee returns to work following leave to care for a family member with a serious health condition; to care for a child following birth, adoption, or foster care placement; or for qualifying exigency leave.

**Reinstatement.** On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

### **Status Reports.**

An employee on FMLA leave must contact the Benefits Coordinator via telephone or email on the 1<sup>st</sup> and 15<sup>th</sup> day of each month (or the first workday following the 1<sup>st</sup> and 15<sup>th</sup>, if those days fall on a weekend or holiday) to report on the status for the reason for the leave, the employee's intent to return to work, and the expected date of return.

**College Contact.** Employees that require FMLA or have questions should contact the Human Resources/Payroll department for details on eligibility, requirements, and limitations.

## **Workers' Compensation Benefits**

### *Policy DEC*

An employee, absent from duty because of a job-related illness or injury, may be eligible for workers' compensation weekly income benefits, if the absence exceeds seven calendar days.

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or -injury wage. During the workers' compensation absence, the employee is not eligible for the College's contribution to health insurance premiums and is responsible for paying the entire amount.

## **Jury Duty**

### *Policy DEC*

The College provides paid leave to employees who are summoned to jury duty, including grand jury service. An employee's pay or leave balances will not be impacted. Employees may keep any compensation the court provides.

An employee should report a summons for jury duty to the supervisor as soon as it is received and may be required to provide the College a copy of the summons to document the need for leave.

An employee may be required to report back to work as soon as they are released from jury duty. The College may consider the travel time required and the nature of the individual's position when determining the need to report to work.

## **Compliance with a Subpoena**

### *Policy DEC*

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the College and shall not be deducted from the employee's pay or leave balance. Employees may be required to submit documentation of their need for leave.

## **Truancy Court Appearances**

### *Policy DEC*

An employee, who is a parent or guardian of a child and any court-appointed guardian ad litem of a child who is required to miss work to attend a truancy court hearing, may use vacation leave, personal leave or compensatory time for the absence. Employees who do not have paid leave available will be docked for any absence required because of the court appearance.

## **Religious Observance**

### *Policy DEC*

An employee may request to be absent for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the College. The employee may use any accumulated vacation leave, personal leave or compensatory time for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

**Faculty Members.** Faculty members are required to provide written notice of a list of religious holy days to be observed during the semester to the division dean. The notice may be delivered personally or by certified mail return receipt requested. Faculty are also required to provide advance notice to all students whose class would be canceled.

## **Unpaid Leave**

### *Policy DEC*

Upon approval by the College President an employee may request and be granted an unpaid leave of absence not to exceed six months. Leave may be approved for:

1. An illness or injury of an employee who is not eligible for FMLA leave or whose FMLA eligibility has expired.
2. Educational purposes.
3. Justifiable personal reasons.

Such leave shall not be counted as a break in service; however, the leave period shall not be counted in total years of service to the College District for purposes such as retirement benefits, vacation leave, salary, and the like.

An employee on an unpaid leave of absence shall not be entitled to state appropriations for benefits, after the 12 weeks of FMLA leave is used if unpaid FMLA leave. An employee may continue such coverage providing satisfactory arrangements are made in advance for payment of existing coverage in accordance with administrative regulations.

An employee who does not return to duty or is unable to return to duty after the exhaustion of all approved leave time is subject to termination. Before a decision is made to terminate, the College District shall consider the employee's eligibility for reasonable accommodation of a disability under the Americans with Disabilities Act. [\[See DAA\]](#)

## **Leave for Staff Development**

### *Policy DK*

Professional development for staff which enhances the effectiveness of Midland College may be accomplished through a program of release time and payment of fees for approved course work.

Guidelines:

- For purposes of this policy, the designation of staff includes secretarial, maintenance and administrative personnel not primarily engaged in the instruction of students. The designation of staff also includes lab instructors.
- Fees will be paid for participation in Midland College courses only.
- In order to receive release time and/or payment of fees to participate in course work, a staff member must receive written approval from his/her immediate supervisor. Such approval should be copied to the Human Resources/Payroll department.
- Release time and/or payment of fees will only be granted for course work which is directly related to the staff member's work responsibilities.
- Release time and/or payment of fees will only be granted for participation in one course at any given time. An employee may receive approval to participate in more than one course

provided arrangements are made for equitable work-time compensation for the time taken for the additional course(s). Such arrangements should be in writing, signed by both supervisor and staff member, and submitted to the Human Resources/Payroll department.

- A staff member may not take the same course more than two times utilizing the benefits of release time and/or payment of fees.

## **Employee Professional Development**

*Policy DK, See [Appendix N](#) – Professional Development Transcript Form*

Professional development is an important and essential component of institutional effectiveness at Midland College. All full-time employees are expected to annually upgrade their professional skills. This may be done in a variety of methods, formats, and locations. Part-time employees are also encouraged to engage in professional development and will be supported by Midland College in this endeavor to the extent possible. The College will annually provide a variety of on-campus opportunities for professional development.

There is a clear expectation that all full-time employees will engage in documentable professional development each year which will become a part of the employees' annual evaluation assessment. A record of professional development should be maintained and provided to their supervisor each year and will be included as part of the employee's performance evaluation. Professional development experiences provided by the College have approval in advance for all appropriate groups. All other professional development experiences must be directly related to the employee's duties and receive prior supervisor approval. These may be held on campus, in town, or out of town if funds are available.

Possible Examples of Professional Development:

- Seminars
- Workshops
- Conventions
- College courses - traditional classroom or online courses
- Web-Casts
- Independent study

## **Military Leave**

*Policy DECB*

**Paid Leave for Military Service.** Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to 15 days of paid leave per fiscal year when engaged in authorized training or duty ordered by proper authority. An additional seven days of leave per fiscal year are available if called to state active duty in response to a



disaster. In addition, an employee is entitled to use available local personal or sick leave during a time of active military service.

**Reemployment after Military Leave.** Employees who leave the College to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the College will be reemployed provided they can be qualified to perform the required duties. Employees returning to work following military leave should contact the Director of Human Resources/Payroll within the period of time specified by law. In most cases, the length of federal military service cannot exceed five years.

**Continuation of Health Insurance.** Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the Human Resources/Payroll department for details on eligibility, requirements, and limitations.

### **Leave for Peace Officers**

*Policy DEC, See [Appendices I](#) and [J](#) – Weekly Leave Request Form*

A College District peace officer who experiences a traumatic event in the scope of employment shall be granted a maximum of three days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

### **Quarantine Leave for Peace Officers and Emergency Medical Technicians**

*Policy DEC, See [Appendices I](#) and [J](#) – Weekly Leave Request Form*

A College District peace officer or an emergency medical technician on staff shall be granted quarantine leave when ordered by the local health authority or the person's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

# Employee Relations and Communications

## Employee Recognition and Appreciation

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the College. Employees are recognized in the College newsletter, and through special events and activities. Recognition and appreciation activities also include Excellence Awards, Service Awards, and Retirement Awards.

## College Communications

Throughout the academic year, the Public Relations, Marketing and Communications office publishes a variety of communication materials. These publications offer employees and the community information pertaining to school activities and achievements. They include the following: *Clarion* magazine, monthly online newsletter, website calendar, event fliers and posters.

# Complaints and Grievances

*Policy DGBA, See [Appendix O](#)*

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the Board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the Board. For ease of reference, the College's policy concerning the process of bringing concerns and complaints is available at:

DGBA (LOCAL): <https://pol.tasb.org/Policy/Code/885?filter=DGBA>

# Employee Conduct and Welfare

## Standards of Conduct

### *Policy DH*

All employees are expected to work together in a cooperative spirit to serve the best interests of the College and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and College policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use College time, funds, and property for authorized College business and activities only.
- Recognize that this behavior compromises the special trust between the College District and the citizens it serves.

All employees should perform their duties in accordance with state and federal law, College policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines including intentionally making a false claim, offering false statements, or refusing to cooperate with a College investigation may result in disciplinary action, including termination. The College holds all employees to the ethical standards expressed in the [\*Texas Community College Teachers Association Code of Professional Ethics\*](#), which is reprinted below:

***Texas Community College Teachers Association  
Code of Professional Ethics  
(Revised February 20, 1997)***

- Professional Educators affirm the inherent worth and dignity of all persons and the right of all persons to learn. Learning best occurs in an environment devoted to the pursuit of truth, excellence, and liberty. These flourish where both freedom and responsibility are esteemed.

- In order to express more adequately the affirmation of our professional responsibilities, we, the members of the Texas Community College Teachers Association, do adopt, and hold ourselves and each other subject to, the following Code of Professional Ethics:
- The Professional Educator shall treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, or age.
- The Professional Educator shall strive to help each student realize his or her full potential as a learner and as a human being.
- The Professional Educator shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues\* and students, supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.
- The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.
- The Professional Educator shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person.
- The Professional Educator shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate preparation and performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.
- The Professional Educator shall make the most judicious and effective use of the College's time and resources.
- The Professional Educator shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which he or she is not qualified nor assign tasks to unqualified persons.
- The Professional Educator shall support the goals and ideals of the college and shall act in public and private affairs in such a manner as to bring credit to the College.
- The Professional Educator shall not engage in sexual harassment of students or colleagues and shall adhere to the College's policy on sexual conduct.
- The Professional Educator shall observe the stated policies and procedures of the College, reserving the right to seek revision in a judicious and appropriate manner.
- The Professional Educator shall participate in the governance of the College by accepting a fair share of committee and institutional responsibilities.
- The Professional Educator shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague's innocence may reasonably be maintained.

- The Professional Educator shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.
- The Professional Educator shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of his or her public position for private or partisan advantage.

*\*In this Code the term "colleague" refers to all persons employed by Colleges in the educational enterprise*

## Work Attire Guidelines

The following guidelines are established to assist employees in promoting a professional and safe working environment. The items listed as appropriate items are not required items but are items appropriate for business casual or summer casual. Please use discretion when deciding if the clothing item is appropriate. If there is a question, it is probably inappropriate.

Safety, security and facilities employees whom are uniformed are not subject to the work attire guidelines. At its discretion, a department may allow staff to dress in a more casual fashion than is normally required due to unusual weather or if the duties of the staff members warrant more casual attire.

BUSINESS/SUMMER CASUAL	
APPROPRIATE	INAPPROPRIATE
<b>Jackets:</b> Sport coats, blazers, casual or denim jackets.	<b>Jackets:</b> Ripped or frayed jackets.
<b>Dresses:</b> Long, short or sleeveless.	<b>Dresses:</b> Dresses shorter than 2 inches above the knee. Sundresses and spaghetti straps are discouraged.
<b>Tops:</b> Long or short-sleeved dress shirts for males. Long, short or sleeveless blouses or shells for females. Long or short-sleeved polo shirts preferably with MC logo. Turtlenecks, oxford, button downs, sweaters and vests.	<b>Tops:</b> No T-shirts unless on a designated day. No tops showing too much chest or visible cleavage.
<b>Bottoms:</b> Dark black denim, dress slacks, khakis or chinos. Long or knee length skirts, knee length skorts, capri pants or shorts that are part of a suit for females. Leggings are appropriate, but should be covered with a long tunic.	<b>Bottoms:</b> Skirts, shorts, skorts shorter than 2 inches above the knee or athletic workout pants.
<b>Shoes:</b> Leather dress shoes, loafers, boat shoes and boots. High or mid-heeled shoes or dress sandals, dressy flats, mules, or open back shoes for females. Orthopedic shoes with a doctor's note. Tennis shoes on casual days only.	<b>Shoes:</b> No rubber flip-flops, tennis shoes, Crocs or house shoes.
<b>Accessories:</b> Ties, jewelry, scarves, leather or canvas belts, dress socks, and hosiery/leggings.	<b>Accessories:</b> Caps/hats that are not part of MC uniform.

Relaxed Casual- Fridays during Fall and Spring semesters and Thursdays during summer hours are designated Relaxed Casual days. Attire for these days may include jeans or other attire approved as Business/Summer Casual. Appropriate attire with Midland College logo items are encouraged.

**All Employees.** Tattoos must be covered if the employee interfaces with the public as part of their job responsibilities.

## **Fundraising**

*Policy CAM, See [Appendix P](#)*

The Executive Director of Institutional Advancement/Midland College Foundation, Inc., in consultation with the College President, assesses and approves fundraising activities at Midland College to determine appropriateness and timing of each solicitation in light of institutional priorities and any known financial commitments by those considered to be potential donors. The Midland College Foundation has responsibility for the entire development process, including the identification, cultivation and solicitation of sources of potential financial support for Midland College, as well as the valuation, recording and acknowledgment of gifts received. See [[Appendix P](#)] for fundraising procedures and guidelines.

## **Discrimination, Harassment, and Retaliation on the Basis of Sex**

*Policies DAA, DH, DHC, DIAA, FA, FFDA*

Employees shall not engage in discrimination, harassment, or retaliation on the basis of sex, including sexual harassment, sexual assault and other sexual violence, dating violence, domestic violence, or stalking against other employees, prospective employees, former employees, unpaid interns, or students. Employees also may not engage in discrimination, harassment, or retaliation against other persons including Board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action. Processes for reporting prohibited conduct are described below.

Other forms of prohibited discrimination, harassment, and retaliation are addressed below in the *Discrimination, Harassment, and Retaliation on the Basis of Other Protected Characteristics* section.

**Employees Who Witness Sex Discrimination, Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking.** All employees who witness or receive information reasonably believed to constitute prohibited discrimination on the basis of sex, including sexual harassment, sexual assault or other sexual violence, dating violence, domestic violence, or stalking against or by another employee or student, regardless of where or when the incident occurred, must promptly report the incidents to the College's Title IX Coordinator: Tana Baker, Title IX Coordinator/Compliance Officer, 3600 N. Garfield, Scharbauer Student Center, Room 131, Midland, TX 79705, (432) 685-4781, [tbaker@midland.edu](mailto:tbaker@midland.edu). An employee may also report to the College President.

In addition to the report to the Title IX Coordinator, a report against the College President must also be made directly to the Board of Trustees.



An employee who knows of or has reasonable cause to believe that child abuse occurred or may occur must also report the employee's knowledge or suspicion to the appropriate authorities, as required by law. See [Reporting Suspected Child Abuse](#), below, for additional information.

**Exceptions to the Reporting Requirements.** An employee is not required to report information they received as a result of a disclosure made at a college sponsored public awareness event unless the person has the authority to institute corrective measures on behalf of the College.

Absent the victim's consent, or unless required by law, a confidential employee, described below, may only disclose the type of incident reported and may not disclose information that would violate a victim's expectation of privacy.

An employee is not required to report an incident the employee learned of during the course of the College's review or processing of an incident report or that has been confirmed to have been previously reported.

**Victims of Sex Discrimination, Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking.** An employee who is the victim of discrimination on the basis of sex, including sexual harassment, sexual assault or other sexual violence, dating violence, domestic violence, or stalking has the right to report the incident to the College and to receive a prompt and equitable resolution of the report.

Allegations may be reported to the employee's immediate supervisor, to the Title IX Coordinator: Tana Baker, Title IX Coordinator/Compliance Officer, 3600 N. Garfield, Scharbauer Student Center, Room 131, Midland, TX 79705, (432) 685-4781, [tbaker@midland.edu](mailto:tbaker@midland.edu), or the College President. The employee may also report electronically through the College's website [https://cm.maxient.com/reportingform.php?MidlandCollege&layout\\_id=1](https://cm.maxient.com/reportingform.php?MidlandCollege&layout_id=1). An electronic report may be submitted anonymously.

Alternatively, the employee may report the incident to a designated confidential employee. A confidential employee is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or who is designated as a confidential employee.

An employee is not required to report the incident to the person alleged to have committed it.

An employee who is the victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited discrimination on the basis of sex, including sexual harassment, sexual assault or other sexual violence, dating violence, domestic violence, or stalking, go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

**Retaliation.** The College prohibits retaliation against an employee for the purpose of interfering with a right or privilege under policies DAAA and FFDA; who, in good faith, makes a report or a complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing regarding an allegation of discrimination on the basis of sex, including sexual harassment, sexual assault or other sexual violence, dating violence, domestic violence, or stalking. This prohibition does not apply to the discipline of an employee who committed, or assists in the commission, of the misconduct.

**False Report or Failure to Report.** An employee commits an offense if the employee makes a false report or knowingly fails to report such incidents with the intent to harm, deceive, or conceal the incidents. An employee found by the College to have committed one of these offenses will be terminated.

**Policies and Procedures.** Information on the Colleges' policy, procedures, and related materials is available at <https://midland.edu/about/tix/more-tix.php>. The College's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation is available at:

DAAA (LOCAL): <https://pol.tasb.org/Policy/Code/885?filter=DAAA>

FFDA (LOCAL): <https://pol.tasb.org/Policy/Code/885?filter=FFDA>

## **Discrimination, Harassment, and Retaliation on the Basis of Other Protected Characteristics**

Policies DAA, DAAA, DH, DHC, DIAB, FA, FFDB

In addition to the prohibition on discrimination, harassment, and retaliation on the basis of sex addressed above, employees shall not engage in discrimination, harassment, or retaliation on the basis of other legally protected characteristics against other employees, prospective employees, former employees, unpaid interns, or students. Employees also may not engage in prohibited discrimination, harassment, or retaliation against other persons including board members, vendors, contractors, volunteers, or parents. A substantiated charge will result in disciplinary action. Processes for reporting prohibited conduct are described below.

**Report of Actions Targeting Employees.** An employee who believes the employee or another employee has been discriminated or retaliated against or harassed on the basis of a legally protected characteristic other than sex is encouraged to promptly report such incidents to the employee's supervisor or the College President. An employee is not required to report prohibited conduct to the person alleged to have committed it. If the supervisor is the subject of a complaint, the complaint may be directed to the College President or designee. A complaint against the College President may be made directly to the Board.

**Report of Actions Targeting Students.** Employees who suspect a student may have experienced discrimination, harassment, or retaliation on the basis of a protected characteristic other than sex are obligated to report their concerns to an appropriate College official. All allegations will

promptly be investigated. An employee who knows of or has reasonable cause to believe that child abuse occurred or may occur must also report the employee's knowledge or suspicion to the appropriate authorities, as required by law. See [Reporting Suspected Child Abuse](#), below, for additional information.

The College's policies that include definitions and procedures for reporting and investigating discrimination, harassment, and retaliation on the basis of a protected characteristic other than sex are available at:

DIAB (LOCAL): <https://pol.tasb.org/Policy/Code/885?filter=DIAB>

FFDB (LOCAL): <https://pol.tasb.org/Policy/Code/885?filter=FFDB>

## **Reporting Suspected Child Abuse**

*Policies DH, DHC*

All employees are required by state law to report any suspected child abuse or neglect, as defined by Texas Family Code §261.001, to a local or state law enforcement agency, the Texas Department of Family and Protective Services (DFPS), or an appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility in which the abuse occurred). An employee who is considered a professional under Texas Family Code §261.101(b) must report child abuse or neglect or indecency with a child if the employee has reasonable cause to believe the conduct occurred or may occur within 48 hours after first suspecting the abuse or neglect. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a day care teacher) must be reported to DFPS.

Employees are also required to make a report if they have reasonable cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child, elderly person, or disabled person.

Reports to the DFPS can be made to the Texas Abuse Hotline at 800-252-5400 or, if not urgent, on the web at <https://www.txabusehotline.org>. An employee's failure to make the required report may result in prosecution as a Class A misdemeanor. The offense of failure to report by a professional may be a state jail felony if it is shown the individual intended to conceal the abuse or neglect. An employee may not delegate to or rely on another person or administrator to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. The College will not take any adverse action in response to good faith reports of child abuse or neglect or participation in an investigation regarding an allegation of child abuse or neglect.

Employees who have reasonable cause to believe that a child has been or may be abused or neglected should also report their concerns to Tana Baker, Title IX Coordinator/504 Coordinator/Compliance Officer, Scharbauer Student Center, Room 131, Midland, TX 79705,

tbaker@midland.edu, (432) 685-4781. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to Tana Baker, the Title IX Coordinator/504 Coordinator/Compliance Officer before making a report to the appropriate agency.

Reporting the concern to Tana Baker, the Title IX Coordinator/504 Coordinator/Compliance Officer does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation is prohibited.

The College has established a procedure for addressing sexual abuse and other maltreatment of children, which may be reported electronically via Midland College's website [https://cm.maxient.com/reportingform.php?MidlandCollege&layout\\_id=1w](https://cm.maxient.com/reportingform.php?MidlandCollege&layout_id=1w). As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. *Sexual abuse* in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. *Maltreatment* is defined as abuse or neglect. Anyone who has reasonable cause to believe that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS) and follow the procedures described above.

## Reporting Crime

### *Policy DG*

The Texas Whistleblower Act protects College employees who make good faith reports of violations of law by the College to an appropriate law enforcement authority. The College is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. An *appropriate law enforcement authority* is part of a federal, state, or local governmental entity that the employee in good faith believes is authorized to regulate under or enforce the law alleged to be violated or to investigate or prosecute a crime.

## Technology Resources

### *Policies CR, DK, See [Appendix U](#)*

The College's technology resources, including its networks, computer systems, email accounts, devices connected to its networks, and all College-owned devices used on or off College property, are primarily for administrative and instructional purposes. Limited personal use is permitted if the use:

- Imposes no tangible cost to the College.
- Does not unduly burden the College's technology resources.
- Has no adverse effect on job performance or on a student's academic performance.

Electronic mail transmissions and other use of College technology resources are not confidential and can be monitored at any time to ensure appropriate use.

Employees are required to abide by the provisions of the acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact the Information Technology department.

## **Personal Use of Electronic Media**

*Policies CR, DH*

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.

Employees are responsible for their public conduct even when they are not acting as College employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic media for personal purposes shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) using the College's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct College business.
- The employee shall not use the College's logo or other copyrighted material of the College without express, written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on College business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.

- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the [Texas Community College Teachers Association Code of Professional Ethics](#), even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus.

These restrictions include:

- Confidentiality of student records [See [Policy FJ](#)]
- Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law [See [Policy DBA](#)]
- Confidentiality of College records, including private email addresses. [See [Policy GCA](#)]
- Intellectual property [See [Policy CT](#)]
- Prohibition on the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person. [See [Policy DH](#)]

## **Web Presence**

### *Policy CR*

External websites and new domains and sub-domains must be approved by the appropriate Administrative Council member and the Vice President of Information Technology. All domains must be registered and maintained by the Information Technology department.

New social media accounts must be approved by the Director of Marketing and Communications before they are created. A designated Marketing and Communications representative must have access to all accounts.

## **Records Retention**

### *Policy CIA*

Employees must retain local government records for the appropriate retention period, which varies depending on the category of record (i.e., the content contained in that individual email message) described in the College's records retention schedule. *Local government record* means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. The determination of which category of record applies must be made on a case-by-case basis. If the contents of the record fall in more than one category in the records retention schedule and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A copy of the College's records retention schedule may be obtained from the Vice President of Administrative Services.

An employee in possession of public information that is stored on a personal device must preserve the information in accordance with the College's records retention schedule or transfer the records to the College upon request.

## **Criminal History Background Checks and Other Background Searches**

*Policy DC, See [Appendix Q](#)*

Employees will be subject to a review of their criminal history record information annually and at any time during employment. Additional background searches may also be required (i.e., consumer reports background investigation, driver record checks) if applicable to the position held. See [[Appendix Q](#)] for additional information on Criminal History Background Checks.

## **Driver Eligibility**

*Policies DC, CJ, See [Appendix R](#) – Driver Record Check Form*

Only properly authorized employees and students may operate College-owned, leased, or rented vehicles for official College business. This regulation does not apply to the operation of golf carts.

Authorized drivers (employees and students) will be identified in the College Authorized Driver List maintained by Human Resources/Payroll department. Driving privileges for operating College vehicles (owned, leased, rented or personally owned and being used for College related business) may be revoked for poor driving records or failure to comply with College policies and administrative regulations.

*Note: It is the personal obligation of the owner of any vehicle, when used for College related business travel and for the protection of the traveler and any passengers, to carry automobile liability insurance.*

Any authorized driver of a College vehicle shall, at all times, hold a valid eligible Texas Driver license unless the employee is a resident of another state or the driver moves from another state and is within the first 90 days of Texas residency. A three-year driving history will be obtained.

Individuals with poor driving records will not be permitted to drive College-owned vehicles or personal vehicles when performing duties on behalf of the College.

Drivers with poor driving records would include those with the following:

- a) Any conviction for an alcohol and/or drug related driving offense;
- b) Conviction for refusal to submit to a Blood Alcohol Content (BAC) test;
- c) Conviction for reckless driving;
- d) Any combination of convictions for three or more moving violations, "At Fault Accidents", or "Preventable Accidents";
- e) Suspension, revocation or administrative restriction on the driver license;
- f) Conviction for leaving the scene of an accident as defined by state laws;

- g) Conviction for at fault in a fatal accident;
- h) Conviction for fleeing or evading police;
- i) Conviction for felony committed involving a vehicle;
- j) Three or more “College Vehicle” physical damage claims in any twelve-month period.

A properly completed Authorization and Acknowledgement Form for Driver Record Check and valid driver license (a photocopy of the driver license will not be accepted) must be submitted to the Human Resources/Payroll department to be named on the Authorized Driver List. An additional authorization form is required for out of state driver licenses. For states that the College is not authorized to obtain a driver record, the employee or student will be required to obtain a driver record check and submit it to the Human Resources/Payroll department. Notification of approval or denial will normally be sent within three business days after receipt and review of form and physical license. Please note: out of state driver records checks may take longer.

Subsequent driver record checks will be required annually or upon expiration of the employee or student’s driver license or more frequently if the Director of Human Resources/Payroll or designee determines that a more frequent check is necessary.

## **Employee Arrests and Convictions**

### *Policy DH*

An employee must notify the Director of Human Resources/Payroll within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony or offense involving moral turpitude.

Moral turpitude includes, but is not limited to the following:

- Dishonesty, fraud, deceit, theft, or misrepresentation;
- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
- Acts constituting abuse or neglect under the Texas Family Code §261.001



## **Alcohol and Drug-Abuse Prevention**

*Policies DH, DI*

Midland College is committed to maintaining an alcohol- and drug-free environment and will not tolerate the manufacture, possession, distribution, dispensation, or use of alcohol and illegal drugs in the workplace and at College-related or College-sanctioned activities on or off College property unless it is a College function at which the College President has authorized the serving and consumption of alcohol, which the Board has authorized the College President to permit at appropriate College functions. Employees, who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours, may be dismissed. The College's policies regarding employee drug use are available at:

DH (LOCAL): <https://pol.tasb.org/Policy/Code/885?filter=DH>

DI (LOCAL) & DI (EXHIBIT): <https://pol.tasb.org/Policy/Code/885?filter=DI>

## **Tobacco Products and E-Cigarette Use**

*Policies DH, GDA*

The College prohibits the use and sale of tobacco products and e-cigarettes on all College-owned property, in College vehicles, and at College-related activities. This includes all buildings, parking facilities, and facilities used for athletics and other activities. Employees may not give or sell tobacco products or e-cigarettes to a person in violation of law. *E-cigarette* means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described above. The term does not include a prescription medical device unrelated to the cessation of smoking but does include a component, part, or accessory for the device.

## **Fraud and Financial Impropriety**

*Policy CDE*

All employees should act with integrity and diligence in duties involving the College's financial resources. The College prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety include the following:

- Forgery or unauthorized alteration of any document or account belonging to the College.
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, or other College assets including employee time.
- Impropriety in the handling of money or reporting of College financial transactions.
- Profiteering as a result of insider knowledge of College information or activities.

- Unauthorized disclosure of confidential or proprietary information to outside parties.
- Unauthorized disclosure of investment activities engaged in or contemplated by the College.
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the College, except as otherwise permitted by law or College policy.
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
- Failing to provide financial records required by federal, state, or local entities.
- Failure to disclose conflicts of interest as required by law or College policy.
- Any other dishonest act regarding the finances of the College.
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

## **Conflict of Interest**

*Policies CAA, DBD, DBF*

Employees are required to disclose in writing to the College any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the College. This includes the following:

- A personal financial interest
- A business interest
- Any other obligation or relationship
- Outside employment

Employees should contact their supervisor for additional information.

## **Gifts and Favors**

*Policies CAA, DBD*

Employees may not solicit or accept gifts, favors, services, or other benefits that could influence, or be construed to influence, the employee's discharge of assigned duties. In addition, acceptance of any single item with a value at or above \$50 or items from a single contractor or subcontractor that have an aggregate value exceeding \$100 in a 12-month period is prohibited.

## **Intellectual Property**

*Policy CT*

**Copyrighted Materials.** Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic

media, including motion pictures and other audiovisual works, are to be used for instructional purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

**Trademarked Materials.** Symbols such as a professional team’s mascot, colors, slogans, sounds, and like items, are typically protected by federal and state trademark law. Employees are expected to comply with the provisions of the law.

**Patents.** Federal law protects the invention or discovery of a process, machine, manufacture, or improvement. Only the patent holder may use, make, or sell the invention or discovery or a material component of that invention or discovery.

**Work Product.** As an agent of the College, an employee, including a student employee, does not have rights to the work he or she creates on College time or using College technology resources. The College will own any work or work product created by a College employee in the course and scope of his or her employment, including the right to obtain copyrights.

If the employee obtains a patent for such work, the employee is required to grant a non-exclusive, non-transferable, perpetual, royalty-free, College-wide license to the College for use of the patented work. A College employee shall own any work or work product produced on his or her own time, away from his or her job and with personal equipment and materials, including the right to obtain patents or copyrights.

A College employee may apply to the College President or designee to use College materials and equipment in his or her creative projects, provided the employee agrees either to grant to the College a non-exclusive, non-transferable, perpetual, royalty-free, College-wide license to use the work, or permits the College to be listed as co-author or co-inventor if the College contribution to the work is substantial.

## **Associations and Political Activities**

### *Policy DGA*

The College will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association.

An individual’s employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Use of College resources including work time for political activities is prohibited.

The College encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on election day must communicate with their immediate supervisor prior to the absence.

## **Safety**

### *Policies CG series*

The College has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve College equipment, employees must comply with the following requirements:

- Observe all safety rules.
- Keep work areas clean and orderly at all times.
- Immediately report all accidents to their supervisor.
- Operate only equipment or machines for which they have training and authorization.

### **Vehicle Operation Rules for College-Owned, Leased or Rented Vehicles, or Use of Personal Vehicle for Official College Business While Carrying Passengers**

While driving on College business, employees are required to abide by all state and local traffic laws and comply with the following requirements:

- Drive with diligence at all times;
- The number of passengers may not exceed the number of seat belts;
- All occupants of the vehicle are required to wear seat belts;
- All drivers, excluding police officers while on duty, are prohibited from using hand held cellular phones while driving;
- Cellular phone calls using hands-free technology while driving is discouraged. To minimize the impact of distraction, calls, if any, should be brief. Extended conversations should be made while not driving;
- Sending or reading text messages or emails, dialing cellular phones, viewing television, videos or DVDs and inputting data into laptop computers, personal digital assistants or navigation systems is prohibited while driving;
- Drivers should not drive more than eleven hours in any twenty-four hour period;
- Drivers shall not drive more than eight consecutive hours without taking a thirty-minute break or relief from driving.
- Drivers of vehicles over fifteen passengers are subject to applicable laws and requirements for commercial driver license holders;
- When transporting students, the authorized employee must be at least 21 years of age;

- Authorized employees and students must be at least 21 years of age. In special circumstances, as approved by the Director of Human Resources/Payroll or designee, employees or students under the age of 21 may be authorized to drive provided that students are not being transported.

If an accident occurs that involves injuries or damage to the rental vehicle, College vehicle, or another vehicle, or other property damage (to a structure, building, guardrail, etc.), it must be reported immediately to the local police agency, rental agency, and to the Human Resources/Payroll department, no matter how minor the injury or damage is.

Employees with questions or concerns relating to safety programs and issues can contact the Human Resources/Payroll department.

## **Annual Security Report**

*Policy GCC*

The College collects information about campus crime statistics and the College's security policies as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The College's annual security report issued under the Clery Act is distributed to employees through the following methods: bulk email notification is made to all employees and enrolled students, a printed copy of this report may be obtained by writing the Midland College Police department, and may also be found on the College website <https://www.midland.edu/services-resources/police/crime-statistics.php>.

## **Possession of Firearms and Weapons**

*Policy CHF*

**Open Carry.** The College prohibits the open carry of handguns or other firearms on all College property at all times in accordance with law.

**Concealed Carry.** A license holder may carry a concealed handgun on College property except where prohibited by law or by College policy. See [\[CHF \(LOCAL\)\]](#) for areas designated as prohibited areas by the College. License holders shall be responsible for complying with the applicable federal and state law.

**Other Prohibited Weapons.** The College District prohibits the use, possession, or display of any location-restricted knives, clubs, knuckles, firearm silencers, or prohibited weapons, as defined by law, on College District property or at a College District-sponsored or -related activity, unless written authorization is granted in advance by the College President or designee. See [\[CHF \(LOCAL\)\]](#) for additional prohibited weapons and additional information.

The possession or use of articles not generally considered to be weapons may be prohibited when the College President or designee determines that a danger exists for any student, College District employee, or College District property by virtue of possession or use.

# General Procedures

## Campus Closures

### *Policy DEA*

The College may close campuses because of severe weather, epidemic, or emergency conditions. Extreme Weather Procedures may be found on the College website <https://www.midland.edu/about/public-info/weather.php>. When it becomes necessary to delay or cancel classes, a notice will be posted on the College's website and the following television stations will be notified:

- Channel 2 (KMID/ABC)
- Channel 7 (KOSA/CBS)
- Channel 9 (KWES/NBC)

The College President may choose to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date.

## Emergencies

### *Policy CGC*

All employees should be familiar with the safety procedures for responding to emergencies, including a medical emergency. Employees should locate evacuation diagrams posted in their work areas and be familiar with shelter in place, lockout, and lockdown procedures. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Fire extinguishers are located throughout all College buildings. Employees should know the location of these devices and procedures for their use.

In the event of an emergency, the College has various systems in place for communicating information quickly. Emergency Notification Procedures may be found on the College website <https://www.midland.edu/services-resources/police/emergency-management-operations.php>. Emergency Notification Methods include:

- Messages posted on the College website
- Emergency Broadcast System
- External Media Advisories
- Emergency Alert (i.e., [Chap Alerts](#), text messages, email, telephone and social media pages)
- College Emails

## **Parking**

### *Policy CHC*

Any vehicle parked on College property must be registered with the Midland College Police department and display a valid parking permit on the vehicle. A vehicle registration permit may be obtained at the Midland College Police department located in the Scharbauer Student Center. Employees must provide a license plate number for the vehicle being registered along with a valid driver license number.

Employees are required to park in the areas designated by the College issued parking permit. Restricted parking areas are clearly marked and employees are prohibited from parking in areas reserved for visitors, no parking areas, marked fire lanes, areas reserved for the disabled, or any area not specifically designed for vehicle parking.

All questions regarding parking should be directed to the Midland College Police department.

## **Purchasing Procedures**

### *Policy CF*

All requests for purchases must be submitted to the Purchasing department on an official College purchase order (PO) with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the College can be made without a PO. The College will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the College's business office. Contact the Purchasing department at 432-685-6448 for additional information on purchasing procedures.

## **Name and Address Changes**

It is important that employment records be kept up to date. Employees must notify the Human Resources/Payroll department if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. Changes to employee's emergency, personal or office contact information may be completed online <https://midland.edu/audiences/faculty-staff/hr/directory-update-form.php>. Beneficiary information should be changed with the appropriate agency. Contact the Human Resources/Payroll department for additional information.

## **Personnel Records**

### *Policies DBA, GCA*

Most college records, including personnel records, are public information and must be released upon request. Employees may choose to have the following personal information withheld:

- Home Address
- Phone number, including personal cell phone number

- Emergency contact information
- Information that reveals whether they have family members

The choice to not allow public access to this information or change to an existing choice, may be made at any time by submitting a written request to the Human Resources/Payroll department or by completing the request online <https://midland.edu/audiences/faculty-staff/hr/directory-update-form.php>. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information may be released to the public until a request to withhold the information is submitted or another exception for release of information under law applies. An employee is responsible for notifying the College if he or she is subject to any exception for disclosure of personal or confidential information.

In most cases, an employee's personal email is confidential and may not be released without the employee's permission.

**Employment Verifications.** Any request for information about a current, retired or former employee must be transferred to the Human Resources/Payroll department. The Human Resources/Payroll department will disclose to prospective employers dates of employment, title and eligibility for rehire. Salary history will be disclosed only with employee's permission.

**Disclosure of Personnel Records.** The personnel file will include, but is not limited to the following: application for employment, transcripts, training records, employment contracts, personnel status forms, performance evaluations and policy acknowledgements.

Employees have access to information in their Personnel file, or may authorize in writing release of information to a third party. However, other access is restricted to the following and only on a business need to know basis:

1. Human Resources/Payroll department employee
2. Direct Supervisor of an employee
3. College Administrator

No information will be removed from a Personnel file. The employee may submit a statement containing his or her position as to the statements in the record. This statement will be made part of the permanent file.

## **Facilities Use**

*Policies DGC, GD, GDA*

Employees may use College facilities and common outdoor areas for non-work activities, work-related activities, and to invite speakers to campus in accordance with College district policies and established regulations. The Secretary to the Vice President of Administrative Services is responsible for scheduling the use of facilities. College district facilities and areas not considered common outdoor areas must be scheduled in advance of use.



Contact the Secretary to the Vice President of Administrative Services to submit a request and to obtain information on the fees charged. The room reservation request form may be found on the College website <https://www.midland.edu/audiences/media/documents/employee-forms/room-reservation-request.pdf>.

The College's policy regarding employee use of college facilities is available at:

DGC (LOCAL): <https://pol.tasb.org/Policy/Code/885?filter=DGC>

## **Campus Programs for Minors**

### *Policy DC*

A summer camp for minors lasting all or part of at least four days for at least 20 campers require that all staff and volunteers participating the camp:

- Successfully complete a training program on sexual abuse and child molestation every two years. Initial training must occur during the individual's first five days of employment.
- Volunteers must go through an approval process prior to being allowed to participate in a camp.
- This requirement does not apply to an individual who is a student enrolled at the College whose contact is limited to a class of a short duration.

The College uses online training through Train Right to satisfy the training program requirement. Contact the Human Resources/Payroll department with the names and email addresses of the staff and volunteers. A link to the online training will be provided to the employee/volunteer. Training costs will be billed to the department holding the camp. Once the training has been completed, the certificate of completion should be forwarded to the Human Resources/Payroll department.

The employee in charge of the camp will need to submit the completed Department of State Health Services Campus Program for Minors Information form to the Director of Human Resources/Payroll prior to the start date of the camp. One form per camp will be required. The Director of Human Resources/Payroll will submit the form to the State. The training course name is "Child Abuse Awareness & Prevention Program", and the course approval number is YC3-0103.

If all requirements are not met as stated above, the camp will be canceled.

The Department of State Health Services Campus Program for Minors Information form is available at <http://dshs.state.tx.us/cpm/forms.shtm>.

# Termination of Employment

## Resignations

### *Policy DMD*

All resignations by full-time employees shall be submitted in writing to the College President. All resignations by part-time employees shall be submitted in writing to the Director of Human Resources/Payroll. The employee shall include in the letter a statement of reasons for resigning.

**Contract Employees.** Contract employees may resign their position at the end of the contract term without penalty if reasonable notice is given. A contract employee must obtain the Board's permission to resign in the middle of a contract term. Once submitted, the resignation may not be withdrawn without the consent of the President for end of contract term resignations or consent of the Board for middle of contract term resignations.

**Non-Contract Employees.** Full-time noncontract employees may resign their position at any time by submitting a written notice of resignation to the College President. Employees should include the reasons for leaving in the letter of resignation. A minimum of a two-week notice is expected for at-will employees.

## Dismissal or Nonrenewal of Contract Employees

### *Policies DM series*

Employees on a term contract can be dismissed during the academic year for good cause or nonrenewed at the end of the contract term for any reason according to the procedures outlined in College policies. A contract employee that is dismissed or nonrenewed has the right to grieve the termination following the College process outlined in this handbook when pursuing the grievance. (See [Complaints and Grievances](#))

Alternatively, a faculty member may first present a grievance under Texas Education Code §51.960 to the College President. It is recommended that the faculty member file a request to present the grievance within ten business days after final action on the dismissal proceeding.

## Dismissal of Noncontract Employees

### *Policy DM*

Noncontract employees are employed at will and may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the College. It is unlawful for the College to dismiss any employee for reasons of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the College process outlined in this handbook when pursuing the grievance. See [Complaints and Grievances](#).

## **Exit Interviews and Procedures**

### *Policy DM*

Exit interviews will be scheduled for all full-time employees leaving the College. Information on the continuation of benefits, final paycheck, etc. will be provided at this time. Separating employees are asked to provide the College with a forwarding address and phone number and complete a questionnaire that provides the College with feedback on his or her employment experience. All College issued keys, key cards, employee ID card, and credit cards should be turned in to the Director of Human Resources/Payroll during the exit interview. Other equipment, desk keys, books, or property must be turned in to the employee's supervisor upon separation from employment.

## **Reports Concerning Court-Ordered Withholding**

The College is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance to the court and the individual receiving the support. Notice of the following must be sent to the support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address
- Name and address of the employee's new employer, if known

# Student Issues

## Equal Educational Opportunities

*Policies FA, FFDA, FFDB*

In an effort to promote nondiscrimination and as required by law, Midland College does not discriminate on the basis of race, color, religion, national origin, sex, gender, age, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Americans with Disabilities Act; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination against students based on sex, including sexual harassment, should be directed to Tana Baker, Title IX Coordinator/504 Coordinator/Compliance Officer, 3600 N. Garfield Street, Scharbauer Student Center, Room 131, Midland, TX 79705, (432) 685-4781, [tbaker@midland.edu](mailto:tbaker@midland.edu), the Title IX Coordinator.

Questions or concerns about discrimination on the basis of a disability should be directed to Tana Baker, Title IX Coordinator/504 Coordinator/Compliance Officer, 3600 N. Garfield Street, Scharbauer Student Center, Room 131, Midland, TX 79705, (432) 685-4781, [tbaker@midland.edu](mailto:tbaker@midland.edu), the ADA/Section 504 coordinator.

All other questions or concerns relating to discrimination based on any other reasons should be directed to the College President or Vice President of Student Services.

## Student Records

*Policy FJ*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. Access to student records is restricted to individuals authorized by law, including the student, parents when the student is a dependent for tax purposes, and college officials with legitimate educational interests.

The Catalog and Student Handbook provides students with detailed information on student records. Students who want to review student records should be directed to the Registrar for assistance.

## Student Complaints

*Policy FLD*

In an effort to hear and resolve student complaints in a timely manner and at the lowest administrative level possible, the Board has adopted orderly processes for handling complaints on different issues. The Midland College Catalog and Student Handbook provides students with information on filing a complaint.

Students are encouraged to discuss problems or complaints with the faculty member or the appropriate administrator at any time. Informal resolution is strongly encouraged. Students with complaints that cannot be resolved to their satisfaction should file a formal, Level 1 written complaint with the appropriate dean. The formal complaint process provides potential resolution through the various levels of administration; allowing students the opportunity to be heard up to the highest levels of management (i.e., the President and Board).

## **Student Welfare**

### *Policy FFC*

Each institution of higher education, including each college district, shall cooperate with the Texas Veterans Commission to provide information, as permitted by law, related to student veterans at the institution, provide access to veteran resource centers or other student meeting areas, and otherwise support the work of veterans' education counselors. Please refer Veteran, Active Duty Military, and their family members to the Military Resource Center to determine service and tuition assistance eligibility.

## **Student Conduct and Discipline**

### *Policies FL series, FM series*

Students are expected to follow the college's rules and regulations concerning student conduct outlined in the Catalog and Student Handbook and College policies. Faculty and staff are required to submit an alleged violation or violations of college policies and procedures, including rules for student conduct to the Vice President of Student Services within a reasonable timeframe (i.e., within 10 days). The allegations must be submitted in writing through traditional or electronic means and describe the violation and surrounding facts. The Vice President of Student Services or designee shall review and investigate the allegation in accordance with the College process outlined in the Catalog and Student Handbook.

# Appendices

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## Appendix A - Volunteer Agreement Form

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### **MIDLAND COLLEGE VOLUNTEER Acknowledgement, Waiver, and General Release**

In consideration for the opportunity to volunteer at Midland College (the "College"), the undersigned (herein called "Volunteer") agrees to the following:

1. Volunteer states that Volunteer is volunteering solely for personal, civil, charitable, and/or humanitarian purposes without any promise or expectation of compensation or employment with the College. Volunteer further understands that Volunteer's service with the College can be terminated by either Volunteer or College at any time without cause and without notice.
2. Volunteer's service at the College is expected to begin \_\_\_\_\_ and end on \_\_\_\_\_, and will be coordinated by the following representative(s) of the College: \_\_\_\_\_ (the "Coordinator").
3. Volunteer agrees to abide by the policies and procedures of the College which can be found on the College's website at [www.midland.edu](http://www.midland.edu) while performing volunteer services. Volunteer understands that Volunteer may be subject to criminal background checks and other prescreening checks, if applicable.
4. Volunteer hereby and forever releases, waives, discharges, covenants not to sue, and agrees to hold harmless for any and all purposes Midland College, the Board of Trustees of Midland College and each of its members, officers, agents, administrators, representatives, employees, staff, and other volunteers (collectively, "Releasees" or "Indemnites") from any and all claims, actions, suits, demands, agreements, liabilities, injuries (including death), damage to or loss of property of Volunteer, judgments, and proceedings both at law and in equity, including without limitation any claims based upon sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability, arising from the beginning of time and related to or arising from Volunteer's services on behalf of Midland College.
5. Volunteer understands and accepts that there may be inherent risks associated with the voluntary services provided by Volunteer, and Volunteer agrees, accepts, and assumes any risks associated with Volunteer's activities at the College. Volunteer further agrees to indemnify and hold harmless Indemnites from any and all liabilities, claims, demands, injuries (including death), or other damages, including court costs and attorneys' fees and expenses, which may arise as a result of Volunteer's activities at the College, including injuries sustained as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of Indemnites.

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Upon completion, please submit this form to the Human Resources/Payroll office for processing.

05/19

6. Volunteer further acknowledges that any claim Volunteer may have which is released herein would also be subject to the Indemnitees' sovereign immunity.
7. Volunteer agrees that this release shall be binding upon and inure to the benefit of the College, its successors, assignees and personal representatives.

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Volunteer's Signature Date

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Volunteer's Printed Name

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Parent or Legal Guardian Signature Date  
(for minors under the age of 18)

**In the presence of:**

---

Coordinator (Director) Date

---

Dean (if applicable) Date

---

Administrative Council Member Date

**Return to Human Resources for Approval**  
Approval:

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Director of HR/Payroll Date

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Upon completion, please submit this form to the Human Resources/Payroll office for processing.

05/19



## Appendix B - Reasonable Suspicion Searches Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE: DHB Employee Standards of Conduct – Searches and Alcohol/ Drug Testing**

**SUBJECT: Reasonable Suspicion Searches**

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The College may require alcohol and/or drug testing for the reasons included, but not limited to those in Midland College Policy DHB (Local).

**Reasonable Suspicion:**

College employees will be required to report any suspicious behavior or signs of drug/alcohol use by any employee or volunteer to the Director of Human Resources/Payroll for review and coordination. The individual(s) who made the observations should submit a signed written summary to the Director of Human Resources/Payroll and should include the specific facts, observations and circumstances observed about the employee's behavior. Such observations must take place just preceding, or during the workday. The Director of Human Resources/Payroll, or designee, will review the individual circumstances and recommend appropriate action.

If alcohol and/or drug testing is required, the College will arrange for transportation to the drug testing facility and to the employee's home. Under no condition should the employee be allowed to drive when intoxication or drug use is suspected.

If an employee is tested for alcohol and/or drugs, and the results indicate a violation of College Policy, the employee may be subject to disciplinary action, up to and including termination.

## Appendix C – Travel-Determining Compensable Time for Nonexempt Employees Regulation

### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

**POLICY REFERENCE:** DEA Compensation and Benefits - Salaries and Wages

**SUBJECT:** Travel – Determining Compensable Time for Nonexempt Employees

The purpose of this regulation is to outline pay rules that apply to non-exempt employees while traveling on College business. Employees in positions classified as nonexempt (overtime eligible) under the Fair Labor Standards Act may be eligible for compensation for the time they spend traveling. The compensation as an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours.

“Normal work hours,” for the purposes of this regulation are defined as an employee’s regularly scheduled work hours (e.g. 8:00 am to 5:00 pm during the regular schedule and 7:30 am to 5:30 pm during the summer schedule). This definition applies to normal workdays (Monday through Friday) and to weekends (Saturday and Sunday). Employees with variable work hours will have their normal work hours defined by Human Resources/Payroll department prior to travel, based on a review of time records over the previous month.

#### **Calculating and Reporting Travel Time**

“Travel time” is defined according to the type of travel involved in the travel categories listed below. Employees are responsible for accurately tracking, calculating and reporting travel time on their time sheets in accordance with this policy.

Meal periods should be deducted from all travel time.

Travel Category	Compensable Time	Non-compensable Time
<b>Commuting</b>	<ul style="list-style-type: none"> <li>• Performing authorized work-related errands while commuting from home to work or from work to home.</li> <li>• Transporting or delivering materials or equipment to a job site prior to the start of the work day and/or returning materials or equipment after the end of the work day</li> <li>• Transporting other employees to work sites, to the office, or to their homes either before or after the workday at management request</li> </ul>	Ordinary travel from home to work (commuting time)

Travel Category	Compensable Time	Non-compensable Time
<b>Travel During the Work Day</b>	Time spent in travel as part of the member's principal job activity (i.e., travel between job sites).	
<b>One-Day Assignment in Another Town or City</b>	<ul style="list-style-type: none"> <li>• Time spent traveling to and returning from a one-day required assignment in another city or town regardless of whether employee is the driver or the passenger, regardless of whether the travel cuts across the normal work schedule.</li> <li>• Time spent at required conference, meeting, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Normal commuting time will be subtracted.</li> <li>• Time not worked even if it cuts across the employee's regular work schedule (e.g., employee goes sightseeing instead of attending a conference session, the conference sessions are only from 9a.m. to 3 p.m., etc.).</li> <li>• Meal periods and social activities where attendance is not required and work is not performed</li> </ul>
<b>Travel Away From Home Community (Overnight Travel)</b>	<ul style="list-style-type: none"> <li>• Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that cuts across a member's normal work schedule, including non-work days.</li> <li>• If an employee travels between two or more time zones, the time zone associated with the point of departure determines whether the travel falls within normal work hours.</li> <li>• Riding as a passenger when the member is required to perform work (for example, to serve as an assistant or helper, respond to email, take business-related phone calls, etc.).</li> <li>• Driving a vehicle, regardless of whether the travel takes place within or outside normal work hours.</li> <li>• Time spent attending authorized conferences, meetings, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that falls outside of normal work hours.</li> <li>• Riding as a passenger outside of normal work hours where work is not required.</li> <li>• Travel between hotel and meeting site.</li> <li>• If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available and paying for travel by car would exceed the cost of the authorized mode, only the estimated travel time associated with the authorized mode will be counted as hours worked.</li> <li>• If the College authorizes hotel accommodations for overnight travel but the employee prefers to drive home each evening.</li> </ul>

Travel Category	Compensable Time	Non-compensable Time
	<ul style="list-style-type: none"> <li>• Required attendance at meals or meal breaks where work is performed.</li> <li>• Required attendance at social functions.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular meal periods where work is not performed and attendance is not required.</li> <li>• Voluntary attendance at social functions.</li> <li>• Time spent outside of the conference or meeting (i.e., employee goes sightseeing instead of attending conference sessions).</li> <li>• Time spent sleeping unless the employee has the primary responsibility for the safety and welfare of students.</li> </ul>

### Example 1 – Same Day Travel

A nonexempt employee goes out of town to attend a one-day seminar. The normal work hours are 8:00 a.m. to 5:00 p.m. The employee normally commutes from home to the office which takes 30 minutes. The employee leaves his/her home at 7:00 am and the seminar begins at 9:00 am. The employee has a one- hour lunch break in which he or she is completely relieved of work duties. The seminar continues from 1:00 pm and ends at 5:00 pm, then the employee returns home at 7:00 pm. The employee should report a total of **10 hours worked** on the day the travel occurred (11 hours of compensable time, but deduct the normal commute time of one hour because it is same-day travel).

Compensable Time	Non-Compensable Time
All hours of travel and all hours worked: <ul style="list-style-type: none"> <li>• 7:30 am to 9 am (1.5 hrs. travel time)</li> <li>• 9 am to 12 pm and 1 pm to 5 pm (7 hrs. worked)</li> <li>• 5 pm to 6:30 pm (1.5 hrs. travel time)</li> </ul>	<ul style="list-style-type: none"> <li>• The 30 minutes for the normal commute (each way)</li> <li>• The 1 hour lunch in which the employee was relieved of all work duties.</li> </ul>

### Example 2 – Overnight Travel (by airplane)

*A non-exempt employee travels out of town for a 3-day conference, departing on Sunday. Employee’s normal work schedule is from 8:00 am to 5:00 pm Monday through Friday.*

- On Sunday, employee leaves home at 1 pm and drives to the airport for a flight that departs at 4 pm.
- The duration of the flight is 3 hours and the employee arrives at their destination airport at 7 pm.
- Employee takes a shuttle from the airport to the hotel.

- The employee works/conferences from 8:00 am to 5:00 pm on Monday, Tuesday and Wednesday with a one-hour meal period on each day during which no work is performed.
- After the conference, employee takes a cab and arrives at the airport at 7 pm for a flight that departs at 8 pm.
- The duration of the flight is 3 hours and the employee arrives Wednesday night at 11 pm.
- It takes the employee one hour to drive home.

Day	Compensable Time	Non-Compensable Time
Saturday	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Sunday	<ul style="list-style-type: none"> <li>• Drive time to airport, wait time at airport and one hour of the flight (because this is all travel time that occurs during normal working hours, even though it is a non-workday)</li> <li>• Total hours worked = 4 (1 pm to 5 pm)</li> </ul>	<ul style="list-style-type: none"> <li>• Portion of the flight after 5 pm (because employee is a passenger and it is outside of normal working hours)</li> <li>• Shuttle from airport to hotel (because employee is a passenger and it is outside of normal working hours)</li> </ul>
Monday	<ul style="list-style-type: none"> <li>• 8 am to 12 pm and 1 pm to 5 pm</li> <li>• Total hours worked = 8</li> </ul>	<ul style="list-style-type: none"> <li>• 12 pm to 1 pm (lunch)</li> </ul>
Tuesday	<ul style="list-style-type: none"> <li>• 8 am to 12 pm and 1 pm to 5 pm</li> <li>• Total hours worked = 8</li> </ul>	<ul style="list-style-type: none"> <li>• 12 pm to 1 pm (lunch)</li> </ul>
Wednesday	<ul style="list-style-type: none"> <li>• 8 am to 12 pm and 1 pm to 5 pm</li> <li>• Drive time home (1 hour)</li> <li>• Total hours worked = 9</li> </ul>	<ul style="list-style-type: none"> <li>• 12 pm to 1 pm (lunch)</li> <li>• Travel to airport and return flight (because the hours are outside of normal work hours and employee is traveling as a passenger)</li> </ul>
Thursday	<ul style="list-style-type: none"> <li>• Total Hours Sun through Wed = 29</li> <li>• <i>Upon return to work employee should meet with supervisor to discuss hours already worked and schedule adjustments to not exceed 40 hours in the week</i></li> </ul>	

## Appendix D – Outside Employment Form

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### NOTIFICATION OF OUTSIDE EMPLOYMENT FORM

Name		Employee ID #	
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Nature of employment: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In accordance with DBF (Local) Policy, employees shall disclose in writing any outside employment. The outside employment must not in any way create a potential conflict of interest with the proper discharge of assigned duties or with the best interest of the College. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited due to a conflict of interest.

This form shall be submitted to the employee’s supervisor prior to engagement in outside employment and annually each September thereafter. Form should be submitted up the chain of command to the appropriate Administrative Council Member. Executed form should be submitted to the Human Resources/Payroll Department for inclusion in employee’s personnel file.

Employee Signature	Title	Date
Supervisor Signature	Title	Date
Next Level Supervisor (if applicable)	Title	Date
Administrative Council Member Signature	Title	Date

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*Upon completion, please submit this form to the Human Resources/Payroll Department or email to [mchr@midland.edu](mailto:mchr@midland.edu).*

11/2020

## Appendix E – Performance Evaluation Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE:** DLA Employee Performance - Evaluation

**SUBJECT:** Performance Evaluations

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The performance evaluation is intended to stimulate work effectiveness, because it formally recognizes efficient performance as well as unsatisfactory performance. Effective management requires meaningful communication between the supervisor and the employee.

The key objectives of the evaluation process are as follows:

- (1) Performance standards are clarified in conjunction with the current position descriptions to ensure that employees understand all that is expected of them in their job.
- (2) Employees understand the supervisor's assessment of their effectiveness in carrying out the assigned duties and responsibilities.
- (3) Employees know where improvement is either possible or required, and agreement has been reached on how that improvement can be achieved.

Performance evaluations will be conducted for all full-time employees, with the exception of faculty and classified staff, no sooner than November and no later than January. Faculty evaluations will be done in February as stated in *Faculty Evaluation and Re-Employment Recommendation*. Performance evaluations will be conducted in the month of April each year for classified employees with a Performance Evaluation Report Form. Performance evaluations for part-time employees will be conducted as needed, as determined by the employee's supervisor and/or immediate department head. Evaluations may be given on a more frequent schedule when supervisors believe it to be useful. The performance evaluation shall be carried out by the employee's supervisor and/or immediate department head. Supervisor's signature should be affixed prior to a review of the evaluation with the employee.

In conjunction with this evaluation, the position description should be reviewed with the employee. Where the description is not current, a modification will need to be submitted to the Human Resources/Payroll department for approval. Once approved, a copy should be given to the employee and the position description should be reviewed with the employee. A copy of the position description containing the employee's initials and date should be submitted to the Human Resources/Payroll department to become part of the employee's personnel file. Professional development activities undertaken by the employee during the previous year, as well as opportunities for such in the upcoming year, should be discussed and documented at this time.

If the employee disagrees with any part of the rating, the employee may respond on a separate sheet and attach it to the performance evaluation form. The area of disagreement should be described specifically.

A copy of the performance evaluation form is to be sent to the Human Resources/Payroll department to become part of the employee's personnel file.

# Appendix F –Request for Approval-PT Employee Working over 19hpw (PTOB Form)



## Guidelines and Request for Approval of Part-Time Employee Working Over 19 Hours Per Week (PTOB Form)

Part-time employees may be eligible for health insurance and TRS, based on the following criteria:  
 A part-time employee who works at least 20 but not more than 39 clock hours per week, or the equivalent, and are expected to work for a period of at least 4 ½ months or work for more than one full semester, have the option to elect insurance benefits and will be eligible for TRS unless eligible for ORP or is a TRS retiree.

20-29 HOURS PER WEEK	Health insurance paid at part-time rates	30-39 HOURS PER WEEK	Health insurance paid at full-time rates
	Employer pays 50% of employee's premium and 25% of dependent premiums		Employer pays 100% of employee's premium and 50% of dependent premiums

This request must include justification for the need to support the additional cost of the health insurance. It should be approved by all supervisors up to the appropriate Administrative Council Member. HR will offer benefits to the employee upon receipt of approved PTOB Form. Please fill out the following information completely and submit completed form to the HR/Payroll office.

**REQUEST INFORMATION**

Name of Employee: \_\_\_\_\_ Title: \_\_\_\_\_

Justification: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Expected clock hours per week: \_\_\_\_\_

Do you expect employee to continue working 20 or more clock hours per week for a period of 4 ½ months and work for more than one full semester?  Yes  No

Requested length of approval through date: \_\_\_\_\_

**FOR ADJUNCT FACULTY, PLEASE FILL OUT REQUESTED INFORMATION BELOW**

**For adjunct faculty, a PTOB Form must be submitted each semester.**

Calculation of clock hours for face to face credit courses:

- Instructional time must be converted to clock hours and counted as a minimum of two clock hours for each clock hour of lecture or lab.

Calculation of clock hours for online credit courses:

- Instructional time must be counted as a minimum of two clock hours for each semester credit hour.

Example: Face to face course (3-2) = 10 Clock hours per week  
 Online course (3-2) = 4 semester hours = 8 Clock hours per week

Course & Section	Lab/Lecture Makeup (ex: 3-2)	SCH for Online Course	Course Dates

**RECOMMENDED:**

Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Approved: \_\_\_\_\_

Dean \_\_\_\_\_ Date \_\_\_\_\_

Administrative Council Member \_\_\_\_\_ Date \_\_\_\_\_

Upon completion, please submit this form to the Human Resources/Payroll office for processing.

05/2019



## Appendix G – CHAP-Fit Wellness Release Time Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE: DEB Compensation and Benefits – Fringe Benefits**

**SUBJECT: CHAP Fit – Wellness Release Time**

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To encourage participation in health and wellness activities, full-time employees will be allowed 30 minutes of release time during normal working hours up to 2 times per week to participate in physical exercise, participate in fitness activities offered in the Midland College Fitness Center or attend on-site wellness seminars when offered. Activities are offered at all College operated locations.

Wellness release time is not considered work time for purposes of Workers' Compensation benefits. Injuries that may result during participation will not be treated as work-related injuries. It is advised that the employee consult with a physician before undertaking any physical activity program. For employees that have a medical condition that may limit participation, a reasonable alternative will be available upon request.

Wellness release time is paid time which does not have to be made up. No participant may be released from work more than 2 times per week for a total of 1 hour per week (two 30 minute segments). Release time may not be accrued, carried over, or banked and may not be combined with break times. Non-exempt employees should not include wellness release time on their time sheet as hours worked.

Employees are to be mindful of busy times in their areas. Wellness Release Time should not interfere with the workflow and operation of the employee's department. During busy times, the supervisor may elect to decline to allow the employee to participate, change the date/time requested, or decrease the number of hours approved due to operational considerations.

To participate, employees should submit the CHAP Fit Wellness Release Time Approval Form (Approval Form) to their supervisor for approval. Employee should specify requested day(s) and time(s) of the wellness activities. Any deviations from the approved schedule must be pre-approved by employee's supervisor. Completed Approval Form should be submitted to the Human Resources/Payroll department for inclusion in employee's personnel file as a record for times for which workers' compensation benefits do not apply.

All employee participants will be required to sign in at the Fitness Center desk. Supervisors shall monitor employee's CHAP Fit participation to ensure compliance with Administrative Regulations. The Fitness Center Attendant will send supervisors a copy of the sign-in sheet on the 1<sup>st</sup> and 15<sup>th</sup> of each month to verify employee's participation.

Employees may choose Monday and Wednesday or Tuesday and Thursday. Participation times will be set from:

**Morning**

- Regular Hours: 7:00 am – 8:00 am with employees arriving at their work area at 8:30 am;
- Summer Hours: 6:30 am – 7:30 am with employees arriving at their work area at 8:00 am;

**Lunch**

- 11:30 am-12:30 pm with employees arriving at their work area at 1:00 pm;
- 12:00 pm – 1:00 pm with employees arriving at their work area at 1:30 pm;

- 12:30 pm-1:30 pm with employees arriving at their work area at 2:00 pm;
- 1:00 pm-2:00 pm with employees arriving at their work area at 2:30 pm;

**Afternoon**

- Regular Hours: 4:30 pm – 5:30 pm with employees leaving their work area at 4:30 pm;
- Summer Hours: 5:00 pm – 6:00 pm with employees leaving their work area at 5:00 pm.

Activities will be scheduled to last approximately 45 minutes. Activities will be held in and around the Fitness Center and in the multipurpose room of the PE Building. These activities are for Midland College full-time employees only. No guests unless specially noted.

A variety of classes will be offered. These activities will include aerobics, strength and flexibility activities. Additionally, employees may request activities to be offered.

Personal fitness assessments and instruction on equipment and proper exercise techniques will be offered at scheduled times. Records on personal fitness improvement may be kept so that employees can track their progress.

## Appendix H – CHAP Fit Wellness Release Time Approval Form

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### Complete Health Awareness Program **C.H.A.P. Fit**

#### *Wellness Release Time Approval Form*

To encourage participation in health and wellness activities, full-time employees will be allowed 30 minutes of release time during normal working hours up to 2 times per week to participate in physical exercise, participate in fitness activities offered in the Midland College Fitness Center or attend on-site wellness seminars when offered. Activities are offered at all College operated locations.

Wellness release time is not considered work time for purposes of Workers' Compensation benefits. Injuries that may result during participation will not be treated as work-related injuries. It is advised that the employee consult with a physician before undertaking any physical activity program. For employees that have a medical condition that may limit participation, a reasonable alternative will be available upon request.

Wellness release time is paid time which does not have to be made up. No participant may be released from work more than 2 times per week for a total of 1 hour per week (two 30 minute segments). Release time may not be accrued, carried over, or banked and may not be combined with break times.

Employees are to be mindful of busy times in their areas. Wellness Release Time should not interfere with the workflow and operation of the employee's department. During busy times, the supervisor may elect to decline to allow the employee to participate, change the date/time requested, or decrease the number of hours approved due to operational considerations.

All employee participants will be required to sign in at the Fitness Center desk. Supervisors shall monitor employee's CHAP Fit participation to ensure compliance with Administrative Regulations. The Fitness Center Attendant will send supervisors a copy of the sign-in sheet on the 1<sup>st</sup> and 15<sup>th</sup> of each month to verify employee's participation.

Employees may choose Monday and Wednesday or Tuesday and Thursday. Participation times will be set from:

#### Morning

- o Regular Hours: 7:00 am – 8:00 am with employees arriving at their work area at 8:30 am;
- o Summer Hours: 6:30 am – 7:30 am with employees arriving at their work area at 8:00 am;

#### Lunch

- o 11:30 am-12:30 pm with employees arriving at their work area at 1:00 pm;
- o 12:00 pm – 1:00 pm with employees arriving at their work area at 1:30 pm;
- o 12:30 pm-1:30 pm with employees arriving at their work area at 2:00 pm;
- o 1:00 pm-2:00 pm with employees arriving at their work area at 2:30 pm;

#### Afternoon

- o Regular Hours: 4:30 pm – 5:30 pm with employees leaving their work area at 4:30 pm;
- o Summer Hours: 5:00 pm – 6:00 pm with employees leaving their work area at 5:00 pm.

#### EMPLOYEE INFORMATION:

I have read the above and agree to abide by the DEB Administrative Regulation – CHAP Fit – Wellness Release Time.

Requested days and times: \_\_\_\_\_

Approved / Denied Reason for Denial: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Completed form should be forwarded to the Human Resources/Payroll Department.

*DEB Administrative Regulation – CHAP Fit – Wellness Release Time*

05/2019

## Appendix I – Leaves & Absences Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE:** DEC Compensation and Benefits

**SUBJECT:** Leaves and Absences

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Leave records shall be maintained by the Human Resources/Payroll department.

#### **UNAPPROVED ABSENCES**

Unauthorized absence by an employee for more than three consecutive days may be considered as voluntary termination of employment.

#### **USE OF PAID LEAVE OR COMPENSATORY TIME**

Employees and supervisor are responsible for scheduling and approving time off as to not interfere with the operation of the department and so that each staff member receives their annual benefit of vacation each year, if they so desire. Vacations and other requests for time off must be scheduled around the work requirements of the department. Reasonable efforts should be made to accommodate the staff member's request.

Paid leave may only be used for absences on scheduled work days, totaling a maximum of 40 hours per week. Consequently, paid leave may not be used for absences on non-scheduled work days. Full-time faculty members are considered as part-time employees outside of the period of appointment thus ineligible to accrue paid sick leave or use paid sick leave outside of the period of appointment.

Supervisors and employees are responsible for ensuring that all absences are accurately reported.

#### **ACCRUAL OF PAID LEAVE**

Leave accrual is based on the employee's full-time hire date or adjusted full-time date of employment when considering prior years of full-time service for rehired employees. No service with another agency will be considered for the accrual. No leave will be accepted from another agency.

Accruals are posted effective the end of the day on the 15<sup>th</sup> of each month. An employee shall not earn any form of paid leave when he or she is in unpaid status.

#### **RECORDING OF LEAVE**

Leave shall be recorded as follows:

- For full-time exempt employees, leave shall be recorded in full-day increments.
- For full-time nonexempt employees, leave shall be recorded in quarter-hour increments.
- If the employee is taking intermittent FMLA leave, leave shall be recorded in quarter-hour increments for both exempt and non-exempt employees.

All employees who are away from their work area because of illness shall submit a weekly leave request form for approval by the immediate supervisor in advance for expected leave and as soon as practicable for unexpected leave. Weekly leave sheets with attached medical certification (if required) [See DEC (LOCAL)] shall be turned in to the Human Resources/Payroll department on the Monday following the leave taken.

Full-time employees, including faculty members, who do not report to work shall use one entire day of leave, even though they may miss only one class or one office hour during the day's absence.

An exempt employee who misses a portion of the day but works a portion of the day shall not have to use leave hours (except FMLA).

### **ABSENCE NOTIFICATION: ABSENCES EXCEEDING THREE DAYS**

If an employee is absent or upon learning that an employee may be absent for more than three consecutive work-days because of a personal illness or illness in the employee's immediate family, the supervisor shall notify the Director of Human Resources/Payroll and Benefits Coordinator immediately, but not later than the fourth day of absence.

### **MENTAL HEALTH LEAVE FOR PEACE OFFICERS**

#### *Definitions*

- Traumatic Event – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.
- Traumatic events may include, but are not limited to, the following:
  - Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
  - Incidents involving multiple casualties which may include shootings or traffic accidents;
  - Line of duty death or suicide of a department member;
  - Death of a child resulting from violence or neglect;
  - Officer(s) involved shooting of a person.
- Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.
- Mental health professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

#### *Requesting Mental Health Leave*

An officer directly involved in a traumatic event may request the use of mental health leave. The request should be made in writing to the employee's supervisor on the weekly leave request form. The request shall be treated as a priority matter and a decision on granting the leave shall be made no later than 24 hours following the submission of the request.

### *Confidentiality of Request for Mental Health Leave*

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to himself or herself or others and department personnel must confer with mental health professionals.

## **QUARANTINE LEAVE FOR PEACE OFFICERS AND EMERGENCY MEDICAL TECHNICIANS**

### *Definitions*

- On duty – engaged in one's regular work at the College District
- Emergency Medical Technician – means an individual who is employed by the College and certified as an emergency medical technician under Chapter 773, Health and Safety
- Peace Officer – means police officers licensed by the Texas Commission on Law Enforcement and employed by the College

### *Requesting Quarantine Leave*

A Peace Officer or EMT requesting quarantine leave in accordance with DEC (LOCAL) policy should request the leave in writing on the weekly leave request form in accordance with Administrative Regulations.

## **PAYMENT OF LEAVE**

### **CHANGE IN POSITION FUNDING**

If a full-time employee moves from a locally-funded or state-funded position to a grant-funded position, or the reverse, accrued vacation leave and compensatory time may not be transferred and shall be paid to the employee in a lump sum payment on the next applicable payroll at the rate of pay of the position transferring from. Accrued sick leave and personal leave will transfer to the new position.

### **TRANSFER FROM 12 MONTH POSITION TO LESS THAN 12 MONTH POSITION**

If a full-time employee transfers from a 12-month position to less than 12, the accrued vacation shall be paid to the employee in a lump sum payment on the next applicable payroll at the rate of pay of the position transferring from.

### **TRANSFER TO ANOTHER DEPARTMENT OR FROM A NON-EXEMPT POSITION TO AN EXEMPT POSITION**

If a full-time employee transfers from one locally or state funded position to another or from a non-exempt position to an exempt position, compensatory time may not be transferred and shall be paid to the employee in a lump sum payment on the next applicable payroll at the rate of pay of the position transferring from.

**FOUNDATION GRANT**

Upon termination of employment, if repayment of tuition and fees is required [See [DEB \(LOCAL\)](#)], the payment of eligible paid leave will be reduced by the amount owed.

# Appendix J – Weekly Leave Request Form

**Print**

## MIDLAND COLLEGE WEEKLY LEAVE REQUEST

**Clear Form**

This form is to be completed by employees for requesting or reporting absences.

**EMPLOYEE INFORMATION**

NAME: \_\_\_\_\_ EMPLOYEE ID: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

**REQUESTED LEAVE**

	DATE	TIME REQUESTED		ACTUAL HOURS WORKED	TOTAL HOURS USED	TYPE OF LEAVE USED
		FROM	TO			
MONDAY						
TUESDAY						
WEDNESDAY						
THURSDAY						
FRIDAY						
SATURDAY						
SUNDAY						

FILL IN THE TOTAL NUMBER OF HOURS REQUESTED BESIDE TYPE OF LEAVE USED:

1.  **Vacation**
2.  **Sick Leave (Employee) \***  
 \* If out more than 3 consecutive days, a doctor's note must be attached.
3.  **Sick Leave (Family) \***  
 Relationship of Family Member: \_\_\_\_\_  
 Spouse, son or daughter, stepchild, legal ward or a child for whom the employee stands *in loco parentis*, parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.  
 \* If out more than 3 consecutive days, a doctor's note must be attached.
4.  **FMLA**  
 Local leave used in following order: sick, vacation, comp, personal. An absence due to a work-related injury or illness shall be designated as FMLA for eligible employees.
5.  **Professional with Pay**  
 Location (City, State): \_\_\_\_\_  
 Conference name (if applicable): \_\_\_\_\_
6.  **Bereavement**  
 Relationship of Family Member: \_\_\_\_\_  
Maximum of 5 days per calendar may be used from sick leave balance (if available) for the death of spouse, son or daughter, stepchild, legal ward, or a child for whom the employee stands in loco parentis, parent, stepparent, parent-in-law, sibling, step-sibling, sibling or step-sibling-in-law, son or daughter-in-law, or other individual who stands in loco parentis to the employee, grandparent, grandparent-in-law or grandchild.
7.  **Personal Leave** (Full-time employees granted 16 hours per calendar year.)
8.  **Compensatory Time**
9.  **Jury Duty**
10.  **Leave without Pay**
11.  **Other** Reason for request: \_\_\_\_\_

**EMPLOYEE SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**APPROVALS**

<b>HUMAN RESOURCES</b>	<b>SUPERVISOR</b>	<b>VICE PRESIDENT</b>	<b>PRESIDENT</b>

Reminder: If an employee is absent more than three consecutive work-days because of a personal illness or illness in the immediate family, please notify the Benefits Coordinator and the Director of HR/Payroll. The College Human Resources/Payroll department is required by law to give FMLA information to employees within five days of acquiring knowledge that an employee's leave may be for an FMLA-qualifying reason (even if an employee doesn't qualify for FMLA).

*Upon completion, please submit this form to the Human Resources/Payroll Department or email to [mchr@midland.edu](mailto:mchr@midland.edu).*

01/2021



## Appendix K – Sick Leave Bank Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE: DEC Compensation and Benefits**

**SUBJECT: Sick Leave Bank**

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#### I. Overview

This program provides for the alleviation of the hardship caused to an eligible employee if a catastrophic illness or injury forces the eligible employee to exhaust all leave time earned by that employee and all compensation benefits from the College have been exhausted. The program includes unanticipated complications from elective surgery.

#### II. Definitions and General Information

- A. A “catastrophic illness or injury” is a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all paid leave. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death.
- B. “Elective surgery” means a non-emergency surgical procedure which promotes the employee’s physical or emotional well-being.
- C. “Licensed practitioner” means a medical or health care practitioner, as defined in the Texas Insurance Code, licensed by the State of Texas, who is practicing within the scope of his/her license.
- D. “Eligible employee” means any non-temporary full-time employee who has completed six (6) months of satisfactory employment before applying for leave from the Bank.
- E. “Sick Leave Bank” or “Bank” means a collection of employee-donated sick leave hours available to an eligible employee after exhausting all other sick leave, vacation leave, personal leave and compensatory time earned by the employee and before short or long term disability benefits are available.
- F. The Director of Human Resources/Payroll will administer the Bank. A five (5) member committee shall review withdrawal requests and make recommendations to the President for final approval. The Committee will consist of representatives appointed by the President from faculty, staff, and the Director of Human Resources/Payroll.
- G. The fiscal year is September 1 through August 31.
- H. When applicable, Midland College’s FMLA policy applies to the use of Sick Leave Bank benefits.

#### III. General Provisions

- A. Only eligible employees may apply to use sick leave from the Sick Leave Bank.
- B. Eligible employees may apply to use Sick Leave Bank leave only for their own catastrophic illness or injury.
- C. Eligible employees must exhaust all accrued paid leave and any applicable compensatory time before they are eligible to use leave from the Sick Leave Bank.

- D. Employees applying for Sick Leave Bank are not required to contribute to the Sick Leave Bank before they can apply for leave from the Sick Leave Bank.
  - E. The benefit amount from all College plans cannot exceed 100% of the employee's normal compensation.
  - F. Employees who use Sick Leave Bank leave are not required to pay back the leave.
  - G. Any unused balance of leave from the Sick Leave Bank awarded to the eligible employee will be returned to the Sick Leave Bank.
  - H. Employees may also reclaim sick leave for non-serious illness if they contributed sick leave to the Bank that fiscal year and then exhausted their sick leave balance in the same fiscal year. Such employees may receive only the number of hours they contributed to the Bank that same fiscal year, if available.
  - I. Employees who contribute leave to the Bank cannot have it returned to them unless they are eligible to use it as defined above.
  - J. An employee may apply only once for each serious illness or injury unless the maximum of 45 working days was not received.
  - K. Employees using Sick Leave Bank leave continue to accrue paid leave such as vacation and regular sick leave in accordance with College policy.
- IV. Contributing to the Sick Leave Bank
- A. Contributions to the Sick Leave Bank are strictly voluntary and confidential.
  - B. Employees may contribute from one (1) to three (3) days of sick leave to the Bank each fiscal year, in full day increments equivalent to eight (8) hours. Contributions may be made at designated times during the Fall and Spring semesters if the Sick Leave Bank balance is below 960 hours.
  - C. To contribute to the Sick Leave Bank, an employee must submit a Sick Leave Bank Donation form to the Human Resources/Payroll department.
  - D. Employees may not designate a specific person to receive their contribution.
- V. Requests to Use Leave from the Sick Leave Bank
- A. To request time from the Sick Leave Bank, an employee must submit a completed Sick Leave Bank Withdrawal Request form along with a completed Certification of a Licensed Practitioner.
    - a. If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.
  - B. The number of hours of leave from the Bank awarded to the employee will be based on the recommendation of the licensed practitioner regarding usual recovery and rehabilitation time for the employee's medical condition along with the applicant's attendance history are used in the determination of the number of hours of leave granted from the Bank. The Director of Human Resources/Payroll and the applicant's immediate supervisor will review the employee's attendance history and this information will be communicated to the Committee.
  - C. Applications to use Sick Leave Bank leave will be processed on a first-come, first-serve basis.
  - D. An eligible employee may not draw time from the Sick Leave Bank in an amount that exceeds a total of 45 working days (or 360 hours).

- E. If it is determined that the employee is eligible to participate in the Sick Leave Bank, the Committee shall determine the exact amount of time that an eligible employee may draw from the Bank, and shall submit the recommendation to the President for final approval. Approval or disapproval of any application shall be made by the Committee and communicated to the employee within a reasonable time period.

Appendix L – Sick Leave Bank Withdrawal Request Form



**SICK LEAVE BANK  
WITHDRAWAL REQUEST FORM**

**FOR COMPLETION BY EMPLOYEE**

**NAME:** \_\_\_\_\_ **EMPLOYEE ID:** \_\_\_\_\_  
LAST FIRST MIDDLE INITIAL

**TITLE:** \_\_\_\_\_ **SUPERVISOR:** \_\_\_\_\_

**REASON FOR REQUEST:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NUMBER OF HOURS REQUESTING FROM SICK LEAVE BANK:** \_\_\_\_\_

**LAST DAY PHYSICALLY AT WORK:** \_\_\_\_\_

**EXPECTED RETURN DATE:** \_\_\_\_\_

I attest that the information provided above is true and accurate to the best of my knowledge. I request and permit my licensed practitioner to release additional or clarifying information to the college, which would assist in the determination of qualification for sick leave bank benefits.

I certify that I am unable to work due to a severe health condition or combination of conditions affecting my mental or physical health that requires the services of a licensed practitioner for a prolonged period of time and I have exhausted all paid leave.

Further, I understand that this application will not be considered until the certification of the licensed practitioner is received.

**SIGNATURE OF EMPLOYEE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**FOR COMPLETION BY HUMAN RESOURCES DEPARTMENT**

Date Received: \_\_\_\_\_

Employment Date (FT): \_\_\_\_\_

Last Day Physically at Work: \_\_\_\_\_

Accrued Leave at Commencement of Absence:

Sick \_\_\_\_\_ Vacation \_\_\_\_\_ Comp \_\_\_\_\_ Personal \_\_\_\_\_

Date Eligible for STD: \_\_\_\_\_

Supervisor Recommendation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hours Awarded: \_\_\_\_\_

Upon completion, please submit this form to the Human Resources/Payroll office for processing.

05/2019

## CERTIFICATION OF LICENSED PRACTICIONER

1. Employee Name: \_\_\_\_\_
2. Diagnosis Code and diagnosis (including complications): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Date condition commenced: \_\_\_\_\_
4. Probable duration of condition: \_\_\_\_\_
5. Check YES or NO to each question below:
  - YES  NO Is inpatient hospitalization required?
  - YES  NO Does the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?
  - YES  NO Is the employee able to perform the functions of the employee's position?
  - YES  NO Is the employee able to perform work of any kind?
6. The definition of a Catastrophic Injury or Illness is:

A severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all paid leave. Such conditions typically require prolonged hospitalization or recovery and are expected to result in disability or death.

In your opinion, do the circumstances of this case meet this definition?

 YES  NO

Name of Attending Physician (Print): \_\_\_\_\_

Degree: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Upon completion, please submit this form to the Human Resources/Payroll office for processing.

03/2019

## Appendix M – Sick Leave Bank Donation Form

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### SICK LEAVE BANK DONATION FORM

Donations may be made at designated times when the Sick Leave Bank balance is below 960 hours.

NAME: \_\_\_\_\_ EMPLOYEE ID: \_\_\_\_\_  
*LAST FIRST MIDDLE INITIAL*

NUMBER OF DAYS I WANT TO TRANSFER: \_\_\_\_\_

An employee may transfer to the Sick Leave Bank per fiscal year no less than one (1) day and no more than three (3) days in eight hour increments.

I understand that this is a voluntary transfer of my sick leave to the Sick Leave Bank. I authorize this deduction of the hours from my sick leave balance as noted above.

I understand that sick leave contributed to the Sick Leave Bank may not be designated for use by a particular employee.

SIGNATURE OF EMPLOYEE: \_\_\_\_\_ DATE: \_\_\_\_\_

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Upon completion, please submit this form to the Human Resources/Payroll office for processing.

03/2019

### Guidelines for Professional Development Transcript

Professional development is an important and essential component of institutional effectiveness at Midland College. All full-time employees are expected to annually upgrade their professional skills. This may be done in a variety of methods, formats, and locations including seminars, workshops, conventions, WFCE and college courses, webcasts, and independent study. Part-time employees are also encouraged to engage in professional development and will be supported by Midland College in this endeavor to the extent possible. The College will annually provide a variety of on-campus opportunities for professional development.

Full-time employees will engage in documentable professional development each year which will become a part of the employees' annual evaluation assessment. A record of professional development should be maintained by employees and provided to their supervisor each year. Professional development experiences should be approved in advance by the supervisor and must be directly related to the employee's duties.

1. Employee will identify or be notified by a supervisor of a professional development activity. A leave form along with information on the activity will be submitted by the employee to the supervisor for approval.
2. If approved, arrangements will be made to attend the activity by the employee. Travel arrangements will be made by personnel responsible for travel arrangements within the department if travel is required.
3. Employee will keep a record of actual hours for the activity and record it on the transcript upon return from the activity. Hours should be labeled as clock hours or credit hours. At this time there is no specific amount of hours of professional development needed per year.
4. Transcript will be updated throughout the year and submitted by the employee to the supervisor as part of the employee's performance evaluation.

05/19





## Appendix O – Employee Complaint Forms

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EMPLOYEE COMPLAINT FORMS (See below)

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**Note:** Informal resolution is encouraged but does not extend any deadlines in DGBA (LOCAL), except by mutual written consent.

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EMPLOYEE COMPLAINT FORM — LEVEL ONE

To file a formal complaint, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the appropriate administrator and send a copy to the Director of Human Resources/Payroll within the time established in DGBA (LOCAL). All complaints will be heard in accordance with DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name \_\_\_\_\_

2. Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

3. If you will be represented in presenting your complaint, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

4. Please describe the decision or circumstances causing your complaint (give specific factual details).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. What was the date of the decision or circumstances causing your complaint?

\_\_\_\_\_

6. Please explain how you have been harmed by this decision or circumstance.

\_\_\_\_\_

\_\_\_\_\_

7. Please describe any efforts you have made to resolve your concerns and the responses to your efforts. Please include dates of communication and whom you communicated with regarding your concerns.

\_\_\_\_\_

8. Please describe the outcome or remedy you seek for this complaint.

\_\_\_\_\_

\_\_\_\_\_

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Signature of complainant: \_\_\_\_\_

Date of filing: \_\_\_\_\_

Signature of complainant's representative: \_\_\_\_\_

*Complainant, please note: A complaint form that is incomplete in any material way may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.*

*Attach to this form any documents you believe will support the complaint; if unavailable when you submit this form, they may be presented no later than the Level One conference. Please keep a copy of the completed form and any supporting documentation for your records.*

LEVEL TWO APPEAL NOTICE

To appeal a Level One decision, or the lack of a timely response after a Level One conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the appropriate Administrative Council member and send a copy to the Director of Human Resources/Payroll within the time established in DGBA (LOCAL). Appeals will be heard in accordance with DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name \_\_\_\_\_

2. Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

3. If you will be represented in presenting your appeal, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

4. Who held the Level One conference? \_\_\_\_\_

Date of conference: \_\_\_\_\_

Date you received a response to the Level One conference:

5. Please explain specifically how you disagree with the outcome at Level One.

\_\_\_\_\_

\_\_\_\_\_

6. Attach a copy of your original Level One complaint and any documentation submitted at Level One.

7. Attach a copy of the Level One response being appealed, if applicable.

Signature of complainant: \_\_\_\_\_

Signature of complainant's representative: \_\_\_\_\_

Date of filing: \_\_\_\_\_

*Complainant, please note: A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.*

*Please keep a copy of the completed form and any supporting documentation for your records.*

LEVEL THREE APPEAL NOTICE

To appeal a Level Two decision, or the lack of a timely response after a Level One conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the College President or designee and send a copy to the Director of Human Resources/Payroll within the time established in DGBA (LOCAL). Appeals will be heard in accordance with DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name \_\_\_\_\_

2. Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

3. If you will be represented in presenting your appeal, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

4. Who held the Level Two conference? \_\_\_\_\_

Date of conference: \_\_\_\_\_

Date you received a response to the Level Two conference: \_\_\_\_\_

5. Please explain specifically how you disagree with the outcome at Level Two.

\_\_\_\_\_

\_\_\_\_\_

6. Attach a copy of your original Level Two complaint and any documentation submitted at Level One.

\_\_\_\_\_

8. Attach a copy of the Level Two response being appealed, if applicable.

\_\_\_\_\_

Signature of complainant: \_\_\_\_\_

Signature of complainant's representative: \_\_\_\_\_

Date of filing: \_\_\_\_\_

*Complainant, please note: A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.*

*Please keep a copy of the completed form and any supporting documentation for your records.*

LEVEL FOUR APPEAL NOTICE

To appeal a Level Two decision, or the lack of a timely response after a Level Three conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the College President or designee and send a copy to the Director of Human Resources/Payroll within the time established in DGBA (LOCAL). Appeals will be heard in accordance with DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein.

9. Name \_\_\_\_\_

10. Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

11. If you will be represented in presenting your appeal, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

12. Who held the Level Three conference? \_\_\_\_\_

Date of conference: \_\_\_\_\_

Date you received a response to the Level Three conference: \_\_\_\_\_

13. Please explain specifically how you disagree with the outcome at Level Three.

\_\_\_\_\_

\_\_\_\_\_

14. Do you want the Board to hear this appeal in open session?  Yes  No

*If yes, the Board will consider your request; however, you may not have a legal right under the Texas Open Meetings Act to require a meeting in open session.*

15. Attach a copy of your original Level One complaint and any documentation submitted at Level One and a copy of your Level Two and Level Three appeal notices.

16. Attach a copy of the Level Three response being appealed, if applicable.

Signature of complainant: \_\_\_\_\_

Signature of complainant's representative: \_\_\_\_\_

Date of filing: \_\_\_\_\_

*Complainant, please note: A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiled is within the designated time for filing a complaint or appeal.*

*Please keep a copy of the completed form and any supporting documentation for your records*

## Appendix P – Fundraising Procedures & Guidelines Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE:** CAM(LEGAL) Appropriations and Revenue Sources – Grants, Funds, Donations from Private Sources

**SUBJECT:** Fundraising Procedures and Guidelines

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Fundraising efforts on behalf of Midland College must

- Ensure maximum effectiveness in the total fundraising program of the College by assuring that college-wide strategic priorities are featured;
- Reduce or eliminate multiplicity of contacts with common fundraising prospects, thereby avoiding over-solicitation of individuals, businesses, foundations and organizations by college units;
- Utilize the resources of the Midland College Foundation and the Office of Institutional Advancement to assist in the successful execution of approved fundraising programs; and
- Ensure that Midland College Foundation, Inc. and Midland College policies are followed.

#### **Approval for Solicitation**

The Executive Director of Institutional Advancement/Midland College Foundation, Inc. and other staff in the Office of Institutional Advancement are available to consult with College departments and individual employees that wish to approach potential funding sources. The Executive Director of Institutional Advancement/Midland College Foundation, Inc., in consultation with the College President, will assess the appropriateness and timing of each solicitation in light of institutional priorities and any known financial commitments by those considered to be potential donors.

Student and employee deaths, retirements, anniversaries or significant dates and other events are often the impetus for a special appeal for funds to mark the occasion. These appeals may focus on establishing a scholarship in the individual's honor or memory or funding some other form of tribute or commemoration. While the amounts sought through such special appeals are normally limited to friends and colleagues, these special appeals must be discussed and coordinated through the Office of Institutional Advancement prior to their initiation.

Fundraising activities for specific students and employees due to financial, health or other hardships must be approved by the Midland College President. Since these appeals are strictly to benefit the employee/students, approval and coordination of these activities is not handled through Midland College Foundation, Inc. nor the Midland College Office of Institutional Advancement.

#### **Coordination with Midland College Foundation, Inc. and Office of Institutional Advancement**

Individuals, corporations and other organizations often initiate contact with Midland College faculty and staff regarding funding opportunities. While individual staff and faculty members may answer questions and discuss gift opportunities with potential donors, these inquiries must be

reported promptly, within 72 hours, to the Executive Director, Institutional Advancement/Midland College Foundation, Inc. Any complex questions such as those involving possible tax liabilities, testamentary gifts, asset valuation, trust arrangements or gifts of real property and mineral interests are best referred to the Executive Director, Institutional Advancement/Midland College Foundation, Inc.

Private donors, individual or corporate, should be directed to make all gift checks payable to the Midland College Foundation and to mark the check for the intended use/restricted fund. All gifts and pledges to a Midland College program/department, whether solicited or unsolicited, that are sent directly to an employee or to the program/department must be promptly delivered with copies of any accompanying documentation (e.g., a letter, card or note) to the Midland College Foundation/Office of Institutional Advancement.

Employees should report all non-cash gifts on the appropriate Midland College non-cash gift form, which can be obtained from the Office of Institutional Advancement.

Cash and non-cash gifts transmitted should include the following information:

- Name and full mailing address of donor(s)
- Purpose of the gift
- Fund/account in which the gift is to be placed, if known
- Original or photocopy of any correspondence accompanying the gift

### **Recording and Acknowledgement of Gifts**

Staff in the Office of Institutional Advancement record, deposit and acknowledge all gifts to Midland College and the Midland College Foundation. This includes pledges of support as well as gifts of cash, securities, insurance policies, real estate, mineral interests and other non-cash gifts. All gifts are acknowledged in one or more ways depending on the size and type of gift and its designated purpose.

### **Confidentiality**

Information obtained pertaining to any constituent of the College (personal/profile information, financial records, etc.) must be considered property of the Midland College Foundation, Inc., and, therefore, private and confidential. Anyone from the College engaged in the cultivation or solicitation process of any potential donor must keep any and all records private and in strict confidence. Staff in the Office of Institutional Advancement maintain all constituent profiles, ensure security of profiles and maintain confidentiality.

### **Midland College Student Guidelines and Procedures**

Recognized Midland College clubs/organizations who meet specified registration criteria as outlined by the Midland College Office of Student Activities are permitted one fundraiser per calendar month.

All student fundraising requests must be approved by the Midland College Executive Director of Institutional Advancement and submitted to the Office of Student Activities 15 working days prior to the intended fundraiser date.



## Appendix Q – Criminal History Background Checks Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE: DC Employment Practices**

**SUBJECT: Criminal History Background Checks**

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The Director of Human Resources/Payroll or designee will conduct a criminal history background check on a final candidate prior to employment, and annually once employed in accordance with applicable law and at any time during employment. Effective June 2019, incumbent employees will be subject to annual criminal history background checks. All offers of employment are contingent upon completion of a satisfactory criminal history background investigation. The information obtained in a criminal history background check is confidential and will only be shared with individuals with an essential business need to know. The following factors will be considered for final candidates or employees with a criminal history, and will be reviewed by the Director of Human Resources/Payroll or designee:

- The nature of the crime and its relationship to the position;
- The time since the conviction;
- The number (if more than one) of convictions;
- Whether hiring, or continued employment would pose an unreasonable risk to the business, its employees or its students or vendors.

The following additional background searches will be required if applicable to the position:

- **Driver Record Checks:** An individual's three-year driving history record will be obtained when driving is an essential requirement of the position or if the employee will be driving a personal or College vehicle (owned, leased or rented) when performing duties on behalf of the College. The Director of Human Resources/Payroll or designee will review driver records and decide as to drivers' status for applicants and employees in accordance with administrative regulations. Subsequent driver record checks will be required annually or upon expiration of the employee's driver license.
- **Consumer Reports Background Investigation:** will be performed on an applicant or employee who has lived or worked outside of the State of Texas within the past seven years.
- **Other Background Searches:** Since the College has a charter school, a daycare, and employs Police Officers, the College is required to comply with applicable laws that apply to each. These laws require the use of different methods and standards than the College requires when reviewing the criminal history background checks of other employees.

A final candidate for employment or an existing employee is required to consent to a criminal history background check, on form(s) provided for that purpose. An authorized volunteer must consent to a criminal history background check in the same manner as an employee. Background check release forms will be submitted to and retained by the Human Resources/Payroll department.

Criminal History Background Checks and Driver Record Checks will be conducted by the Director of Human Resources/Payroll or designee, a reputable third party consumer reporting agency or other agency as required by law. Background checks will include sex and violent offender registry checks.

The College shall not contract with an independent contractor that permits any of its employees to have regular contact with minors as a result of the contractor's business relationship with the College if the employee has been convicted of any felony, or misdemeanor involving sexual contact with a child or abuse of a child that includes, but is not limited to, indecency with a child, injury to a child, or endangerment of a child.

If a person has been convicted of an offense under this policy, the College may consider employment if the offense is a misdemeanor that is minor in nature, or the conviction occurred at least ten years ago and the person's background is otherwise clear. In this policy, a conviction includes deferred adjudication.

All Midland College positions are designated as security-sensitive positions. Note: All Midland College employees have access to a computer terminal. Groundskeepers have access to a computer terminal located in the catalog room in the Maintenance Warehouse Facility.

All criminal history record information shall be destroyed by the Chief of Police as soon as practicable after the information is used for its authorized purpose.

The Director of Human Resources/Payroll or designee should be contacted for the applicable procedure for the type of background search performed for disputing inaccurate or incomplete information found in the background search.

When consumer credit reports are obtained, the affected person shall be required to authorize the obtaining of the report by the College for employment purposes. Before taking adverse action based on the information in the consumer report, a copy of the report and a description of the person's rights under the Fair Credit Reporting Act shall be provided to the person by the College.



## Authorization and Acknowledgement for Driver Record Check

(an additional form is required for out of state driver record checks)

A valid driver license must be presented along with this form to the Human Resources/Payroll office. Photocopies will not be accepted.

The purpose of this form is to obtain your authorization to conduct a three-year driver record check for the College's use in determining if you will receive or maintain authorization to drive College owned, leased or rented vehicles or personally owned vehicles being using for College related business.

Subsequent driver record checks will be required annually or upon expiration of the employee or student's driver license or more frequently if the Director of Human Resources/Payroll or designee determines that a more frequent check is necessary.

### Driver Information

Employee       Student

Name:

\_\_\_\_\_

First Name

Middle Initial

Last Name

Employee/Student ID:

\_\_\_\_\_

Phone Number:

\_\_\_\_\_

Email:

\_\_\_\_\_

Title:

\_\_\_\_\_

I authorize Midland College District to obtain driver record information from any state or jurisdiction that I have been licensed to drive motor vehicles and to share this information with appropriate College personnel. I hereby release Midland College District and any law enforcement agencies and other entities receiving a copy of this authorization form from any and all liability for the release of information to Midland College District. I hereby release Midland College District and any law enforcement agencies and other entities receiving a copy of this authorization from any and all liability for the release of information to Midland College District.

I have received a copy of the Driver Eligibility and Vehicle Operation Regulation (Regulation). I understand that I am expected to read and adhere to the provisions contained within the Regulation. Driving privileges may be revoked for poor driving records or failure to comply with the College policies and administrative regulations as published in the employee handbook.

Signature:

Date of Signature:

\_\_\_\_\_

MM

DD

YYY

Notification of approval/denial will normally be emailed to you within three business days at your employee email address or the email listed above. Please note: Out of state driver records checks may take longer.

HR:  DL COPY

MEDICAL CARD (CDL ONLY)

DRIVER LIST

DOT FILE (CDL ONLY)

EMAIL APPROVAL/DENIAL: \_\_\_\_\_

Date

05/2019

## Appendix S – General Guidance & FAQ’s for Employees & Supervisors – COVID-19 Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE: DEA Compensation and Benefits - Salaries and Wages**

**SUBJECT: COVID-19**

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The health and safety of all our Chaps (students, faculty, staff, and visitors), especially of vulnerable individuals, is of paramount importance. Thank you for your vital role in adhering to this regulation during these unusual times. Take care of each other and those who are most vulnerable!

As we move forward, we must remember that there are still many uncertainties about COVID-19, and we may need to adjust our plans according to emerging public health updates. Even though dealing with the pandemic will require some new and different protocols, our values and traditions will continue to bring us together, whether it is in person or virtually.

#### **Social Distancing is recommended**

- Social distancing, also called “physical distancing” means keeping space between yourself and other people outside your home. To practice social or physical distancing:
  - Stay at least 6 feet from other people.
  - Do not gather in groups.
  - Stay out of crowded places and avoid mass gatherings.

#### **Face Coverings are strongly encouraged**

- The CDC recommends universal indoor masking for all teachers, staff, students, and visitors, regardless of vaccination status.
- In general, you do not need to wear a mask in outdoor settings.
  - In areas with high numbers of COVID-19 cases, consider wearing a mask in crowded outdoor settings and for activities with close contact to others who are not fully vaccinated.
- A face covering is a cloth, bandana, or other type of material that covers an individual’s mouth and nose. The CDC lists the following criteria for “cloth face coverings,” which should:
  - Fit snugly but comfortably against the side of the face without gaps around the sides.
  - Completely cover your nose and mouth.
  - Be secured with ties or ear loops, or wrap around the head (such as gaiter style masks).
  - Include two or more layers of washable, breathable fabric.
  - Allow for breathing without restriction.
  - Be able to be laundered and machine-dried without damage or change to shape.
  - If wearing a gaiter, make sure it has two layers, or fold it to make two layers.
  - Face coverings with exhalation valves or vents should NOT be worn to help prevent the person wearing the face covering from spreading COVID-19 to others.
- N95 or surgical masks may also be used as a face covering.

## About COVID-19

### Symptoms

- People with COVID-19 have reported a wide range of symptoms – ranging from mild symptoms to severe illness. Symptoms may appear 2-14 days after exposure to the virus. People with these symptoms may have COVID-19:
  - Fever or chills
  - Cough
  - Shortness of breath or difficulty breathing
  - Fatigue
  - Muscle or body aches
  - Headache
  - New loss of taste or smell
  - Sore throat
  - Congestion or runny nose
  - Nausea or vomiting
  - Diarrhea
  - Skin rashes
- This list does not include all possible symptoms. The CDC will continue to update this list as more is learned about COVID-19.

### Self-Isolation

- Isolation separates people who are infected with the virus away from people who are not infected.

### Self-Quarantine

- Quarantine keeps someone who might have been exposed to the virus away from others.

### Close Contact

- The CDC defines close contact as being within 6 feet of a lab-confirmed (or clinical diagnosis) COVID-19 case for a cumulative total of 15 minutes or more over a 24-hour period starting from 48 hours before illness onset.

### Fully Vaccinated

A person is considered fully vaccinated:

- 2 weeks after their second dose of the primary series of the Pfizer or Moderna vaccine within the last 6 months or have received a booster; or
- 2 weeks after the primary series of the J&J vaccine within the last 2 months or have received a booster.

## General Guidance and FAQ's for Employees and Supervisors

### Employee - Showing Signs or Symptoms of COVID-19 (no COVID-19 diagnosis)

- If you are showing signs or symptoms of COVID-19, you should stay home, immediately inform your supervisor, and complete the [COVID-19 Report Form](#).
- If you are feeling ill, make an appointment with your healthcare provider.
- Full-time employees and their dependents covered under the College health insurance have access to medical virtual visits 24 hours a day, 7 days a week, including weekends and holidays at no cost.
- Practice social distancing. Stay indoors and avoid contact with others. Those with contagious diseases should stay home from work or school until they are well. People with fever, cough and respiratory issues should seek immediate medical attention.
- The supervisor should ask if the person has sought medical care or if they need assistance doing so. We cannot require that persons visit a physician. Physicians may or may not advise to test for COVID-19. Any testing will be forwarded to the county health department in which the person lives.
- Supervisors should seek approval from their respective Administrative Council Member before allowing an employee to work remotely, following the approval process in [Appendix T](#) of the Employee Handbook. Remote work should only be considered when an employee is well enough, and only if it is essential for the employee to do so.

### If an employee is coughing or displaying other symptoms consistent with COVID-19, can a supervisor require them to go home?

- Yes, if an employee is ill, coughing or displaying other symptoms, the employee should be sent home to minimize exposure to others.

### Employee not seeking a medical diagnosis and is not working remotely

- In the event that the employee is not seeking a medical diagnosis and is not working remotely, the employee should utilize eligible accrued, paid leave in accordance with College Policies and Administrative Regulations.
  - An employee shall submit medical certification of the need for leave if the employee is absent more than three consecutive workdays when utilizing eligible accrued, paid leave because of personal illness.
  - A COVID-19 medical test will not be required.

### Employee is seeking a medical diagnosis and is not working remotely

- If you are showing signs or symptoms of COVID-19, you should stay home, immediately inform your supervisor, and complete the [COVID-19 Report Form](#).
- Employee is required to identify his or her symptoms, and a date for a test or doctor's appointment.
- Employee should request leave on the form designated for this purpose. The completed form should be submitted to the employee's supervisor and forwarded to the Human Resources/Payroll department for approval.
- If approved, the employee may use emergency sick leave bank hours or accrued, paid leave in accordance with Administrative Regulations.
- An employee that exhausts emergency sick leave bank hours and is unable to return to work at a College facility should consult with the Human Resources/Payroll department to discuss available options, including use of FMLA.
- An employee experiencing symptoms consistent with COVID-19 may return to work after receiving a negative COVID-19 test result or after receiving a doctor's release to return to work. The CDC recommends that employees wear a mask for 10 full days following a positive COVID-19 test, to protect others.

## Supervisor Notification Responsibilities

### When an employee is experiencing symptoms of COVID-19 or has tested positive for COVID-19

- Request that the employee complete the [COVID-19 Report Form](#).
- The supervisor should send an email to the Director of Human Resources/Payroll and the Benefits Coordinator containing the following information:
  - Name of employee
  - Date symptoms began
  - Date of positive test
  - Copy of positive test results
  - Last Date on campus
- Please remember: *The name of the individual must remain confidential.*

### Employee - Diagnosed with COVID-19

- An employee who has a confirmed diagnosis of COVID-19 should stay home, immediately inform their supervisor and complete the [COVID-19 Report Form](#).
- Supervisors should seek approval from their respective Administrative Council Member before allowing an employee to work remotely, following the approval process in [Appendix T](#) of the Employee Handbook. Remote work should only be considered when an employee is well enough and only if it is essential for the employee to do so.
- Employees who have a confirmed diagnosis of COVID-19 and are not approved to work remotely, should request leave on the form designated for this purpose. The completed form should be submitted to the employee's supervisor and forwarded to the Human Resources/Payroll department for approval.
- If approved, the employee may use emergency sick leave bank hours or accrued, paid leave in accordance with Administrative Regulations.
- An employee that exhausts emergency sick leave bank hours and is unable to return to work at a College facility should consult with the Human Resources/Payroll department to discuss available options, including use of FMLA.

### When can an employee return to work after being diagnosed with COVID-19?

- An employee experiencing symptoms consistent with COVID-19 may return to work after receiving a negative COVID-19 test result or after receiving a doctor's release to return to work. The CDC recommends that employees wear a mask for 10 full days following a positive COVID-19 test, to protect others.

### What if I am required to self-isolate (infected with the virus) but I need to retrieve things from my office or work space?

- Employees who need to retrieve items from their work space should contact their supervisors to make arrangements to retrieve items without returning to a College facility.

## Supervisor Responsibilities

### When an employee is experiencing symptoms of COVID-19 or has tested positive for COVID-19

- Request that the employee complete the [COVID-19 Report Form](#).
- The supervisor should send an email to the Director of Human Resources/Payroll and the Benefits Coordinator containing the following information:
  - Name of employee
  - Date symptoms began
  - Date of positive test
  - Copy of positive test results
  - Last Date on campus
- Please remember: *The name of the individual must remain confidential.*

## Exposure to COVID-19

In the event an employee has been exposed (close contact) to COVID-19, the employee should immediately inform their supervisor and complete the [COVID-19 Report Form](#).

- The employee does not need to stay home unless they develop symptoms or have a doctor's note requiring quarantine.
- It is highly recommended that employees wear a mask for 10 full days following exposure.
- In addition, it is recommended that the employee get tested on day 5 after exposure even if the employee is not experiencing symptoms of COVID-19.
- If quarantine is required by a medical provider, the employee should request leave on the form designated for this purpose. The completed form should be submitted to the employee's supervisor and forwarded to the Human Resources/Payroll department for approval.
- If approved, the employee may use emergency sick leave bank hours or accrued, paid leave in accordance with Administrative Regulations.

## Employee Unable to Work-Caring for an Immediate Family Member with a confirmed diagnosis of COVID-19

**What options are available to employees who are unable to work in order to care for an immediate family member that has tested positive for COVID-19?**

- Employees should request leave on the form designated for this purpose. The completed form should be submitted to the employee's supervisor and forwarded to the Human Resources/Payroll department for approval.
- If approved, the employee may use emergency sick leave bank hours or accrued, paid leave in accordance with Administrative Regulations.
- A doctor's note will not be required if the employee was not sick.
- Employees should follow the guidance under the heading, Exposure to COVID-19, for information on when to return to work following exposure, if employee had close contact.
- Remote work may be allowed as an infection-control or prevention strategy based on the feasibility of the employee being able to work from home. Please see [Appendix T](#) of the Employee Handbook for the approval process and additional details.

## Child Care Issues due to School or Daycare Closure

**An employee (full or part-time) is notified to return to work at a College facility but they report they are unable to do so because of child care issues (school and/or day care is closed) resulting from COVID-19 related reasons.**

- The employee's child care provider must be unavailable due to COVID-19. An employee who chooses not to avail themselves of available child care is not eligible for a flexible work schedule or remote work.
- The supervisor should attempt to adopt a flexible work schedule.
- If the employee cannot satisfy the on-campus flexible work schedule, supervisors should then consider allowing an employee to work remotely. Please see [Appendix T](#) of the Employee Handbook for the approval process and additional details.



- If the employee is unable to satisfy their work requirement, either remotely or with a flexible work schedule, the employee should request eligible, accrued paid leave on the form designated for this purpose. The completed form should be submitted to the employee's supervisor and forwarded to the Human Resources/Payroll department for approval.
- The employee may be asked to provide proof that a school or childcare is closed, in the event the College is unable to reasonably confirm the closure.

## **On-Campus Work – Concerns & Accommodation Requests**

### **An employee states that they are uncomfortable with on-campus work due to personal concerns associated with COVID-19.**

- The employee may use eligible, accrued paid leave or request unpaid leave in accordance with College Policies and Administrative Regulations.

### **An employee states that they have a valid health condition or serious illness/injury that puts them at greater risk of serious illness if they contract COVID-19.**

- Employees who belong to categories considered to be at a higher risk of getting sick from COVID-19 (adults 60+ OR people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease) should consult with the Director of Human Resources/Payroll regarding a possible accommodation.

### **What are an employer's ADA obligations to provide reasonable accommodation if an employee says that they live in the same household as someone who due to a disability is at greater risk of severe illness if they contract COVID-19?**

- The employee only has a right to reasonable accommodation for his or her own disability.

## **General Information for Supervisors**

### **Can a supervisor discipline an employee who refuses to come to work because of a concern about contracting COVID-19?**

- Yes, a supervisor may discipline an employee who refuses to come to work in some circumstances. However, ADA could possibly require an accommodation related to a physical OR mental impairment.
- Please contact the Human Resources/Payroll department for guidance if you have an employee that refuses to come to work due to a concern about contracting COVID-19.

### **How much information may an employer request from an employee who calls in sick, in order to protect the rest of its workforce during the COVID-19 pandemic?**

- During a pandemic, ADA-covered employers may ask employees if they are experiencing symptoms of the pandemic virus. Employers must maintain all information about an employee illness in a confidential record in compliance with the ADA.

### **When may an ADA-covered employer take the body temperature of employees during the COVID-19 pandemic?**

- Generally, measuring an employee's body temperature is a medical examination. Because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions, employers may measure employees' body temperature. However, employers should be aware that some people with COVID-19 do not have a fever.

- At this time, only the body temperature of Pre-K Academy and Daycare employees are being monitored. Other departments or supervisors should not monitor the body temperature of employees.

**Does Family and Medical Leave Act (FMLA) leave apply to absences due to confirmed cases of coronavirus?**

- Yes, COVID-19 qualifies as a "serious health condition" under FMLA, allowing an eligible employee to take FMLA leave if either the employee or an immediate family member (employee's spouse, son, daughter or parent) contracts the disease.
- Employees should contact the Human Resources/Payroll department for additional information.

**If a local health authority has requested information about an employee in response to an investigation into the spread of an infectious disease, is the College required to comply?**

- Yes. The College President or designee should provide requested information to local or state health authorities if the request is to protect the health and safety of others.

**Does the ADA permit employers to notify public health officials if they learn an employee has COVID-19?**

- Yes. The ADA permits, but does not require this notification to public health authorities. The ADA does not preempt state, county, or local laws designed to protect public health.

**What information can the College communicate to employees if an outbreak occurs?**

- Federal law requires a college to include in its emergency response and evacuation procedures methods for notifying college employees about a confirmed significant emergency or dangerous situation involving an immediate threat to the health and safety of employees and students on campus.
- If an emergency occurs, the emergency alert system will be used to notify employees.

## Emergency Use of Sick Leave Bank

### Effective 1/4/2021-8/31/2022

The provisions of the emergency use of the sick leave bank are being used as a temporary measure to alleviate hardships caused by COVID-19 and to replace the FFCRA Emergency Paid Sick Leave that ended 12/31/2020. The sick leave bank is a collection of employee-donated sick leave hours. The provisions of the emergency use of the Sick Leave Bank are in addition to the usual provisions of the sick leave bank. The College reserves the right to amend the effective dates for the emergency use of the sick leave bank, if needed. The Director of Human Resources/Payroll or designee will administer the emergency use of the Sick Leave Bank.

### **An employee qualifies to use emergency sick leave bank hours if the employee is unable to work (or unable to work remotely) due to a need for leave because the employee:**

- 1) Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- 2) Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- 3) Is caring for an immediate family member that has tested positive for COVID-19.

In order for an employee to take leave under the sick leave bank for reasons 1-3 listed above, an employee should provide documentation as listed in the guidelines below.

### **Guidelines**

- The Director of Human Resources/Payroll or designee shall review and approve withdrawal requests or call for donations as needed.
- Employees may contribute from one (1) to five (5) days of sick leave to the bank each time donations are requested.
- There will be no limit to the amount an employee may contribute to the sick leave bank for fiscal years 20-21 and 21-22.
- Applies to full-time employees. There is no eligibility requirement.
- An employee is not required to exhaust paid leave before using emergency sick leave bank hours.
- Emergency sick leave applies only if an employee is unable to work or work remotely.
- A full-time employee is eligible to use a maximum of 80 hours of leave from the sick leave bank, if hours are available. Employees who have already used 80 hours of EPSL are not eligible to use emergency sick leave bank hours.
- Documentation in support of the need to use emergency sick leave bank will be required and may include, but is not limited to, a copy of the quarantine or isolation order related to COVID-19, test result, or written documentation by a medical provider advising a self-quarantine.
- Emergency sick leave bank hours must be taken in full-day increments.
- Intermittent use of sick leave bank hours is not permitted.

## Travel

### **College-Sponsored Travel**

- The President reserves the right to amend College-sponsored travel guidelines at any time.
- In-state auto travel deemed mission critical will be permitted with approval from the respective Administrative Council member.
- Out of state and air travel is discouraged and will only be permitted with approval of both the respective Administrative Council member and the President.

### **If a faculty or staff employee is returning from travel, should they return to work?**

- Employees who have traveled are required only to self-monitor at this time.

- The College encourages employees to avoid travel at this time. Staying home is the best way to protect you and others from getting sick.
- Employees who have traveled outside the United States and are unable to return due to travel restrictions, must use eligible, accrued leave.

## Cleaning Protocols

Safety is the highest priority and this includes cleaning protocols. Additional cleanings of facilities are in progress. It is not necessary to call to verify that cleaning is taking place. Anyone who has special concerns should email the Executive Director of Facilities at [maintenance@midland.edu](mailto:maintenance@midland.edu) and provide the following information:

- Building and room numbers/specific locations
- Description of the specific concern

## Flexible Work Schedules for Full-Time Employees

Supervisors are encouraged to allow flexible work schedules for employees to respond to the needs of employees during the COVID-19 pandemic. A flexible work schedule permits an employee to work a predetermined and approved variation of the employee's standard work schedule.

- Please refer to [Appendix T](#) of the Employee Handbook for additional details regarding the guidelines and approval process for temporary remote work. An approval to work a flexible work schedule does not necessarily mean that an employee is approved for temporary remote work.
- Flexible work schedules may be modified, or discontinued at the discretion of the immediate supervisor and applicable Administrative Council member due to operational concerns.
- Employees are expected to complete no less than the required number of hours in a workweek.
- Employees and supervisors should agree upon the hours that are to be worked by the employee in advance. Flexible work schedules do not permit employees to work random schedules to accomplish the required number of hours worked.
- Paid and/or unpaid leave must be applied to an employee's time sheet in correlation with the flexible work schedule if the employee misses work while a flexible work schedule is authorized.

## Temporary Remote Work Guidelines – COVID-19

See [Appendix T](#)

Midland College is committed to safely and effectively meeting the public health challenge presented by COVID-19. This Administrative Regulation establishes guidelines for temporary remote work effective through August 31, 2022.

Remote work may be allowed as an infection-control or prevention strategy based on the feasibility of the employee being able to work from home. Please see [Appendix T](#) of the Employee Handbook for the approval process and additional details.

### Where should I direct employment-related questions concerning COVID-19?

Employees and/or supervisors may send an email to [mchr@midland.edu](mailto:mchr@midland.edu).

## Appendix T – Temporary Remote Work Guidelines related to COVID-19 Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE: DEA Compensation and Benefits - Salaries and Wages**

**SUBJECT: Temporary Remote Work – COVID-19**

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#### **Temporary Remote Work Guidelines – COVID-19**

Midland College is committed to safely and effectively meeting the public health challenge presented by COVID-19. This Administrative Regulation establishes guidelines for temporary remote work effective through August 31, 2022.

Remote work may be allowed as an infection-control or prevention strategy based on the feasibility of the employee being able to work from home based on the factors listed within this regulation. Remote work will be considered in the following situations:

1. Has been advised by a medical provider to self-quarantine related to COVID-19;
2. Employee is experiencing COVID-19 symptoms or has been confirmed as diagnosed with COVID-19 and is well enough to work remotely and it is essential for the employee to do so;
3. Employees who have been notified to return to on campus work but they are unable to do so because of child care issues (school and/or day care is closed) resulting from COVID-19 related reasons and the employee is unable to work a flexible work schedule.

For reasons 1-3, remote work is a temporary measure, limited to 10 days. In certain situations, an extension may be granted by the College President if the employee provides medical documentation of the need for the extension.

#### **Faculty Members**

Faculty and division Deans jointly determine the modality of courses and associated responsibilities with division Deans retaining final approval. Division Deans are responsible for determining the location of all face-to-face instruction. The modality of courses and location of face-to-face instruction may vary within semesters and from semester to semester. The administration determines the location and modality service activities such as office hours, committee meetings, and events.

The ability to work remotely is a privilege and not a right or entitlement, and is discretionary and subject to the College's operational needs. Accordingly, the College may alter the remote work guidelines or remote work arrangement at any time and at its discretion.

This Administrative Regulation does not apply to requests for, or management of, workplace accommodation(s) under the ADA or under any other applicable federal, state, or local law or regulation. Employees seeking such workplace accommodation(s) should contact the Director of Human Resources/Payroll.

#### **What is remote work?**

- Remote work is a work arrangement in which some, or all, of the work is performed from home or another off-site location. In general, regular office hours are worked and deviations from that schedule require supervisor approval.

## **Approval Process**

Temporary remote work must be approved by the respective Administrative Council Member. Each request must be documented in writing and approval should be submitted to the Human Resources/Office. An email will be considered acceptable documentation. Documentation should contain the following statement:

- To the extent possible, [employee name] agrees to perform all essential duties in their job description. Other duties may be assigned in an attempt to remain flexible. This may involve work that is outside of the employee's primary responsibilities.

## **Which factors should Administrative Council members consider when determining if remote work is possible?**

- Employer's ability to supervise the employee adequately
- Whether any duties require use of certain equipment or tools that cannot be replicated at home
- Whether there is a need for face-to-face interaction and coordination of work with other employees
- Whether in-person interaction with outside colleagues, clients, or customers is necessary
- Whether the position requires the employee to have immediate access to documents or other information located only in the workplace
- Security of work data
- Technological capabilities and equipment necessary to perform job duties
  - Will the employee have the technology, equipment and secure system access to perform all responsibilities and maintain effectiveness of communications?
- Productivity
- Accuracy of records reflecting time worked by non-exempt employees

## **Which jobs are suited for remote work?**

- Remote work is easiest to implement for jobs or tasks that require reading, writing, research, working with data and talking on the phone. In general, and at the respective Administrative Council Member's discretion, a job is suited for remote work if the job or some components of it can be done off-site without disruption to the flow of work and communication.

## **Which jobs are not well suited for remote work?**

- It is not uncommon to require employees in positions needing in-person contact/customer service for that rely on specific equipment or supplies to work at a College facility.
- Management and/or supervisory roles may be excluded from consideration for remote work arrangements unless, at the Administrative Council member's discretion, a practical arrangement for meeting job responsibilities can be met.

## **Work Schedules and Expectations for Remote Work**

- Employees should not assume any specified period of time for remote work arrangements, and the College may require employees to return to regular, in-office work at any time.
- Supervisors should give clear expectations about work schedules and job assignments to include expectations for performance and frequency of communication with the supervisor.
- Employees should remain immediately available during their assigned work schedule to include regularly checking and responding to email, voice mail, being available via telephone using the College's remote applications, and reporting to campus if needed.
- When working remotely, employees are expected to work in dedicated blocks of time. Flexible schedules do not permit employees to work a random schedule.
- Ideally, supervisors should find work for all employees to complete while working remotely such as special projects, even if it is for another area or department.
- Consistent with the College's expectations of information security for employees working at the office, employees working remotely will be expected to ensure the protection of confidential information accessible from their home office.

- Supervisors are responsible for coordinating with the IT department to ensure that employees have equipment and/or software related to their remote work.
- The College cannot be responsible for costs associated with modification and use of alternate work locations.

## Appendix U – Use of Technology Resources Regulation

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### MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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**POLICY REFERENCE: CR Technology Resources, DK Professional Development**

**SUBJECT: Use of Technology Resources**

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- I. Midland College employees are expected to use institutional technology in the best manner possible to fulfill the mission of the College. This regulation applies to any technology resources owned or maintained by the College or used to access College resources or store College information including hardware and related software and all devices and accompanying media such as but not limited to the following:
  - A. Desktops, laptops, notebooks, tablets, gaming systems
  - B. Mobile telephones
  - C. College telephones and related systems
  - D. Personal computers
  - E. Other devices capable of storing data such as removable storage media and online storage repositories
- II. An employee who violates provisions of this regulation may be subject to disciplinary actions in accordance with College Policies and regulations.
- III. Signed acceptance of the College’s Employee Handbook constitutes an acknowledgement that the employee has read and understands the following:
  - A. Employees do not have the right to privacy regarding personal or private information stored on and transmitted via institutional computer equipment or networks. Employees should not expect personal or private information stored on institutional computer equipment and/or networks to remain private.
  - B. The College can access, disclose, use, or remove both business and personal communications and information from institutional computer equipment without notification or employee agreement.
  - C. The College may conduct random audits to verify that institutional computer equipment is clear of viruses or other malicious software and that such equipment is used in accordance with College requirements.
  - D. The College will monitor Internet activity and investigate alleged violations of this regulation.
- IV. The College will report any technology resource use believed to violate federal, state, or local laws to the appropriate authorities.
- V. College employees are expected to avoid the following activities while using College technology resources:
  - A. Accessing College technology resources without specific authorization.
  - B. Stealing and/or sabotaging College technology resources.
  - C. Using unauthorized software or hardware on College computer equipment.
  - D. Using non-College e-mail systems to transmit information related to College business.
  - E. Personal use of College technology resources.



- F. Using College technology resources in any manner that violates federal, state or local laws, or College policies.
- VI. Annually, employees who use a computer to complete at least 25 percent of their College duties are required to successfully complete a cybersecurity training program approved by the Texas Department of Information Resources to meet Texas TAC 202 and HB 3834 requirements.

Current employees must complete the training between August 1st and October 31st. New employees must complete the training within 45 days from their initial employment date.

Completion of the training requirement is recorded in the College's training software and this information is available to the employee, the employee supervisors and the Human Resources department. Supervisors are notified of employee failure to comply with training requirements.

Training is provided online and via in-person workshops provided throughout the year.