

Employment – General Procedure	Procedure Number	6.1.1P
	Effective Date	April 2, 2014

1.0 PURPOSE

In accordance with Board Policy 6.1 Employment, the purpose of this procedure is to set forth employment types, categories of employees, and employment practices that are of general applicability. Recruitment and Hiring as to vacant positions is set forth in Procedure 6.1.2P. The procedures applicable to non-vacant positions (those held by existing employees) are set forth in Procedure 6.1.3P.

2.0 REVISION HISTORY

Adopted on: 4/2/14

3.0 PERSONS AFFECTED

All employees of the College are subject to the procedures.

CONTEMPORARY POLICY/PROCEDURE TRANSITION PROVISIONS: Any employee who may be employed as a benefitted employee in a Faculty position (i.e., Initial Contract Faculty or Continuing Contract Faculty), or in an Educational Services Staff (ESS) position (i.e., ESS non-teaching professional, ESS FLSA exempt, or ESS FLSA non-exempt), on the effective date of this procedure, will be considered a contracted employee with contractual rights as to employment type and duration in accordance with their current employment. These rights will not be altered while they hold the position they are fulfilling as of the effective date; such an employee will be considered to have “Legacy Status.” Employees who may fall within this “Legacy” status will be considered “Legacy Employees” (e.g., Legacy Faculty, Legacy Professional Staff, or Legacy Classified Staff as may be applicable).

A Legacy Employee may only be removed for cause or a Reduction in Force (RIF) during their contract term as their employment relationship is a contractual relationship and Legacy Employees are considered contracted employees. Continuing Contract Faculty (hereafter Legacy Faculty), ESS non-teaching professional (hereafter Legacy Professional), and ESS FLSA exempt and ESS FLSA non-exempt (hereafter Legacy Classified Staff) employed on the effective date of this procedure have indefinite and ongoing contract duration. Initial Contract Faculty employed on the effective date of this procedure will continue to have a specified contract duration until if and when they successfully achieve Continuing Contract Status.

While employed with LCCC, an employee’s Legacy status may only be altered as a choice the employee makes or by written agreement of the employee and the College. Should a Legacy employee apply for, and accept, a position that falls under a different defined employment relationship term governed by the College’s policies and procedures in effect at the time the employee accepts the new position, their employment terms may change (e.g., a current Legacy Professional applies for, is selected, and accepts a position as an annual contract Administrator, or a current Legacy Classified Staff applies for, is selected, and accepts a promotion to an at-will

Classified position, or current Legacy Classified Staff applies for, is selected, and accepts an annual contract Professional position).

As of the effective date of the procedure, persons newly hired into any employment category will be subject to the parameters of that specified employment relationship as defined.

Unless otherwise specifically noted within a procedure, all LCCC policies and procedures apply to employees holding Legacy status as well as any employees hired after the effective date of an institutional policy and/or procedure.

4.0 DEFINITIONS

- A. *Regular positions* – Positions for which the College has a routine and on-going need, as opposed to intermittent or temporary positions. The anticipated duration of institutional need for regular positions is more than six (6) months.
- B. *Intermittent positions* – Positions for which the College does not have a routine and on-going need. Intermittent positions are usually temporary in nature. An Adjunct Faculty position is considered an intermittent position.
- C. *Contracted employees* – Employees who have an employment contract with the College which provides the employee a continued employment expectation for the duration of the contract.
- D. *At-will employees* – Employees who do not have a contractual relationship with the College. For at-will employees, either the College or the employee may terminate the employment relationship at any time, and for any reason or without reason.
- E. *Temporary appointment* – An appointment in which the employee is placed into the position on a temporary, rather than an on-going basis. The appointment is temporary when the position is being filled based upon an emergent need identified in LCCC policy or procedure.

5.0 PROCEDURES

A. Employment Types

- 1) Employment positions are categorized as one of two employment types, either Regular or Intermittent. Regular positions are positions for which the College has a routine and on-going need. Regular positions have an expected or anticipated institutional need for the position for duration of more than six (6) months. Intermittent positions are positions for which the College does not have a routine and on-going need. Intermittent positions are usually temporary in nature. For example, an Adjunct Faculty position is considered an intermittent position.

- 2) Temporary, Interim or Employment with a Projected Duration

Positions may be identified as either a regular or intermittent position. Further, an appointment may be specified as being of a temporary or interim nature, may specify full- or part-time work load, may specify the projected length of the employment (which may not

exceed 12 calendar months from initial start date of a temporary position), and/or may be identified as additional employment responsibilities assigned to an existing employee. However, such specification of the duration of the position or responsibilities will not affect the Employment Type, which is based upon the employee categorization and any contract between LCCC and the employee. For example, if a Classified Staff position is a seasonal position projected to last only three (3) months of the summer, then that position remains an at-will position notwithstanding the fact that the position has a projected 3-month duration. The duration refers to the amount of time that the position will be needed but does not, in and of itself, provide any employment guarantee or expectation.

B. Employee Categories

The Board of Trustees of Laramie County Community College (LCCC), through the President, has established a classification system for categorizing its employees and determining the appropriate type of employment relationship for each employee group. Employees at LCCC are assigned to one of four employment categories: Administrator, Professional, Faculty, or Classified Staff.

1) Administrator

In the role of an Administrator, an employee is responsible for management of the institution, or a customarily recognized department or subdivision thereof. Administrator assignments require the performance of work directly related to management policies or general business operations of the institution, department or subdivision, which generally require educational preparation of a Master's degree or higher for successful role fulfillment.

Administrators customarily and regularly exercise discretion and independent judgment, problem solving, analysis review, resource management oversight (including staffing and performance management), and engage in strategic and tactical planning for institutional mission achievement. Representative administrator positions include: President, Vice President, Associate Vice President, Executive Director, Dean, and Associate Dean.

Administrator positions are typically considered to be exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Administrative employees are provided a contract. The employment relationship with the Administrative employee will be governed by the written employment contract. The contract is a legal agreement between the College and the employee which specifies the employee's employment category, duration of the contract, compensation and any other conditions of employment during the contract period. At the conclusion of the contract term, Administrative employees will have no expectation for continued employment.

2) Professional

The Professional employee category includes positions which carry the primary responsibility of managing and/or performing specialized academic support, student service, and organizational/institutional support functions which typically require a Baccalaureate degree or higher for successful role fulfillment.

Some professional positions contribute to LCCC by providing direct managerial oversight to programs and/or services in the academic, student service, or operational areas. Professional positions responsible for leadership and direct management of workgroups or leadership of a work unit include the roles of Director, Associate Director, Assistant Director, and Supervisor. This level of leadership is responsible for the tactical execution of operational plans and objective fulfillment, including staffing and performance management of team members, resource management and tactical-level decision-making.

Some professional positions contribute to achievement of LCCC's mission and goals as subject-matter experts in the academic, student service, or operational/institutional support and service areas, and include representative positions of analysts, specialists, counselors, lawyers, programmers, accountants, nurses, program directors, program managers, and program coordinators. Professional employees in this category are responsible for the application of their specialized knowledge, skills, and abilities in their assigned areas.

Professional positions are typically considered to be exempt from the overtime provisions of the FLSA. Professional employees will be provided a contract. The employment relationship with Professional employees will be governed by the written employment contract. The contract is a legal agreement between the college and the employee which specifies the employee's employment category, duration of the contract, compensation, and any other conditions of employment during the contract period. At the conclusion of the contract, Professional employees will have no expectation of continued employment.

3) Classified Staff

Classified Staff positions are typically considered non-exempt from the overtime requirements of the FLSA. Classified Staff fulfill roles of area operational and programmatic support that fall within the following primary areas: technical or paraprofessional, service or maintenance, skilled crafts, and clerical or secretarial. Classified Staff positions are generally non-supervisory, and do not provide performance management to other employees on a regular basis; a Classified Staff employee may be assigned on-the-job and/or basic workplace safety training responsibilities.

Technical or paraprofessional positions hold assignments that require knowledge or skills which may be acquired through a 2-year degree, experience, or on-the-job training. Representative technical or paraprofessional positions include, but are not limited to, technicians, assistants, and aides.

Service or maintenance positions are responsible for performing tasks that contribute to the comfort, convenience, safety, and/or hygiene of personnel and students, or that contribute to the upkeep of the instructional property. Representative service or maintenance positions include, but are not limited to, security officers, building services technicians/custodians, grounds keeping, electrical/electronic equipment technicians, building/facility installer/repair technicians, and heating/air conditioning technicians. Skilled crafts employees are responsible for plant/system operations and laboratory operations; expertise is achieved through apprenticeship or other formal training program.

Operation/program support positions are typically clerical or secretarial personnel who are responsible for internal and external communications, schedule and meeting coordination, recording and retrieval of data and/or information and other paperwork required to support various programs and operations throughout the institution. Representative positions include, but are not limited to, bookkeepers, shipping and receiving, administrative assistants, and all student positions.

Classified Staff positions are at-will. Classified Staff employees have no continued job expectation. Classified Staff employees may be terminated at any time with or without cause. As such, the employment relationship does not consist of any probationary period, is not for a defined duration, and does not contain any expectation of continued employment.

4) Faculty

In the role of a Faculty member, an employee may work with students in a direct instructional role as instructional faculty, provide direct instructional support as non-instructional faculty, or serve in a temporary capacity, teaching specific courses on a course-by-course basis as Adjunct Faculty.

Instructional faculty positions, excluding Adjunct Faculty, have the primary responsibilities of teaching assigned courses, holding regular office hours, being available for students, advising, and collaborating on departmental objectives. Representative faculty leadership positions may include Program Director or Lead Instructor and may be responsible for program accreditation/certification support and coordination, in addition to instruction responsibilities. Instructional faculty positions receive a contract, typically with annual obligations for a specified number of duty days as set forth in Academic Affairs Policy and Procedure 2.18 and 2.18P, Workload, Full-Time Faculty, and are usually classified as exempt from the overtime provisions of the FLSA.

Non-instructional faculty positions have primary responsibilities that generally include direct instructional support and/or programmatic support. Representative non-instructional faculty includes, but is not limited to, Librarians and some Program Director/Coordinator positions. Non-instructional faculty positions receive a contract and are usually classified as exempt from provisions of the FLSA.

Faculty positions are grouped into three primary classifications:

a. Provisional Faculty

Provisional Faculty applies to full-time, regular (not interim or grant-funded) faculty on an annual contract who have not received continuing contract status. These faculty positions are typically considered to be exempt from the overtime provisions of the FLSA. Provisional Faculty will be provided a contract. The employment relationship with Provisional Faculty will be governed by the written employment contract. The contract is a legal agreement between the College and the employee, which specifies the employee's employment category, duration of the contract, compensation, and any

other conditions of employment during the contract period. Provisional Faculty contracts are for a specified number of duty days as set forth in Academic Affairs Policy and Procedure 2.18 and 2.18P, Workload, Full-Time Faculty. At the conclusion of the contract term, it will be in the sole discretion of the College as to whether or not a new contract will be issued. The process to apply for Continuing Contract Faculty is specified in Academic Affairs Policy and Procedure 2.17 and 2.17P, Faculty Promotion and Rank.

b. Continuing Contract Faculty

Continuing Contract Faculty applies to full-time faculty members who have applied for and been granted continuing contract faculty status in accordance with the process specified in Academic Affairs Policy and Procedure 2.17 and 2.17P, Faculty Promotion and Rank. This also applies to employees who, prior to the effective date of this procedure, had been previously granted continuing contract status. Continuing Contract Faculty positions are typically considered to be exempt from the overtime provisions of the FLSA. Continuing Contract Faculty will be provided a contract. The employment relationship with these faculty employees will be governed by the written employment contract. The contract is a legal agreement between the College and the employee which specifies the employee's employment category, duration of the contract, compensation and any other conditions of employment during the contract period. Continuing Contract Faculty contracts are for a specified number of duty days as set forth in Academic Affairs Policy and Procedure 2.18 and 2.18P, Workload, Full-Time Faculty. Generally, Continuing Contract Faculty have a contract of an indefinite duration.

c. Adjunct Faculty

Adjunct Faculty positions are intermittent employment positions providing student instruction on a per semester or per course basis. Adjunct Faculty positions are dependent upon institutional need and occur throughout LCCC's instructional, community, and workforce services area. Adjunct Faculty may teach academic credit courses and/or non-credit courses. Adjunct Faculty positions are not contracted and are typically classified as exempt from provisions of the FLSA. Adjunct Faculty positions are at-will. Adjunct Faculty have no continued job expectation. Adjunct Faculty employees may be terminated at any time without cause. Notwithstanding the fact that adjunct appointments have a projected duration, the fact that the appointment duration is specified does not in and of itself provide any employment guarantee or expectation.

C. Position Qualifications

1) Minimum Qualifications

For most positions, the minimum qualifications will be contained in the position description which is created, modified, and maintained by the hiring manager/supervisor, with review and approval through Human Resources.

For instructional positions, i.e., Faculty and Adjunct Faculty, the minimum qualifications are specified in Academic Affairs Policy and Procedure 2.7 and 2.7P, Minimum Faculty Qualifications.

2) Preferred Qualifications

For most positions, the preferred qualifications will be contained in the position description which is created, modified, and maintained by the hiring manager/supervisor with review and approval through Human Resources.

For instructional positions, i.e., Faculty and Adjunct Faculty, the preferred qualifications will be specified by institutionally determined parameters as defined within Academic Affairs and delineated in applicable position descriptions.

D. Nepotism

Nepotism refers to the employment of related persons, persons in a dedicated relationship, or household members within the College. Related persons are defined as follows: mother, father, son, daughter, brother, sister, husband, wife, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, mother-in-law, father-in-law, son-in-law, daughter-in-law, aunt, uncle, first cousin. Household members are defined as: persons living with each other as if married or other adults sharing common living quarters. Persons in a dedicated relationship are defined as those who are involved in a life-sharing, domestic partner, or dating relationship which may or may not include sharing a residence. Related persons, persons in a dedicated relationship, and/or household members may be employed with the College subject to the following limitations and restrictions:

- 1) As in all other hiring decisions, the related person/dedicated relationship partner/household member shall meet minimum education and experience requirements of the vacant position.
- 2) Candidates for employment must list all related persons/dedicated relationship partner/household members who are College employees or serving on the Board of Trustees at the College.
- 3) A hiring manager/supervisor who is contemplating employment of a person related/dedicated relationship partner/household member to a present College employee or a member of the Board of Trustees must notify the Human Resources Office of the relationship.
- 4) Hiring of a related person/dedicated relationship partner/household member is subject to review by Human Resources and written approval of the President.
- 5) An employee shall neither initiate nor influence, in any way, employment decisions involving the individual with whom he or she is a related person/dedicated relationship partner/household member. Examples of employment decisions are as follows: recommending hiring, retention, or promotion, determining job assignments or work schedules, approving leave, evaluating performance, etc.
- 6) Related persons/dedicated relationship partner/household members shall not work for the College in a direct and/or immediate supervisory-subordinate relationship or in an indirect supervisory-subordinate relationship within the management chain for the specific position

(e.g., a related person of a College Administrator may not be employed in any capacity within the Administrator's functional/operational department).

- 7) In the occurrence of a situation of nepotism between employees within a management chain, the organizational reporting alignment of these employees shall be reviewed for any potential realignment. Any potential reporting realignment that may be necessary shall be subject to review and approval by Human Resources and the President.

Violation of the College nepotism policy may be a basis for termination or disciplinary action of the supervisor or employee or reason sufficient for not employing the candidate.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s)	Peggie Kresl-Hotz, Human Resources Executive Director Debb Roden, Legal Counsel	1/14/14
Approval by President's Cabinet		1/21/14
Ratified by College Council	Kari Brown-Herbst, College Council Co-chair	3/17/14
Approval by President (Signature)		4/2/14