

## **ARTICLE V – PROFESSIONAL STAFF**

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## **ARTICLE V – PROFESSIONAL STAFF**

### **5.00 EMPLOYMENT SELECTION**

All new positions will be advertised and posted in accordance with the state and federal laws governing equal opportunity employers. Selection of Professional Staff will be the responsibility of the appropriate administrator and the Human Resources Director. They will seek the aid of a hiring committee in making selections. All persons to be employed will be nominated to the Board of Trustees by the President of the College, and employment will be subject to approval by the Board of Trustees as provided in the By-Laws.

Although the selection of Professional Staff will be as provided above, the President of the College may issue a letter of employment that will be binding upon the Board of Trustees under the circumstance that the position has been authorized by the Board of Trustees and the appropriate salary established. The position has been authorized by the Board of Trustees and the appropriate salary established.

### **5.01 TERM OF EMPLOYMENT**

The period of employment is 12 months unless otherwise noted in the contract. Contracts for full-time Professional Staff are subject to annual renewal and require Board of Trustee approval each year. As soon as possible following completion of the periodic evaluation, the Professional Staff shall receive a copy of his/her formal evaluation form and rating scale as filed in his/her personnel file.

### **5.03 DUTIES AND RESPONSIBILITIES**

Professional Staff shall include all employees that have supervisory responsibilities of processes and/or people and whose job description holds a minimum requirement of a Bachelor's degree including grant funded employees whose primary responsibilities do not include teaching. Professional Staff shall perform their duties and responsibilities as outlined in job descriptions on file with the appropriate administrator.

### **5.04 TERMS OF PAYMENT**

Administration shall maintain an annual salary schedule. The President's Council will approve placement on the salary schedule allowing credit for relevant prior experience.

1. Employees pursuing grants should submit salaries in line with the salary schedule.
2. When allowing credit for relevant prior experience, *relevant* will be narrowly defined as work that is closely aligned with the duties and responsibilities required in the MAC position.
  - a. Administration, Professional and Classified Staff will receive 1/3 years of credit for relevant work experience prior to MAC, 1/2 years for related MAC experience, year for year for current MAC job.

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### **5.05 EVALUATION**

Professional Staff will be evaluated on an annual schedule, no later than March 1, as determined by the appropriate Administrator.

### **5.06 DISMISSAL**

1. Full-time Professional Staff who are not to be reemployed at the end of their contract periods will be notified in writing by the last business day in March. These provisions do not apply to part time Professional Staff.
2. Dismissal with Cause: Professional Staff employees may be discharged during the term of contract for one or more of the following causes:
  - a. Continued incompetence or inefficiency in the line of duty or workplace environment following written warning and performance improvement plan completion,
  - b. Willful or persistent violation of the school laws of the State or the published regulations of the Board of Trustees of the College,
  - c. Unreasonable absence or noncompliance from performance of duties,
  - d. Conviction of a felony,
  - e. Failure to comply with performance improvement plan,
  - f. Consistent below satisfactory evaluations,
  - g. Willful failure to comply with direction of a supervisor, or
  - h. Gross misconduct.

### **5.07 EMPLOYEE DUE PROCESS**

Employees may appeal any decisions made by a supervisor and/or administrator. In all cases the final board of appeal shall be the Board of Trustees, the governing body of the Mineral Area College District.

#### **Guidelines**

Except where a definite procedure exists, the following will serve as guidelines for all appeals:

1. Any employee wishing to make an appeal may have counsel to advise and represent him/her in the due process procedure.

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### **EMPLOYEE DUE PROCESS - CONTINUED**

2. It will be the employee's sole responsibility to see that the appeal is placed with the Director of Human Resources within ten (10) working days from the date of receiving written notification of the alleged violation.
3. The President of the College will review the case referred to him/her and render a decision. In all cases, a decision will be made only after consultation with the employee and the Human Resources Director, supervisor, and Administrator.
4. If an employee disagrees with a decision made by the President of the College, he/she may submit an appeal to the Board of Trustees. The Board may hear the appeal or affirm the decision of the President without a meeting with the employee.
5. In order to protect the welfare of the employee, all appeals shall be reviewed and resolved within ten (10) working days from the date the administration received the appeal.
6. No reprisals of any kind shall be taken against any employee for participation in the due process procedure.

### **5.08 REDUCTION IN FORCE**

If, in the judgment of the Administration, it is necessary to implement a reduction in force plan because of financial considerations; a decrease in student enrollment; or program reduction, consolidation, or elimination, the President of the College shall notify the Professional Staff of such intention one hundred and twenty (120) days prior to the end of the contract period. Prior to the April Board of Trustees Meeting the President of the College and the Professional Staff, and/or Faculty-elected representatives, will meet and confer to determine whether there are acceptable alternatives to a reduction in force plan. If a reduction in force occurs, the following criteria will be applied:

1. Subject to program continuity consideration, specialization enrollment by departments and programs, and Professional staff service needs. Professional Staff with the fewest years of service in the district will be considered for reduction in force first.
2. Professional staff on the reduction list may be eligible for re-employment.
3. Affirmative action consideration will be taken into account to modify the seniority principle when, in the judgment of the administration, it appears to be necessary.
4. Notice of reduction in force will be given in writing to Professional Staff no later than forty-five (45) days prior to the contract expiration or, if a contract terminates during the academic year, at least forty-five (45) days in advance of its termination.
5. Professional Staff will continue to have tuition waiver rights of full-time employees for the duration of the current term.

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### **REDUCTION IN FORCE - CONTINUED**

6. Professional Staff who have been with Mineral Area College five (5) years or more will be paid for any accumulated sick leave in accordance with Section 9.11 SICK LEAVE.
7. If a reduction in force is determined by the administration, and approved by the board, due to unexpected financial loss or catastrophic event, the notification timeframe may be altered or amended.

#### **5.09 WORK DAY/WEEK**

Unless defined as a condition of hire, the number of working hours per day during the academic year (fall and spring semesters) shall be seven (7) hours exclusive of lunch time. During the balance of the fiscal year, the number of working hours per day shall be six (6) hours exclusive of lunch time. The time of work each day shall be determined by the immediate supervisor.

Employees are normally expected to work Monday through Friday unless other arrangements are made by the immediate supervisor and approved by the President of the College. A work week is defined as the period beginning on a Sunday and ending on a Saturday.

#### **5.10 HOLIDAY SCHEDULE**

New Year's Day -- 1 day  
Martin Luther King Day 1 day  
Presidents' Day -- 1 day  
Spring Break -- 5 days\*  
Spring Holiday -- 1 day  
Memorial Day -- 1 day  
Juneteenth – 1 day  
Independence Day -- 1 day  
Labor Day -- 1 day  
Veterans Day -- 1 day  
Thanksgiving -- 2 days  
Christmas -- 6 days\*

**\*IT Services may be required to work during these breaks. Hours worked during these breaks will be available for use at other times within the fiscal year. Employees will follow appropriate procedures for requesting time off for the hours worked during breaks.**

## **ARTICLE V – PROFESSIONAL STAFF**

### **5.11 SICK LEAVE**

*For Professional Staff employees who began working for the College prior to July 1, 2023:*

The primary purpose of sick leave is to protect the Professional Staff employee against losses due to illness. All full-time employees are eligible for sick leave. Each full-time employee shall accrue unlimited sick leave at the rate of 6.75 hours for each calendar month of contracted service.

Whenever any full-time Professional Staff employee is compelled to be absent from duty due to personal illness or illness of an immediate family member in their care, full compensation for the maximum accumulated sick leave hours shall be allowed. Sick leave may be taken in increments of no less than one hour. A Report of Absence form must be submitted immediately upon return to work.

At the beginning of each fiscal year the amount of accrued, unused sick leave will be transferred to the new contract year and additional accumulations will be made, as earned.

For absences in excess of 21 consecutive hours, the employee will be required to submit to the Human Resources Office medical documentation or other acceptable evidence of incapacity to work.

*For Professional Staff employees who began working for the College on or after July 1, 2023:*

The primary purpose of sick leave is to protect the staff member against losses due to illness. All full-time Professional Staff employees are eligible for sick leave. Each full-time Professional Staff employee shall accrue sick leave at a rate of 8 hours for each calendar month of contracted service. Whenever any full-time Professional Staff employee is compelled to be absent from duty due to personal illness, full compensation for the maximum accumulated sick leave shall be allowed. Sick leave may be taken in increments of no less than one hour.

At the beginning of each school year, the amount of unused sick leave will be transferred to the new contract year and additional accumulations will be made, as earned, at the rate of 8 hours per contract month.

Sick leave may not accrue beyond 1040 hours; once that maximum is reached, the Professional Staff employees will not accrue more sick leave until the accrual amount is less than 1040 hours.

For absences in excess of 21 consecutive hours, Professional Staff employees may be required to submit medical documentation or other acceptable evidence of incapacity to work.

## **ARTICLE V – PROFESSIONAL STAFF**

### **SICK LEAVE – CONTINUED**

Employees absent for longer than 21 hours, related to the same illness or injury, are required to notify the Human Resource Office so that it may be determined whether the leave qualifies as family and medical leave.

Paid sick leave may also be used by employees with disabilities for the purpose of securing necessary treatment. Employees may be required to use their accrued sick leave during a leave of absence for their own serious health condition.

In the event of campus closure due to emergency or inclement weather, employees who have scheduled sick leave are not required to utilize paid time off for the amount of time campus is closed.

Upon separation of employment with Mineral Area College, Professional Staff employees forfeit any accrued unused sick leave.

### **5.12 PAY FOR UNUSED SICK LEAVE UPON RETIREMENT**

Professional Staff may accumulate sick leave not used.

Any employee who: (1) began working for Mineral Area College on or before July 1, 2023, and who (2) either retires from Mineral Area College or has been employed by Mineral Area College at least 10 years, will receive reimbursement for accumulated sick leave according to the following rate determined by the appropriate formula effective at the beginning of the 1984-85 fall term of the academic school year.

Average salary for top five years of employment or part thereof/1300=amount/6.75 hours=dollar amount per hour.

### **5.13 VACATION**

*For Professional Staff employees who began working for the College prior to July 1, 2023:*

Full-time 12-month Professional Staff employees will be allowed 67.5 hours of vacation each year for the first 5 years of employment. Thereafter, the vacation allowance will be 101.25 hours. Full-time Professional Staff employees may accumulate a maximum of 135 hours of vacation during the first five (5) years of employment and 202.5 hours thereafter. All other Professional Staff employees serving less than a full year shall receive vacation in the amount equal to 5.63 hours per month worked.

However, this does not in any way alter the statement, “Vacation accrued during any fiscal year should be taken by the end of the following fiscal year unless other arrangements are made with the supervisor and approved by the President.” When an employee resigns, retires or is terminated, accrued vacation may be used before the separation date or accrued time is forfeited. If an employee is unable to use accrued



## **ARTICLE V – PROFESSIONAL STAFF**

### **VACATION – CONTINUED**

vacation time based on the needs of the college, as approved by administrator and President, the employee will be compensated for accrued vacation at separation. The time of vacation shall be scheduled in accordance with the needs of the College and, as nearly as possible, at the convenience of the employee. It may be necessary to divide the allowed vacation time into two or more periods. Vacation requests shall be made to the immediate supervisor and approved by the respective administrator. Vacation time may be taken in increments of no less than one hour. A Report of Absence form must be submitted immediately upon return to work.

In the event of campus closure due to emergency or inclement weather, employees who have scheduled vacation leave are not required to utilize paid time off for the amount of time campus is closed.

*For Professional Staff employees who began working for the College on or after July 1, 2023:*

In addition to normal school holidays, full-time Professional Staff employees of Mineral Area College will accrue vacation at the following rates:

0-5 years of employment with the College: 10 days a year (70 hours)

5+ years of employment with the College: 17 days a year (120 hours)

Maximum accumulated vacation time will be 17 days or 120 hours.

The time of vacation shall be scheduled in accordance with the needs of the College and, as nearly as possible, at the convenience of the classified employees. It is doubtful that the entire vacation can be scheduled at any one time period. Vacation approval is contingent upon work completion and submission of requested reports. Vacation requests shall be made to the immediate supervisor and approved by the respective administrator. Vacation time may be taken in increments of no less than one hour. A Report of Absence form must be submitted immediately upon return to work.

In the event of campus closure due to emergency or inclement weather, employees who have scheduled vacation are not required to utilize paid time off for the amount of time campus is closed.

Upon separation of employment with Mineral Area College, the College will pay Professional Staff employees for accrued, but unused vacation at the employee's most recent hourly rate.

No more than two vacation days may be used during the final two weeks of employment prior to separation.

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### **5.14 EMERGENCY/PERSONAL LEAVE**

Each Professional Staff employee will accrue three days of personal leave as of July 1 of each contract year. This amount will be pro-rated for employees who start work after July 1.

Personal leave can be used for any reason and does not accumulate beyond three days. Personal leave may be taken in no less than one-hour increments.

### **5.15 FAMILY AND MEDICAL LEAVE**

Mineral Area College complies with the Family and Medical Leave Act, a federal law providing employees the right to take a leave of absence for family, medical reasons, and military reasons.

### **5.16 WORKERS' COMPENSATION**

Mineral Area College complies with the Missouri Workers' Compensation Law, a state law providing benefits to injured workers. When a Mineral Area College employee is injured on the job, the injury should be reported to the employee's supervisor immediately.

### **5.17 LEAVE OF ABSENCE**

Leave of absence may be granted to a Professional Staff employee without remuneration. Leave must be requested in sufficient time to permit securing an adequate temporary replacement. Leaves of absence must be approved by supervisor, appropriate administrator and human resources.

### **5.18 JURY DUTY/WITNESS DUTY**

Mineral Area College encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees may request up to one week of paid jury duty leave over any two-year period. Normal pay will continue during that jury duty leave with pay for additional leave at the College's discretion.

If an employee is required to serve jury duty beyond the period of paid jury duty leave and the College does not choose to pay for the time served, the employee may use any available paid time off (e.g., vacation) or may request an unpaid jury duty leave of absence.

The employee must show the jury duty summons to his/her supervisor as soon as possible so that the supervisor may make arrangements to accommodate his/her absence. The employee is expected to report to work whenever the court schedule permits.

Either the College or the employee may request an excuse from jury duty if, in the College's judgment, the employee's absence would create serious operational difficulties.

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### **5.19 VICTIMS' ECONOMIC SECURITY AND SAFETY ACT**

Employees who are victims of domestic or sexual violence or who have a family/household member who is a victim of domestic or sexual violence will be provided reasonable accommodations and up to two workweeks of unpaid leave during a twelve-month period.

Affected employees may take the leave to:

- Seek medical attention or recover from the physical or psychological injuries caused by domestic or sexual violence to them or their family/household member.
- Obtain services from a victim services organization for themselves or their family/household member.
- Obtain counseling for themselves or their family/household member.
- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase their safety or the safety of their family/household member.
- Seek legal assistance or remedies to ensure their health and safety or the health and safety of their family/household member, including preparing for or participating in any civil or criminal legal proceeding related to the domestic or sexual violence.

Employees who seek to use such leave must provide notice as prescribed by the Victims' Economic Security and Safety Act. The statute requires forty-eight hours of advance notice to the employer unless providing such notice is not practicable.

### **5.20 PROFESSIONAL IMPROVEMENT**

Each Professional Staff employee, including full-time grant funded employees, is encouraged to continue his/her professional improvement. The Board of Trustees recognizes the value of continued professional improvement to Mineral Area College, to the students, to the community, and to the individual staff member.

A Professional Staff employee pursuing an advanced degree or a program that broadens the scope of his/her abilities and knowledge may apply to the President of the College for reimbursement for professional improvement tuition and fees. If the request is approved, reimbursement may be paid upon successful completion of the courses required for the program.

Reimbursement will be based on charges made by the University of Missouri (Columbia) for similar credits.

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### **PROFESSIONAL IMPROVEMENT - CONTINUED**

A Professional Staff employee who voluntarily separates from employment prior to completing or within 2 years of degree completion will be responsible for repayment of reimbursed tuition according to the pro-rated scale:

2 years after degree completion	0%
19-23 months after degree completion	25%
13-18 months after degree completion	50%
7-12 months after degree completion	75%
0-6 months after degree completion	100%
Prior to degree completion	100% of funds reimbursed by MAC

#### **5.21 EARLY RETIREMENT NOTIFICATION**

The College strives to recruit, employ and appropriately train replacement employees in a timely fashion. To enhance the College's hiring process, full-time employees who have worked full-time for at least five (5) years may qualify for a monetary incentive in an amount to be set by the Board of Trustees. The monetary incentive is contingent upon available funds and the Board of Trustees receiving, by February 1 or in special circumstances at least 4 months' notice, the employee's written intent to retire effective beginning the following fiscal year.

#### **5.22 RETIREE INSURANCE COVERAGE**

Per RSMo 169.590, any employee retiring shall have the option of continuous insurance coverage. Retirees are responsible for payment of insurance premiums.

#### **5.23 DRESS CODE**

MAC employees are expected to dress in a professional manner that adheres to the standards appropriate for the nature of their work as defined by their supervisor. Employees are expected to dress in a manner that is not offensive, suggestive, distracting, or insulting to others. Supervisors are responsible for setting and enforcing these expectations.

#### **5.24 ALCOHOL AND DRUG ABUSE POLICY**

- A. All members of the campus community (students, faculty, staff, alumni, and guests) must adhere to all applicable state and local laws and college regulations related to the sale and use of alcoholic beverages and other drugs.
- B. No faculty or staff member shall secure or serve illegal drugs to any student engaged in any college related activity.

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### **ALCOHOL AND DRUG ABUSE POLICY - CONTINUED**

- C. The consumption, possession, or sale of alcoholic beverages is strictly forbidden on campus, except for special circumstances approved by the President of the College. The President must notify the Board of Trustees of any exceptions.
- D. Anyone under the influence of alcohol or illegal drugs or otherwise violating college policy regarding drug abuse shall be subject to disciplinary action.
- E. An educational program shall be provided addressing the problems of alcohol and drug abuse. The program will include information services, posters, and brochures.
- F. Counseling will be available to all personnel identified as having drug and/or alcohol related problems, leading to appropriate referrals.
- G. Disciplinary proceedings for drug/alcohol related abuses shall be conducted using current policies of Mineral Area College.

### **POLICY FOR A DRUG FREE WORKPLACE**

WHEREAS, it is recognized by the Mineral Area College Board of Trustees, Park Hills, Missouri, that it is necessary that all college employees report to work on time and in an appropriate mental and physical condition for work; and

WHEREAS, the Board of Trustees wishes to establish a policy pertaining to maintaining a drug-free workplace.

NOW, THEREFORE, BE IT RESOLVED that the following policy be adopted:

- A. The manufacture, distribution, dispensation, in the College District's workplace, of a controlled substance (as defined by Chapter 195 RSMo) is prohibited. Violations of this shall result in the immediate termination of the violating employee.
- B. The unlawful use of a controlled substance (as defined by Chapter 195 RSMo) is hereby prohibited and shall result in disciplinary action (including the possibility of suspension or discharge) to the violating employee.

Any employee who comes to work or is at work while under the influence of alcohol or who consumes alcohol at work shall be subject to the same disciplinary action as provided above for employees involved with the unlawful use of a controlled substance.

- C. Any employee convicted of a drug crime shall report their said conviction within two (2) days after said conviction.

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### **POLICY FOR A DRUG FREE WORKPLACE - CONTINUED**

- D. Compliance with the provisions of this policy is a condition of an employee's initial and continuing employment.

#### **5.50 FACULTY ADVISORY COMMITTEE**

A committee, to be known as the Faculty Forum Executive Council (FFEC), will be elected by the Faculty and Professional Staff annually following the bylaws of the Faculty Forum Constitution. The bylaws of the Faculty Forum Constitution may not usurp the authority of the Board of Trustees and Board Policy. This committee will be authorized to make recommendations from the Faculty and Professional Staff to the Board of Trustees through the President of the College.

#### **5.51 TEACHING OR EXTRA DUTY ASSIGNMENTS**

The assignment for teaching or extra duty assignments shall be reflected in supplemental contracts. The assignment can be administered by payment of extra salary, to be determined by the supplemental contract.

Professional Staff employees that have teaching assignments in excess of their full-time contract will be paid the adjunct rate. All extra duty/teaching assignments must be completed outside of regular working hours of contracted position. Regular work hours may be adjusted due to extenuating circumstances with supervisor approval. .

#### **5.55 MENTORING**

New employees and their assigned mentors will meet regularly to discuss the mentoring checklist provided by the Human Resources Department.

At the end of each semester, mentees and mentors will complete an evaluation to aid in continuous improvement of the program.

*Article 9.00 (newly created Board Policy article) approved by Board of Trustees 3-11-21*

*Article 9.03 revised with board approval 8-13-21 (added Juneteenth)*

*Article 9.25 added with board approval 10-14-21 (VESSA policy)*

*Article 9.55 added with board approval 4-18-23 (mentoring policy)*

*Article 9 amended 6-15-23 with changes to 9.13, 9.14, 9.15, 9.16 (effective 7-1-23)*

*Article 9 amended 12-14-23; terms of payment and incorporate policy renumbering*

*Article 9 amended 2-12-24 for employment laws; section 9.15 and section 9.16*

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*Effective 5-15-25, the Board of Trustees approved a reorganization/re-numbering of Board Policy sections for clarity and easier navigation. Article VIII – Tobacco-Free Policy moved to the Assurances section and Article IX – Professional Staff was re-numbered to become Article V and follow the other employee-related sections.*

## **ARTICLE V – PROFESSIONAL STAFF**

In spring 2022 an ad hoc committee representing all employee categories formed to align board policy numbering creating consistent numbers for topics among board policy chapters.

### Shared Policy Numbers

.00 Selection (Includes Health Examination)

.01 Term of Employment

.02 Letter of Employment

.03 Duties and Responsibilities

.04 Terms of Payment

.05 Evaluation

.06 Dismissal

.07 Employee Due Process

.08 Reduction in Force

.09 Work Day/Week

.10 Holiday Schedule

.11-.14 PTO BLOCK

Sick Leave/Pay For Unused Sick Leave/Vacation/Emergency Personal Leave

.15 Family and Medical Leave

.16 Workers' Compensation

.17 Leave of Absence

.18 Jury Duty/Witness Duty

.19 Victims' Economic Security and Safety Act

.20 Professional Improvement

.21 Early Retirement Notification

.22 Retiree Insurance Coverage

.23 Dress Code

.24 Alcohol and Drug Abuse Policy

.25 Sabbatical Leave

.26 Property Rights and Publications

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