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| <b>Policy Number and Title:</b> | <b>300 Bay Mills Community College Personnel Manual</b> |                                    |                          |
| <b>Approval Authority:</b>      | President and BMCC Board of Regents                     | <b>Date Effective:</b>             | January 24, 2014         |
| <b>Responsible Office:</b>      | Human Resources Department                              | <b>Responsible Office Contact:</b> | Human Resources Director |

**1. POLICY STATEMENT/REASON FOR POLICY**

We believe that it is in the best interest of the organization and our employees to have written personnel policies and procedures to help BMCC meet our mission statement, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them. It is essential that all members of management understand the role of these policies in meeting the organization’s objectives and in limiting our legal exposure.

**2. ENTITIES AFFECTED BY THIS POLICY**

All BMCC employees.

**3. WHO SHOULD READ THIS POLICY**

All BMCC employees.

**4. WEB SITE ADDRESS FOR THIS POLICY**

-This policy can be found at:

<http://www.bmcc.edu/about-bmcc/governance-administration/college-policies>

**5. FORMS/INSTRUCTIONS**

No forms required.

**6. HISTORY**

-Amended: 01/24/2014 and 03/03/2017 Sec 503 Holidays; Format revised 12/7/16; 03/03/17; 10/12/17; Amended and approved by the BMCC Board of Regents on 01/26/2018 the following Section(s): 300.502A, 300.502B, 300.702, 300.104,300.202, 300.404, 300.501, 300.505, 300.701, 300.803, 300.807, 300.901 regarding addition of Human Resources Director, Title Changes, and Adjunct Leave Policies.

-Next Review Date: Ongoing

-BMCC reserves the right to revise policies at any time.

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**EMPLOYEE ACKNOWLEDGEMENT**  
**BMCC PERSONNEL POLICY AND PROCEDURE MANUAL**

I \_\_\_\_\_ (employee), acknowledge that I have access to the BMCC Personnel Policy and Procedure Manual and that I am responsible for reading and understanding its contents. I further agree that any changes, modifications, or new policies are my responsibility to read and understand its contents.

I further understand that my employment is at will and that this Manual does not create a contract with BMCC for any purpose and that the provisions of this Manual may be modified or eliminated at any time.

EMPLOYEE NAME: \_\_\_\_\_  
(Print Name)

SIGNATURE: \_\_\_\_\_

WITNESS TO SIGNATURE: \_\_\_\_\_

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



December 7, 2016

To: All Supervisors

Re: Personnel Policies

This Manual has been prepared as a guide and reference for members of management at all levels of supervisory responsibility. The Manual has the approval of the Board of Regents.

We believe that it is in the best interest of the organization and our employees to have written personnel policies and procedures to help BMCC meet our mission statement, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them. It is essential that all members of management understand the role of these policies in meeting the organization's objectives and in limiting our legal exposure.

Any policy, however, is only as good as its implementation. Supervisors who are in direct contact with, and responsible for, a group of employees are essential to effective policy implementation. You are the individuals who must translate these ideas and principles into action. We depend upon you for the successful development of a productive, legal, and harmonious working environment for our employees.

Accordingly, I request that you thoroughly familiarize yourself with the contents of this Manual so that all personnel policies and procedures of the organization may be administered appropriately.

Michael C. Parish, BMCC President

## **POLICY 300.102      FUNCTIONS OF THIS MANUAL**

### **Policy:**

It is the policy of BMCC that this Manual should be used as an outline of the basic personnel policies, practices, and procedures for the organization. The Manual is not intended to alter the employment-at-will relationship in any way. (See EMPLOYMENT-AT-WILL, Policy 106.)

### **Procedure:**

- (1) This Manual contains general statements of BMCC policy and should not be read as including all of the details of each policy. In addition, this Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. BMCC may add to the policies in the Manual or revoke or modify them from time to time. It will try to keep the Manual current, but there may be times when policy will change before this material can be revised.
- (2) All Manuals are BMCC property. The President's Office is responsible for distribution of the Manuals to manager(s) and supervisors who, in turn, are responsible for safeguarding the materials and inserting approved changes.
- (3) The President has created BMCC's Personnel Policies and Procedures through assistance with the services of Personnel Policy Service Inc. Managers and supervisors are encouraged to recommend changes or new policies. The President's Office is responsible for disseminating new policy information which must be approved by the President prior to finalization.
- (4) Managers and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the President's Office.
- (5) As used in the Manual:
  - (a) The masculine gender should be interpreted to include the feminine gender;
  - (b) "Supervisor" means an individual with the authority to assign, direct, and review the work of two or more subordinates; and
  - (c) "Immediate family" means the employee's spouse, brother, sister, parent, child, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

## **POLICY 300.103 EMPLOYEE SUPERVISION**

### **Policy:**

It is the policy of BMCC that the work of all employees will be assigned, directed, and reviewed by supervisory personnel. Employees ordinarily will have only one supervisor to whom they report.

### **Procedure:**

- (1) A primary role of each supervisor is to provide a link between management and non-management employees. Accordingly, supervisors are expected to communicate the goals and policies of management to the employees they supervise. They also are expected to communicate to management the attitudes, suggestions, and complaints of their employees.
- (2) In addition to mastering the technical skills needed in their work unit, supervisors should be able to lead and motivate their employees to do their best work. Thus, supervisors should attempt to:
  - (a) Treat employees as individuals;
  - (b) Give recognition for good performance and provide guidance when improvement is needed;
  - (c) Explain in advance when and why changes are necessary;
  - (d) Recommend employees with growth potential for promotion, even if it means losing them to other work units;
  - (e) Explain the reasons for decisions to employees;
  - (f) Set work goals and standards for employees;
  - (g) Create a feeling of teamwork among employees; and
  - (h) Set good examples by holding themselves to the standards of conduct and performance that they demand of their employees.
- (3) Supervisors are responsible for ensuring that management's goals for employee conduct and performance are achieved and that the personnel policies established by this Manual are implemented. Therefore, supervisors' duties include:
  - (a) Recommending the hiring of personnel and overseeing special job training (see HIRING, Policy 202; and ORIENTATION AND TRAINING, Policy 202B);
  - (b) Keeping employees informed about their work assignments, work progress, and opportunities for advancement (see PROMOTION, Policy 206);
  - (c) Evaluating the performance of probationary employees, regular employees, and employees who are being considered for termination (see INTRODUCTORY PERIOD, Policy 204; PERFORMANCE APPRAISALS, Policy 302; and TERMINATION OF EMPLOYMENT, Policy 211);
  - (d) Recommending salary adjustments, promotions, transfers, and termination of employees (see SALARY ADMINISTRATION, Policy 301; PROMOTION, Policy 206; TRANSFER, Policy 205; and TERMINATION OF EMPLOYMENT, Policy 211);
  - (e) Scheduling vacations and lunch and rest breaks (see VACATIONS, Policy 502; REST BREAKS, Policy 706; and MEAL BREAKS, Policy 707);
  - (f) Approving meal allowances and reimbursement of employee expenses (see REIMBURSEMENT OF EMPLOYEE EXPENSES, Policy 400);
  - (g) Controlling absenteeism and tardiness and approving requests for time off (see ABSENCE FROM WORK, Policy 700);

- (h) Verifying employee time cards and scheduling overtime when necessary (see HOURS OF WORK, Policy 207);
  - (i) Recommending job elimination when appropriate (see LAYOFF AND RECALL, Policy 210);
  - (j) Complying with applicable federal and state laws and regulations, including those concerning nondiscrimination, sexual harassment, and employee safety (see EQUAL EMPLOYMENT OPPORTUNITY, Policy 201; PRODUCTIVE WORK ENVIRONMENT, Policy 201A; and EMPLOYEE SAFETY, Policy 601);
  - (k) Maintaining neat and orderly work areas (see MAINTENANCE OF WORK AREAS, Policy 602);
  - (l) Implementing suggestion, disciplinary, and problem review procedures (see SUGGESTION PROGRAM, Policy 903; DISCIPLINARY PROCEDURE, Policy 808; and DISPUTE RESOLUTION PROCEDURE, Policy 904); and
  - (m) Ensuring that all rules and regulations are observed by employees (see BEHAVIOR OF EMPLOYEES, Policy 801).
- (4) The activities described in this policy are only guidelines and should not be considered as creating a contract or promise, express or implied, to employees that supervisors will in each case perform any or all of the activities or that those activities will be performed the same way in each case. (See EMPLOYMENT-AT-WILL, Policy 106.)

## **POLICY 300.104 HUMAN RESOURCES MANAGEMENT**

### **Policy:**

It is the policy of BMCC that the President functions as the head of policy development, while the Human Resources Department functions in the day to day implementation of employment policies.

### **Procedure:**

- (1) The President provides direction on the personnel policies.
- (2) The President's Office and the Human Resources Director are responsible for handling BMCC's human resources function and, in that capacity, serves as a senior consultant, and/or appoints a Human Resources Director counsel top management on all matters concerning human resource management. In addition, the President's Office and/or the Human Resources Director provides staff assistance to supervisors in developing, communicating, and carrying out BMCC's personnel policies.
- (3) The President's Office and/or the Human Resources Director's responsibilities include the following:
  - (a) Planning and formulating general personnel policies, including workforce planning;
  - (b) Overseeing compliance with all federal, state, and local employment laws and regulations (see EQUAL EMPLOYMENT OPPORTUNITY, Policy 201; HOURS OF WORK, Policy 207; and EMPLOYEE SAFETY, Policy 601);
  - (c) Overseeing recruiting, interviewing, testing, selection, placement, and orientation of new employees (see HIRING, Policy 202; and ORIENTATION AND TRAINING, Policy 202B);
  - (d) Coordinating special training and development programs (see ORIENTATION AND TRAINING, Policy 202B);
  - (e) Coordinating the appraisal, transfer, promotion, layoff, recall, demotion, and termination of employees (see PERFORMANCE APPRAISALS, Policy 302; TRANSFER, Policy 205; PROMOTION, Policy 206; LAYOFF AND RECALL, Policy 210; and TERMINATION OF EMPLOYMENT, Policy 211);
  - (f) Administering compensation programs for both exempt and nonexempt employees (see HOURS OF WORK, Policy 207; SALARY ADMINISTRATION, Policy 301; and PAY PROCEDURES, Policy 304);
  - (g) Administering employee benefit plans and programs and the disclosure of information concerning benefits to employees (see EMPLOYEE BENEFITS, Policy 500);
  - (h) Implementing appropriate disciplinary and grievance procedures and ensuring that those policies or procedures do not alter the employment-at-will relationship or constitute a contract or promise that those policies or procedures will be followed in every case (see EMPLOYMENT-AT-WILL, Policy 106; DISCIPLINARY PROCEDURE, Policy 808; and DISPUTE RESOLUTION PROCEDURE, Policy 904); and
  - (i) Maintaining personnel records and evaluating personnel programs and policies (see PERSONNEL RECORDS, Policy 901)

## **POLICY 300.105 CODE OF EMPLOYER-EMPLOYEE RELATIONS**

### **Policy:**

It is the policy of BMCC to attempt to implement effective personnel policies and to require all employees to support the organization's best interests.

### **Procedure:**

- (1) BMCC is committed to a mutually rewarding and direct relationship with its employees without the intervention of outside groups, such as unions. Thus, BMCC attempts to:
  - (a) Provide equal employment opportunity and treatment regardless of race, religion, color, sex, age, national origin, disability, or military status (see EQUAL EMPLOYMENT OPPORTUNITY, Policy 201);
  - (b) Provide compensation and benefits commensurate with the work performed (see PAY PRACTICES, Policy 300);
  - (c) Establish reasonable hours of work based on BMCC's production and service needs (see HOURS OF WORK, Policy 207);
  - (d) Monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety (see EMPLOYEE SAFETY, Policy 601);
  - (e) Offer training opportunities for those whose talents or needs justify the training (see ORIENTATION AND TRAINING, Policy 202B);
  - (f) Be receptive to constructive suggestions about job duties, working conditions, or personnel policies (see SUGGESTION PROGRAM, Policy 903); and
  - (g) Establish appropriate means for employees to discuss matters of concern with their immediate supervisor or manager(s). (See DISPUTE RESOLUTION PROCEDURE, Policy 904.)
- (2) BMCC, as part of its commitment to providing customers with excellent products and services and to creating a productive work environment, expects all employees to:
  - (a) Deal with customers and suppliers in a professional manner (see CUSTOMER RELATIONS, Policy 804);
  - (b) Represent BMCC in a positive and ethical manner;
  - (c) Perform assigned tasks in an efficient manner;
  - (d) Be punctual (see ATTENDANCE AND PUNCTUALITY, Policy 701);
  - (e) Demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
  - (f) Follow the policies adopted by BMCC.
- (3) BMCC retains the sole discretion to exercise all managerial functions, including the rights to:
  - (a) Dismiss, assign, supervise, and discipline employees;
  - (b) Determine and change starting times, quitting times, and shifts;
  - (c) Transfer employees within departments or into other departments and other classifications;
  - (d) Determine and change the size and qualifications of the workforce;
  - (e) Determine and change methods by which its operations are to be carried out;
  - (f) Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the business; and

- (g) Assign duties to employees in accordance with BMCC's needs and requirements and to carry out all ordinary administrative and management functions.
- (4) Employment is on an at-will basis, so that either BMCC or the employees may end the relationship at any time and without cause or prior notice. Nothing in this Manual changes the employment-at-will relationship or creates an express or implied contract or promise concerning BMCC's policies or practices, including policies or practices it will implement in the future. (See EMPLOYMENT-AT-WILL, Policy 106.) Accordingly, BMCC retains the right to establish, change, and abolish its policies, practices, rules, and regulations at will and as it sees fit.

## **POLICY 300.106 EMPLOYMENT-AT-WILL**

### **Policy:**

It is the policy of BMCC that all employees who do not have a written employment contract with BMCC for a specific, fixed term of employment are employed at the will of BMCC for an indefinite period.

### **Procedure:**

- (1) Employees who do not have an individualized written employment contract are employed at the will of BMCC and are subject to termination at any time, for any reason, with or without cause or notice. At the same time, these employees may terminate their employment at any time and for any reason.
- (2) No BMCC representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship. Supervisory and management personnel should not make any representations to employees or applicants concerning the terms or conditions of employment with BMCC that are not consistent with BMCC policies. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, alter the at-will nature of employment or imply that discharge will occur only "for cause."
- (3) This policy may not be modified by any statements contained in this Manual or any other employee handbooks, employment applications, BMCC recruiting materials, BMCC memoranda, or other materials provided to applicants and employees in connection with their employment. None of these documents, whether singly or combined, create an express or implied contract of employment for a definite period, or an express or implied contract concerning any terms or conditions of employment. Similarly, BMCC policies and practices with respect to any matter should not be considered as creating any contractual obligation on BMCC's part or as stating in any way that termination will occur only "for cause." Statements of specific grounds for termination set forth in this Manual or in any other BMCC documents are examples only, not all-inclusive lists, and are not intended to restrict BMCC's right to terminate at-will.
- (4) At the time of hiring, employees are required to sign a written statement acknowledging that they are employed at the will of BMCC and are subject to termination at any time, for any reason, with or without notice, and with or without cause.
- (5) Completion of an introductory period or attainment of regular status does not change an employee's status as an at-will employee or in any way restrict BMCC's right to terminate the employee or change the terms or conditions of employment. (See INTRODUCTORY PERIOD, Policy 204.)

## **POLICY 300.201 EQUAL EMPLOYMENT OPPORTUNITY**

### **Policy:**

It is the policy of BMCC to provide equal opportunity in employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, military status, or any other characteristic protected by applicable federal or state law. However, BMCC Indian Preference in accordance with the spirit of the Indian Preference Act, PL 88-352-Sec. 707 (1) July 2, 1972, may grant first consideration for employment to Indians.

### **Procedure:**

- (1) This policy applies to all terms, conditions, and privileges of employment and all policies of BMCC.
- (2) The following hierarchy has been adopted by the Bay Mills Indian Community for implementation of Native American preference for selection of posted positions:
  1. BMIC Tribal Members
  2. Spouse of BMIC Tribal members
    - a. Native American
    - b. Non Native American
  3. Native Americans from other Tribes
  4. Any Other
- (3) The President's Office is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. The President's Office duties include the following if needed:
  - (a) Assisting management in collecting and analyzing employment data;
  - (b) Developing policy statements, required affirmative action programs, and recruitment techniques designed to comply with the equal employment policies of BMCC;
  - (c) Complying with federal and state statutory recordkeeping and notice requirements of employment-related statutes and regulations;
  - (d) Preparing, if required by state or federal law, an annual review and summary of BMCC's affirmative action programs and submitting the results achieved under these programs;
  - (e) Assisting supervisory personnel in arriving at solutions to specific personnel problems;
  - (f) Serving as liaison between BMCC and government agencies, equal employment opportunity organizations, and other community groups; and
  - (g) Keeping management informed of the latest equal employment opportunity developments.
- (4) Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter should be referred to the President's Office.
- (5) While overall authority for implementing this policy is assigned to the President's Office, an effective equal employment opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any employees who believe they have suffered from discrimination should report this concern to their supervisor or the President's Office.
- (6) Complaints of discrimination will be handled and investigated under BMCC's dispute resolution policy (see DISPUTE RESOLUTION PROCEDURE, Policy 904), unless special procedures are considered appropriate. All complaints of discrimination will be investigated promptly and in as impartial and confidential a manner as possible, and a timely resolution of each complaint should be reached and communicated to the parties involved. BMCC prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about discrimination.

## **POLICY 300.201A      PRODUCTIVE WORK ENVIRONMENT**

### **Policy:**

It is the policy of BMCC to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

### **Procedure:**

- (1) Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status, or sex. Special attention should be paid to the prohibition of sexual harassment.
- (2) Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- (3) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, nonsupervisory employees, or nonemployees, is also prohibited. This conduct includes:
  - (a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
  - (b) Verbal harassment of a sexual nature, such as lewd Procedures, sexual jokes or references, and offensive personal references;
  - (c) Demeaning, insulting, intimidating, or sexually suggestive Procedures about an individual;
  - (d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
  - (e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, instant messaging, and Internet materials).

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, sex, national origin, religion, disability, pregnancy, age, or military status is also prohibited.

- (4) Any employee who believes that a supervisor's, manager's, other employee's, or nonemployee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor; or to the President if the complaint involves the supervisor or manager.
- (5) Complaints of harassment will be handled and investigated under BMCC's dispute resolution policy (see DISPUTE RESOLUTION PROCEDURE, Policy 904), unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.
- (6) Any employee, supervisor, or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. BMCC prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. (See DISCIPLINARY PROCEDURE, Policy 808.)

## **POLICY 300.202 HIRING**

### **Policy:**

It is the policy of BMCC to be an equal opportunity employer and to hire individuals on the basis of their qualifications and ability to do the job to be filled. Unless otherwise provided in writing, employment with BMCC is considered to be at will, so that either party may terminate the relationship at any time and for any lawful reason. (See EMPLOYMENT-AT-WILL, Policy 106.)

### **Procedure:**

- (1) Supervisors and manager(s) who need to fill a job opening or want to add a new job position should submit a memo to the Human Resources Director for approval. All memos will be reviewed, but those for new job positions will be evaluated in greater detail before being approved.
- (2) BMCC will normally try to fill job openings above entry level by promoting from within, if qualified internal applicants are available. (See TRANSFER, Policy 205; and PROMOTION, Policy 206.) In addition, BMCC will normally give consideration to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization. (See LAYOFF AND RECALL, Policy 210.)
- (3) If candidates from within BMCC are to be considered for job openings, the Human Resources Director will post the openings in accordance with procedures contained in PROMOTION, Policy 206. Current employee candidates for the openings will be considered and processed as outlined in TRANSFER, Policy 205.
- (4) If candidates from outside BMCC are to be considered for job openings, the Human Resources Director will be responsible for recruiting the candidates and should use the recruitment methods and sources it considers appropriate to fill the openings.
- (5) During the recruitment, hiring, and orientation process, no statement should be made promising permanent or guaranteed employment; and no document should be called a contract unless, in fact, a written employment agreement is to be used. (See EMPLOYMENT AGREEMENTS, Policy 202A.) All employees of BMCC should be aware that employment with BMCC is at will and should not make any representations otherwise. (See EMPLOYMENT-AT-WILL, Policy 106.)
- (6) When candidates from outside BMCC are to be considered for job openings, the following procedures should be implemented:
  - (a) Any candidate for employment must fill out and sign an employment application form in order to be considered for hiring.
  - (b) The Human Resources Director will consider requests for accommodation of disabilities and religious beliefs and will determine what, if any, accommodation will be made.
  - (c) Applicants determined to be qualified for consideration for available job openings will be interviewed by the appropriate management team and given any tests required for the job.
  - (d) If management determines that the applicant is qualified for employment, a second interview should be arranged if needed to determine if the applicant is a good fit for the company.
  - (e) The manager has the responsibility to determine whether an applicant is technically qualified for the open position and meets the other job-related criteria necessary to perform the job. The decision whether to hire the applicant is to be made by the management team but must also have the approval of the President.
  - (f) Following a decision to hire the applicant, the management will make an offer of employment which should include any necessary contingencies or disclaimers. The Human Resources Director will then determine whether the applicant has the legal right to work in the United States and, where appropriate, conduct credit, personal reference, driving record, and criminal conviction checks. A prior conviction, taken by itself, will not necessarily disqualify an applicant. If the applicant accepts the offer and a medical examination is required, the Human Resources Director should arrange it. (See MEDICAL PROCEDURES, Policy 203.)

- (g) If the background, medical, or any other subsequent investigation discloses any misrepresentation on the application form or information indicating that the individual is not suited for employment with BMCC, the applicant will be refused employment or, if already employed, may be terminated. (See INTRODUCTORY PERIOD, Policy 204; and TERMINATION OF EMPLOYMENT, Policy 211.)
  - (h) The Human Resources Director is responsible for orientation of new employees and the processing of their employment forms; the supervisor is responsible for any necessary job training. (See ORIENTATION AND TRAINING, Policy 202B.)
- (7) A member of an employee's immediate family will be considered for employment by BMCC if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:
- (a) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
  - (b) Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

- (8) Employees who marry or become members of the same household may continue employment as long as there is not:
- (a) A direct or indirect supervisor/subordinate relationship between the employees; or
  - (b) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, BMCC will attempt to find a suitable position within BMCC to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

- (9) BMCC is taking affirmative action as required by law to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era and qualified disabled individuals. BMCC is also taking affirmative action as required by law to employ and advance in employment qualified individuals without regard to race, sex, religion, or national origin.
- (10) Former employees who left BMCC in good standing may be considered for reemployment. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for reemployment. (See TERMINATION OF EMPLOYMENT, Policy 211.) A former employee who is reemployed will be considered a new employee from the date of reemployment unless the break in service is less than thirty days, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan. (See DISCLOSURE OF BENEFITS, Policy 501.) Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

## **POLICY 300.202A      EMPLOYMENT AGREEMENTS**

### **Policy:**

It is the policy of BMCC that it may execute written employment agreements with certain of its employees. Employees who do not have a written employment contract containing a specified duration of employment are considered at-will employees. (See EMPLOYMENT-AT-WILL, Chapter 106.)

### **Procedure:**

- (1) Only the President, or other specifically designated BMCC representative, is authorized to enter into a written employment agreement on behalf of BMCC with any employee.
- (2) Written employment agreements normally will set out the significant terms and conditions of an individual's employment. These terms and conditions often include:
  - (a) The length of time that the agreement will last and how, if at all, it can be renewed;
  - (b) The job title, duties, and description, reserving to BMCC the right to change the employee's duties as BMCC's interests require;
  - (c) The employee's salary;
  - (d) Any other forms of compensation, such as health insurance, pension, incentive plans, or perquisites; and
  - (e) Provisions for the termination of employment.
- (3) Employment agreements covered by this policy may include any or all of the following elements, depending on individual circumstances:
  - (a) **Patents, Inventions, and Copyrights:** The agreement should specify who owns the rights to any patents, inventions, and copyrights obtained by the employee during employment, or as a result of work done while employed, and any royalties or other payments resulting from these items. Under normal circumstances, these items are BMCC property and, if held in the employee's name, should be assigned to BMCC.
  - (b) **Special Transfers and Foreign Assignments:** Coverage should specify how any problems or extraordinary circumstances arising from an out-of-the ordinary transfer or a foreign assignment will be handled.
  - (c) **Noncompetition with BMCC:** Any agreement not to compete with BMCC after termination of employment should be reasonable with regard to the time period or duration and the geographical area covered. The agreement generally should be drafted to limit the employee's activities only to the extent necessary to protect BMCC's business interests.
  - (d) **No solicitation of Customers and Employees:** Coverage should specify that for a specific period of time after termination of employment, the employee will not solicit business from BMCC's customers or attempt to recruit its employees.
  - (e) **Trade Secrets and Confidential Data:** Coverage should specify that all employees with access to BMCC's trade secrets and confidential data are required to safeguard that information and not disclose it except as specifically authorized. (See CONFIDENTIAL NATURE OF BMCC AFFAIRS, Chapter 807.)
  - (f) **Conflicts of Interest:** The agreement should specify that BMCC's conflicts of interest policy must be adhered to and should reaffirm that while employed by BMCC employees may not participate in activities that compete with BMCC. (See CONFLICTS OF INTEREST, Chapter 806.)
  - (g) **Relocation Expenses:** The agreement should specify that payment of, or reimbursement for, relocation expenses by BMCC will only be made when agreed to in advance and may

be contingent upon the completion of a satisfactory period of employment after relocation. (See RELOCATION, Chapter 509.)

- (h) Consulting Assignments: Coverage should specify the reason for giving the employee the post-employment consulting agreement, such as an added inducement to stay with BMCC until retirement or until the completion of an organizational transition (for example, a reorganization, merger, takeover, or bankruptcy) or after the employee is terminated as a result of a layoff or reorganization. However, the provision should be subject to cancellation if the employee elects early retirement, if the employee leaves before the defined date or completion of the organizational transition, or if BMCC's changing circumstances require it. In addition, the employee's death, inability to perform the job or termination for cause should void the provision automatically.
  - (i) Retention Agreements: The agreement should specify the transitional event or events that will trigger this coverage (such as a reorganization, merger, takeover, or bankruptcy), the amount of special compensation to be paid, and the amount of time the employee must remain with BMCC through the transitional period to receive the compensation. In addition, the employee's death, inability to perform the job, or termination for cause should void the provision automatically.
  - (j) Special Training and Education: Coverage should specify that employees who are selected for an extended period of training or education paid for by BMCC will be required to return to work for BMCC at the conclusion of the program. Employees who do not return to work or who terminate employment (whether voluntarily or otherwise) within six months of course completion, will be required to reimburse BMCC for the costs of the training or education.
  - (k) Change in Control Protection and Compensation: The agreement should specify the event or events that will trigger the provision, the amount and timing of special compensation to be paid, and any events or circumstances that will void the provision.
  - (l) Arbitration and Mediation: The provision should specify whether BMCC and the employee agree to submit any dispute over the terms, conditions, or termination of employment to nonbinding mediation or to binding arbitration before an arbitrator from a recognized arbitration service. A provision for arbitration should also state that arbitration precludes the right to pursue legal action in any state or federal court and is the employee's exclusive remedy. BMCC, however, should reserve the right to seek injunctions and damages in court to enforce any trade secret, confidentiality, patent or copyright assignment, or noncompetition clause in the contract.
- (4) Employees are encouraged to review carefully any employment agreement and to consult with legal counsel if necessary to understand the terms of the agreement.

## **POLICY 300.202B ORIENTATION AND TRAINING**

### **Policy:**

It is the policy of BMCC to provide orientation programs for new employees and to conduct or support training programs that it determines to be appropriate.

### **Procedure:**

- (1) The President's Office is responsible for the overall development and coordination of the orientation program and for implementing the portions that cover corporate history, philosophy, policies, benefits, and new employee files and documentation. Each supervisor is responsible for orientation as it applies to introducing the new employee to the specific job and department and may select a coworker to serve as a sponsor to facilitate the new employee's transition.
- (2) Supervisors are responsible for recommending employees for special training programs, for providing on-the-job training, and for arranging outside trainers. In addition, BMCC, to the extent feasible, will maintain a library of self-instructional programs and materials for employee use. Training will normally be conducted during regular working hours.
- (3) Supervisors may approve employee participation in continuing education and training programs when that instruction is regarded as beneficial or considered necessary for satisfactory job performance. In some cases, employees may be required to enroll in and complete the programs satisfactorily.
- (4) The President's Office must approve and coordinate, upon recommendation of the appropriate director or supervisor, employee participation in external and in-house programs dealing with supervisory, professional, or management development; cost reduction; quality improvement; and compliance with government regulations. (See PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS, Policy 406.)
- (5) BMCC may consider the feasibility of sponsoring or conducting special programs for groups of employees when continuing education and in-service programs are required for licensing or for recertification of a license. Under those circumstances, it will apply for approval by the licensing authority and will attempt to comply with all requirements established by that authority. However, it may at its discretion cancel, modify, or withdraw from any certification or program.
- (6) BMCC will provide special training programs explaining its antidiscrimination and harassment policies and for safety and health matters, when considered necessary or as required by government regulation. (See EQUAL EMPLOYMENT OPPORTUNITY, Policy 201; PRODUCTIVE WORK ENVIRONMENT, Policy 201A; SERIOUS DISEASES, Policy 203A; and EMPLOYEE SAFETY, Policy 601.)
- (7) BMCC-sponsored or -conducted orientation and training programs may be reviewed periodically to evaluate the quality of the instruction, the content, and the results. The President's Office or an outside organization will administer the evaluation, which may involve the testing of participants.
- (8) Employees may receive certificates of completion for successfully finishing BMCC-approved or -sponsored training and educational programs. The President's Office or designated department will maintain records of all training programs completed by each employee.

## **POLICY 300.203 MEDICAL PROCEDURES**

It is the policy of BMCC that applicants to whom a conditional offer of employment has been extended and current employees may be required to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization.

### **Procedure:**

- (1) Successful applicants for employment may be required as a condition of employment to take a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made should be examined.
- (2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a disability, or has a questionable ability to perform current job duties or the duties of the job for which the employee is being considered.
- (3) Employees are encouraged, but not required, to have physical examinations periodically during their employment and to participate in wellness programs.
- (4) BMCC will pay for medical examinations it requires and will designate an approved physician or licensed medical facility to perform the examination. Records of medical examinations paid for by BMCC are the property of BMCC, will be treated as confidential, and will be kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (5) Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to the President's Office if the use might impair their ability to perform the job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking the prescription or nonprescription legal drugs. (See also DRUGS, NARCOTICS, AND ALCOHOL, Chapter 809.)
- (6) BMCC reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. (See Short-Term Absences, Chapter 702.) BMCC also may require a second and, if necessary, third medical opinion regarding an employee's absence because of illness or injury. BMCC will pay for any additional opinions it requires.
- (7) Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees. (See LEAVES OF ABSENCE, Chapter 703.)
- (8) Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. Supervisors will arrange referral for examination, treatment, and recording of the incident as necessary. Time an employee spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.
- (9) An injured employee's supervisor, any member of management, or medical personnel are authorized to have the employee transferred to an outside medical facility for treatment. The President's Office and managers are responsible for developing and administering programs concerning employee health and safety. (See EMPLOYEE SAFETY, Chapter 601.)
- (10) BMCC also may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law. For policies and procedures on this type of testing, see DRUGS, NARCOTICS, AND ALCOHOL, Chapter 809.

## **POLICY 300.203A SERIOUS DISEASES**

### **Policy:**

It is the policy of BMCC that employees with infectious, long-term, life-threatening, or other serious diseases or illnesses may work as long as they are able to perform the duties of their job without undue risk to their own health or that of other employees, customers, or members of the public.

### **Procedure:**

- (1) For the purposes of this policy, serious diseases and illnesses include, but are not limited to: cancer, heart disease, major depression, multiple sclerosis, hepatitis, tuberculosis, certain musculoskeletal disorders, human immunodeficiency virus (“HIV”), and acquired immune deficiency syndrome (“AIDS”).
- (2) BMCC will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases and illnesses.
- (3) Employees afflicted with a serious disease or illness are to be treated no differently than any other employee. Therefore, if the serious disease or illness affects their ability to perform assigned duties, those employees will be treated like other employees who have disabilities which limit their job performance.
- (4) An employee who is diagnosed as having a serious disease or illness and who wants an accommodation or if the disease or illness directly threatens the health or safety of the employee or others should inform a supervisor or the President’s Office of the condition as soon as possible. Supervisors and the President’s Office should review with the employee BMCC policy on issues such as employee assistance, leaves and disability, infection control, requesting and granting accommodations, BMCC’s continuing expectation regarding the employee’s performance and attendance, and available benefits. (See DISCLOSURE OF BENEFITS, Chapter 501; and LEAVES OF ABSENCE, Chapter 703.)
- (5) Employees who have a serious disease or illness and who want an accommodation should provide the President’s Office with any pertinent medical information needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. BMCC also may require a doctor’s certification of an employee’s ability to perform job duties. In addition, BMCC may request that an employee undergo a medical examination. (See MEDICAL PROCEDURES, Chapter 203.)
- (6) BMCC will attempt to maintain the confidentiality of the diagnosis and medical records of employees with serious diseases and illnesses, unless otherwise required by law. Information relating to an employee’s serious disease or illness will be treated as confidential and ordinarily will not be disclosed to other employees.
- (7) BMCC will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, engineering and work practice controls, and personal protective equipment will be used where appropriate to limit the spread of diseases in the workplace.
- (8) Employees concerned about being infected with a serious disease or illness by a coworker, customer, or other person should convey this concern to their supervisor or the President’s Office. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease or illness, without first discussing their concern with a supervisor, will be subject to discipline. In addition, where there is little or no evidence of risk of infection to the concerned employee, the employee’s continued refusal may result in discipline, up to and including termination. (See DISCIPLINARY PROCEDURE, Chapter 808.)

## **POLICY 300.204 INTRODUCTORY PERIOD**

### **Policy:**

It is the policy of BMCC that all new employees and all present employees transferred or promoted to a new job should be carefully monitored and evaluated for an initial introductory period. After satisfactory completion of the introductory period, those employees will be evaluated as provided for in the PERFORMANCE APPRAISALS policy. (See PERFORMANCE APPRAISALS, Policy 302.)

### **Procedure:**

- (1) Normally, the introductory period should last at least six months; however, faculty will be observed for two semesters. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.
- (2) Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation on their first performance appraisal (3 months or first semester) and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance.
- (3) Supervisors should prepare a written evaluation of the employee's job performance at the end of the introductory period on the new job. (See PERFORMANCE APPRAISALS, Policy 302.) The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the President's Office for inclusion in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)
- (4) Supervisors may recommend the termination of a newly hired employee at any time. A recommendation for termination should be submitted in writing to the President's Office for review and should include an evaluation and a list of actions taken to assist the employee. (See also TERMINATION OF EMPLOYMENT, Policy 211.) Action to terminate should have the prior approval of the President's Office.
- (5) Newly hired regular full-time employees generally are eligible for employee benefits. Transferred or promoted employees, although evaluated according to this policy, remain eligible for all benefits while demonstrating their ability to perform their new jobs. The introductory period will be extended by the number of work days missed because of an excused leave of absence. (See VACATIONS, Policy 502; and SHORT-TERM ABSENCES, Policy 702.)
- (6) At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated. (See TRANSFER, Policy 205; and PROMOTION, Policy 206.)
- (7) At all times, including after successful completion of the introductory period, employment with BMCC is considered to be "at-will," and the employment relationship may be terminated at any time for any lawful reason by either party. (See EMPLOYMENT-AT-WILL, Policy 106.)

## **POLICY 300.205 TRANSFERS**

### **Policy:**

It is the policy of BMCC that it may at its discretion initiate or approve employee job transfers from one job to another or from one location to another.

### **Procedure:**

- (1) BMCC may require employees to make either a temporary or long-term job transfer in order to accommodate the organization's business needs. BMCC attempts to limit the number and duration of temporary transfers that it requests of employees in a twelve-month period.
- (2) Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees normally must meet the requirements of the new position, have held their current position for at least six months, have a satisfactory performance record, and have no disciplinary actions during the same period.
- (3) Job openings for which management solicits candidates from within BMCC will normally be posted on the employee bulletin board and/or verbally announced. However, as it considers appropriate, management will fill job openings or make transfers without posting notices.
- (4) Eligible employees who request a transfer generally will be considered in the following priority:
  - (a) Employees in the same department as the job opening;
  - (b) Employees at the same location but in departments other than the one where the opening occurs;
  - (c) Employees who are being considered for layoff because of a reduction in force or because of the elimination of their job (see LAYOFF AND RECALL, Chapter 210); and,
  - (d) All other employees.
- (5) Requests for transfer normally should be handled as follows:
  - (a) The employee should submit a written request to the President's Office. The request should include the reason for the transfer and the department and specific job that the employee wants. Requests based on posted job openings must comply with the procedures described in PROMOTION, Chapter 206, and should be initiated prior to the cut-off date specified in the posting.
  - (b) The President's Office should determine if the requested job or a suitable job opening exists and whether the employee is eligible. If a job opening exists and the employee is eligible, the President's Office should forward the request for transfer to the employee's supervisor.
  - (c) The supervisor should forward the request for transfer to the employee's manager(s) with a recommendation for approval or disapproval. The recommendation will be reviewed by the manager(s) and the President's Office.
  - (d) The President's Office should arrange an interview between the eligible candidate and the manager(s) who has the job opening. The candidate will be allowed time off with pay for job interviews related to the transfer.
  - (e) The manager(s) with the job opening will make the final transfer decision, subject to the approval of the President's Office. (See PROMOTION, Chapter 206.)
  - (f) Supervisors and manager(s) may initiate the procedure and propose employees for a position.
- (6) Employee requests to transfer to another BMCC facility will be handled in the same manner as described in Procedure (5), above. Time off with pay will be limited to one day, unless the manager(s) considering the transfer requests additional time for interviews.
- (7) Transferred employees will be subject in their new positions to the provisions of the Introductory Period policy. (See INTRODUCTORY PERIOD, Chapter 204.) The employee remains an at-will employee at all times, and transfer to a new position or completion of the subsequent introductory employment period does not alter the employment-at-will relationship. In addition, transferred

employees may be required to have a medical examination if the examination is job-related and consistent with business necessity. (See MEDICAL PROCEDURES, Chapter 203.)

- (8) Transferred employees will retain their existing job seniority until satisfactorily completing their introductory period on the job. That seniority will be transferred to the employee's new job at the successful completion of the introductory period.
- (9) Pay for transferred employees generally will be handled as follows:
  - (a) Employees transferred to a job within the same salary range will continue to receive their existing rate of pay;
  - (b) Employees transferred to a job in a higher salary range will be paid at the higher rate;
  - (c) Employees transferred, for management's convenience, to a job in a lower salary range usually will be paid at their former rate. At management's discretion, however, employees may be paid at the rate of the new job; and
  - (d) Employees transferred for disciplinary reasons, lack of work, budgetary reasons, corporate reorganization, or at their own request to a job in a lower salary range will be paid at the lower rate when they begin the new job.

## **POLICY 300.206 PROMOTION**

### **Policy:**

It is the policy of BMCC to offer employees promotions to higher level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in BMCC's best interest.

### **Procedure:**

- (1) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, manager(s), and the President's Office.
- (2) Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least six months, have a satisfactory performance record, and have no disciplinary actions during the same period.
- (3) Job openings and promotions for which management solicits candidates from within BMCC normally will be posted on the employee bulletin board and/or verbally announced. However, as it considers appropriate, management may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:
  - (a) Interested employees must initiate a written request to the President's Office prior to the deadline specified in the posting;
  - (b) Supervisors and manager(s) may initiate the procedure within the same time period and propose employees for the position; and,
  - (c) The President's Office may, at its discretion, solicit outside candidates during or after the posting period.
- (4) Employee candidates for job openings and promotions will be considered for the position as outlined in the TRANSFER policy. (See TRANSFER, Policy 205.)
- (5) Employee candidates for promotion will normally be screened and selected on the basis of attendance and work records, performance appraisals, and job-related qualifications including, in some instances, aptitude or achievement tests. Seniority will be considered if two or more candidates are judged to be equally qualified based on merit, work record, and other qualifications. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity. (See MEDICAL PROCEDURES, Policy 203.)
- (6) Promoted employees will be subject to the provisions of the INTRODUCTORY PERIOD policy in their new positions. (See INTRODUCTORY PERIOD, Policy 204.) The employee remains an at-will employee at all times, and promotion to a new position or completion of the subsequent introductory period does not alter the employment-at-will relationship.
- (7) Employees selected for promotion and asked to relocate to another BMCC location will be assisted as outlined in the RELOCATION policy. (See RELOCATION, Policy 509.)
- (8) Seniority and pay for promoted employees will be handled as outlined in the TRANSFER policy. (See TRANSFER, Policy 205.)

## **POLICY 300.207 HOURS OF WORK**

### **Policy:**

It is the policy of BMCC to establish the time and duration of working hours as required by work load and production flow, customer service needs, the efficient management of human resources, and any applicable law.

### **Procedure:**

- (1) The normal workweek is Monday through Sunday, beginning and ending at midnight on Sunday, and consisting of forty hours. The normal workday will consist of 8 ½ hours of work with a one-hour lunch period, 30 minutes of which are paid. Rest or coffee breaks are considered as time worked.
- (2) The schedule of hours for employees will be determined by each manager(s). The manager(s) will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable by BMCC. (See Rest Breaks, Policy 706; and Meal Breaks, Policy 707.)
- (3) Manager(s) may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or manager(s). For the purposes of overtime compensation, only hours worked in excess of forty during a workweek will be counted. (For a special summary of what constitutes hours worked under federal wage and hour regulations, see Appendix A.)
- (4) Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if attendance is requested by management.
- (5) Manager(s), at their discretion, may allow nonexempt employees to make-up lost time during a given workweek. However, make-up will not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.
- (6) All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover two workweeks and must be completed by noon of the Monday following the weeks worked. The following points should be considered in filling out time records:
  - (a) Employees should record their starting time, quitting time, and total hours worked for each workday;
  - (b) Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without their supervisor's prior approval;
  - (c) Employee time records should be checked and signed by the supervisor involved. Unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be approved by the supervisor on the time record. Authorized overtime also should be identified by the supervisor when applicable;
  - (d) Unapproved absences should not be considered as hours worked for pay purposes. (See Attendance and Punctuality, Policy 701; and Short-Term Absences, Policy 702.) Supervisors should inform employees if they will not be paid for certain hours of absence; and
  - (e) Filling out another employee's time record or falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination. (See Behavior of Employees, Policy 801; and Disciplinary Procedures, Policy 808.)
- (7) Certain personnel employed in executive, administrative, professional, outside sales, and computer-related capacities, and certain highly compensated employees generally are exempt from the provisions of the Fair Labor Standards Act. These employees must account for daily

attendance. Exempt employees will not receive overtime compensation, but occasionally may be eligible for compensatory time-off after working abnormally long hours. Further, those exempt employees paid on a salary basis will not have deductions made from their salary except as allowed by law. Complaints about improper deductions may be made to the President's Office.

- (8) For policies and procedures regarding pay practices, see PAY PRACTICES, Policy 300.

## **APPENDIX A**

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#### **1. Purpose of Appendix**

The Fair Labor Standards Act ("FLSA") requires that nonexempt employees (those covered by the Act, i.e., those not exempt from it) must be paid not less than the minimum wage for all hours worked and that those hours worked in excess of 40 in a single workweek be compensated at one and one-half times the normal hourly rate. An accurate calculation of hours worked by an employee is important to comply with FLSA minimum wage and overtime requirements. This determination is not always easily made. Fortunately, regulations issued by the Wage and Hour Division of the Department of Labor provide guidance for determining what are hours worked and how to record them. The pertinent provisions of these regulations, 29 C.F.R. §§785.1, et seq., are provided in this Appendix.

#### **2. Basic Definition — Hours of Work**

The Supreme Court has ruled that working hours include all time during which an employee is engaged in physical or mental exertion controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer and its business. *Tennessee Coal, Iron & Railroad Co. v. Muscoda Local No. 123*, 321 U.S. 590 (1944); 29 C.F.R. §785.7. The Court also has held that the time an employee spends in a plant after punching in, getting to his job, and preparing for it is compensable, but the time which the employee merely spent waiting because he arrived early is not. *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946); 29 C.F.R. §785.7. The Portal-to-Portal Act of 1947 relieved employers of liability for any time before and after the employee's "principal activity," unless there is a contract, custom, or practice requiring pay for these preliminary and concluding activities. However, time spent by employees in activities before or after the regular work day must be counted as time worked if the activities are an integral and indispensable part of the employee's principal activities. 29 C.F.R. §§785.9, 790.8, and 785.24. (See "Preparatory and Concluding Activities," below.) Working hours also may include time when the employee does not actually perform any work but is engaged to wait. (See "Waiting Time," below.)

#### **3. Employees Suffered or Permitted to Work**

An employer that allows or permits employees to work must count this time for compensation and overtime purposes even if the work was not requested or scheduled by the employer.

EXAMPLE: An employee may voluntarily continue to work at the end of the shift. He may be a pieceworker, he may desire to finish an assigned task or he may wish to correct errors, prepare time reports, or other records. The reason is immaterial. The employer knows or has reason to believe that he has continued to work and the time is working time. The rule is applicable to work performed away from the premises, at a job site, or at home. If the employer knows or has reason to believe that the work is being performed, the hours must be compensated and counted for overtime purposes. It is the duty of management to exercise its control and see that work is not performed which it does not intend to be performed. The mere existence of a rule against the work is not enough. Management must enforce the rule. 29 C.F.R. §785.11.

#### 4. **Waiting Time**

Whether waiting time is time worked depends on the particular circumstances. The determination involves a reasonable interpretation of the “agreements between [the] particular parties, appraisal of their practical construction of the working agreement by conduct, [and] consideration of the nature of the service and its relation to the waiting time.” 29 C.F.R. §785.14. “Facts may show that the employee was engaged to wait or they may show that he waited to be engaged. Such questions must be determined in accordance with common sense and the general concept of work or employment.” 29 C.F.R. §785.14.

- A. **On Duty** — where waiting is an integral part of the job, the employee is engaged to wait and the time spent waiting is compensable work time. Typically, the periods of inactivity are of a short duration and unpredictable. However, the employee cannot use the time effectively for his own purposes. “The time is work time even though the employee is allowed to leave the premises or the job site during such periods of inactivity ... [i]t belongs to and is controlled by the employer.” 29 C.F.R. §785.15.

EXAMPLE: A secretary who reads a book while waiting for dictation is working during this period of inactivity.

EXAMPLE: A messenger who works a crossword puzzle while awaiting assignments is working during this period of inactivity.

EXAMPLE: Firefighters who play checkers while waiting for alarms are all working during such periods of inactivity.

EXAMPLE: A factory worker who talks to his fellow employees while waiting for machinery to be repaired is working during this period of inactivity. The rule also applies to employees who work away from the plant.

EXAMPLE: A repairperson is working while he waits for his employer’s customer to get the premises ready. 29 C.F.R. §785.15.

- B. **Off Duty** — An employee is considered to be off duty during periods when he is “completely relieved from duty and which are long enough to enable him to use the time effectively for his own purposes.” An employee is not completely relieved from duty unless he definitely is told in advance he may leave the job and that he will not have to begin work until a specified hour has arrived. “Whether the time is long enough to enable him to use the time effectively for his own purposes depends on all of the facts and circumstances of the case.” 29 C.F.R. §785.16(a).

- C. **On-Call** — An employee who is required to remain on-call on the employer’s premises is working while on-call. In addition, an employee who must remain on-call so close to the employer’s premises that he cannot use the time effectively for his own purposes is working while on-call. However, if the employee is not required to remain on the employer’s premises; but only is required to leave word at his home or with his employer where he may be reached, he is not working while on-call and does not have to be paid. . 29 C.F.R. §785.17.

#### 5. **Rest Periods**

“Rest periods of short duration, running from five minutes to about 20 minutes, are common” in many industries. These periods “promote the efficiency of the employee,” and “they are customarily paid for as working time.” They must be counted as hours worked. “Compensable time of rest periods may not be offset against other working time such as compensable waiting time or on-call time.” 29 C.F.R. §785.18.

#### 6. **Meal Periods**

Bona fide meal periods are not work time. In order to qualify as a bona fide meal period, the employee must be completely relieved from duty for the purposes of eating regular meals and for at least 30 minutes. A shorter period may qualify under special conditions. However, bona fide meal periods do not include coffee breaks or time for snacks. 29 C.F.R. §785.19(a). In addition,

the employee does not have to be permitted to leave the premises as long as he is completely freed from duties during the meal period. 29 C.F.R. §785.19(b). “The employee is not relieved if he is required to perform any duties, whether active or inactive, while eating.” 29 C.F.R. §785.19(a).

EXAMPLE: An office employee who is required to eat at his desk is working during the meal.

EXAMPLE: A factory worker who is required to be at his machine is working while eating.

## 7. **Sleeping Time and Certain Other Activities**

Under certain conditions, an employee is considered to be working even though some of his time is spent sleeping or performing other activities. 29 C.F.R. §785.20

- A. **Less than 24-Hour Duty** — “An employee who is required to be on duty for less than 24 hours is working even though he is permitted to sleep or is engaged in other personal activities when not busy.” 29 C.F.R. §785.21.

EXAMPLE: A telephone operator who is required to be on duty during specified hours is working even though she is permitted to sleep when not busy answering calls. It makes no difference that she is furnished facilities for sleeping. Her time is given to her employer. She is required to be on duty and the time is work time.

- B. **Duty of 24 Hours or More** — “Where an employee is required to be on duty for 24 hours or more, the employer and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than eight hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night’s sleep. If the sleeping period is of more than eight hours, only eight hours will be credited.” 29 C.F.R. §785.22(a). If the employer and employee have not agreed to such an arrangement, the eight hours of sleeping time and meal periods constitute hours worked. “If the sleeping period is interrupted by a call to duty, the interruption must be counted as hours worked. If the period is interrupted to such an extent that the employee cannot get a reasonable night’s sleep, the entire period must be counted.” If the employee cannot get at least five hours’ sleep during a scheduled period, the entire time is counted as working time. 29 C.F.R. §785.22(b).

- C. **Employees Residing on Employer’s Premises or Working at Home** — “An employee who resides on his employer’s premises on a permanent basis or for extended periods of time is not considered as working all the time he is on the premises. Ordinarily, he may engage in normal private pursuits and thus have enough time for eating, sleeping, entertaining and other periods of complete freedom from all duties when he may leave the premises.” 29 C.F.R. §785.23. Any reasonable agreement of the parties which takes into consideration all of these pertinent facts is acceptable.

## 8. **Preparatory and Concluding Activities**

Time spent by employees engaging in principal activities generally is considered time worked. The term “principal activities” includes all activities that are an integral part of the principal activity. “Among the activities included as an integral part of a principal activity are those closely related activities which are indispensable to an employee’s performance.” The FLSA excludes from hours worked the time spent by employees performing mere preliminary or post-liminary activities. 29 C.F.R. §785.24.

EXAMPLE: If an employee in a chemical plant cannot perform his principal activities without putting on certain clothes, changing clothes on the employer’s premises at the beginning and end of the work day would be an integral part of the employee’s principal activity and counted as working time.

EXAMPLE: If changing clothes is merely a convenience to the employee and not directly related to his principal activities, it would be considered a “preliminary” or “postliminary”

activity rather than a principal part of the activity and, therefore, this type of activity would not be considered working time.

EXAMPLE: Checking in and out and waiting in line to do so are not ordinarily regarded as integral parts of the employee's principal activity or activities and, therefore, these types of activities would not be considered working time.

## 9. Lectures, Meetings, and Training Programs

- A. General — "Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met:
- (i) Attendance is outside of the employee's regular working hours;
  - (ii) Attendance is in fact voluntary;
  - (iii) The course, lecture or meeting is not directly related to the employee's job; and
  - (iv) The employee does not perform any productive work during such attendance." 29 C.F.R. §785.27.
- B. Involuntary Attendance — "Attendance is involuntary if it is required by the employer. It is not voluntary if the employee is given to understand or led to believe that his present working conditions or the continuance of his employment would be adversely affected by nonattendance." 29 C.F.R. §785.28.
- C. Training Directly Related to Job — "Training is directly related to an employee's job if it is designed to make the employee handle his job more effectively as distinguished from training him for another job, or to acquire a new or additional skill." 29 C.F.R. §785.29. "Where a training course is instituted for the purpose of preparing for advancement through upgrading the employee to a higher skill, and is not intended to make the employee more efficient in his present job, the training is not considered directly related to the employee's job even though the course incidentally improves his skill in doing his regular work." 29 C.F.R. §785.29. As such, the time would not be counted as working time. "If an employee on his own initiative attends an independent school, college or independent trade school after hours, the time is not hours worked for his employer even if the courses are related to his job." 29 C.F.R. §785.30.
- D. Apprenticeship Training — With respect to apprenticeship training, time spent in an organized apprenticeship program of related, supplemental instruction may be excluded from working time if: (1) the apprentice is employed under a written apprenticeship agreement; and (2) the time does not involve productive work or performance of the apprentice's regular duties. A bona fide apprenticeship program is one that "substantially meets the fundamental standards of the Bureau of Apprenticeship and Training of the Department of Labor." 29 C.F.R. §785.32(a). "If the above criteria are met the time spent in such related supplemental training shall not be counted as working time unless the written agreement specifically provides that it is hours worked. The mere payment or agreement to pay for time spent in related instruction does not constitute an agreement that such time is hours worked." 29 C.F.R. §785.32(b).

## 10. Travel Time

"The principles which apply in determining whether or not time spent in travel is working time depend on the kind of travel involved." 29 C.F.R. §785.33. (See also TRAVEL, Policy 401.)

- A. Home to Work — Ordinary Situations — "An employee who travels from home before his regular work day and returns to his home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether he works at a fixed location or at different job sites. Normal travel from home to work is not work time," and therefore does not have to be paid. 29 C.F.R. §785.35.
- B. Home to Work — Emergency Situations — During instances involving emergency situations, travel from home to work generally is work time. For example, if an employee

who has gone home after completing his day's work is subsequently called out at night to travel a substantial distance to perform an emergency job for one of his employer's customers, all time spent on that travel is working time. However, "[t]he Divisions are taking no position on whether travel to the job and back home by an employee who receives an emergency call outside of his regular hours to report back to his regular place of business to do a job is working time (emphasis added)." 29 C.F.R. §785.36.

- C. Home to Work — Special Assignment — Employees who regularly work at a fixed location, but are given a special one-day work assignment to work in another city are entitled to be paid for the extra time spent traveling to that site. "Such travel cannot be regarded as ordinary home to work travel occasioned merely by the fact of employment. It was performed for the employer's benefit and at his special request to meet the needs of the particular and unusual assignment. It would thus qualify as an integral part of the 'principal' activity which the employee was hired to perform on the work day in question." Accordingly, the time spent on this travel is work time. However, employers may deduct the employee's normal travel time from the paid travel time to the special work site, since it falls in the "home to work" category and the employee would have had to report to his regular work site anyway. Also, the usual meal period may be deducted from the working time. 29 C.F.R. §785.37.
- D. Travel as Part of the Day's Work — For employees for whom travel is an integral part of their job, all travel hours are considered to be work time. "Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the work day, must be counted as hours worked." In cases where an employee is required to report at a meeting place to receive instructions or to perform other work, or to pick up certain items for work, "the travel from the designated place to the workplace is part of the day's work, and must be counted as hours worked regardless of contract, custom, or practice." 29 C.F.R. §785.38.
- E. Overnight Travel — Travel away from home for an overnight trip clearly is paid work time when it cuts across the employee's regular workday. The employee simply is substituting travel for other duties. Travel time on nonworking days also is considered work time if conducted during normal work hours. For example, an employee who normally works 9 a.m. to 5 p.m. Monday through Friday must be paid for time spent traveling on a Sunday only for travel between the hours of 9 a.m. and 5 p.m. Regular meal period time is not counted as working time. Travel during nonwork hours is not considered work time unless the employee is actually performing work while traveling. 29 C.F.R. §785.39.
- F. Transportation choice — If an employee who travels away from home is offered public transportation (such as transportation by airplane) but chooses to drive instead, the employer may count as hours worked either the actual time spent driving the car or the time the employer would have had to count as hours worked if the employee had taken the public transportation. 29 C.F.R. §785.40. (However, it is less clear from the regulations what happens when the employer requires the employee to drive to the overnight destination. Presumably, this time spent driving in that circumstance should be paid since driving arguably becomes a job duty for the nonexempt employee required to do the driving.)
- G. Work Performed While Traveling — "Any work which an employee is required to perform while traveling must be counted as hours worked." 29 C.F.R. §785.41.

## 11. **Adjusting Grievances, Medical Attention, Civic and Charitable Work, and Suggestion Systems**

- A. Adjusting Grievances — "Time spent in adjusting grievances between an employer and employees during the time the employees are required to be on the premises is hours worked." In the event a union is involved, the counting of this time will "be left to the process of collective bargaining or to the custom or practice under the collective bargaining agreement." 29 C.F.R. §785.42.

- B. Medical Attention — Time spent by an employee “waiting for and receiving medical attention on the employer’s premises or at the direction of the employer during the employee’s normal working hours on days when he is working constitutes hours worked.” 29 C.F.R. §785.43.
- C. Civic and Charitable Work — “Time spent in work for public or charitable purposes at the employer’s request, or under the employer’s direction or control, or while the employee is required to be on the premises, is working time. However, time spent voluntarily in such activities outside of the employee’s normal working hours is not hours worked.” 29 C.F.R. §785.44.
- D. Suggestion System — “Time spent by employees outside of their regular working hours in developing suggestions under a general suggestion system is not working time, but if employees are permitted to work on suggestions during regular working hours the time spent must be counted as hours worked. Where an employee is assigned to work on the development of a suggestion, the time is considered hours worked.” 29 C.F.R. §785.45.

## 12. Recording Working Time

- A. Insubstantial Periods of Time — In recording working time, “insubstantial or insignificant periods of time beyond the scheduled working hours, which cannot as a practical administrative matter be precisely recorded for payroll purposes, may be disregarded. The courts have held that such trifles are de minimis. This rule applies only where there are uncertain and indefinite periods of time involved of a few seconds or minutes duration, and where the failure to count such time is due to considerations justified by industrial realities.” 29 C.F.R. §785.47. “An employer may not arbitrarily fail to count as hours worked any part, however small, of the employee’s fixed or regular working time or practically ascertainable period of time he is regularly required to spend on duties assigned to him.” 29 C.F.R. §785.47.
- B. Use of Time Clocks — “Time clocks are not required. In those cases, where time clocks are used, employees who voluntarily come in before the regular starting time or remain after their closing time do not have to be paid for such periods provided that they do not engage in any work. Their early or late clock punching may be disregarded. Minor differences between the clock records and actual hours worked cannot ordinarily be avoided, but major discrepancies should be discouraged since they raise a doubt as to the accuracy of the records of the hours actually worked.” 29 C.F.R. §785.48(a).
- C. Rounding Practices — With respect to rounding practices, “it has been found that in some industries, there has been the practice for many years of recording the employees’ starting and stopping time to the nearest five minutes, or to the nearest one-tenth or one-fourth of an hour. Presumably, the most common arrangement averages out so that the employees are fully compensated for all the time they actually work. This practice of computing working time will be accepted, provided that it is used in a manner that will not fail to compensate employees properly for all the time they have actually worked.” 29 C.F.R. §785.48(b).

## **POLICY 300.208 OUTSIDE EMPLOYMENT**

### **Policy:**

It is the policy of BMCC to allow its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

### **Procedure:**

- (1) BMCC requires that employees' activities and conduct away from the job must not compete or conflict with or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to BMCC. (See CONFLICTS OF INTEREST, Policy 806.) This requirement, for example, prohibits employees from performing any services for customers on nonworking time that are normally performed by BMCC personnel. This prohibition also extends to the unauthorized use of any BMCC tools or equipment and the unauthorized use or application of any confidential trade information or techniques. In addition, employees should not solicit or conduct any outside business during paid working time.
- (2) All employees, including part-time employees, must obtain prior approval from the President's Office before undertaking any outside employment or other work activity. Officers and certain designated managers, professionals, and technical experts<sup>5</sup> are expected to devote all of their working energies to the performance of their duties at BMCC and, therefore, may not be eligible to accept paid outside positions.
- (3) Employees are cautioned to consider carefully the demands that additional work activity will create before requesting permission to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems. (See DISCIPLINARY PROCEDURE, Policy 808.)
- (4) Employee requests for permission to accept outside employment, including self-employment, should be submitted in writing to the employee's manager(s). The request should include any pertinent information about the outside employer, the nature of the job, the hours of employment, and potential conflicts with the primary job. The manager(s) should then forward the request to the President's Office, recommending either approval or disapproval. The President's Office will make the final decision.
- (5) In evaluating requests for outside work, manager(s) and the President's Office will consider whether the proposed employment:
  - (a) May reduce the employee's efficiency in working for BMCC;
  - (b) Involves working for an organization that is a competitor of BMCC or that does a significant amount of business with BMCC, such as major contractors, suppliers, and customers; or
  - (c) May adversely affect BMCC's image.
- (6) Employees who have accepted outside employment may not use paid short-term or personal leave absence time to work on the outside job for more than 3 days. Fraudulent use of short-term or personal leave absences will result in disciplinary action. (See DISCIPLINARY PROCEDURE, Policy 808.)

## **POLICY 300.209      EMPLOYEE CLASSIFICATIONS**

### **Policy:**

It is the policy of BMCC to classify employees as full-time, part-time, or temporary and as exempt or nonexempt for the purposes of compensation administration. In addition, BMCC may supplement the regular workforce, as needed, with other forms of flexible staffing.

### **Procedure:**

- (1) The President's Office is responsible for classifying employees. Employees generally may be categorized as follows:
  - (a) A full-time employee is an individual who works a normal forty-hour workweek and is hired for an indefinite period. (See HOURS OF WORK, Chapter 207.) A full-time employee may be classified as either exempt or nonexempt. Instructors can be classified as full time and hereby eligible for fringe benefits. Their expected hours of instruction are set forth in their contract and the method for receiving payment.
  - (b) A part-time employee is an individual who works less than a normal workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt.
  - (c) A temporary employee generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt.
  - (d) A nonexempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and typically is paid either on an hourly or salary basis.
  - (e) An exempt employee is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees, outside sales representatives, certain highly skilled computer professionals, and certain highly compensated employees. (See HOURS OF WORK, Chapter 207.)
  - (f) Individuals working under contract are not employees of BMCC and responsible for their own benefits and tax reporting.

Other flexible staffing classifications or arrangements may be added as needed.
- (2) Temporary and part-time positions generally will be filled as follows:
  - (a) The head of the department with the need will attempt to fill the position by transfers from within the department.
  - (b) If the position cannot be filled from within the department, then the manager(s) will submit a request to the President's Office. The President's Office then will try to fill the request by transferring employees from other departments.
  - (c) If it is necessary to hire temporary or part-time employees from outside BMCC, the procedures contained in HIRING, Chapter 202, should be used.
- (3) Full-time employees who are given temporary transfers are not considered temporary employees unless their job has been eliminated and only temporary employment is available. (See TRANSFER, Chapter 205.)
- (4) BMCC may use students and other similar applicants for flexible staffing purposes, as allowed by law. Minor applicants generally will be required to provide a certificate of age. The President's Office will handle the assignment of students to special temporary or part-time jobs that are part of training programs.
- (5) Full-time employees generally are eligible for paid absences, vacations, and holidays as discussed in SHORT-TERM ABSENCES, Chapter 702; VACATIONS, Chapter 502; and HOLIDAYS, Chapter 503. Eligibility of temporary and part-time employees for these benefits also is discussed

in those policies. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee. An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility for other BMCC benefits, such as the pension plan, is available from the President's Office or designated department.

- (6) All employees, regardless of classification, generally are considered to be employed "at will" and may quit or be terminated at any time and for any lawful reason. (See EMPLOYMENT-AT-WILL, Chapter 106.)

## **POLICY 300.210 LAYOFF AND RECALL**

### **Policy:**

It is the policy of BMCC that, if it must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted in a manner that is consistent with BMCC requirements and in accordance with the procedures described below.

### **Procedure:**

- (1) BMCC will attempt to avoid layoffs and, whenever possible, will consider alternatives to layoff before any final decisions are made. In the event that a layoff is expected, BMCC will attempt to communicate information about an impending layoff as soon as possible. However, management reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect BMCC's business interests.
- (2) Layoffs that are expected to be temporary generally will be handled according to the provisions of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in TERMINATION OF EMPLOYMENT, Policy 211.
- (3) Nonexempt employees (those employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) within each affected unit typically will be selected for layoff in the following order:
  - (a) New employees covered under the INTRODUCTORY PERIOD policy, Policy 204, will be laid off first;
  - (b) Temporary and part-time employees will be laid off next (see EMPLOYEE CLASSIFICATIONS, Policy 209); and
  - (c) Full-time employees will be laid off next, based on their length of service and their demonstrated ability to perform the available work.
- (4) Exempt employees within each affected unit typically will be selected for layoff based on evaluation of the following criteria:
  - (a) Demonstrated current and past performance;
  - (b) Promotion potential and transferability of skills to other positions within the unit; and
  - (c) Length of service with BMCC.
- (5) An employee's length of service is measured from the original date of employment with BMCC, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with BMCC.
- (6) Employees chosen for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances. Employees will be informed of the reason for the layoff, the estimated length of the layoff, and any rights they have to appeal their selection for layoff to the President's Office.
- (7) Employees who are laid off will be maintained on a recall list for six months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the President's Office or designated department if they become unavailable for recall. Employees who do not keep a current home address on record with the President's Office will lose their recall rights.

- (8) Employees will be recalled according to business need, their classification, and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with the President's Office or designated department. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with BMCC.
- (9) Seniority will continue to accumulate during any layoff of 30 days or less. Employees laid off for more than 30 days and subsequently recalled within one year from the date of layoff will be credited with the years of service accumulated at the time of layoff.
- (10) If the layoff is expected to exceed 30 days, vacation pay equal to the number of unused vacation days accrued during the vacation year will be paid at the time of layoff. Employees who are laid off will not accrue vacation or days of paid absence during the layoff. When an employee returns to work following a recall, however, the employee may use any vacation or days of paid absence accumulated but not used at the time of the layoff. (See VACATIONS, Policy 502.)

## **POLICY 300.211          TERMINATION OF EMPLOYMENT**

### **Policy:**

It is the policy of BMCC to terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and BMCC reserves the right to terminate employment at any time and for any reason. (See EMPLOYMENT-AT-WILL, Policy 106.)

### **Procedure:**

- (1) Employees are requested to give written notice of their intent to resign. Failure to give written notice may result in forfeiture of nonvested BMCC benefits (such as accrued, unused vacation time unless prohibited by federal law) and ineligibility for reemployment. (See HIRING, Policy 202; and VACATIONS, Policy 502). The following guidelines are suggested:
  - (a) All employees should give at least two weeks' notice.
  - (b) Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)
- (2) For policies and procedures leading up to discharge for disciplinary reasons, see DISCIPLINARY PROCEDURE, Policy 808.
- (3) For policies and procedures governing termination as a result of retirement.
- (4) For policies and procedures governing termination of an employment contract, see EMPLOYMENT AGREEMENTS, Policy 202A.
- (5) For policies and procedures governing a permanent reduction in force, see LAYOFF AND RECALL, Policy 210.
- (6) Supervisors should send notices of resignation or recommendations for termination to the President's Office for review. This information should be accompanied by any needed supporting documents, such as performance appraisals or disciplinary reports. (See PERFORMANCE APPRAISALS, Policy 302; and DISCIPLINARY PROCEDURE, Policy 808.) Typically, all terminations should be cleared by the President's Office before any final action is taken.
- (7) Notice of involuntary terminations should be handled carefully and discreetly, preferably in a private meeting including the employee to be terminated, the immediate supervisor, and another member of management. At its discretion, management may give two weeks' notice of a termination decision or two weeks' pay in lieu of notice. The President's Office may attempt to obtain a general release of any legal claims from terminating employees.
- (8) The President's Office should conduct an exit interview, if needed, not later than the employee's last working day, or earlier if a special effort is being made to persuade the employee to remain with BMCC.
- (9) The President's Office should maintain written reports of the termination notice meeting (when applicable) and exit interview. Pertinent items requiring managerial review and needed changes of policy should be brought to the attention of the Personnel Policy Committee. (See FUNCTIONS OF THIS MANUAL, Policy 102.)
- (10) The President's Office will attempt to have the final pay for terminating employees available on the next regularly scheduled pay day. It also will be responsible for securing the return from terminated employees of funds advanced such as tuition expenses and all BMCC property in their possession, such as BMCC identification cards, keys, computers, credit cards, tools, cars, and club memberships. If the employee owes BMCC any money or is responsible for any lost or damaged property, those accounts are to be settled as originally agreed or by deduction from final pay, unless prohibited by law.
- (11) The President's Office or designated department is responsible for notifying terminating employees who are covered by BMCC's group health plan of their right to continue coverage

under that plan. (For a special summary of the Consolidated Omnibus Budget Reconciliation Act ("COBRA") continuation coverage requirements, see Appendix A, Policy 211.)

- (12) Terminating employees may be eligible for future employment if recommended by their supervisor and approved by the President's Office. Terminating employees who wish to be considered for future employment should inform the President's Office.
- (13) Requests for employment references should be made in writing to the President's Office and should include an authorization by the employee for the release of the requested information. Generally, the President's Office will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location, and dates of employment with BMCC. (See PERSONNEL RECORDS, Policy 901.)
- (14) Termination and discharge procedures are only guidelines and do not create a legal contract between BMCC and its employees. BMCC reserves the right to implement its policies and procedures as it sees fit. In addition, specified grounds for termination are not all-inclusive since BMCC reserves the right to terminate employment for any reason. (See DISCIPLINARY PROCEDURE, Policy 808.)

**POLICY 300.301      SALARY ADMINISTRATION**

**Policy:**

It is the policy of BMCC to pay compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration BMCC's overall financial condition and competitive position.

**Procedure:**

- (1) The President's Office is responsible for coordinating the continuing internal review of all compensation and for ensuring that each job is evaluated and marketable.
- (2) The President's Office will, when considered appropriate, participate in or conduct compensation surveys covering other employers with similar jobs. This and other available information should be used to help set pay policy and to determine the relative competitive position of BMCC's pay structure.
- (3) New employees generally will be hired at the starting rate assigned to their job. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved before implementation by the President.

## **POLICY 300.302      PERFORMANCE APPRAISALS**

### **Policy:**

It is the policy of BMCC that the job performance of each employee should be evaluated periodically by the employee's supervisor.

### **Procedure:**

- (1) Supervisors should complete performance appraisals upon the following occasions:
  - (a) By the end of the first three months of employment (see INTRODUCTORY PERIOD, Policy 204);
  - (b) At the end of the introductory period of employment (see INTRODUCTORY PERIOD, Policy 204);
  - (c) In conjunction with the annual salary review or on the anniversary date of employment (see SALARY ADMINISTRATION, Policy 301);
  - (d) When the employee is transferred or promoted to a new job;
  - (e) When the employee is assigned to a new supervisor; and
  - (f) When a reduction in staff is necessary (see LAYOFF AND RECALL, Policy 210).

If a performance appraisal has been completed within three months of the above occasions, a new appraisal does not need to be completed. Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents.

- (2) In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
- (3) Supervisors should prepare a written appraisal of each employee's job performance. The appraisal should include the supervisor's Procedures and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.
- (4) Manager(s) should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as fair and objective a manner as possible.
- (5) After the written evaluation has been reviewed by the manager(s), the supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead.

The employee should be given the opportunity to examine the evaluation and make written Procedures about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the President's Office for review and inclusion in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)

- (6) In addition to adding written Procedures to their performance appraisal, employees may request a review by their manager(s) or the President's Office. (See GRIEVANCE PROCEDURE, Policy 904.)
- (7) Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.
- (8) The procedures discussed in this policy are only guidelines. BMCC may, in its sole discretion, modify or revoke them in whole or in part at any time. Therefore, these procedures are not a promise or contract, express or implied, and BMCC retains the right to determine whether and how they will be applied, depending on the circumstances. (See EMPLOYMENT-AT-WILL, Policy 106.)

## **POLICY 300.303 JOB EVALUATIONS**

### **Policy:**

It is the policy of BMCC to evaluate all jobs in order to establish a consistent basis for measuring and ranking the relative worth of each job.

### **Procedure:**

- (1) The President's Office is responsible for developing and administering the job evaluation program.
- (2) Written job descriptions should be prepared for each position in BMCC. Each job then should be evaluated and ranked using a standardized rating system that measures the job content and worth of the job in the external marketplace.
- (3) All existing jobs are to be assigned a classification based on their relative worth as determined by the evaluation.
- (4) Each classification has a salary range assigned to it and provides for a spread from a minimum to a maximum rate. Employee compensation within any labor grade or classification is based on factors such as merit, experience, individual productivity, length of service, and external market factors. (See SALARY ADMINISTRATION, Policy 301.)
- (5) The President's Office should evaluate all new positions and review on a periodic basis all job descriptions and evaluations to assure that they accurately reflect current conditions. Employees may request a job reevaluation or an adjustment to grades or classifications.

## **POLICY 300.304 PAY PROCEDURES**

### **Policy:**

It is the policy of BMCC to pay by check or direct deposit on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

### **Procedure:**

- (1) Employees normally will be paid every two weeks on the designated Thursday. If the regular payday occurs on a holiday, employees will be paid on the last working day before the regular payday.
- (2) Employees will receive on each payday, in addition to their check or deposit advice, a statement showing gross pay, deductions, and net pay. Local, state, federal, and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deductions in writing.
- (3) Employees who discover a mistake in their pay check, lose their pay check, or have it stolen should notify the President's Office immediately. In the case of a mistake, the error will be remedied promptly. In the case of loss or theft, the President's Office will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and BMCC will not be responsible for the loss or theft of a check if it cannot stop payment on the check.
- (4) Under normal circumstances, no advances or loans for employees will be made. (See PERSONAL FINANCES OF EMPLOYEES, Chapter 803.)
- (5) Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. (For a more detailed discussion of exempt and nonexempt status, see EMPLOYEE CLASSIFICATIONS, Chapter 209.)
- (6) For policies and procedures regarding on-call and reporting pay, see HOURS OF WORK, Chapter 207. For policies and procedures governing pay upon termination, see TERMINATION OF EMPLOYMENT, Chapter 211.
- (7) Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their manager(s) or with the President's Office.

## **POLICY 300.401 TRAVEL**

### **Policy:**

It is the policy of BMCC that business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

### **Procedure:**

- (1) Employees holding jobs that require extensive travel are expected to travel as a condition of employment. (See HIRING, Policy 202.) For all other jobs, travel is considered only an incidental function of the position, but may be required.
- (2) Supervisors must approve any employee travel in advance. Under normal circumstances, employees should make all travel arrangements for transportation and lodging using the travel agency specified by BMCC.
- (3) BMCC may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most appropriate form of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
- (4) Employees will provide their supervisor with a copy of their itinerary before leaving on business travel.
- (5) Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor or appropriate Vice President. Examples of expenses normally paid or reimbursed include transportation, meals, lodging, and limited incidental expenses. Employees who know or anticipate that they will have a special request for travel expense reimbursement should ask for approval from their supervisor before incurring the expense. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility.
- (6) Employees may obtain an advance for approved business travel by submitting a written request to the Accounting Department. Travel advances and BMCC credit cards are BMCC property, and their use must be properly documented and approved as outlined in Procedure (5), above.
- (7) For policies and procedures governing reimbursement for business entertaining while traveling, see BUSINESS ENTERTAINING, Policy 403.
- (8) Time spent by nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) traveling away from home on BMCC business during normal working hours is considered hours worked for pay purposes. (See HOURS OF WORK, Policy 207.)
- (9) Employees traveling on BMCC business are representatives of BMCC and are expected to maintain a high level of professionalism and to follow all of BMCC's policies and rules. (See BEHAVIOR OF EMPLOYEES, Policy 801.)

## **POLICY 300.402      AUTOMOBILE USAGE**

### **Policy:**

It is the policy of BMCC to reimburse employees for business use of personal vehicles according to the guidelines below.

### **Procedure:**

- (1) Employees whose jobs require regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. In addition, employees holding those jobs must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.
- (2) Employees who drive a vehicle on BMCC business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, to avoid distractions while driving (such as using cellular telephones), and to maintain the security of the vehicle and its contents. Drivers also must make sure that the vehicle meets any BMCC or legal standards for insurance, maintenance, and safety. Employees are responsible for any driving infractions or fines that result from their driving and must report them to their supervisors.
- (3) Employees are not permitted, under any circumstances, to operate a BMCC vehicle, or a personal vehicle for BMCC business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.
- (4) Employees driving on BMCC business may claim reimbursement for parking fees and tolls actually incurred. All requests for reimbursement must be approved by the employee's supervisor.
- (5) Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for the use. This allowance is, for example, to compensate for the cost of gasoline, oil, depreciation, and insurance.
- (6) Employees must report any accident, theft, damage, breakdown, or mechanical problem involving a personal vehicle used on BMCC business to their supervisor and the President's Office, regardless of the extent of damage or lack of injuries. These reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, they should not make any statements other than in reply to questions of investigating officers.
- (7) Time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) personal vehicle on BMCC business during normal working hours is considered hours worked for pay purposes. Commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

**POLICY 300.403      BUSINESS ENTERTAINING**

**Policy:**

It is the policy of BMCC to authorize certain employees to engage in business entertaining on behalf of BMCC and to pay for or reimburse these expenses according to the guidelines below.

**Procedure:**

- (1) Employees may entertain business associates on behalf of BMCC only if they have been authorized in advance to do so by their supervisor. Authorization should define the general circumstances and expense limits of the approved forms of entertainment.
- (2) Employees who have special entertainment needs, which do not fall within the boundaries for normally authorized expenses, must obtain prior approval for the entertainment from their supervisor.
- (3) Employee entertainment expenses will be paid or reimbursed if they are reasonable, are directly related to or associated with BMCC's business, and are properly approved by the supervisor. Employees who incur entertainment expenses which do not meet these standards will be personally responsible for them.
- (4) To be approved by the supervisor, employee entertainment expenses must be submitted and documented on as a miscellaneous expense on the travel statement. The voucher should contain a detailed itemization of the expenses incurred and a statement of the date, place, and business reason for the entertainment, as well as the names of those present and their business relationships to BMCC. Entertainment reimbursement claims must be accounted for separately from any other expense reimbursement claims. Vouchers for expenditures must be accompanied by receipts.
- (5) Business functions or entertainment involving the consumption of alcoholic beverages may not take place on BMCC premises or at work sites. (See Behavior of Employees, Policy 801; and Drugs, Narcotics, and Alcohol, Policy 809.) Any employees engaged in these functions are expected to be aware of the dangers arising from the consumption of alcohol and to exercise moderation and good judgment.

## **POLICY 300.404 MEAL REIMBURSEMENT**

### **Policy:**

It is the policy of BMCC to provide, pay, or reimburse employees for business-related meals according to the guidelines below.

### **Procedure:**

- (1) Employees required to travel on BMCC business may charge to BMCC, or be reimbursed for, the cost of all meals during their travel. (See TRAVEL, Policy 401.) In addition, employees may charge or be reimbursed for meals associated with approved business entertaining or with the approved activities of civic and professional organizations. (See BUSINESS ENTERTAINING, Policy 403; MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS, Policy 405; and PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS, Policy 406.)
- (2) Employees participating in approved business meetings during meal periods are eligible for meal reimbursement or free on-site food service. In addition, BMCC may designate certain employees as eligible for free on-site meals for its convenience.
- (3) Employees eligible for meal reimbursement may present an expense voucher or charge slip for the covered meal. Meal expenses must be reasonable and should not exceed the guidelines set by the Vice President for Business & Finance. The eligible employee's supervisor must approve all meal expense documentation and send it to the Business & Finance office for processing and payment.

## **POLICY 300.405 MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS**

### **Policy:**

It is the policy of BMCC to encourage employees to participate in the activities of certain community clubs and civic organizations.

### **Procedure:**

- (1) Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote BMCC's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with BMCC's interests. (See CONFLICTS OF INTEREST, Policy 806.)
- (2) BMCC may identify certain community organizations in which it wants to be represented and then designate the employees that it will sponsor for membership in them. Employees who are designated for membership act as BMCC representatives in the organization and are expected to promote its interests. (See PARTICIPATION IN COMMUNITY AFFAIRS, Policy 902.)
- (3) Employee participation in club and civic organization activities is not considered as hours worked for pay purposes unless it is at BMCC's request or under its direction and control.
- (4) BMCC will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:
  - (a) The nature and purpose of the club or organization;
  - (b) The potential benefit to BMCC, including the enhancement of the employee's leadership and organizational skills;
  - (c) The cost to BMCC;
  - (d) The extent to which BMCC is already represented in the club or organization; and
  - (e) The employee's job responsibilities, length of service, and overall qualifications for membership.

BMCC will review periodically its representation in community organizations and its sponsorship of employees for membership and will make changes as it considers appropriate.
- (5) Employees whose membership is sponsored by BMCC are encouraged to use the clubs or civic organizations for business purposes. Those employees are required to keep detailed records of their use of the organizations. In particular, they must report all expenses incurred, the date and business reason for the use of the facility, the names of the persons entertained, and their business relationship to BMCC.
- (6) Employees who are sponsored for membership in community clubs and civic organizations are eligible for reimbursement for certain expenses. Reimbursable expenses include dues; special charges; initiation fees; and business-related activities, fees, and meal and entertainment expenses. All employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses, except when their activities qualify for business expense reimbursement under other BMCC policies.
- (7) Employees must agree to pay back to BMCC any membership fees or equity interests paid or reimbursed by BMCC that will be refunded when membership is terminated. The employee must pay back these fees or interests whenever employment or membership is terminated, whichever occurs first.

## **POLICY 300.406 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS**

### **Policy:**

It is the policy of BMCC to encourage employees to participate in certain trade and professional associations.

### **Procedure:**

- (1) Employees are encouraged to participate in trade and professional associations that promote BMCC goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with BMCC's interests. (See CONFLICTS OF INTEREST, Policy 806.)
- (2) BMCC may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as BMCC representatives in the association and are expected to promote its interests and to participate accordingly. (See PARTICIPATION IN COMMUNITY AFFAIRS, Policy 902.)
- (3) Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act, unless participation is at BMCC's request or under its direction and control. (See HOURS OF WORK, Policy 207.)
- (4) Manager(s) are responsible for coordinating representation in trade and professional associations. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:
  - (a) The nature and purpose of the association;
  - (b) The potential benefit to BMCC, including enhancement of BMCC's reputation and the development of the employee's leadership and organizational skills;
  - (c) The cost to BMCC;
  - (d) The extent to which BMCC is already represented in the association; and,
  - (e) The employee's job responsibilities, length of service, and overall qualifications for membership.
- (5) Manager(s) are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities. BMCC will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if participation in the activity is approved in advance.
- (6) Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association. If the employee receives approval, the supervisor also should determine the extent of compensation that the employee will receive for association activities conducted during working time. Additionally, the supervisor should decide the extent that the employee will be reimbursed for expenses incurred in performing official duties.
- (7) Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that might represent BMCC's position or involve any information that is confidential. (See CONFIDENTIAL NATURE OF BMCC AFFAIRS, Policy 807.)

## **POLICY 300.501 DISCLOSURE OF BENEFITS**

### **Policy:**

It is the policy of BMCC to provide its employees with various welfare and pension benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. BMCC reserves the right to modify, amend, or terminate its welfare and pension benefits as they apply to all current, former, and retired employees. Benefits under each benefit plan will be paid only if the Administrator decides in his discretion that the applicant is entitled to them.

### **Procedure:**

- (1) BMCC offers certain benefits to eligible employees, including health, life, short and long term disability, and pension plans. Eligibility will depend upon the specific requirements of each benefit plan. BMCC also provides a number of other benefits such as leaves of absence and paid vacation, holidays, and sick days. (For information on these additional benefits, see POLICIES 500 and 700.)
- (2) All benefits provided by BMCC are described in official documents that are kept on file in the Human Resources Department. These documents are available for examination by any plan participant or beneficiary. In addition, these documents are the only official and binding materials concerning BMCC's welfare and pension benefits. All summaries and communications, both written and verbal, must refer to these documents as binding in cases of questions or disputes.
- (3) The Human Resources Director serves as Administrator of BMCC's welfare and pension plans. The Administrator is responsible for all communications and disclosures concerning BMCC benefits and for compliance with all applicable laws and regulations. In addition, the Administrator is available to answer questions concerning the benefit plans.
- (4) Under certain of BMCC's insurance and retirement plans, each employee must designate a beneficiary for the employee's death benefits. The designation must be made in writing and in a form acceptable to the Administrator. It is the employee's responsibility to maintain the proper beneficiary designations and to alert the Administrator to any changes in status affecting eligibility or designations. (See PERSONNEL RECORDS, Policy 901.)
- (5) Under normal circumstances, the Administrator will furnish the following information to each participant in a welfare or pension plan and to each beneficiary receiving benefits under a pension plan:
  - (a) A description of the plan within ninety days after the individual becomes a participant or first receives benefits;
  - (b) An updated description of the plan as needed;
  - (c) A description of any material modification of the plan within 210 days after the end of the plan year in which the modification is adopted; and
- (6) If the plan participants or beneficiaries make a written request for information concerning BMCC's benefit plans, the Administrator will provide them the following information:
  - (a) Complete copies of the latest updated plan description; contract, or other document under which the plan is established or operated. The Administrator may make a reasonable charge to cover the cost of providing the copies.
- (7) The Administrator will provide each participant in a pension plan a statement describing the nature, amount, and form of the deferred vested benefit to which the participant is entitled if, during the plan year, the participant:
  - (a) Separates from the service covered by the plan;
  - (b) Is entitled to a deferred vested benefit under the plan as of the end of the plan year; or

- (c) Was not paid retirement benefits under the plan.
- (8) If a pension plan recipient is eligible for tax rollover treatment of a distribution, the plan provider will notify the recipient that:
- (a) The distribution will not be taxed currently to the extent it is transferred within 60 days to another qualified plan or to an Individual Retirement Account (“IRA”);
  - (b) The recipient may elect to have an eligible rollover distribution transferred to another qualified plan or an IRA in a direct rollover; and
  - (c) An eligible rollover distribution that is not transferred to another qualified retirement plan or an IRA in a direct rollover is subject to mandatory 20% federal withholding tax.

In addition, the notice should provide an explanation of the special income averaging and capital gains provisions that may apply to the distribution.

- (9) Participant contributions to benefit plans normally will be deducted from the employee’s paycheck if the employee has authorized the deduction in writing. Contributions to benefit plans are not included in the employee’s gross wages for income tax purposes.
- (10) The Administrator will provide written notice to any participant or beneficiary whose claim for benefits under an employee benefit plan has been wholly or partially denied, no later than 90 days after the plan receives the claim. The notice should contain the reason for the denial, specific reference to plan provisions on which the denial is based, and appropriate information about the steps to be taken if the participant or beneficiary wants to submit the claim for review. Any review should be completed promptly and a decision provided to the claimant.
- (11) Employees, spouses, and dependents covered by BMCC’s health benefit plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce. In addition, they will be provided, when required, with a certificate of prior health coverage when they lose coverage under the health benefit plan.

**POLICY 300.502(A) VACATION LEAVE**

**Policy:**

It is the policy of Bay Mills Community College to grant vacations with pay to full-time employees; including those of Great Lakes Composites, in accordance with the guidelines established below.

**Procedure:**

(1) The established vacation year is the calendar year, January 1 through December 31 each year. Vacations are accrued or earned based on the employee's length of service and on the time actually worked. Employees are strongly encouraged to take earned vacation leave during the benefit year of its accrual. In the event that an employee has not used all annual leave benefits by December 31, he or she will be allowed to carry over a maximum of 104 hours into the next year; any accrual over 104 hours will be lost and will not be compensated.

(2) Full-time employees hired after January 1, 2007 will accrue paid vacation according to the following schedule:

| <u>Length of Continuous Service</u> | <u>Accrual Rate</u> |
|-------------------------------------|---------------------|
| Less than 3 Years                   | 2 hours per week    |
| More than 3, less than 10 Years     | 3 hours per week    |
| Over 10 years                       | 4 hours per week    |

Employees may not take paid vacation until they have actually earned the vacation. Employees are responsible for notifying accounting of the need to change their accrual rate and there will be no retro calculation.

(3) Full-time staff employed before January 1, 2007 may elect to continue under the existing system which doesn't provide vacation time; however, they follow the school calendar and have up to six weeks off in the summer scheduled as alternating weeks. If an employee elects to convert to earned vacation as provided in Policy 502 (2) they will not have an option later to revert back, and likewise if they choose the existing policy 502 (3) they will not accrue vacation hours as set forth in Policy 502 (A) 2.

(4) Full-time instructors don't receive vacation as they follow the academic calendar and have summers off. Adjunct instructors are only required to be present for the hours of work outlined in their contract and therefore don't receive any paid leave benefits.

(5) Employees who feel that there is a discrepancy in the calculation of their vacation pay or personal may request a review of the calculation by the President or designated individual.

(6) Vacation pay for full-time employees will consist of the employee's regular rate of pay for the vacation period and generally will be paid on the regularly scheduled payday.

(7) Generally, employees should submit vacation plans to their supervisor at least two weeks in advance of the requested vacation date. Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been set lose their seniority consideration.

(8) Employees on a leave of absence, other than a military leave of absence, are required to use all accrued paid vacation time as part of the leave.

(9) Employees who are entitled to a vacation of more than two weeks, normally may take only a maximum of two weeks consecutively, with the balance to be taken separately as full weeks or as individual days.

(10) Employees may not receive vacation pay in lieu of time off. In addition, employees will not be paid for any unused vacation remaining at the end of the vacation year.

- (11) When employment is terminated, employees will receive vacation pay for any unused vacation accrued up to the time of termination.
- (12) If a paid holiday falls within an employee's vacation period, an additional day of vacation may be granted. This additional day may be taken at the beginning or end of the employee's vacation period or at another time during the vacation year, subject to the supervisor's approval. No allowance will be made for sickness or other compensable type of absence occurring during a scheduled vacation.

Exceptions may be granted to the above guidelines at the discretion of the President of Bay Mills Community College.

## **POLICY 300.502(B) PERSONAL LEAVE**

### **Policy:**

It is the policy of Bay Mills Community College to grant Personal Leave to full-time faculty and staff in accordance with the guidelines set forth below.

\* An exception to this policy is that Great Lakes Composites employees will not earn personal leave time.

### **Procedure:**

- (1) At the start of both the fall and winter semesters, full time faculty and staff will be granted 12 hours of Personal Leave. This is a total of 24 hours a year of Personal Leave and as with Vacation Leave the benefit year is the calendar year.
- (2) Full-time employees hired after January 1, 2007 will have the Personal Leave added to their Vacation Leave, which will all then be subject to the 104-hour maximum carry over from one year to the next as set forth in Policy 502(A)(1).
- (3) Full-time staff accumulating leave under the old or previous policy and full-time faculty will have their Personal Leave recorded separate from their Short Term leave as described in Policy 702. This leave will be subject to the same accumulation and carry over rules that are described in Policy 502(A)(1).
- (4) When employment is terminated, employees accumulating Personal Leave under Policy 502(B)(3) above will receive pay for any unused Personal Leave accumulated up to the time of termination.
- (5) Personal Leave was historically granted so employees could take care of personal business without losing pay and they didn't have to claim sick when they really were not. This has changed with the conversion of Sick Leave to Short-Term Leave, so Personal Leave is now just additional Short Term Leave hours for which you can be payed when you terminate employment.
- (6) Adjunct Instructors are only required to be present for the hours of work outlined in their contract and therefore don't receive any paid leave benefits.

## **POLICY 300.503            HOLIDAYS**

It is the policy of BMCC to designate and observe certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

- (1) The schedule of holidays BMCC will observe are:

- Spring Break
- Good Friday
- Michigan Indian Day Observance
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving – Thursday and Friday
- Christmas Break (See Annual Academic Calendar)

### **BMCC- Great Lakes Composites Employees**

- New Year's Day
- Good Friday
- Michigan Indian Day Observance
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving – Thursday and Friday
- Christmas Eve
- Christmas Day
- New Year's Eve

- (2) Full-time employees are eligible to receive their regular rate of pay for each observed holiday. Part-time employees are eligible to receive holiday pay only for holidays on which they normally would be scheduled to work and only for their regularly scheduled number of hours. Temporary employees and employees on leaves of absence or on layoff are not eligible to receive holiday pay.
- (3) To receive holiday pay, an eligible employee must be at work or taking an approved absence on the work days immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence. (See VACATIONS, Policy 502; and SHORT-TERM ABSENCES, Policy 702.) If an employee is absent on one or both of these days because of an illness or injury, BMCC may require verification of the reason for the absence before approving holiday pay. (See MEDICAL PROCEDURES, Policy 203.)
- (4) A holiday that occurs on a Saturday or Sunday generally will be observed by BMCC on either the preceding Friday or following Monday.
- (5) If a holiday occurs during an employee's vacation period, the employee will be given an additional paid day off. The employee may select an additional day off at the beginning or end of the vacation, or as a "floating" holiday at another time during the year, if approved in advance. (See VACATIONS, Policy 502.)
- (6) BMCC recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in BMCC's regular holiday schedule. Accordingly, employees who would like to take a day off for those reasons may do so if it will not unduly disrupt BMCC's business and if the employee's supervisor approves. Employees may use accumulated days of short term absence or "floating" holidays for these occasions, or they may take the time off as an unpaid, excused absence. (See SHORT-TERM ABSENCES, Policy 702.)
- (7) BMCC may schedule work on an observed holiday as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. Employees will be given the option of receiving additional pay for the day or a "floating" holiday that may be taken, with the prior approval of their supervisor, at another time during the year.

## **POLICY 300.504 EMPLOYEE RECOGNITION AND SERVICE AWARDS**

### **Policy:**

It is the policy of BMCC to recognize employee contributions and service to the organization by presenting employee recognition and service awards to eligible employees according to the guidelines below.

### **Procedure:**

- (1) All full-time and part-time employees are eligible to receive a service award upon completion of five years of service and at the end of every additional five years of service. Service does not have to be continuous to count toward service credit for the award. In addition, service with subsidiaries, predecessors, or acquired organizations counts toward service credit.
- (2) BMCC may reward outstanding performance and productivity by presenting recognition awards to eligible employees. Generally, the President's Office will be responsible for setting eligibility requirements and implementing the different programs. Manager(s) and supervisors may assist in determining award recipients.
- (3) In most cases, employee recognition awards will be presented as soon as possible following the determination of award recipients. The service award generally will be presented to the individual on the anniversary date when the employee becomes eligible for the award. If this date falls on a Saturday, Sunday, or holiday, the award will be presented on the next regularly scheduled workday.
- (4) The President's Office is responsible for identifying the employees who will be honored, notifying the presenter, ordering the awards, and arranging for appropriate announcements and publication of awards, both internally and externally.

## **POLICY 300.505 EDUCATIONAL ASSISTANCE**

### **Policy:**

It is the policy of BMCC to provide educational assistance to its employees in accordance with the guidelines established below.

- (1) Bay Mills Community College waives tuition and fees for full-time employees enrolled in classes offered by BMCC.
- (2) To be eligible for educational assistance at institutions other than BMCC, employees must be regular full-time employees. The total amount of educational assistance in a calendar year that is eligible for reimbursement is limited to \$5,250.
- (3) Eligible employees may be reimbursed only for courses of study that BMCC determines are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the college and to which the individual has a reasonable expectation of advancing. In addition, only courses that are offered by accredited post-secondary institutions of learning, and for which college/university credit is awarded, will be eligible for reimbursement.
- (4) Employees who want educational assistance must obtain approval from the President before enrollment. This approval will not be granted without a positive recommendation by the employee's supervisor. Before making a positive recommendation, supervisors must have a plan to cover the time the employee is not working.
- (5) The supervisors normally should consider the following factors in evaluating requests for educational assistance:
  - (a) The nature and purpose of the course of study;
  - (b) The benefits to be derived by the employee and BMCC;
  - (c) The employee's level of responsibility and length of service;
  - (d) The estimated cost; and
  - (e) Any potential lost time or productivity while the employee participates in the program.
- (6) Employee reimbursement for eligible educational assistance will be based upon receiving a passing grade, which generally is defined as a "C" or better unless a graduate program requires a higher grade.

In addition, 100% of reimbursable costs will be paid for passing a "pass-fail" course. No reimbursement will be made for a grade lower than "C," for classes that are audited, or for classes the employee does not complete. For purposes of the above formula, "reimbursable costs" means amounts actually incurred or expended by the employee for tuition, textbooks, student fees, registration, laboratory, and library fees. Educational assistance may be granted for travel within Michigan and only for Master level or higher classes with prior approval of the President. The travel will count against the annual educational assistance limit of \$5,250.
- (7) Employees who receive reimbursement from any outside sources, such as the Department of Veterans Affairs or scholarships, may still receive reimbursement from BMCC according to the above formula. However, the total of the amounts reimbursed by BMCC and those reimbursed or paid by other sources may not exceed 100% of the employee's reimbursable costs as verified by original financial records.
- (8) Employees seeking reimbursement for educational expenses must submit a transcript of their grades and receipts for the expenses incurred to the Accounting Office. However, employees who take courses at the specific request or direction of management, may be reimbursed for all costs in advance.

- (9) Employees who are terminated during enrollment because of a reduction in force or job elimination, or who are unable to complete an approved course because of transfer within BMCC, will be reimbursed for the full amount of the costs incurred up to the date of termination or transfer. Employees will not be reimbursed for the expenses associated with the course if they voluntarily leave BMCC or are terminated for reasons other than those listed above.
- (10) Employees are expected under normal circumstances to schedule class attendance and the completion of class assignments outside of their regular working hours. (For educational leaves of absence, see LEAVES OF ABSENCE, Policy 703.) It is expected that educational activities will not interfere with the employee's work, and unsatisfactory job performance during enrollment may result in forfeiture of educational assistance and termination of employment.
- (11) Records of all education programs completed by each employee will be maintained by the Human Resources Department.

**POLICY 300.506 PURCHASES OF BMCC PRODUCTS AND SERVICES**

**Policy:**

It is the policy of BMCC to permit eligible employees to purchase BMCC logo products at a discount, subject to the restrictions that appear below.

**Procedure:**

- (1) Regular full-time and part-time employees and retired employees are eligible to purchase BMCC logo products or services at a discount. BMCC logo products may be purchased at the BMCC store.
- (2) Employees who want to buy BMCC logo products should fill out an employee order form and present it at BMCC store. Payment terms and pick-up or delivery times will be specified when the order is accepted.
- (3) Management will determine the prices for BMCC logo products provided to employees for purchase. The price for BMCC logo products available to employees normally will be less than the price charged to customers.

## **POLICY 300.507 ATHLETIC AND RECREATIONAL PROGRAMS**

### **Policy:**

It is the policy of BMCC to encourage employees to participate in athletic, exercise, wellness, and recreational programs.

### **Procedure:**

- (1) The President's Office is responsible for coordinating and administering all BMCC athletic, exercise, wellness, and recreational programs.
- (2) Participation in BMCC athletic and recreational programs is open to all employees, is voluntary, and generally should take place outside normal working time. When approved by the President's Office, participation may be extended to employee families, retired employees, and guests.
- (3) BMCC reserves the right to exclude an employee from participation in BMCC sponsored athletic and recreational programs if participation would pose a direct threat to the safety of the employee or others. Participating employees also may be required to sign waiver of liability forms.
- (4) The extent of BMCC financial support for each program will be determined on a case-by-case basis. If on-site facilities cannot be provided, BMCC will consider subsidizing the use of outside facilities. BMCC retains the right to change all aspects of its athletic and recreational programs and to discontinue their existence.

## **POLICY 300.601 EMPLOYEE SAFETY**

### **Policy:**

It is the policy of BMCC to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by BMCC or by federal, state, or local law.

### **Procedure:**

- (1) BMCC has appointed a Safety Officer to oversee BMCC's safety policies and procedures. The Safety Officer's responsibilities include:
  - (a) Monitoring compliance with BMCC safety rules and regulations and the applicable safety and health standards established as a result of the Occupational Safety and Health Act and any other applicable federal, state, or local employee safety laws or regulations;
  - (b) Developing and implementing written safety plans or programs as needed;
  - (c) Investigating, correcting, and reducing recognized unsafe and unhealthful working conditions or potential hazards;
  - (d) Conducting periodic safety and health inspections of all work areas, machinery, equipment, and any recognized potentially hazardous BMCC facilities;
  - (e) Representing BMCC during investigations conducted by the Occupational Safety and Health Administration ("OSHA"), by any other federal, state, or local safety and health personnel, or by insurance underwriting representatives;
  - (f) Organizing the safety training and retraining of employees;
  - (g) Monitoring compliance with the various requirements established by any law or by the organization's insurance carrier relating to recordkeeping and the retention of records;
  - (h) Establishing fire prevention and firefighting programs, conducting fire drills, testing firefighting equipment, and enforcing no smoking policies where appropriate;
  - (i) Developing disaster preparedness plans;
  - (j) Investigating all accidents, hazardous incidents, and fires involving BMCC employees, or which occur on BMCC premises, and preparing the required reports;
  - (k) Posting notices required by law or by the organization's insurance carrier; and
  - (l) Evaluating the effectiveness of BMCC's safety program.
- (2) Supervisors are responsible for ensuring that employees under their supervision understand and comply with all BMCC safety rules, regulations, and procedures. Supervisors' safety responsibilities include:
  - (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
  - (b) Inspecting their work areas periodically;
  - (c) Training their employees in safety matters or arranging for safety training where appropriate;
  - (d) Identifying conditions that are recognized in BMCC's industry as being unsafe; and
  - (e) Reporting accidents and injuries to the Safety Officer immediately and ensuring that any injured employee is referred to appropriate medical care. (See MEDICAL PROCEDURES, Policy 203.)

- (3) Employees should report to the Safety Officer or their supervisor all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or customers.
- (4) Employees are encouraged to submit suggestions to the Safety Officer concerning safety and health matters. (See SUGGESTION PROGRAM, Policy 903.) Management will make appropriate awards to employees whose suggestions are adopted and significantly enhance safety, reduce costs, or increase productivity.
- (5) BMCC will provide special clothing or equipment, or reimburse for it, when special clothing or equipment (i.e. personal protective equipment) is required by law or by BMCC policy. Employees are responsible for the proper use and maintenance of the clothing and equipment.
- (6) Supervisors should not discharge or discriminate in any manner against an employee because the employee has instituted a safety-related proceeding, has testified in that type of proceeding, or has otherwise exercised any right provided by law. Employees may accompany BMCC government safety compliance officers during so-called "walkaround inspections," but they will not be compensated for that time unless specifically assigned the task by management.
- (7) Supervisors should provide information about the availability of employee exposure, or medical records to employees who are exposed, to known toxic substances and recognized harmful physical agents at the time they are first hired and at least annually after that. These employees also should be notified that they may be required to submit to medical examinations and tests at intervals determined by the length of their time on the job and whenever there is reason to believe that they were unduly exposed to toxic substances or harmful physical agents. (See MEDICAL PROCEDURES, Policy 203.) Copies of the OSHA regulation requiring access to employee exposure and medical records are available in the office of the Safety Officer for examination.
- (8) Violations of BMCC safety rules, regulations, or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 808.)

## **POLICY 300.602 MAINTENANCE OF WORK AREAS**

### **Policy:**

It is the policy of BMCC that work areas must be kept clean and orderly at all times.

### **Procedure:**

- (1) Employees are responsible for maintaining their work areas in a clean and orderly fashion. To fulfill this responsibility, each employee should, at a minimum, do the following:
  - (a) Place coats, boots, umbrellas, and other items of clothing in designated areas so that work stations are not unnecessarily cluttered (see PERSONAL PROPERTY, Policy 603);
  - (b) Prior to the end of the workday, clean and store all tools and equipment and properly secure any items, papers, or information of value (see SECURITY, Policy 606; and CONFIDENTIAL NATURE OF BMCC AFFAIRS, Policy 807).
- (2) Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:
  - (a) Make sure that aisles, floors, and walls are free of debris and other unnecessary items and that all end-of-the-shift tasks have been performed;
  - (b) Monitor the facilities and equipment and issue maintenance requests where appropriate;
  - (c) Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
  - (d) Report to the Safety Officer any existing or potential workplace hazards and safety violations (see EMPLOYEE SAFETY, Policy 601); and
  - (e) Ensure the proper disposal of all trash, waste, and scrap.
- (3) BMCC will attempt to maintain the temperature, lighting, and noise level of its facilities at a level that is comfortable for employees and also appropriate for the nature of its operations. Employees should inform their supervisor of any concerns about working conditions.
- (4) Employees must abide by the smoking restrictions established by state or local law and may smoke only in the areas where it is specifically permitted by BMCC policy. (See SMOKING, Policy 607.)

## **POLICY 300.603 PERSONAL PROPERTY**

### **Policy:**

It is the policy of BMCC to ask employees to refrain from bringing unnecessary or inappropriate personal property to work.

### **Procedure:**

- (1) BMCC recognizes that employees may need to bring certain personal items to work. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.
- (2) Employees are expected to exercise reasonable care to safeguard personal items brought to work. BMCC is not responsible for the loss, damage, or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
- (3) To maintain security and protect against theft, BMCC reserves the right to inspect all personal property brought onto BMCC's premises, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, BMCC may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and remove all BMCC property and other items that violate BMCC rules and policies. (See SECURITY, Policy 606.)
- (4) Articles of personal property found on the premises should be returned to the owner, if known, or turned in to the President's Office. Inquiries regarding lost property should be directed to the President's Office.

## **POLICY 300.604 SOLICITATION**

### **Policy:**

It is the policy of BMCC to prohibit solicitation and distribution on its premises by nonemployees and to permit solicitation and distribution by employees only as outlined below.

### **Procedure:**

- (1) BMCC limits solicitation and distribution on its premises because those activities can interfere with its normal operations, reduce employee efficiency, annoy customers, and pose a threat to security.
- (2) Management is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action for violating this policy. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURES, Policy 808.)
- (3) Individuals not employed by BMCC are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers properly identified to the Security Officer), or engaging in any other solicitation, distribution, or similar activity on BMCC premises.
- (4) BMCC may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives, but their participation is entirely voluntary. (See PARTICIPATION IN COMMUNITY AFFAIRS, Policy 902.)
- (5) The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:
  - (a) The sale of merchandise or services is prohibited on BMCC premises.
  - (b) Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution or the targeted employee is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.
  - (c) Distribution of literature is prohibited in work areas at all times.
  - (d) Distributing literature in a way that causes litter on BMCC property is prohibited.
  - (e) Employees may not use BMCC facilities, resources, or supplies to promote or solicit participation in gambling activities, including but not limited to wagers, bets, or pools. (See BEHAVIOR OF EMPLOYEES, Policy 801.)
- (6) BMCC maintains various communication systems to communicate BMCC information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, electronic mail, voice mail, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature. In particular, bulletin boards are for the posting of BMCC information and notices only, and only persons designated by the Special Assistant to the President may place notices on or take down material from the bulletin board. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any BMCC property is prohibited. (See USE OF COMMUNICATION SYSTEMS, Policy 805.)

## **POLICY 300.605 PARKING**

### **Policy:**

It is the policy of BMCC to provide parking facilities, when practical, for the benefit and convenience of its employees, customers, and visitors.

### **Procedure:**

- (1) BMCC will provide parking for as many employees as practical. Special spaces will be designated for certain employees, customers, and visitors.
- (2) BMCC supports carpooling, vanpooling, and the use of mass transit as a community service and as a convenience and financial benefit for employees.
- (3) Employees are expected to observe the parking rules established. In addition, the parking lot is considered part of BMCC premises; therefore, all BMCC policies and rules apply to employees and their vehicles while on the lot. (See BEHAVIOR OF EMPLOYEES, Policy 801.) BMCC reserves the right to search vehicles parked in BMCC parking lot.
- (4) Employees who use BMCC parking lot do so at their own risk. Employees are encouraged to lock their cars at all times when left in the parking facilities. BMCC assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lot. (See PERSONAL PROPERTY, Policy 603; and SECURITY, Policy 606.)

**POLICY 300.606      SECURITY**

**Policy:**

It is the policy of BMCC to make reasonable efforts to provide for the security of its property, its employees, and authorized visitors to its premises.

**Procedure:**

- (1) Employees, customers, suppliers, and guests are prohibited from possessing firearms or other weapons on BMCC property and at events sponsored by BMCC. Employees are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on business.
- (2) Employees who want to take BMCC property or equipment off premises must have their supervisor or designated official's written authorization. Removing property or equipment without authorization will result in discipline. Employees are responsible for the proper care and return of all BMCC property and equipment assigned to their possession.
- (3) Employees may be searched, questioned, and subject to surveillance whenever BMCC believes this is necessary to maintain security. All personal property brought onto BMCC's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection. In addition, BMCC may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all BMCC property and other items that are in violation of BMCC rules and policies. (See PERSONAL PROPERTY, Policy 603.)
- (4) Employees working in sensitive or high-security jobs must meet any applicable special security clearance requirements specified for those jobs. These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.
- (5) Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on BMCC premises and while away from the premises on business. BMCC assumes no responsibility for loss, damage, or theft of personal property. (See PERSONAL PROPERTY, Policy 603.)
- (6) Employees are expected to know and comply with BMCC's security procedures and should report any violations or potential problems to their Supervisor. Violations of BMCC security rules or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 808.) In addition, illegal acts committed by employees may be reported to law enforcement authorities.

**POLICY 300.607      SMOKING**

**Policy:**

It is the policy of BMCC to comply with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

**Procedure:**

- (1) BMCC recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is restricted to designated areas.
- (2) Smoking is prohibited inside all BMCC facilities except for areas where it is specifically authorized. Management is responsible for implementing and monitoring smoking regulations, and supervisors are expected to enforce the regulations. The smoking policy applies to employees during working time and to customers and visitors while on BMCC's premises.
- (3) Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to keep smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through BMCC's dispute resolution procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 904.) Employees who violate the policy will be subject to disciplinary action. (See DISCIPLINARY PROCEDURE, Policy 808.)
- (4) BMCC does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during nonworking time and off of BMCC's premises.
- (5) Employees may contact the President's Office for information regarding the effects of smoking and the availability of smoking cessation programs.

**POLICY 300.701 ATTENDANCE AND PUNCTUALITY**

**Policy:**

It is the policy of BMCC to require employees to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.

**Procedure:**

- (1) Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. (See HOURS OF WORK, Policy 207.) Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.
- (2) Employees should notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the Receptionist.
- (3) Employees will be compensated during authorized absences in accordance with the policies contained in SHORT-TERM ABSENCES, Policy 702, and LEAVES OF ABSENCE, Policy 703. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify BMCC properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
- (4) Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. (See EMPLOYEE SAFETY, Policy 601; and PERSONAL APPEARANCE OF EMPLOYEES, Policy 802.) Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work. (See MEDICAL PROCEDURES, Policy 203; and DRUGS, NARCOTICS, AND ALCOHOL, Policy 809.)
- (5) Employees generally are expected to report for work during inclement weather conditions if BMCC does not declare an emergency closing. Nonexempt employees who are unable to report because of weather conditions will be granted an authorized unpaid absence and it is their election to charge the appropriate leave and to be paid for the lost time.. Nonexempt employees who are late because of weather conditions will be given a chance to make up their missed time if work schedules and conditions permit.
- (6) Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than 40 hours during the workweek.
- (7) Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. (See MEDICAL PROCEDURES, Policy 203.) The supervisor should record the information in the employee's file and forward a copy to the Human Resources Department. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination. (See SHORT-TERM ABSENCES, Policy 702; LEAVES OF ABSENCE, Policy 703; and DISCIPLINARY PROCEDURE, Policy 808.)
- (8) Employees must obtain permission from their supervisor in order to leave BMCC premises during working hours. (See REST BREAKS, Policy 706; and MEAL BREAKS, Policy 707.) In addition,

employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.

- (9) Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 808.) An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in SHORT-TERM ABSENCES, Policy 702, and LEAVES OF ABSENCE, Policy 703, and tardiness or early departure (i.e., beyond ten minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.
- (10) Employees who are absent from work for three consecutive days without giving proper notice to BMCC will be considered as having voluntarily quit. At that time, BMCC will formally note the termination and advise the employee of the action by certified mail to the employee's last known address. (See TERMINATION OF EMPLOYMENT, Policy 211.)

## **POLICY 300.702      SHORT-TERM LEAVE (FORMERLY SICK LEAVE)**

### **Policy:**

It is the policy of BMCC to permit employees to be absent from work on an authorized short-term basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, BMCC will provide compensation according to the guidelines below.

### **Procedure:**

- (1) A short-term absence generally is any absence of three days or less. Absences that are longer than two work weeks or that are designated as Family and Medical Leave Act absences should be processed under the Leaves of Absence policy to ensure that employment rights are maintained. (See Leaves of Absence, Policy 703.)
- (2) An authorized short-term absence may include any of the following (the phrase "immediate family" for the purposes of this policy includes the employee's spouse, parents, siblings, children, father-in-law or mother-in-law, spouses' siblings, stepchildren, grandparents, grandchildren, and any person who's financial or physical care is the principal responsibility of the employee):
  - (a) Sickness or injury resulting in the temporary disability of the employee or a member of the employee's immediate family;
  - (b) Marriage of the employee or a member of the employee's immediate family;
  - (c) Urgent personal business that cannot be conducted outside of normal working hours;
  - (d) Jury duty or testifying as a subpoenaed witness in a judicial proceeding;
  - (e) Religious observance required by the employee's religion (see HOLIDAYS, Policy 503); and
  - (f) Emergency closing of BMCC's operations.
- (3) In order for short-term absences to be considered authorized and potentially eligible for compensation, employees must obtain approval for the absence from their supervisor. Employees should give their supervisor thirty days' advance notice of an anticipated absence or as much advance notice as is practicable under the circumstances. Unauthorized absences and absences in excess of what is allowed under this policy, except for an approved leave of absence, will be considered abuses of this policy and are grounds for disciplinary action. (See ATTENDANCE AND PUNCTUALITY, Policy 701; LEAVES OF ABSENCE, Policy 703; and DISCIPLINARY PROCEDURE, Policy 808.)
- (4) Full-time employees are eligible to be compensated for regular base wages lost during certain periods of authorized absence to the extent that they have accumulated days of Short Term Leave as provided under this policy. However, not all absences authorized under this Policy will be compensated. (See Procedure (6), below.) Days of paid absence may be accumulated as follows:
  - (a) Regular full time employees hired after January 1, 2007 will accrue two (2) hours leave for each forty (40) hour work week.
  - (b) Regular full-time employees who elect to remain under the existing leave policy will be granted forty-eight (48) hours of leave per semester. This only includes the fall and winter semesters; no other short term leave is granted.
  - (c) Full-time faculty is granted 48 hours of leave each semester for the fall and winter semesters. No other short term leave is granted.
  - (d) Great Lakes Composites employees will accrue 1 week of leave per year for the first three years of service. After the first three years of service, employees will accrue 2 weeks of leave per year.
- (5) Regular part-time employees who work twenty or more hours per week are eligible to receive compensation for short-term absences on the same basis as full-time employees, except that

their accumulated days will be accrued on a pro rata basis that relates the average number of hours per week worked to a regular forty-hour week. (For example, a part-time employee working twenty hours per week would be eligible for one half the paid time-off that a full-time employee receives.) Part-time employees working less than twenty hours per week and temporary employees are not eligible for compensation for short-term absences but may take unpaid absences if approved by the supervisor. (See Employee Classifications, Policy 209.)

- (6) Adjunct Instructors are only required to be present for the hours of work outlined in their contract and therefore don't receive any paid leave benefits.
- (7) Eligible employees generally may receive compensation for the following approved short-term absences: sickness or injury; or estate settlement; marriage; personal business; and religious observances. (See Procedure (2), above.) Employees will not be paid for approved absences covered by workers' compensation payments.
- (8) Short-term absences resulting from jury duty and testifying as a subpoenaed witness will not be charged against an employee's available days of paid absence, if the employee remits to BMCC any fees received for their appearance minus travel reimbursement. If they wish to keep the jury duty or witness fees the employee may do so by taking Short Term, Personal or Vacation Leave to cover the time away from work. Nonexempt employees will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two workweeks per calendar year. Exempt employees are subject to the same two-week limitation.
- (9) Employees may accumulate unused days of paid Short Term Leave up to a maximum of 200 hours for use in future years. These accumulated paid days may be used in conjunction with a personal sick leave of absence or for a leave of absence to care for a parent, spouse, or child with a serious health condition if the absence extends beyond the limits of this policy. (See Leaves of Absence, Policy 703.) Unused days of paid absence are not convertible into cash, personal holidays, or vacation. If employment is terminated, pay for accumulated and unused days of paid absence under this Policy will not be granted.
- (10) If the absence is due to illness or injury of the employee or a family member, written certification from the health care provider of the ill or injured employee or family member verifying the need for leave is required if the absence exceeds three consecutive days and also may be required for certain shorter absences. (See Medical Procedures, Policy 203; and Leaves of Absence, Policy 703.) Employees who falsify the reason for an absence will be subject to disciplinary action, up to and including termination, and compensation for the absence will be stopped immediately. (See Disciplinary Procedure, Policy 808.)
- (11) Employees returning from Short Term Leave must report to their supervisor, and, when appropriate, certify that they are fit to return to work. The supervisor should make a record of the employee's absence and return to work and forward a copy to the President's Office. When necessary, the supervisor should counsel the employee on the importance of good attendance and warn that excessive absences will lead to discipline, up to and including termination. (See Attendance and Punctuality, Policy 701; and Disciplinary Procedure, Policy 808.)
- (12) Compensation during authorized absences will not be granted before days of Short Term Leave have been accrued. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation. (See Hours of Work, Policy 207.)

## **POLICY 300.703 LEAVES OF ABSENCE (INCLUDING FAMILY AND MEDICAL LEAVE ACT (FMLA))**

### **Policy:**

It is the policy of BMCC to grant employees extended leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence. (For policy statements regarding absences of short duration, see ATTENDANCE AND PUNCTUALITY, Policy 701; and SHORT-TERM ABSENCES, Policy 702.)

### **Procedure:**

- (1) BMCC will comply with the provisions of the federal Family and Medical Leave Act ("FMLA"). The Appendix A to this policy outlines the FMLA's requirements, including the rights and obligations of employees, notification requirements, and BMCC's obligations. (For a decision-making checklist to determine when FMLA applies, see Appendix B following this policy.)
- (2) Employees generally are eligible for leaves of absence if they have completed at least one year of service, or as specified by law. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by BMCC in conjunction with applicable federal and state law. The following types of leaves will be considered:
  - (a) Medical Leave of Absence: Employees who are unable to work because of a serious health condition, disability, or work-related injury may be granted a medical leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. BMCC requires certification of an employee's need for medical leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider. For an explanation of the FMLA and medical leave, see Appendix A following this policy. (See also MEDICAL PROCEDURES, Policy 203.)
  - (b) Parental Leave of Absence: Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care. For an explanation of the FMLA and parental leave, see Appendix A following this policy.
  - (c) Family Care Leave of Absence: Employees may be granted a family care leave of absence for the purpose of caring for the employee's child, spouse, or parent who has a serious health condition. BMCC requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider. For an explanation of the FMLA and family leave, see Appendix A.
  - (d) Personal Leave of Absence: Employees may be granted a leave of absence to attend to personal matters in cases in which BMCC determines that an extended period of time away from the job will be in the best interests of the employee and BMCC.
  - (e) Military Leave of Absence: A military leave of absence will be granted if an employee is absent in order to serve in the uniformed services of the United States for a period of up to five years (not including certain involuntary extensions of service). An employee is eligible for military leave beginning the first day of employment. Employees who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service positions will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases, as required by applicable federal or state law.

Employees with one year or more of BMCC service will be eligible for pay during participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, BMCC will pay the difference between what an employee earns from the government for military service and what the employee would have earned from normal straight-time pay on the job. This difference will be paid for up to two weeks in a calendar year.

- (f) Educational Leave of Absence: Employees who want to continue their education in preparation for added responsibilities with BMCC may be granted an educational leave of absence when BMCC determines that this type of leave will be beneficial to it and the employee.
- (3) Leaves of absence under this policy generally should be taken in full week increments, except for intermittent or reduced schedule leaves taken under the FMLA or as required by other applicable laws.
  - (4) Requests for a leave of absence or any extension of a leave ordinarily should be submitted in writing to the employee's manager(s) at least thirty days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The supervisor(s) will forward the request to the President's Office, recommending approval or denial. The final decision concerning the request will be made by the President's Office. All employees on approved leave are expected to report to the President's Office any change of status in their need for a leave or in their intention to return to work.
  - (5) Employees who are on an approved leave of absence may not engage in any form of self-employment or perform for any other employer during that leave, except when the leave is for military or when the employment has been approved by BMCC under its OUTSIDE EMPLOYMENT policy and the employee's reason for leave does not preclude the outside employment. (See OUTSIDE EMPLOYMENT, Policy 208.)
  - (6) Every employee on a medical leave or family care leave of absence will be required to use all accrued personal, vacation, sick days, and short term absences while on leave. However, employees may not use paid leave if they are receiving compensation under BMCC's workers' compensation insurance programs. (See SHORT-TERM ABSENCES, Policy 702.) Every employee on a parental, personal, educational, or public service leave of absence will be required to use all accrued personal and vacation days while on leave.
  - (7) BMCC will continue existing health insurance coverage and provide other benefits to employees on leave as required by law. Benefits that accrue according to length of service (such as paid vacation, holiday, personal, and sick days) do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation unless otherwise specifically provided by the terms of the benefit plan document or policy. (See DISCLOSURE OF BENEFITS, Policy 501.)
  - (8) Employees returning from a leave of absence will be reinstated to their same job or to an equivalent job with equivalent status and pay, to the extent required by law. Employees returning from a medical leave must provide certification of their ability to perform the functions of their job. Employees returning from a military leave also must comply with all of the reinstatement requirements specified by federal and state law. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he had been actively employed at the time of the reduction in force. (See LAYOFF AND RECALL, Policy 210.)
  - (9) Employees who are unable to report for work because of arrest and incarceration normally will be placed on a special personal leave of absence. If the employee is unable to secure bail, the leave of absence may continue until final disposition of the charges. If the employee is freed on bail, the employee's supervisor(s) and Vice President or President will decide whether active employment is appropriate pending final disposition of the charges.
  - (10) If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

**NOTE:** Also see the FMLA Policy on the next page.

## **APPENDIX: Notice to Employees Regarding the Family and Medical Leave Act (FMLA)**

BMCC will comply with all applicable requirements of the Family and Medical Leave Act (“FMLA”).

The FMLA requires private employers with 50 or more employees and all public agencies, including state,<sup>24</sup> local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave.<sup>23</sup>

### **Employee Eligibility**

The FMLA defines eligible employees as employees who: (1) have worked for BMCC for at least 12 months; (2) have worked for BMCC for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of BMCC worksites that taken together have a total of 50 or more employees.

### **Leave Entitlement**

Eligible employees may take leave for the following reasons:

- (1) to care for the employee’s child upon birth or in connection with a child’s placement with the employee for adoption or foster care;
- (2) to care for a parent, spouse, or child with a serious health condition; or
- (3) when the employee is unable to work because of the employee’s own serious health condition.

Serious health condition. According to the FMLA, a “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

- (1) inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or
- (2) “continuing treatment” by a health care provider which includes any period of incapacity as a result of:
  - (a) a health condition lasting more than three consecutive days and any subsequent treatment or period of incapacity relating to the same condition that also includes (i) treatment two or more times by or under the supervision of a health care provider; or (ii) one treatment by a health care provider with a continuing regimen of treatment;
  - (b) pregnancy or prenatal care, including severe morning sickness;
  - (c) a chronic serious health condition that continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity;
  - (d) a permanent or long-term condition for which treatment may not be effective, if the employee is under the supervision of a health care provider (but not necessarily receiving active treatment); or
  - (e) any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

For further information on what is considered “continuing treatment,” contact the President’s Office. Spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave in the 12-month period to care for a parent who has a serious health condition. However, each spouse may take up to 12 workweeks of leave to care for a child or spouse with a serious health condition.

Birth, adoption, or foster care of children. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same

employer are jointly entitled to a combined leave of 12 workweeks of parental leave in the 12-month period for the birth or placement of a child for adoption or foster care.

Intermittent or reduced work schedule leave. In certain circumstances, eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing their work schedule. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with BMCC's permission. If the FMLA leave is because of the employee's serious illness or to care for a seriously ill family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.

### **Notice and Certification**

Employees who want to take FMLA leave ordinarily must provide BMCC at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to minimize disruptions of BMCC's operations.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the condition. BMCC also may require a second, and if necessary, a third opinion (at BMCC's expense), periodic re-certifications of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work.

BMCC may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. BMCC also may delay or deny approval of leave for lack of proper medical certification.

### **Benefits During FMLA Leave**

Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. If applicable, arrangements will be made for employees to pay their share of health insurance premiums while on leave. If an employee chooses not to return to work from FMLA leave, BMCC may be entitled to recover premiums it paid to maintain health coverage during the leave.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must use any accrued paid vacation, personal, and sick days during an unpaid FMLA leave taken because of the employee's own serious health condition or the serious health condition of a family member.<sup>17</sup> In addition, the employee must use any accrued paid vacation or personal and sick days during FMLA leave taken to care for a newborn or newly placed child.

### **Job Restoration After FMLA Leave**

BMCC generally will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on FMLA leave does not have any 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.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to BMCC's operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of BMCC's employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

### **Other Provisions**

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

Under an exception to the Fair Labor Standards Act ("FLSA") in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly-skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of

the FLSA without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when BMCC has approved the employment under its OUTSIDE EMPLOYMENT policy and the employee's reason for FMLA leave does not preclude the outside employment.

**APPENDIX B<sup>1</sup>**

Use this checklist to determine whether an employee requesting leave is eligible for FMLA leave, what happens while the employee is on leave, and what the employer's reinstatement obligations are when the employee wants to return to work.

**REQUEST FOR FAMILY AND MEDICAL LEAVE (FMLA) CHECKLIST**

| <b>Determination of Eligibility for FMLA Leave</b>   | <b>If Yes:</b>  | <b>If No:</b>  |
|--|---|--|
| Has the employee submitted a written request for leave which meets the employer's required procedures for requesting a leave, and has the employee requested leave as soon as possible? See <i>note 37</i> .   | Continue  | Contact employee to discuss: continue  |
| Has the employee worked at least 12 months (not necessarily consecutively) and worked at least 1,250 hours in the previous 12-month period? Is the total number of employees employed within 75 miles of the employee's worksite more than 50? See <i>note 24</i> .  | Continue, employee is eligible for FMLA leave                                   | Stop, employee is not eligible for FMLA; consider under other leave policies and notify employee that not entitled to FMLA                 |
| Has the employee used less than 12 weeks of FMLA leave during the last 12 months? See <i>note 23</i> .   | Continue  | Stop, employee is not entitled to additional FMLA leave; consider under other leave policies and notify employee that not entitled to FMLA |
| <b>Reasons for Leave</b>   | <b>If Yes:</b>  | <b>If No:</b>  |
| Is the employee requesting leave because of the birth of a child, adoption of a child, or placement of a foster child ( <i>see note 32</i> )? <b>or</b> Is the employee requesting leave because of a serious health condition ( <i>see note 25</i> ) or to care for a spouse, child, or parent who has a serious health condition ( <i>see note 33</i> )? | Continue  | Stop, this is not FMLA leave; consider under other leave policies and notify employee that not entitled to FMLA                            |
| <i>If the leave requested is because of birth, adoption, or foster child placement, did the employee provide at least 30 days' notice, or if leave was not foreseeable, was notice provided as soon as possible? See note 37.</i>  | Request proof of birth, adoption, or placement if verification needed; continue | You may delay leave; seek advice from counsel  |

|  |   |  |
|--|---|--|
| <p><i>If the leave requested is because of the serious health condition of the employee or the employee's spouse, child, or parent, did the employee:</i></p> <p>a. Make a reasonable effort to schedule any planned treatment so as not to unnecessarily disrupt the employer's operations?<br/><b>and</b></p> <p>b. Provide at least 30 days' notice or, if the need for leave was not foreseeable, as soon as possible?<br/><i>See note 37.</i></p> | Continue  | You may delay leave; seek advice from counsel  |
| <p><i>If the leave requested is because of the serious health condition of the employee or the employee's spouse, child, or parent, has the employee provided medical certification before the leave, or if the need for leave was not foreseeable, within 15 days or as soon as possible (use Department of Labor Form WH-380 or equivalent)?<br/><i>See note 31.</i></i></p>   | Continue or, if doubt validity of certification, request second opinion | You, may delay leave; seek advice from counsel |
| <p>Have you notified the employee in writing that the leave has been designated as FMLA leave (use Department of Labor Form WH-381 or equivalent)? <i>See note 37.</i></p>   | Continue  | Do immediately, continue                       |

| <b>Period of Leave Time Allowed under the FMLA</b>  | <b>If Yes:</b>  | <b>If No:</b>  |
|---|---|--|
| <p><i>If the leave requested is because of birth, adoption, or foster child placement, has the employee requested leave in a single block of time, such as 8 weeks? (Note: leave requested for this purpose may be taken intermittently or on reduced leave schedule, i.e., in less than full-week or full-day increments, if the employer agrees. If required by BMCC policy, all paid personal and vacation days must be used during any otherwise unpaid portion of the leave.<br/><i>See notes 36, 37, and 40.)</i></i></p>             | Grant up to 12 weeks per 12-month period; continue  | Discuss work schedule and possible alternative jobs during intermittent or reduced leave; continue |
| <p><i>If the leave requested is because of the serious health condition of the employee or the employee's spouse, child, or parent, has the employee requested leave in full-week increments? (Note: leave requested for this purpose may be taken intermittently or on reduced leave schedule without the employer's permission when medically necessary. If employer policy requires, all paid sick, personal, and vacation days must be used during any otherwise unpaid portion of the leave. <i>See notes 36, 37, and 40.)</i></i></p> | Grant up to 12 weeks per 12-month period; continue  | Discuss work schedule and possible alternative jobs during intermittent or reduced leave; continue |
| <p>If the leave is being taken on an intermittent or reduced schedule basis, is there an available alternative position for which the employee is qualified which better accommodates the recurring need for leave? <i>See note 36.</i></p>   | Employer may transfer employee temporarily; continue  | Continue   |
| <b>Benefits while on Leave</b>  | <b>If Yes:</b>  | <b>If No:</b>  |
| <p>Is the employee covered by the employer's health plan? <i>See note 41.</i></p>   | Maintain existing coverage  | No health benefits required  |
| <p>Is the employee eligible for workers' compensation or other disability benefits provided by the employer? <i>See notes 40 and 41.</i></p>  | Employee may not use paid sick, personal, or vacation days except during any waiting period | Employer may require use of paid time off  |
| <b>Active Leave Period</b>  | <b>If Yes:</b>  | <b>If No:</b>  |
| <p>Has employer contacted employee after 30 days of leave to confirm expected return dates and to ask if the employee intends to return to work? <i>See notes 31 and 38.</i></p>  | Continue  | Contact the employee; continue   |

|   |  |          |
|---|--|----------|
| Has the employer learned of any information to call the need for leave into question? <i>See notes 31 and 38.</i> | Contact employee to determine continued need for leave; if employee is on medical leave, request medical recertification | Continue |
| Has the medical certification expired?<br><i>See notes 31 and 38.</i>   | Contact employee to determine continued need for leave; request medical recertification                                  | Continue |

| <b>End of Leave Period</b>   | <b>If Yes:</b>   | <b>If No:</b>  |
|--|--|--|
| Did the employee return to work within the annual 12-week maximum allowed? (Note: if the employee has not used the entire 12 weeks allowed, he may use any remaining FMLA leave later in the same 12-month period.) <i>See note 42.</i>  | Continue   | Contact the employee to find out status of the leave; continue |
| <i>If the employee is among the highest compensated 10% of employees employed by the employer:</i><br><br>a. Will restoration to the previous job cause great economic injury to the employer?<br><br>b. Has the employer notified the employee it will deny restoration on this basis at the time the employer determines economic injury will occur? <b>and</b><br><br>c. Has the employee failed to return to work upon receipt of the employer's notice? | Restoration to the job may be denied; seek advice from counsel | Continue   |

|   |   |  |
|---|---|--|
| If the employee was on leave for his own serious health condition, has the employee provided certification from his health care provider that he is able to return to work without restrictions? <i>See note 44.</i> (Note: employees on leave to care for a newborn or newly placed child or seriously ill parent, spouse, or child do not have to provide any certification.) | Continue  | Employer may delay reinstatement until receive certification                       |
| If the employee did not return to work within the 12-week period, does the employee have a disability covered by the Americans with Disabilities Act? <i>See notes 26 and 46.</i>   | Obtain medical certification regarding the disability, consider extending leave as an accommodation | Continue   |
| If the employee did not return to work within the 12-week period, is the employee covered by workers' compensation? <i>See notes 40 and 46.</i>   | Continue  | Employer may terminate according to other leave policies; seek advice from counsel |
| Does state law require reinstatement after workers' compensation leave? <i>See notes 27 and 42.</i>   | Comply with state law   | Employer may terminate according to other leave policies; seek advice from counsel |

**POLICY 300.704      BEREAVEMENT LEAVE**

**Policy:**

It is the policy of BMCC to permit regular full-time and regular part-time employees paid bereavement leave in the event of a death of an immediate family member.

- (1) If an employee wishes to take time off due to the death of an immediate family member, the employee must notify his or her supervisor immediately. Up to four days paid bereavement leave will be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death.
- (2) The employer defines immediate family in such a case as the employee's spouse, parents, siblings, children, father-in-law or mother-in-law, spouses' siblings, stepchildren, grandparents, grandchildren, and any person who's financial or physical care is the principal responsibility of the employee.
- (3) If four days' bereavement leave is insufficient, the employee may take accrued leave. If there is insufficient accrued leave, an employee may request an unpaid leave of absence from their supervisor.
- (4) Leave may be approved by an employee's immediate supervisor without the usual advance notice to allow an employee to attend the funeral of an individual not listed in Section 704.2.

## **POLICY 300.705      EDUCATIONAL AND COMMUNITY SERVICE LEAVE**

### **Policy:**

It is the policy of BMCC to provide educational and community service leave in accordance with the following guidelines to regular full-time employees. The employee may wish to pursue educational goals which improve the employees job skills and leads to a degree or participate in community service activities designed to improve the community.

### **Procedure:**

- (1) Employees may request up to six (6) hours per week of educational and/or community service leave.
- (2) Employees must request the leave in advance by providing their supervisor with a memo stating proposed days and times requested and a copy of their transcript or meeting notice; as leave must be approved by your immediate supervisor.
- (3) Requests will be evaluated based on a number of factors, including relative merit of the course, meeting agenda anticipated operational requirements and staffing considerations during the proposed period of absence.
- (4) Educational Leave will be denied when a class is being repeated due to a failing grade or withdrawal for which leave was granted. The employee will not be eligible for future educational leave until they have re-taken and passed the class they failed or have completed and passed a class with an equal number of credits as the failed class, on their own time.
- (5) Community Service, for purposes of the Policies and Procedures, is defined as membership on any Tribal or community board benefiting tribal membership. The following are some examples of Boards eligible for community leave:
  1. Executive Committee
  2. Gaming Commission
  3. Health Board
  4. O.C.S. School Board
  5. Constitution Committee
  6. Bay Mills Boys and Girls Club
  7. Head Start Parent Advisory Committee
  8. Title I Program Committee
  9. United Way
  10. Rotary
  11. Cultural Committee
  12. Pow Wow Committee
  13. Child Welfare Committee

Failure to attend activities for which leave was granted, whether a class session, committee meeting, or failing to promptly return to work could result in denial of benefits. It doesn't include your child's field trip or other activity directly benefiting your children. The President has the authority to approve or deny all requests including requests to attend community boards not listed above.

**POLICY 300.706      REST BREAKS**

**Policy:**

It is the policy of BMCC to provide rest breaks during the course of each workday.

**Procedure:**

- (1) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) should receive, unless job conditions do not permit, a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period. (See MEAL BREAKS, Policy 707.)
- (2) Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the work load and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.
- (3) Time spent on rest breaks will be compensated as working time, and nonexempt employees are not required to sign out and in on their time cards. (See HOURS OF WORK, Policy 207.) However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)
- (4) Employees who choose to remain at work during rest breaks are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time and will not receive extra pay for the time worked.
- (5) Employees on rest breaks may not interfere with other employees who are continuing to work. (See SOLICITATION, Policy 604.)

## **POLICY 300.707 MEAL BREAKS**

### **Policy:**

It is the policy of BMCC to provide meal breaks during the course of each workday.

### **Procedure:**

- (1) Full-time employees are allowed a meal break near the middle of the workday. In departments operating on single shifts, the break will be sixty minutes. In departments operating on two or three shifts, the meal break will be thirty minutes or less, depending on operating requirements.
- (2) Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.
- (3) Supervisors are responsible for balancing work loads and scheduling meal breaks and should take into consideration the work load and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
- (4) Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break, or as scheduled by the supervisor.
- (5) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for their meal breaks unless they are required to work during their breaks. Nonexempt employees must sign out and back in on their time cards for all meal breaks when asked. (See HOURS OF WORK, Policy 207.)
- (6) Generally, nonexempt employees may not leave early or extend meal breaks beyond their assigned period. Employees will be subject to discipline if tardy returning from a break. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)
- (7) Employees on meal breaks are not permitted to interfere with other employees who are continuing to work. (See SOLICITATION, Policy 604.)

## **POLICY 300.801 BEHAVIOR OF EMPLOYEES**

### **Policy:**

It is the policy of BMCC that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits BMCC, or is offensive to customers or coworkers will not be tolerated.

### **Procedure:**

- (1) Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of BMCC. Appropriate employee conduct includes:
  - (a) Treating all customers, visitors, and coworkers in a courteous manner (see CUSTOMER RELATIONS, Policy 804);
  - (b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to BMCC's best interests (see PRODUCTIVE WORK ENVIRONMENT, Policy 201A);
  - (c) Reporting to management suspicious, unethical, or illegal conduct by coworkers, customers, or suppliers (see SECURITY, Policy 606);
  - (d) Reporting to management any threatening or potentially violent behavior by coworkers;
  - (e) Cooperating with BMCC investigations (see PRODUCTIVE WORK ENVIRONMENT, Policy 201A; and SECURITY, Policy 606);
  - (f) Complying with all BMCC safety and security regulations (see EMPLOYEE SAFETY, Policy 601; and SECURITY, Policy 606);
  - (g) Wearing clothing appropriate for the work being performed (see EMPLOYEE SAFETY, Policy 601; and PERSONAL APPEARANCE OF EMPLOYEES, Policy 802);
  - (h) Performing assigned tasks efficiently and in accord with established quality standards;
  - (i) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time (see ATTENDANCE AND PUNCTUALITY, Policy 701);
  - (j) Giving proper advance notice whenever unable to work or report on time (see ATTENDANCE AND PUNCTUALITY, Policy 701);
  - (k) Smoking only at times and in places not prohibited by BMCC rules or local ordinances (see MAINTENANCE OF WORK AREAS, Policy 602; and SMOKING, Policy 607);
  - (l) Eating meals only during meal periods and only in the designated eating areas (see MEAL BREAKS, Policy 707); and
  - (m) Maintaining cleanliness and order in the workplace and work areas (see MAINTENANCE OF WORK AREAS, Policy 602).
- (2) The following conduct is prohibited and individuals engaged in it will be subject to discipline, up to and including termination (see DISCIPLINARY PROCEDURE, Policy 808):
  - (a) Engaging in or threatening acts of workplace violence, including but not limited to:
    - (i) Possessing firearms or other weapons on BMCC property;
    - (ii) Fighting or assaulting a coworker, guest, or customer;
    - (iii) Threatening or intimidating a coworker, customer, or guest;
  - (b) Engaging in any form of sexual or other harassment (see PRODUCTIVE WORK ENVIRONMENT, Policy 201A);
  - (c) Reporting to work under the influence of alcohol, illegal drugs, or narcotics or using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on BMCC premises (see BUSINESS ENTERTAINING, Policy 403; and DRUGS, NARCOTICS, AND ALCOHOL, Policy 809);

- (d) Disclosing trade secrets or confidential BMCC information (see CONFIDENTIAL NATURE OF BMCC AFFAIRS, Policy 807);
  - (e) Falsifying or altering any BMCC record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;
  - (f) Stealing, destroying, defacing, or misusing BMCC property or another employee's or customer's property;
  - (g) Misusing BMCC communications systems, including electronic mail, computers, Internet access, and telephones (see USE OF COMMUNICATION SYSTEMS, Policy 805);
  - (h) Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
  - (i) Failing to wear assigned safety equipment or failing to abide by safety rules and policies (see SAFETY, Policy 601);
  - (j) Soliciting or distributing in violation of BMCC policies (see SOLICITATION, Policy 604);
  - (k) Smoking where prohibited by local ordinance or BMCC rules (see SMOKING, Policy 607);
  - (l) Using profanity or abusive language (see USE OF COMMUNICATION SYSTEMS, Policy 805);
  - (m) Sleeping on the job without authorization (see SOLICITATION, Policy 604);
  - (n) Gambling on BMCC property;
  - (o) Playing pranks or engaging in horseplay; and
  - (p) Wearing improper attire or having an inappropriate personal appearance (see PERSONAL APPEARANCE OF EMPLOYEES, Policy 802).
- (3) The examples of impermissible behavior described in Procedure (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of BMCC's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to your supervisor or the President's Office.

## **POLICY 300.802      PERSONAL APPEARANCE OF EMPLOYEES**

### **Policy:**

It is the policy of BMCC that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

### **Procedure:**

- (1) Employees are expected at all times to present a professional, businesslike image to customers, prospects, and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with BMCC. (See MAINTENANCE OF WORK AREAS, Policy 602.) Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.
- (2) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards:
  - (a) Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire or attire that does not present a businesslike appearance.
  - (b) Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length.
  - (c) Sideburns, moustaches, and beards should be neatly trimmed.
  - (d) Tattoos and body piercings (other than earrings) should not be visible.
- (3) Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and businesslike as working conditions permit.
- (4) At its discretion, BMCC may allow employees to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
- (5) Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Nonexempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also will result in disciplinary action. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 808.)

**POLICY 300.803      PERSONAL FINANCES OF EMPLOYEES**

**Policy:**

It is the policy of BMCC to require employees to meet their financial obligations in a timely manner.

**Procedure:**

- (1) Employees should manage their personal finances so that they do not adversely affect job performance or BMCC's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on BMCC through extra bookkeeping and the need to respond to legal notices and court orders.
- (2) BMCC will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law. Employees who become financially obligated to BMCC will be required to enter into a written acknowledgement of the obligation at the time it is incurred. Examples of this type of obligation include debts arising from travel advances and BMCC educational expenses.
- (3) BMCC will conduct credit checks of applicants for employment in accordance with its Hiring policy. (See HIRING, Policy 202.) In addition, BMCC may conduct credit checks on current employees being considered for promotions or transfers to positions where personal financial considerations may impact the employee's ability to perform the job.
- (4) The Business & Finance Office is the only department authorized to receive an order of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Business & Finance Office will notify the affected employee and then deduct the required amount from the employee's earnings, up to the limit permitted by law.
- (5) No employee will be terminated because his earnings have been garnished for indebtedness.
- (6) BMCC will not deny employment to, or terminate the employment of, any person solely because that person has filed a petition for bankruptcy.

## **POLICY 300.804      CUSTOMER RELATIONS**

### **Policy:**

It is the policy of BMCC to be customer- and service-oriented and to require employees to treat customers in a courteous and respectful manner at all times.

### **Procedure:**

- (1) Our customers provide the primary source of BMCC's income and each employee's job security. To promote excellent relations with our customers, all employees must represent BMCC in a positive manner and make customers feel appreciated when dealing with the organization. (See BEHAVIOR OF EMPLOYEES, Policy 801.)
- (2) Employees with customer contact are expected to know BMCC's products and services and to learn what customers want and need. These employees should educate customers about the use of the organization's products and services and should seek new ways to serve customers.
- (3) Employees are encouraged to report recurring customer-related problems to their supervisor and to make suggestions for changes in BMCC policies or procedures to solve problems. (See SUGGESTION PROGRAM, Policy 903.)
- (4) Employees should be prepared to pay careful attention to customer complaints and deal with them in a helpful, professional manner. If a controversy arises, the employee should explain BMCC policy respectfully and clearly. Customers who become unreasonable, abusive, or harassing should be referred to the employee's supervisor if the employee cannot resolve the problem. (See PRODUCTIVE WORK ENVIRONMENT, Policy 201A.)
- (5) Employees should be polite and thoughtful when responding to customers. A positive contact with a customer can enhance goodwill, while a negative experience can destroy a valuable relationship. The following telephone procedures should be observed whenever possible:
  - (a) Use a pleasant tone of voice, give the name of the department, and identify yourself;
  - (b) If the person with whom the caller wishes to speak is on another line, ask if the caller wants to be placed on hold;
  - (c) If a caller has been placed on hold, carefully monitor the time and offer to have the call returned if the person called is not available within a reasonable period;
  - (d) When a caller leaves a name, number, or message, make sure it is recorded correctly and given promptly to the appropriate individual; and
  - (e) All employees should take and place their own telephone calls. Personal calls should remain limited.
- 6) To measure and evaluate customer service, BMCC may access and monitor employee telephone conversations and email correspondence in the normal course of business. Any employees whose communications will be monitored will be asked to sign a consent form authorizing the monitoring. (See USE OF COMMUNICATION SYSTEMS, Policy 805.)

## **POLICY 300.805      USE OF COMMUNICATION SYSTEMS**

### **Policy:**

It is the policy of BMCC, when deemed applicable, to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business.

### **Procedure:**

- (1) Communications services and equipment include mail, electronic mail ("e-mail"), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, voice mail, and bulletin boards. Supervisors are responsible for instructing employees on the proper use of the communications services and equipment used by the organization for both internal and external business communications.
- (2) Most communications services and equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper vehicle for each business communication. Employees should consult their supervisor if there is a question about the proper mode of communication.
- (3) All BMCC communications services and equipment, including the messages transmitted or stored by them, are the sole property of BMCC. Accordingly, BMCC may access and monitor employee communications and files as it considers appropriate. Employees whose telephone communications may be monitored generally will be asked to sign a consent form authorizing the monitoring. (See CUSTOMER RELATIONS, Policy 804.)
- (4) On-line services and the Internet may be accessed only by employees specifically authorized by BMCC. Authorized employees must disclose all passwords to BMCC and their supervisors but should not share the passwords with other employees. Employees' on-line use generally should be limited to work-related activities, except as allowed in Procedure (6). In addition, employees should not duplicate or download from the Internet or from an e-mail any software or other materials (such as documents, photographs, and music and video files) that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without express permission from the owner of the material. When appropriate Internet material or e-mail files are downloaded, they should be scanned using BMCC's antivirus software.
- (5) Employees should not use e-mail, instant messaging services, facsimiles, cellular telephones, or any other insecure communication system to communicate confidential, proprietary, or trade secret information. (See CONFIDENTIAL NATURE OF BMCC AFFAIRS, Policy 807.) In addition, e-mail generally should not be saved for more than 30 days unless required as part of BMCC's record retention policy. (See PERSONNEL RECORDS, Policy 901.)
- (6) Incidental personal use by employees of BMCC communications services and equipment is allowed as long as the use does not interfere with the employee's work or BMCC's operations and does not violate any BMCC policies. Employees must properly log any personal user charges and reimburse BMCC for them. However, whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or account. BMCC communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor.
- (7) Employees who do not have direct access to a BMCC telephone should make provision to have emergency or other necessary incoming calls routed to their supervisor or to the President's Office, if the supervisor is not accessible. Although BMCC will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.
- (8) Employees should ensure that no personal correspondence appears to be an official communication of BMCC since employees may be perceived as representatives of BMCC and, therefore, damage or create liability for BMCC. All outgoing messages, whether by mail,

facsimile, e-mail, Internet transmission, or any other means, should be accurate, appropriate, and work-related. Employees may not use BMCC's address for receiving personal mail or use BMCC stationery or postage for personal letters. In addition, personalized BMCC stationery and business cards may be issued only by BMCC.

- (9) Improper use of BMCC communications services and equipment will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other BMCC policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written, recorded, or electronically retrieved or transmitted communications (including Web sites). (See PRODUCTIVE WORK ENVIRONMENT, Policy 201A; and BEHAVIOR OF EMPLOYEES, Policy 801.)

## **POLICY 300.806      CONFLICTS OF INTEREST**

### **Policy:**

It is the policy of BMCC to prohibit its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of BMCC, its customers, or its suppliers. Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples.

### **Procedure:**

- (1) Employees are expected to represent BMCC in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor. Top management and employees who have contact with customers and suppliers may be required to sign a special statement acknowledging their understanding of and adherence to this policy.
- (2) Employees may not engage in, directly or indirectly either on or off the job, any conduct which is disloyal, disruptive, competitive, or damaging to BMCC. Prohibited activity also includes any illegal acts in restraint of trade. (See CONFIDENTIAL NATURE OF BMCC AFFAIRS, Policy 807.)
- (3) Employees may not accept any employment relationship with any organization that does business with, or competes with, BMCC. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as a representative of BMCC. (See OUTSIDE EMPLOYMENT, Policy 208.)
- (4) Employees must disclose any financial interest they or their immediate family have in any firm that does business with BMCC or that competes with BMCC. BMCC may require divestiture of the interest if it considers the financial interest to be in conflict with its best interests.
- (5) Employees and their immediate family may not accept gifts, except those of nominal value, or any special discounts or loans from any person or firm doing, or seeking to do, business with BMCC. The meaning of gifts for purposes of this policy includes the acceptance of lavish entertainment and free travel and lodging.
- (6) Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, of a potential customer, or of a financial institution in connection with any transaction or business that BMCC may have with that customer, potential customer, or financial institution.
- (7) Employees may not disclose inside information to anyone, either inside or outside the organization, who does not have a legitimate business need to know it. (See CONFIDENTIAL NATURE OF BMCC AFFAIRS, Policy 807.)
- (8) Any conflict or potential conflict of interest must be disclosed to BMCC. Failure to do so will result in discipline, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 808.)

**Policy:**

It is the policy of BMCC that the internal business affairs of the organization, particularly confidential information and trade secrets, represent BMCC assets that each employee has a continuing obligation to protect.

**Procedure:**

- (1) Information designated as confidential may not be discussed with anyone outside the organization and may be discussed within the organization only on a "need to know" basis. In addition, employees have a responsibility to avoid unnecessary disclosure of non-confidential internal information about BMCC, its employees, its customers, and its suppliers. However, this employee responsibility to safeguard internal BMCC affairs is not intended to impede normal business communications and relationships.
- (2) Employees authorized to have access to confidential information may be required to sign special nondisclosure agreements and must treat the information as proprietary BMCC property for which they are personally responsible. (See EMPLOYMENT AGREEMENTS, Policy 202A.) Employees are prohibited from attempting to obtain confidential information for which they have not received authorization. Employees violating this policy will be subject to discipline, up to and including termination, and may be subject to legal action.
- (3) The GLCI Director, Vice President and President are responsible for coordinating the security and control of BMCC information and for approving any exceptions to this policy. Manager(s) are responsible for identifying information that should be classified as confidential and should work closely with the GLCI Director, the Vice President for Business & Finance, Vice Presidents, and President to develop procedures to secure and control the information. Information that is designated as confidential should be clearly identified and properly secured. (See SECURITY, Policy 606.) A list of employees authorized to have access to the information should be prepared, and all access should be recorded.
- (4) All media inquiries and other inquiries of a general nature should be referred to the GLCI Director and President. In addition, all press releases, publications, speeches, or other official declarations must be approved in advance by the GLCI Director, with final authorization by the President. Further, questions about employee references or other information concerning current or former employees should be referred to the President's Office. (See MEDICAL PROCEDURES, Policy 203; TERMINATION OF EMPLOYMENT, Policy 211; and PERSONNEL RECORDS, Policy 901.)
- (5) Employees should not discuss with the officers, directors, or employees of competing organizations any topic that might give the impression of an illegal agreement in restraint of trade. These prohibited topics include pricing agreements, customer allocation, and division of sales territories.
- (6) Employees are prohibited from disclosing "material inside" information that could affect the market value of BMCC's financial securities to anyone outside the organization until that information has been made available to the public by management. Employees also are prohibited from using that information for their own personal profit. (See CONFLICTS OF INTEREST, Policy 806.)

## **POLICY 300.808            DISCIPLINARY PROCEDURE**

### **Policy:**

It is the policy of BMCC that all employees are expected to comply with BMCC's standards of behavior and performance and that any noncompliance with these standards must be corrected.

### **Procedure:**

- (1) Under normal circumstances, BMCC endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict BMCC's right to bypass the disciplinary procedures suggested. (See EMPLOYMENT-AT-WILL, Policy 106.)
- (2) The normal application of progressive discipline should be:
  - (a) If an employee is not meeting BMCC standards of behavior or performance, the employee's supervisor should take the following action:
    - (i) Meet with the employee to discuss the matter;
    - (ii) Inform the employee of the nature of the problem and the action necessary to correct it; and
    - (iii) Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.
  - (b) If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following action:
    - (i) Issue a written reprimand to the employee;
    - (ii) Warn the employee that a third incident will result in more severe disciplinary action; and
    - (iii) Prepare and forward to the President's Office a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)
  - (c) If there are additional occurrences, the supervisor should take the following action, depending on the severity of the conduct:
    - (i) Issue a written reprimand or warning;
    - (ii) Suspend the employee (with or without pay) for up to five working days; or
    - (iii) Suspend the employee indefinitely (with or without pay) and recommend termination.

After taking action under Procedure (2)(c), above, the supervisor should prepare and forward to the President's Office another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification. The Vice President and President will be notified of all disciplines.

- (3) The progressive disciplinary procedures described in Procedure (2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
- (4) In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained in Procedure (2), above, may be disregarded. Typically, the supervisor should suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be

conducted to determine if any further action, such as termination, should be taken. (See Procedure (6), below.)

- (5) The Vice President and the President will review and approve all recommendations for termination before any final action is taken. (See TERMINATION OF EMPLOYMENT, Policy 211.)
- (6) At an investigatory interview conducted for the purpose of determining the facts involved in any suspected violation of BMCC rules and regulations, the following procedures normally should apply:
  - (a) Before the interview, the employee who is suspected of violating BMCC rules and regulations should be told in general terms what the interview is about.
  - (b) A nonsupervisory employee may request that the President's Office be present at the interview if it may lead to disciplinary action for that employee.
- (7) Employees who believe that they have been disciplined too severely or who question the reason for discipline are encouraged to use the dispute resolution procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 904.)
- (8) If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy. (See PERFORMANCE APPRAISALS, Policy 302.)

**POLICY 300.809      DRUGS, NARCOTICS, AND ALCOHOL**

**Policy:**

It is the policy of BMCC to maintain a workplace that is free from the effects of drug and alcohol abuse.

**Procedure:**

- (1) Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, controlled substances, narcotics, or alcoholic beverages on BMCC premises or work sites. (See BUSINESS ENTERTAINING, Policy 403.) In addition, BMCC prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or BMCC's reputation in the community.
- (2) BMCC will not hire, subject to state or local law restrictions, alcoholics or drug abusers whose current use of those substances prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others. Whenever applicants for employment are to be tested for the presence of illegal drugs or alcohol, they are to be informed in advance.
- (3) Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing illegal or controlled substances and narcotics or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on BMCC premises and work sites.
- (4) Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction to the President's Office within five days, and the President's Office will take appropriate action as required by law.
- (5) Employees, their possessions, and BMCC-issued equipment and containers under their control are subject to search and surveillance at all times while on BMCC premises or work sites or while conducting BMCC business. (See SECURITY, Policy 606.)
- (6) Employees may be asked to take a test at any time to determine the presence of drugs, narcotics, or alcohol, unless the tests are prohibited by law. Employees that agree to take the test must sign a consent form authorizing the test and BMCC's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by BMCC are the property of BMCC, and the examination records will be treated as confidential and held in separate medical files. However, records of specific examinations will be made available, if required by law or regulation, to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (7) Supervisors should report immediately to the President's Office any action by an employee who demonstrates an unusual pattern of behavior. The President's Office will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises. Tribal Law Enforcement should be notified to arrange safe transit.
- (8) Employees must report their use of over-the-counter or prescribed medications to the President's Office if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly. (See MEDICAL PROCEDURES, Policy 203.)
- (9) Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek, counseling help. Participation in counseling, including BMCC-sponsored or required counseling, is confidential and should not have any influence on performance appraisals. Job performance, not the fact that an

employee seeks counseling, is to be the basis of all performance appraisals. (See PERFORMANCE APPRAISALS, Policy 302.)

- (10) Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. (See LEAVES OF ABSENCE, Policy 703.) The employee will not be permitted to return to work until certification is presented to the President's Office that the employee is capable of performing his job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other BMCC policies.
- (11) BMCC will, to the extent feasible, provide continuing awareness programs about the harmful effects of drug and alcohol abuse.

**POLICY 300.901 PERSONNEL RECORDS**

**Policy:**

It is the policy of BMCC to maintain personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government recordkeeping and reporting requirements.

- (1) BMCC tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.
- (2) The President's Office is responsible for overseeing recordkeeping for all personnel information and will specify what information should be collected and how it should be stored and secured. (For the need to maintain separate medical files, see MEDICAL PROCEDURES, Policy 203.)
- (3) Employees have a responsibility to keep their personnel records up to date and should notify the Human Resources Department in writing of any changes in at least the following:
  - (a) Name;
  - (b) Address;
  - (c) Telephone number;
  - (d) Marital status (for benefits and tax withholding purposes only);
  - (e) Number of dependents;
  - (f) Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
  - (g) Beneficiary designations for any of BMCC's insurance, pension, and profit sharing plans (if applicable); and
  - (h) Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status must complete a new Form W-4 for income tax withholding purposes within ten days of the change, if it results in a decrease in the number of dependents.

- (4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Human Resources Department and will be scheduled at a mutually convenient time. Records that are considered to contain sensitive or confidential corporate plans or information may be excluded from the inspection, and all inspections must be conducted in the presence of a designated member of the Human Resources Department. A reasonable charge, not to exceed the actual cost to BMCC, will be made for any copies of records made by the employee.
- (5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the President's Office. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure. (See Dispute Resolution Procedure, Policy 904.)
- (6) Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved by the President's Office and should be recorded in the file inspected.
- (7) Employees should refer all requests from outside BMCC for personnel information concerning applicants, employees, and past employees to the Human Resource Department. The Human Resource Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following:
  - (a) Employment dates;
  - (b) Position held; and
  - (c) Location of job site.

## **POLICY 300.902 PARTICIPATION IN COMMUNITY AFFAIRS**

### **Policy:**

It is the policy of BMCC to encourage employees to participate in the community service affairs of charitable, educational, religious, fraternal, and civic organizations.

### **Procedure:**

- (1) BMCC may identify certain community activities in which it wants to be represented and designate the employees it will sponsor for participation or membership in these organizations. Designated employees will represent BMCC in the organization and will be expected to promote BMCC's interests. Under these circumstances, time spent on the community activity will be considered hours worked for pay purposes. BMCC will use the guidelines in Membership in Clubs and Civic Organizations, Policy 405, for selecting community organizations for representation.
- (2) Employee-initiated participation in community affairs that involves an extended period of time away from the job should be handled according to the procedures contained in Leaves of Absence, Policy 703. Reimbursement for the expenses or fees involved in community activities should be handled according to the procedures contained in Memberships in Clubs and Civic Organizations, Policy 405.
- (3) Time spent on community affairs, when not undertaken at the request of management, normally should be outside of the employee's regular working hours and, therefore, will not be considered hours of work for pay purposes.
- (4) Every employee who expresses an opinion in a public forum should clearly state whether the opinion is a personal one or one representing BMCC. Any public communication which might be considered as representing BMCC's position must be approved in advance by the President. Employees should not discuss internal confidential affairs in any public forum. (See Confidential Nature of BMCC Affairs, Policy 807.)
- (5) BMCC does not make contributions or expenditures in connection with any election to political office or in connection with any primary election, political convention, or caucus held to select candidates for political office. However, management representatives may conduct certain solicitations of employees for a political fund established by BMCC, as allowed by law.
- (6) Employees planning to campaign for, seek, or accept appointment to public office must give prior notice of their intentions to the President's Office. A representative from management may review with the employees BMCC's continuing requirements to avoid conflicts of interest and to maintain satisfactory attendance and performance standards. Employees engaging in political activities do so as individuals on their own time, not as representatives of BMCC, and should not make any representations to the contrary.
- (7) Employee participation in community activities should not adversely affect the employee's job performance, be detrimental to BMCC's interests, or place the employee in the position of serving conflicting interests. (See Conflicts of Interest, Policy 806.)

## **POLICY 300.903      SUGGESTION PROGRAM**

### **Policy:**

It is the policy of BMCC to encourage employees to make constructive suggestions for the improvement of operations and to give appropriate recognition and rewards for suggestions that are properly submitted and accepted.

### **Procedure:**

- (1) Employees of BMCC are normally eligible to participate in the Suggestion Program, with a few exceptions. Employees assigned to quality circle programs or to joint employee-management improvement teams are not eligible to submit suggestions developed or adopted as a result of these activities. Also, any employees who are expected to improve BMCC's operations as part of their normal responsibilities are not eligible.
- (2) An eligible suggestion for the purposes of this program is defined as a constructive idea that has as its design and purpose the resolution of a problem, the improvement of operations or procedures, or the improvement of BMCC's working environment. Examples of eligible suggestions include:
  - (a) More efficient ways to do a job or reduce costs;
  - (b) Improvements in product quality, vendor relationships, or customer service;
  - (c) Better methods to produce goods or services;
  - (d) Ways to reduce waste;
  - (e) More efficient ways to use plant or office space;
  - (f) New sources for obtaining parts, materials, or supplies;
  - (g) Ideas for improving attendance and punctuality;
  - (h) Methods of making work areas safer, cleaner, or more comfortable; and
  - (i) Better ways to safeguard BMCC and employee property.

Topics not eligible for consideration include complaints and criticisms, contract and wage issues, other terms and conditions of employment, and nonbusiness concerns. These issues normally should be addressed to the employee's immediate supervisor, President's Office, or BMCC's dispute resolution procedure.

- (3) To be considered for evaluation, all suggestions must be submitted in writing to the President's Office. Each written suggestion must be signed, dated, and delivered to the President's Office. The President's Office should send each participating employee an acknowledgment that includes the date of the President's Office at which the suggestion will be evaluated.
- (4) The President's Office should evaluate all properly submitted suggestions, determine which will be accepted or rejected, and set the level of the award, where appropriate, for those accepted. All decisions are at the discretion of management and are final.
- (5) Suggestions management determines to be ineligible, have little or no merit, or which BMCC decides not to implement at the time, will be rejected. The President's Office is responsible for sending an explanation for the rejection and a note of appreciation to the employee.
- (6) Suggestions accepted by management should be referred to the appropriate manager(s) or supervisor for implementation. Management will notify the employee and make any appropriate announcements.
- (7) Awards for suggestions may be made at the discretion of the President. Awards may be based on gains or savings (actual or estimated) from the suggestions, up to a maximum amount established by BMCC.

- (8) Time spent in developing suggestions for submission to the President's Office normally should be outside the employee's working hours and will not be considered hours worked for pay purposes. However, if an employee is assigned to work on the development or implementation of a suggestion, the time spent will be considered hours worked for pay purposes. In this latter circumstance, the employee generally will not be eligible for the Suggestion Program awards since the work will be considered part of the employee's normal job duties.
- (9) All suggestions, once submitted, become the property of BMCC. BMCC may modify, change, or eliminate the Suggestion Program at any time, at its discretion.

## **POLICY 300.904 DISPUTE RESOLUTION PROCEDURE**

### **Policy:**

It is the policy of BMCC that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. BMCC will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

### **Procedure:**

- (1) An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:
  - (a) A belief that BMCC policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
  - (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), or intimidation;
  - (c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or disability; and
  - (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.
- (2) Employees should notify BMCC in a timely fashion of any dispute considered appropriate for handling under this policy. The dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" generally will mean five working days.
- (3) The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.
- (4) Employees who feel they have an appropriate dispute should proceed as follows:
  - (a) Step One — Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two. The supervisor, if authorized should investigate the complaint or refer it to the President's Office for handling by a qualified investigator (see PRODUCTIVE WORK ENVIRONMENT, Policy 201A), attempt to resolve it, and give a decision to the employee within 5 working days. The supervisor should prepare a written and dated summary of the dispute and proposed resolution for the employee's personnel file.
  - (b) Step Two — Appeal the decision to the Vice President, if dissatisfied with the supervisor's decision, or initiate the procedure with the Vice President if Step One has been bypassed. This appeal or initial dispute notification must be made in 5 working days using a written form provided for this purpose. The supervisor's version of the dispute and decision will then be submitted using a similar written form. The Vice President will, in 5 working days, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
  - (c) Step Three — Appeal an unsatisfactory manager(s) decision to the President. The timeliness requirement and procedures to be followed are similar to those in Step Two. The President will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision.

- (5) The President's Office will provide training and support to supervisors and Vice Presidents in dealing with employee complaints. In addition, employees should be encouraged to consult with the President's Office, their supervisors, or other members of management on a less formal basis regarding employee complaints or disputes.
- (6) Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as BMCC policy. When appropriate, the decisions will be retroactive to the date of the employee's original dispute notification.
- (7) Information concerning an employee dispute should be confidential. Supervisors, manager(s), and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
- (8) Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.
- (9) Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of BMCC to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.
- (10) BMCC may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy. Further, this policy does not alter the employment-at-will relationship in any way. (See EMPLOYMENT-AT-WILL, Policy 106.)