

Midland College

Employee Handbook

*If you have difficulty accessing the information in this document because of a disability,
please email nmorgan@midland.edu.*



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Employee Handbook Receipt

NAME: _____ **EMPLOYEE ID:** _____
LAST, FIRST, MI
TITLE: _____ **DEPARTMENT:** _____

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

Employees have the option of receiving the handbook in electronic format or hard copy. The electronic copy of the Employee Handbook may be accessed on the College's website

www.midland.edu/audiences/media/documents/employee-handbook.pdf.

Please indicate your choice by checking the appropriate box below:

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

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

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

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

Signature

Date

Printed Name

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

Introduction

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

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

College Information

Description of the College

Policies AA, AB, AC Series

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

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

College Map

<https://www.midland.edu/services-resources/main-campus-resources/map-floor-plans/campus-map.php>

Purpose, Role, Mission Statement, Goals, and Objectives

Policy AD

MISSION STATEMENT:

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

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

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

PILLARS OF THE STRATEGIC FRAMEWORK:

ACCESS

Continue increasing our impact by recruiting and serving more students and community members in credit, continuing and adult education.

Midland College will be the first choice of recent high school graduates and GED completers in our service area; the primary resource for employers and community members seeking professional education and workforce development; and the provider of appropriate, well-supported dual credit course work for area secondary students.

STUDENT SUCCESS

Lead the transformational work of student success in order to change the lives of our students, enhance our community, and meet workforce demand.

Midland College will be a place where student outcomes are comparable to those of the highest performing colleges in the country; students have consistently high levels of satisfaction and post-college success; student services address both academic and non-academic needs; and priority is placed on data democratization and data transparency.

WORLD CLASS TECHNICAL TRAINING

Build programs and facilities for workforce preparation reflective of the status, influence, and dynamic needs of the Permian Basin.

Midland College will be a place where graduates' exceptional training reflects real world competencies; programs and facilities respond to changing employer needs and student demand; and instruction is delivered by highly skilled faculty, enveloped by cutting edge technology, and supported by effective industry advisory committees.

COLLABORATION

Foster mutually beneficial partnerships with educational, governmental, business industry, and philanthropic entities.

Midland College will embrace challenges and opportunities; plan and execute at the highest levels; consistently prioritize partner outcomes; advocate for shared objectives and serve as a convener.

COMMUNITY

Honor the long-standing covenant with constituents that encourages and supports their participation in college events and enjoyment of campus resources.

Midland College will be a place of physical beauty and reflection that nurtures the visual and performing arts; a hub of community programs and activities throughout facilities and grounds; and a space for convening community-wide events and celebrations; community engagement of faculty and staff will be encouraged and supported.

WORKPLACE QUALITY

Establish a workplace of choice characterized by meaningful work in a collegial atmosphere defined by accountability, mutual respect, professional and personal growth, as well as individual wellness.

Midland College will have an environment that is safe, supportive and adaptive; celebratory of student and employee success and proud of shared accomplishments; and that recognizes the

value of healthy work life balance, professional growth opportunities for all employees and competitive compensation.

STEWARDSHIP

Attend to the operational priorities and resource maintenance in a manner that reflects community values and the College mission.

Midland College will be a place where students, faculty, staff, and community show care and ownership and where neglect and disregard are not acceptable; old and new facilities are equally valued and maintained; essential upgrades are timely made and functionality kept intact; and the institution shares its story with all constituents.

Board of Trustees

Policies BA series and BB series

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

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

Current Board members include:

- Steven C. Kiser, Chairperson
- Charlene R. McBride, Vice Chairperson
- Stephen N. Castle, Secretary
- Adrian Carrasco, Board Member
- Linda J. Cowden, Board Member
- Scott Kidwell, Board Member
- G. Larry Lawrence, Board Member
- Scott Lynch, Board Member
- Mike Oestmann, Board Member

Board Meetings

Policies BD series

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

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

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

Administration

Policies BF series and BG series

Administrative and Academic Officers

Damon Kennedy, President

Deana Savage, Chief of Staff

Michael Dixon, Provost

Frank De La O, Vice President of Instruction

Tom Glenn, Vice President of Strategy & Analytics

Jeff Chambers, Vice President of Administrative Services

Joseph Granado, Vice President of Student Services

Derek Gasch, Vice President of Operations

Jennifer Myers, Associate Vice President of Workforce Education

Justin Bateman, Associate Vice President of Instructional Support

Curt Pervier, Associate Vice President of CTE Planning & Coordination

Will Torres, Associate Vice President of Organizational Learning & Engagement

Joe Butts, Executive Director of Capital Improvements

Karisa Danley, Executive Director of Marketing, Communications & Public Relations

Amber Harmon, Executive Director of Early Childhood Education
Matt Tarpley, Director of the Williams Regional Technical Training Center

College Events Calendar

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

Helpful Contacts

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

SUPPORT SERVICES

Building Maintenance

On-Call (432) 553-3992

INFORMATION TECHNOLOGY

Help Desk-help@midland.edu (432) 685-4788

MIDLAND COLLEGE POLICE DEPARTMENT

Emergency Number (432) 685-4734

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

Employment

Equal Employment Opportunity

Policies DAA series, DIAA, DIAB

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

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

The College designates and authorizes the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination based on sex, including sexual harassment: Nicole Cooper, Director of Student Support Services & Title IX Coordinator, 3600 N. Garfield Street, Scharbauer Student Center, Room 129, Midland, Texas 79705, (432) 685-4781, title9@midland.edu.

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

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

New Positions & Reclassifications

Policy DC

The creation of a new position or the reclassification of a current position requires the following steps:

1. **Administrative Approval:** The proposed position or reclassification must be approved through the level of the appropriate President's Cabinet member, Vice President of Administrative Services, and President.

2. **Evaluation and Classification:** The position or reclassification must be evaluated and classified by the Executive Director of Human Resources & Payroll.
3. **Position Announcement:** The specific position announcement, whether for a new position or a reclassified position, requires supervisory approval and the appropriate President's Cabinet member's approval.

Job Vacancy Announcements

Policy DC

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

Hiring Processes

Policy DC

The Executive Director of Human Resources & Payroll shall establish guidelines for advertising employment opportunities, posting notices of vacancies and selecting candidates to be recommended for approval. These procedures will be published on the [Knowledge Base](#) in the Midland College Help Center.

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

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

FULL-TIME EMPLOYEES

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

Vacancies not filled by internal transfers, promotions or reorganizations must be filled through a competitive selection process. No external candidate can be appointed to a full-time position except through a posted competitive selection process. Current or former employees are eligible to apply for any posted position for which they meet the minimum posted qualifications. The

employee's performance in their current assignment and/or previous assignments shall be considered.

PART-TIME EMPLOYEES

Part-time employees are employed on an as needed, at-will basis with no expectation of continued employment and are contingent on availability of funds. Part-time employees are selected from a pool of applicants and are selected based on their availability, and qualifications for the position.

Pre-Employment Examination and Inquiries

Policy DBB

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

- Maintenance Technician
- Groundskeeper
- Custodian
- Shipping & Receiving
- Vehicle Make Ready/Driver

Employment after Retirement

Policy DC

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

Reemployment of Former Employees

Policies DC Series

Faculty or nonexempt employees who terminate employment, and are later re-hired, may be placed on the appropriate level or grade on the salary schedule at Step 10 or below. The foregoing are maximum limits of placement on the salary step; actual placement should be made after careful consideration of the employee's past performance, applicable experience, and skills qualification. The President must approve the step placement.

Contract and Noncontract Employment

Policies DCA, DCC

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

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

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

Volunteers

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

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

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

Volunteers are generally prohibited from performing the following activities:

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

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

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

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

Recertification of Employment Authorization

Policy DC

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

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

Searches and Alcohol and Drug Testing

Policies CR, DHA, See [Appendix B](#)

Noninvestigatory searches in the workplace including accessing an employee's desk, file cabinets, work area, or College-owned technology to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the College reserves the right to conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if there is reasonable suspicion that an employee is under the influence of alcohol or drugs in violation of College District policy. The College may search the employee, the employee's personal items, and work areas including College-owned technology resources, lockers, and private vehicles parked on College premises or work sites or used in College business. Disciplinary action, up to and including termination, may result if an employee refuses to submit to testing or is found to violate College policy.

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

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

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

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

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

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

Workload and Work Schedules

Policies DEA, DJ

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

Support and Auxiliary Employees. Support employees and some part-time professionals are considered nonexempt workers and receive notification of the required work schedule, hours of work, and holidays for their position on an annual basis. Nonexempt employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule

without prior approval from their supervisor. See [Overtime Compensation](#) for additional information.

Work Hours

Policy DEA

The workweek for full-time employees is Monday through Thursday, from 8 a.m. to 5 p.m. with a one-hour lunch break, and Friday from 8 a.m. to 12 p.m., unless an alternate schedule has been approved. The summer workweek changes to a nine-hour workday Monday through Thursday generally from 7:30 a.m. to 5:30 p.m. with a one-hour lunch break, unless an alternate schedule has been approved. A lunch break is not compensated. Each full-time employee is allowed a morning and afternoon break, not to exceed 20 minutes each.

Travel – Determining Compensable Time for Nonexempt Employees

Policy DEA, See [Appendix C](#)

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

Breaks for Expression of Breast Milk

Policy DG

The College supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

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

The Providing Urgent Maternal Protections of Nursing Mothers Act (PUMP Act) requires an employee notify the College if they believe the College is out of compliance in providing breaks for a nursing mother. The employee must give the College 10 days to come into compliance before making any claim of liability against the district. An employee with concerns should contact Natasha Morgan, Executive Director of Human Resources & Payroll at (432) 685-4534.

Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (PWFA) provides consideration of reasonable accommodations to qualified employees who have known mental or physical limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation would result in undue hardship. An employee seeking a PWFA accommodation should contact

Natasha Morgan, Executive Director of Human Resources & Payroll at (432) 685-4534 to begin the interactive process.

Outside Employment

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

Employees are required to disclose in writing on the Notification of Outside Employment Form (Form) any outside employment. This form shall be submitted to the employee's supervisor prior to engagement in outside employment and annually each September thereafter or at any time during the year that the employee begins another job. Form should be submitted up the chain of command to the appropriate President's Cabinet Member. Executed Form should be submitted to the Human Resources/Payroll department for inclusion in employee's personnel file.

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

Performance Evaluation

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

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

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

Promotion

Policy DLC

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

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

Demotion

Policy DLC

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

Accommodations

Policy DAA

Midland College values all of our employee's contributions including those who are experiencing disabilities. A reasonable accommodations primary function is to enhance workplace productivity and provide equal employment opportunities to applicants, candidates, and employees with disabilities.

The goal of this process is to create an environment where all employees can readily and efficiently ask for and receive reasonable accommodations necessary to reach their full potential at work. This guidance also complies with our Federal obligations under the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and other applicable state and local disability related regulations.

Purpose: The purpose of this section is to provide all employees with a detailed guide on the reasonable accommodation process. There are important steps that must be taken to ensure reasonable accommodations are documented, communicated, and provided in a timely fashion. These steps ensure equal opportunity for applicants, candidates, and employees with disabilities as well as ensure Midland College meets its legal obligations.

Midland College is committed to processing requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in the following Procedures.

Who is covered by this guidance: Applicants, candidates, and employees with physical or mental conditions that substantially limits one or more major life activities or have a record of such a substantially limiting condition.

What is workplace reasonable accommodation: Workplace reasonable accommodation, sometimes called workplace adjustments, are any changes in the workplace or the way job duties are customarily performed that provides an equal employment opportunity to an individual with a disability. (This process does not cover requests that would pose an undue hardship or fundamentally change the essential functions of a job.)

Not All Accommodation Requests Can Be Honored: Sometimes an applicant or an employee may ask for an accommodation that is not reasonable or necessary, that poses an "undue hardship"

(i.e. too costly or disruptive to business) on the company or its employees or that might threaten the safety of the individual who has made the request or of others. Even in those cases, the company will discuss whether some other form of workplace accommodation may be effective.

When is reasonable accommodation provided;

- when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- when an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., productivity tools, trainings, company sponsored events).

What are the common types of accommodations:

- Acquisition or modification of equipment
- Changes in the physical layout of a work environment to eliminate or reduce barriers
- Elimination of non-essential job duties
- Modifications of an individual's work schedule while continuing to meet business requirements
- Modifications to the building where an individual performs work

Note: Leave time and/or reassignment to another vacant position are accommodations of last resort.

Responsibilities: The applicant, candidate, or employee has the responsibility to request an accommodation. Supervisors are responsible to receive, begin documentation for, and communicate all accommodation requests to the Executive Director of Human Resources & Payroll (ED).

The ED is responsible for initiating the interactive process with the person who requests an accommodation, to involve only those who are necessarily involved to insure an effective and timely accommodation is provided. They also must inform the employee or applicant of the outcome of their request.

Note: Accommodations that are easily provided (e.g. flexible schedule) or under a \$150 threshold may be provided without consulting with the ED. Documentation of accommodation implemented by hiring manager or supervisor is required.

What is the interactive process (IP): The interactive process is a collaborative effort between the employee and College to discuss the need for an accommodation as well as identify effective accommodation solutions. The interactive process begins when an employee discloses a disability/health condition and requests an accommodation, a supervisor or the ED recognizes an

obvious challenge of an applicant, candidate, or employee due to a disability, or when an employee returns to work with an on-going health care condition or disability. A robust interactive process demonstrates good faith and promotes a disability inclusive workplace.

Confidentiality in the reasonable accommodation process: Ensuring the confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as the confidentiality of all associated communications during the interactive process is required by federal law.

All documentation must be kept in a file separate from an individual's personnel file. Non-medical information obtained during this process is shared on an as needed basis with those involved in providing a reasonable accommodation.

Job Accommodation Network (JAN): JAN is a free, confidential service provided by the U.S. Department of Labor's Office of Disability Employment Policy. It offers guidance on workplace accommodations and compliance with disability regulations, helping both employers and employees understand how to accommodate employees with disabilities.

Procedure for Reasonable Accommodations: Most accommodation requests are initiated by the applicant, candidate, or employee. That said, it is important to recognize that College representatives should not assume that because an individual has a physical or mental disability that he or she will necessarily require or want an accommodation. An individual may have a disability that does not limit the employee's ability to perform the essential functions of their job or require a workplace modification. Because each individual's abilities and needs are different, each accommodation request will be handled on a case-by-case basis.

In *rare* instances, when a disability and associated need for an accommodation is obvious (e.g. an applicant is blind and cannot access an applicant tracking system, an employee who uses a wheelchair cannot access a restroom) a hiring manager or supervisor may initiate the reasonable accommodation process and begin the interactive discussion with the person with a disability.

At times, the College may be able to address an employee's disability or chronic health condition related needs outside the reasonable accommodation process.

Requesting a Reasonable Accommodation (RA): The process begins when the College becomes aware that an employee may need an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a disability or chronic medical condition. Notification may include documentation from the employee directly and/or from the employee's physician. An applicant or employee may request a reasonable accommodation at any time, orally or in writing. A request for an accommodation can also be made by an employee representative (e.g. family member). If the request comes in through a third party, the request should be confirmed with the applicant or employee. Request for Accommodation Form can be found at <https://askjan.org/Forms/upload/raform.doc>.

In most situations, employees or employee representatives should notify the employee's supervisor directly if they believe they need an accommodation or other workplace adjustment because of a health condition. For complex accommodations or those costing over \$150, the supervisor should communicate the request immediately to the ED.

If an employee makes a reasonable accommodation request to someone other than the supervisor or ED, such as facilities personnel, or information technology staff, the employee should also communicate the request immediately to the ED.

An accommodations request does not have to include any special words, such as "reasonable accommodation," "disability," or "ADA." A request is any communication in which an individual asks or states that the applicant or employee needs a change because of a medical condition. A supervisor, or the ED needs to ask an individual whether they are requesting a reasonable accommodation if the nature of the initial communication is unclear.

Important Note: It is best for employees to ask for accommodations *before* any work-related issues or concerns arise: While an employee does not have to disclose his/her disability until he/she feels they need an accommodation, it is highly recommended that employees not wait until their performance appraisal meeting or during a disciplinary proceeding as the College does not have to rescind disciplinary actions administered prior to a request for an accommodation.

Once the College receives notice of a need for accommodation, it will provide the employee with the Accommodation Request form which the employee (and/or the employee's physician) must complete and return as indicated. The Accommodation Request form can be found at <https://AskJAN.org/Forms/upload/raform.doc>.

If the disability or need for accommodation is obvious or adequate medical documentation has already been provided for other reasons (i.e. Family Medical Leave Act, Workers Compensation), no medical documentation will be required. However, a request form still needs to be filled out by the applicant or employee. Whenever the disability or need for accommodation is not obvious, the employee will be asked to sign a release form authorizing the College to secure additional medical information from the employee's health care provider to provide job relevant information as to the nature of the employee's medical condition, and/or whether the requested modification/accommodation is necessary. A request for Medical Inquiry form can be found at <https://AskJAN.org/Forms/upload/medical.doc>.

Note that the health care provider should be provided with information as to the essential duties of the individual's job with asked, in order to have an informed opinion as to any accommodations that will both meet the job requirements, and help to maintain positive health.

The ED may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer. If sufficient medical information is not provided by the individual after several attempts, the ED may ask the individual requesting accommodation to sign a limited release form permitting the ED to contact the provider for additional information. The ED may also elect to have the medical information reviewed by a doctor of the College's choosing, at the College's expense.)

Employees are obligated to cooperate with this process. A failure to do so could result in delayed consideration of a request or in its denial.

Initiation of the Interactive (IP) Process: After a request for accommodation has been made, and if need be, confirmed by a health care provider, the next step is to begin the interactive process to determine what, if any, accommodation should be provided. For complex accommodations or those costing over \$150, the ED will contact the applicant or employee as soon as feasible but no longer than 10 days after establishing the need for the accommodation. It is expected that in the case of accommodations for applicants or candidates the process would be an especially high priority and begin immediately upon request and receipt by the ED so that the individual does not lose out on the opportunity to compete for the job.

During the interactive process, the individual requesting the accommodation and the supervisor, with or without support from the ED, will need to clearly discuss key aspects with each other including:

- the nature of the job-related challenge that is generating the request
- confirming that a disability is prompting the need for an accommodation
- the accommodation solution(s) that may be effective in meeting an individual's needs to successfully meet the requirements of the job

All accommodation requests are handled on a case-by-case basis.

Time Frame for Processing Requests and Providing Reasonable Accommodations: The College will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame for processing a request (including providing accommodation, if approved) is as soon as possible but no later than 30 business days from the date the request is made. This 30-day period includes the 10-day time frame in which the ED must contact the requestor after the request for RA is made.

Note: the time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the ED. Therefore, everyone involved in processing a request should respond as quickly as possible. This includes referring a request to the

ED, contacting a health care provider if medical information or documentation is needed, and receiving technical assistance from outside parties such as JAN.

If the ED must request medical information or documentation from a requestor's health care provider, the time frame will stop on the day that the ED makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the ED. It is therefore recommended that the requestor work closely with their health care provider to expedite their response to the College's inquiry.

Expedited Processing of a Request: In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes where a reasonable accommodation is needed:

- to enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job;
- to enable an employee to attend a meeting scheduled to occur soon. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days;
- to address a safety related concern in the workplace.

Extension of the Timeframe for Providing an Accommodation: An extension of the time frame for providing an accommodation will be considered in extraordinary circumstances that could not reasonably have been anticipated or avoided in advance of the request for accommodation, or that are beyond the College's ability to control. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. In such circumstances the requestor, supervisor and other need to know individuals will be informed as to the reason for the delay and anticipated delivery of solution.

Determination: Once the ED receives all of the medical and other information deemed necessary, they will determine in consultation with others on a need-to-know basis whether the workplace modification/accommodation sought will be granted, or, whether an alternative modification/accommodation is appropriate. The ED will first inform the employee's supervisor. The ED and/or supervisor will then communicate the decision to the employee and discuss the employee's questions/concerns, if any, about that decision and steps for implementation.

When the College grants an accommodation, the supervisor or ED will give the “Approval of Request” form to the requestor, and discuss implementation of the accommodation. A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. If the supervisor or ED offers an accommodation other than the one requested, but the alternative accommodation is not accepted by the employee, the supervisor or ED will record the individual’s rejection of the alternative accommodation on the “Approval” form. Approval of Request form can be found at

<https://AskJAN.org/Forms/upload/accommodationapprovalform.doc>.

Medical information will be disclosed ONLY on an “as need to know” basis. Accommodations may be provided without informing the employee’s supervisor and/or without disclosing the employee’s diagnosis or disability.

Note: An individual’s receipt or denial of an accommodation does not preclude the individual from making another request at a later time if circumstances change and they believe that an accommodation is needed due to workplace needs associated with evolving limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation). It is important to note that College representatives cannot refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

Temporary of Trial Accommodations: Many accommodations are implemented long-term, while some accommodations last for only a temporary period. Every situation is unique and requires case-by-case analysis of the individual’s limitations, restrictions, specific accommodation needs, and the impact accommodation will have on job performance and business operations.

Implementing a temporary change offers the opportunity to evaluate an accommodation for effectiveness before making the decision to implement the change long-term and also demonstrates good faith.

Situations that can warrant provision of a temporary or trial accommodation may include, *but are not limited to*:

- when time is needed to research a permanent accommodation solution, to acquire equipment, arrange a service, or identify an alternative vacancy;
- when it is necessary to test an accommodation to determine if it is effective;
- when the medical impairment is temporary but sufficiently severe enough to entitle the employee to accommodation;

- when it is necessary to avoid temporary adverse conditions in the work environment; or
- when an accommodation can currently be provided, but may eventually pose an undue hardship if provided long-term.

A form for providing a Temporary or Trial Accommodation can be found at <https://AskJAN.org/Forms/upload/temporaryaccommodationform.doc>.

Monitoring an Accommodation: It is the obligation of the supervisor to monitor the effectiveness of the of their job with or without accommodation, it is also the responsibility of the supervisor to ensure an accommodation is effective for the employee. If an accommodation is no longer effective, then the interactive process should revisited. The Accommodation Monitoring form can be found at <https://AskJAN.org/Forms/upload/MonitoringRASampleForm.doc>. accommodation. This monitoring should occur outside of the College Performance Evaluation process. While employees with disabilities must be able to perform essential functions

Accommodation Request Denial: If the College denies a request for accommodation, the supervisor or ED will give the “Denial” form to the requestor and discuss the reason for the denial. The form will explain both the reasons for the denial of the individual’s specific requested accommodation and the process or appealing this decision. The Accommodation Denial form can be found at <https://AskJAN.org/Forms/upload/accommodationdenialform.doc>.

Appeals Process: An individual dissatisfied with the resolution of a reasonable accommodation request must follow the College process outlined in this handbook when pursuing the grievance. See [Complaints and Grievances](#).

Any employee wanting further information concerning the accommodation process may contact the Executive Director of Human Resources & Payroll.

Compensation and Benefits

Salaries, Wages, and Stipends

Policies DE series, DEA, DEAA, DEAB

Employees are paid in accordance with administrative guidelines and an established pay structure.

The College's pay plans are reviewed by the administration each year and adjusted as needed. All College positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 36 in a workweek. (See [Overtime Compensation](#).)

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

Exempt employees who perform supplemental duties may be paid a stipend in addition to their salary according to the College's stipend schedule.

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

Salary Progression

Policy DEA

Nonexempt Staff. A new full-time employee of the College will normally be placed on Step 1 at the appropriate grade on the nonexempt salary schedule.

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

A new 12-month employee of the College will receive the percentage increase, if given, if they start on or before August 15th.

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

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

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

Exempt Staff. A new 12-month employee of the College will receive the percentage increase, if given, if they start on or before August 15th. A new 10-month employee of the College will receive the percentage increase, if given, if they start before August 1st.

Advanced Degrees. Staff members shall be awarded an increase of \$3,000 to their base annual salary after completion of the employee's first Master's degree or Doctorate degree.

- The employee must be employed at the College at the time the qualifying degree was conferred.
- The degree must be awarded by a regionally accredited or equivalent institution.
- The employee shall submit the Education Increase Request form and official transcript which indicates the specific degree and the date the degree was awarded to the Human Resources /Payroll department by May 15th for the upcoming year.
- The salary increase will become effective the first pay period of the fiscal year after all required documentation is received by the Human Resources/Payroll department.

Annualized Salary

Policy DEA

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

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

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

Salary-Grant Personnel

Policy DEA

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

Reclassification

Policy DEA

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

Paychecks

All professional, salaried, adjunct faculty, and hourly employees are paid monthly. Nonexempt employees and game-management employees are paid semi-monthly. Paychecks will not be released to any person other than the College employee named on the check without the employee's written authorization. Employees are responsible for regularly reviewing the accuracy of their pay statements.

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

Direct Deposit

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

Payroll Deductions

Policy CDDA

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

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

Other payroll deductions employees may elect include:

- Employee's share of premiums for health, dental, life, vision insurance, or other insurance coverages for which the College offers
- Annuities

- United Way
- Midland College Foundation
- Midland College programs
- Certain charitable contributions approved by the Board

Salary deductions are automatically made for unauthorized or unpaid leave.

Overpayments. Employees are not entitled to any funds the College overpays. An overpayment occurs if an employee is paid more than the amount the employee should have been paid under the assigned pay grade, hours worked, and applicable supplemental pay.

If an overpayment is identified within the current fiscal year, the excess amount should generally be repaid within one pay cycle. However, if immediate repayment would cause undue hardship, the College has the discretion to establish a repayment schedule with regular payroll deductions. In such cases, the total repayment period must not exceed six months and must be completed within in the same fiscal year.

An agreement between an employee and the College must be in place in order to deduct any overpayment.

Overtime Compensation

Policies DEA, DEAB, DEC

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

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. Nonexempt employees receive compensatory time or overtime pay for each hour worked beyond 36 in a workweek. For the purpose of calculating overtime, a workweek begins at 12:00 a.m. Monday and ends at 11:59 p.m. Sunday.

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

- Employees can accumulate up to 120 hours of comp time. Once the limit has been reached, the employee may be required to use the comp time or may receive overtime pay for additional hours.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.

- An employee may be required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.
- Overtime will be paid based upon the regular rate associated with the job that causes the overtime.
- Supervisors are generally expected to limit overtime to a maximum of 10 hours per week. However, there may be occasions when business needs necessitate additional overtime beyond this limit. In such cases, supervisors must obtain prior approval from their respective President's Cabinet Member before allowing employees to work beyond the 10-hour threshold.

Travel Expense Reimbursement

Policy DEE

Before any travel expenses are incurred by an employee, the employee's supervisor must give approval. For approved travel, employees will be reimbursed for reasonable and allowable expenses according to the current rate schedule established by the College. Travel expenditures paid by a federal or state grant will be limited to the allowable amount as specified by the specific program. Employees must submit receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage. Expenses for meals associated with authorized travel not related to a state or federal grant will be paid on a per diem basis. No receipts are required for expenses paid on a per diem basis.

Full-Time Employee Benefits

Policy CKD

Full-time employees who customarily work at least 36 hours per week, shall have the option to receive the following employer-paid benefits upon meeting eligibility requirements of the Employees Retirement System of Texas (ERS) Group Benefits Program (GBP), if applicable:

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

Retiree Benefits

Policy DE

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

Health, Dental, and Life Insurance

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

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

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

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

See [\[Appendix F\]](#) for Guidelines and Request for Approval of Part-Time Employee Working Over 17 Hours Per Week (PTOB Form) for eligibility criteria.

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

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

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

Supplemental Insurance Benefits

Policy CDDA

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

Cafeteria Plan Benefits (Section 125)

Policy CDDA

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

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

Workers' Compensation Insurance

Policy CKE

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

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

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

Unemployment Compensation Insurance

Policy CKF

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year, including the summer break, if they

have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Human Resources/Payroll department.

Retirement

Policy DF

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

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

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

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

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

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

Optional Retirement Program Effective Date of Participation

Policy DF

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

- For election after initial ORP eligibility date – The participation start date for ORP-eligible employees who sign the TRS 28 ORP Election Form after their initial ORP eligibility date, shall be the first day of the month following the date the form is signed with the following exceptions:
 - During month of initial ORP eligibility date – Employees who elect ORP by signing the TRS 28 ORP Election Form after their initial eligibility date but before the end of the month in which the initial ORP eligibility date falls may be treated as if they had

signed the form on or before their initial ORP eligibility date provided all necessary and properly executed forms are signed and received by the Human Resources/Payroll department in time to be processed for the monthly payroll calculation.

- After month of initial ORP eligibility – Employees who elect ORP by signing the TRS 28 ORP Election Form after the month in which their initial ORP eligibility date falls, but before the end of the month in which the form is signed may start participating in the month in which the form is signed rather than the first of the following month provided all necessary and properly executed forms are signed and received by the Human Resources/Payroll department in time for the monthly payroll calculation.
- Forms received after the monthly payroll calculation will be effective on the first of the following month.

Optional Retirement Program Supplemental Rate

Policy DF

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

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

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

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

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

Other Benefit Programs

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

College District Scholarship. Full-time employees and their dependents are entitled to scholarships for credit courses in the amount of tuition (excluding fees) not to exceed the cost of 15 in-district credit hours per fall, spring, and summer (1 & 2 combined) semesters (textbooks/materials are not

included). Only one of these courses may be taken during the employee's regularly scheduled work hours if it is directly job related, and is approved in writing in advance by the employee's supervisor. To be eligible, the dependent must be a spouse or a child or stepchild under age 26.

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

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

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

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

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

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

Leaves and Absences

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

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

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

If an hourly employee does not report or request leave of absence(s) according to college procedures, the incident is considered a "no call/no show." An employee who is absent for three consecutive days without notice is considered to have abandoned their job and may face disciplinary consequences, up to and including termination.

Medical Certification. Any employee, who is absent more than three days because of a personal or family illness, must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, appropriate medical facts about the illness, and – in the case of personal illness – the employee's fitness to return to work.

The College may require medical certification due to an employee's questionable pattern of absences or when deemed necessary by the supervisor. The College may also request medical certification if the employee requests leave under the Family Medical Leave Act (FMLA) for the employee's serious health condition, a serious health condition of the employee's spouse, parent, or child, or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [\[See DECA\(LEGAL\)\]](#)

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

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

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

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

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

Vacation

Policy DEC

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

Years of Employment	Accrual Rate Per Month	Annual Benefit	Maximum Accumulation
0 through 9	6	72	108
10 through 19	9	108	162
20+	12	144	216

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

Holidays

College Holidays may be found in the Academic Calendar
<https://www.midland.edu/academics/academic-calendars.php>.

The number of scheduled holidays can vary between employee groups, departments, and may change from year to year based on the calendar. Departments with scheduled holidays that differ from College Holidays as published in the Academic Calendar shall maintain a Departmental Calendar that is approved by the President. A copy of the approved calendar should be submitted to the Executive Director of Human Resources & Payroll.

Immediate Family

Policy DEC

The term “immediate family” is defined as:

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

Sick Leave

Policy DEC

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

Sick leave shall accumulate to a maximum of 720 hours.

Sick leave shall only be used for the following:

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

Personal Leave

Policy DEC

Each full-time employee, including full-time faculty, shall earn 36 hours of paid leave each September to conduct personal business in accordance with administrative regulations. Personal leave shall be noncumulative and shall not be used to extend vacations or be taken during critical school days.

The critical school days for the 24-25 Academic year are listed below:

- August 23, 2024 – the Friday before the fall semester starts
- October 18, 2024 – Reimagine Day
- December 13, 2024 – Fall Commencement
- January 10, 2025 – the Friday before the spring semester starts
- March 28, 2025 – Reimagine Day

Weeks containing critical school days require employees to work a full 40-hour workweek. On the Friday before the semester starts and other specified critical school days, employees are required to work 8 hours instead of the usual 4 hours.

Full-time employees accrue personal leave in accordance with administrative regulations and the schedule below, which includes pro-rata adjustments for employees whose employment begins after September 15th.

For example, if an employee begins after September 15th, they will accrue a proportionate amount of the 36 hours of paid personal leave posted at the end of day on the 15th of the month following their start date.

Full-Time Employment Begins On or Before	Accrual
September 15	36 hours
October 15	33 hours
November 15	30 hours
December 15	27 hours
January 15	24 hours
February 15	21 hours
March 15	18 hours
April 15	15 hours
May 15	12 hours
June 15	9 hours
July 15	6 hours
August 15	3 hours

Sick Leave Bank

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

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

See:

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

Family and Medical Leave Act (FMLA)—General Provisions

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

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

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

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management

How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your employer **must**:

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, **your employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



Local Family and Medical Leave Provisions

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

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

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

Combined Leave for Spouses. Spouses who are employed by the College are limited to a combined total of 12 weeks of FMLA leave to care for a parent with a serious health condition; or for the

birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

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

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

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

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

Failure to Return. If, at the expiration of FMLA, the employee is able to return to work but chooses not to do so, the College may require the employee to reimburse the College's share of insurance premiums paid during any portion of FMLA when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing personal or family serious health condition or a spouse being unexpectedly transferred more than 75 miles from the College, the College may not require the employee to reimburse the College's share of premiums paid.

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

Workers' Compensation Benefits

Policy DEC

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

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

Jury Duty

Policy DEC

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

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

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

Compliance with a Subpoena

Policy DEC

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

Truancy Court Appearances

Policy DEC

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

Religious Observance

Policy DEC

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

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

Unpaid Leave

Policy DEC

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

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

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

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

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

Leave for Staff Development

Policy DK

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

Guidelines:

- For purposes of this policy, the designation of staff includes secretarial, maintenance and administrative personnel not primarily engaged in the instruction of students. The designation of staff also includes lab instructors.
- Fees will be paid for participation in Midland College courses only.
- In order to receive release time and/or payment of fees to participate in course work, a staff member must receive written approval from his/her immediate supervisor. Such approval should be copied to the Human Resources/Payroll department.
- Release time and/or payment of fees will only be granted for course work which is directly related to the staff member's work responsibilities.
- Release time and/or payment of fees will only be granted for participation in one course at any given time. An employee may receive approval to participate in more than one course provided arrangements are made for equitable work-time compensation for the time taken for the additional course(s). Such arrangements should be in writing, signed by both supervisor and staff member, and submitted to the Human Resources/Payroll department.
- A staff member may not take the same course more than two times utilizing the benefits of release time and/or payment of fees.

Employee Professional Development

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

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

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

Possible Examples of Professional Development:

- Seminars
- Workshops

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

Military Leave

Policy DECB

Paid Leave for Military Service. Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to paid leave when engaged in authorized training or duty orders by proper authority. Paid military leave is limited to 15 days each fiscal year.

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

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

Mental Health Leave for Peace Officers

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

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

Quarantine Leave for Peace Officers and Emergency Medical Technicians

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

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

Leave for Emergency Responders

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

A full-time college employed licensed police officer who regularly serves in a law enforcement capacity in a college police department or an emergency services medical personnel who is a paid employee of the College is entitled to a paid leave of absence (LOA) for an illness or injury related to the person's line of duty. If necessary, the leave shall continue for at least one year.

Following a leave of absence with full pay as required by law, the College District shall not extend the leave of absence for a police officer's or emergency medical services personnel's line of duty illness or injury. In accordance with law, an eligible employee may use accumulated leave.

Payment for Accumulated Leave Upon Separation

Policy DEC

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

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

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

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

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

Personal leave is not subject to payment.

Employee Relations and Communications

Employee Recognition and Appreciation

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

College Communications

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

Complaints and Grievances

Policy DGBA, See [Appendix O](#)

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

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

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

Employee Conduct and Welfare

Standards of Conduct

Policy DH

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

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

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

Texas Community College Teachers Association

Code of Professional Ethics

(Revised February 20, 1997)

- Professional Educators affirm the inherent worth and dignity of all persons and the right of all persons to learn. Learning best occurs in an environment devoted to the pursuit of truth, excellence, and liberty. These flourish where both freedom and responsibility are esteemed.
- In order to express more adequately the affirmation of our professional responsibilities, we, the members of the Texas Community College Teachers Association, do adopt, and hold ourselves and each other subject to, the following Code of Professional Ethics:

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

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

Work Attire Guidelines

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

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

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

Headphones/earphones/earbuds should not be used by employees if the wearer's situational awareness is reduced to the extent that their health and safety is compromised by the use of these devices.

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

Fundraising

Policy CAM, See [Appendix P](#)

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

Discrimination, Harassment, and Retaliation on the Basis of Sex

Policies DAA, DH, DHB, DIAA, FA, FFDA

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

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

Employees Who Witness Sex Discrimination, Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking. All employees who witness or receive information reasonably believed to constitute prohibited discrimination on the basis of sex, including sexual harassment, sexual assault or other sexual violence, dating violence, domestic violence, or stalking against or by another employee or student, regardless of where or when the incident occurred, must promptly report the incidents to the College's Title IX Coordinator: Nicole Cooper, Director of Student Support Services & Title IX Coordinator, 3600 N. Garfield Street, Scharbauer Student Center, Room 129, Midland, Texas 79705, (432) 685-4781, title9@midland.edu. An employee may also report to the College President.

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

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

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

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

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

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

Allegations may be reported to the employee's immediate supervisor, to the Title IX Coordinator: Nicole Cooper, Director of Student Support Services & Title IX Coordinator, 3600 N. Garfield Street, Scharbauer Student Center, Room 129, Midland, Texas 79705, (432) 685-4781, title9@midland.edu, or the College President. The employee may also report electronically through the College's website https://cm.maxient.com/reportingform.php?MidlandCollege&layout_id=1. An electronic report may be submitted anonymously.

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

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

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

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

Retaliation. The College prohibits retaliation against an employee for the purpose of interfering with a right or privilege under policies DIAA and FFDA; who, in good faith, makes a report or a complaint, serves as a witness, or otherwise participates or refuses to participate in an

investigation, proceeding, or hearing regarding an allegation of discrimination on the basis of sex, including sexual harassment, sexual assault or other sexual violence, dating violence, domestic violence, or stalking. This prohibition does not apply to the discipline of an employee who committed, or assists in the commission, of the misconduct.

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

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

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

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

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

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

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

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

Report of Actions Targeting Students. Employees who suspect a student may have experienced discrimination, harassment, or retaliation on the basis of a protected characteristic other than sex are obligated to report their concerns to an appropriate College official. All allegations will promptly be investigated. An employee who knows of or has reasonable cause to believe that child abuse occurred or may occur must also report the employee's knowledge or suspicion to the

appropriate authorities, as required by law. See [Reporting Suspected Child Abuse](#), below, for additional information.

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

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

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

Antisemitism, an impermissible form of discrimination, has been defined by the State of Texas in Texas Government Code Section 448.001(2), as "a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities."

Reporting Suspected Child Abuse

Policies DH, DHB

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

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

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

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. The

College will not take any adverse action in response to good faith reports of child abuse or neglect or participation in an investigation regarding an allegation of child abuse or neglect.

Employees who have reasonable cause to believe that a child has been or may be abused or neglected should also report their concerns to Nicole Cooper, Director of Student Support Services & Title IX Coordinator, 3600 N. Garfield Street, Scharbauer Student Center, Room 129, Midland, Texas 79705, (432) 685-4781, title9@midland.edu. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to Nicole Cooper, the Title IX Coordinator/504 Coordinator before making a report to the appropriate agency.

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

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

Reporting Crime

Policy DG

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

Technology Resources

Policies CR, DK, See [Appendix S](#)

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

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

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

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

Information Security

Policy CS

The College owns, leases, or serves as custodian for a wide variety of information and information resources, including sensitive and confidential information. Employees must guard against the unauthorized or accidental modification, destruction, or disclosure of this information consistent with the College's information security policies, procedures, and practices. Failure to comply with these requirements may result in discipline, up to and including termination.

Questions and concerns about the College's information security program may be directed to the College's Director of Information Security/CISO.

Personal Use of Electronic Media

Policies CR, DH

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

Employees are responsible for their public conduct even when they are not acting as College employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media

interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

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

- The employee may not set up or update the employee's personal social network page(s) using the College's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, mealtimes, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct College business.
- The employee shall not use the College's logo or other copyrighted material of the College without express, written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on College business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the [Texas Community College Teachers Association Code of Professional Ethics](#), even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus.

These restrictions include:

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

Web Presence

Policy CR

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

Social Media

Policy DH

The Marketing, Communications and Public Relations Office (MCPRO) is responsible for assuring that all Midland College social media platforms comply with college editorial, branding, and graphic standards.

The purpose of this regulation is to ensure that all social media activities associated with Midland College are conducted in a professional, responsible, and ethical manner in line with the College's strategic pillars.

Social Media Rules. The College's official Facebook, Instagram, X, YouTube, and LinkedIn pages will be managed by the MCPRO and used to supplement traditional media and marketing efforts.

Social media pages bearing the College's name may not be created without the approval of the MCPRO. All departmental social media accounts are considered property of the College. Personal email addresses may not be used to create pages or used as the main administrator.

Guidelines for existing accounts (not created by the MCPRO) or pages for specific departments. All social media accounts associated with the College must be registered with MCPRO. This registration process includes providing a list of current names and emails for individuals who manage each social media channel.

Managing Midland College Pages. Administrator Responsibility

MCPRO must have administrator access to Facebook accounts and username and password information for all other social accounts involving academic and administrative departments. However, MCPRO is *not responsible* for maintaining these pages. If needed, MCPRO will offer support and guidance to maintain a consistent brand across all platforms. Accounts that do not produce sufficient, regular content are subject to revocation.

Moderating platform comments and posts (for currently managed pages)

The primary goal of moderating user comments and submission is to present the College, its students, faculty, staff, and activities in a positive light. Proper comment moderation will help maintain positive messaging of the College. When moderating a page or account, managers should consider the following:

- Exceptions to freedom of speech. Remove posts that are defamatory or obscene, cause panic, use fighting or threatening words, or incite to crime.
- Limited purpose violations. For sites with a limited purpose identified on the site, remove posts that are clearly unrelated to the subject of the page.
- Violations of the social media site's terms of use or terms of conduct (e.g., Facebook Terms of Use, YouTube Community Guidelines). Remove posts or comments that are in violation of site host terms. Managers should understand site host terms so they can be properly enforced. This includes spam with links to fraudulent sites.

Responding to negativity. Users may contribute posts that are negative, and even offensive, but do not warrant removal. In these cases, managers should respond as follows:

- Immediately correct misinformation;
- Allow time for others to respond; and when appropriate, decide who should respond
- Contact the MCPRO for questions or assistance including assistance with fact checking and involvement as needed.

Correcting mistakes. Due to the informal, conversational mode of discourse on social media, it is possible that mistakes will occur that cause offense or misunderstanding. When in a defensive position, managers should consult the MCPRO. It may be appropriate to post a retraction, correction, and/or apology.

Media Interaction. Social media may generate interest from the press (print, radio, television, online). Managers who are contacted by a media member about an institution-related post should contact MCPRO before responding

Records Retention

Policies CIA, GCB

Employees must retain local government records in accordance with College procedures for the appropriate retention period, which varies depending on the category of record (i.e., the content contained in that individual email message) described in the College's records retention schedule. *Local government record* means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. The determination of which category of record applies must be made on a case-by-case

basis. If the contents of the record fall in more than one category in the records retention schedule and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A copy of the College's records retention schedule may be obtained from the Vice President of Administrative Services.

Employees should not maintain college information on privately owned devices. Any college information must be forwarded or transferred to the College to be preserved. The College will take reasonable efforts to obtain public information in compliance with the Texas Public Information Act. Reasonable efforts may include:

- Verbal or written directive
- Remote access to college-owned devices and services

Criminal History Background Checks and Other Background Searches

Policy DC, See [Appendix Q](#)

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

Driver Eligibility

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

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

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

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

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

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

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

- a) Any conviction for an alcohol and/or drug related driving offense;
- b) Conviction for refusal to submit to a Blood Alcohol Content (BAC) test;
- c) Conviction for reckless driving;
- d) Any combination of convictions for three or more moving violations, "At Fault Accidents", or "Preventable Accidents";
- e) Suspension, revocation or administrative restriction on the driver license;
- f) Conviction for leaving the scene of an accident as defined by state laws;
- g) Conviction for at fault in a fatal accident;
- h) Conviction for fleeing or evading police;
- i) Conviction for felony committed involving a vehicle;
- j) Three or more "College Vehicle" physical damage claims in any twelve-month period.

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

- Drive with diligence at all times, following applicable state law;
- The number of passengers may not exceed the number of seat belts;
- All occupants of the vehicle are required to wear seat belts
- All drivers, excluding police officers while on duty, are prohibited from using hand-held cellular phones while driving;
- Cellular phone calls, using hands-free technology while driving, is discouraged. To minimize the impact of distraction, calls, if any, should be brief. Extended conversations should be made while not driving;
- Sending or receiving text messages or emails, dialing cellular phones, viewing television, videos or DVDs and inputting data into laptop computers, personal digital assistants or navigation systems is prohibited while driving;
- Drivers of vehicles over fifteen passengers are subject to applicable laws and requirements for commercial driver license holders;
- While transporting students, the authorized employee must be at least 21 years of age;
- Authorized employees and students must be at least 21 years of age. In special circumstances, as approved by the Executive Director of Human Resources & Payroll or designee, employees or students under the age of 21 may be authorized to drive provided that students are not being transported.

If an accident occurs that involves injuries or damage to a rental vehicle, College vehicle, or another vehicle, or other property damage (to a structure, building, guardrail, etc.), it must be

reported to the local police agency, rental agency, and to the Human Resources/Payroll department no matter how minor the injury or damage is.

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

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

Employee Arrests and Convictions

Policy DH

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

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

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

Alcohol and Drug-Abuse Prevention

Policies DH, DI, GDA

Midland College is committed to maintaining an alcohol- and drug-free environment and will not tolerate the manufacture, possession, distribution, dispensation, transmission, sale, being under

the influence, or use of alcohol and illegal drugs while conducting College business or while on College property, in College vehicles, or at College-related activities, whether during or outside of usual working hours. Consumption of alcohol is only permitted at a College function at which the College President has authorized. The Board has authorized the College President to permit alcohol consumption at appropriate College functions. Employees, who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours, may be subject to disciplinary action, up to and including termination. The College's policies regarding employee drug use are available at:

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

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

Tobacco Products and E-Cigarette Use

Policies DH, GDA

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

Fraud and Financial Impropriety

Policy CDE

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

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

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

Conflict of Interest

Policies CAA, DBD, DBF

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

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

Employees should contact their supervisor for additional information.

Gifts and Favors

Policies CAA, DBD, DBF

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

Intellectual Property

Policy CT

All copyrights, trademarks, and other intellectual property rights belonging to the College shall remain with the College at all times. Except as provided by law, college policy, or written authorization from the College president or designee, use of college intellectual property shall be limited to college-related purposes.

Copyrighted Materials. Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

The performance and display of copyrighted material, including motion pictures, dramatic works, musical performances, or other audio and visual works, may only occur for education purposes, and as a regular part of instruction and directly related to the curriculum, during face-to-face teaching activities, when viewed in a classroom or designated place of instruction, and with a lawfully made copy or via an authorized account.

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

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

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

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

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

Associations and Political Activities

Policy DGA

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

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

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

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

Safety and Security

Policies CG series

The College has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety and security program includes written guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries.

Employees must follow established protocols and response to emergencies for each campus and department. Refer to written security procedures specific to your location and work area.

To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve college equipment, employees must comply with the following requirements:

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

Employees with questions or concerns relating to safety programs and issues can contact the College Police Department.

Annual Security Report

Policy GCC

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

Possession of Firearms and Weapons

Policy CHF

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

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

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

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

Employees found to be in violation of CHF (LOCAL) policy will be subject to disciplinary action, up to and including termination.

General Procedures

Campus Closures

Policy DEA

The College may close campuses because of severe weather, epidemic, or emergency conditions. Extreme Weather Procedures may be found on the College website

<https://www.midland.edu/about/public-info/weather.php>. When it becomes necessary to delay or cancel classes, a notice will be posted on the College's website and the following television stations will be notified:

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

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

Emergencies

Policy CGC

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

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

Emergency Notification Methods include:

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

Parking

Policy CHC

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

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

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

Purchasing Procedures

Policy CF

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

Name and Address Changes

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

Personnel Records

Policies DBA, GCA

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

- Home Address
- Phone number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members

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

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

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

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

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

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

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

Facilities Use

Policies DGC, GD, GDA

Employees may use College facilities and common outdoor areas for non-work activities, work-related activities, and to invite speakers to campus in accordance with College district policies and established regulations. The Administrative Assistant to the Executive Director of Marketing, Communications & Public Relations is responsible for scheduling the use of facilities. College district facilities and areas not considered common outdoor areas must be scheduled in advance of use.

Contact the Secretary to the Vice President of Administrative Services to submit a request and to obtain information on the fees charged. The room reservation request form may be found in the [Knowledge Base](#) in the Midland College Help Center.

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

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

Campus Programs for Minors

Policy DC

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

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

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

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

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

The Department of State Health Services Campus Program for Minors Information form is available at <https://www.dshs.texas.gov/sites/default/files/cpm/pdf/CPMForm2011.pdf>.

Termination of Employment

Resignations

Policy DMD

Full-time employees shall submit their resignations in writing to the College President via their supervisory channels. Part-time employees shall submit their resignations in writing to their supervisor. The employee shall include in the letter a statement of reasons for resigning. Supervisors are required to forward a copy of the resignation letter to the Human Resources/ Payroll department promptly upon receipt.

Contract Employees. Contract employees may resign their position at the end of the contract term if reasonable notice is submitted. A contract employee must obtain the President's permission to resign in the middle of a contract term. Once submitted and accepted, the resignation of an employee serving under a term contract may not be withdrawn without consent of the Board.

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

Dismissal or Nonrenewal of Contract Employees

Policies DM series

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

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

Dismissal of Noncontract Employees

Policy DM

Noncontract employees are employed at will and may be dismissed without written notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the College to dismiss any employee for reasons of race, color, religion, gender, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination.

Exit Interviews and Procedures

Policy DM

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

Reports Concerning Court-Ordered Withholding

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

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

Student Issues

Equal Educational Opportunities

Policies FA, FFDA, FFDB

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

Questions or concerns about discrimination against students based on sex, including sexual harassment, should be directed to Nicole Cooper, Director of Student Support Services & Title IX Coordinator, 3600 N. Garfield Street, Scharbauer Student Center, Room 129, Midland, Texas 79705, (432) 685-4781, title9@midland.edu.

Questions or concerns about discrimination on the basis of a disability should be directed to Nicole Cooper, Director of Student Support Services & Title IX Coordinator, 3600 N. Garfield Street, Scharbauer Student Center, Room 129, Midland, Texas 79705, (432) 685-4781, title9@midland.edu.

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

Student Records

Policy FJ

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

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

Student Complaints

Policy FLD

In an effort to hear and resolve student complaints in a timely manner and at the lowest administrative level possible, the Board has adopted orderly processes for handling complaints on

different issues. The Midland College Catalog and Student Handbook can provide students with information on filing a complaint.

Students are encouraged to discuss problems or complaints with the faculty member or the appropriate administrator at any time. Informal resolution is strongly encouraged. Students with complaints that cannot be resolved to their satisfaction should be directed to the division dean or Dean of Student life. The formal complaint process provides students with an opportunity to be heard up to the highest levels of management (i.e., the President) if they are dissatisfied with a division dean or Dean of Student Life's response.

Student Conduct and Discipline

Policies FL series, FM series

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

Appendices

Appendix A - Volunteer Agreement Form



MIDLAND COLLEGE VOLUNTEER Acknowledgement, Waiver, and General Release

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

1. Volunteer states that Volunteer is volunteering solely for personal, civil, charitable, and/or humanitarian purposes without any promise or expectation of compensation or employment with the College. Volunteer further understands that Volunteer's service with the College can be terminated by either Volunteer or College at any time without cause and without notice.
2. Volunteer's service at the College is expected to begin _____ and end on _____, and will be coordinated by the following representative(s) of the College: _____ (the "Coordinator").
3. Brief description of volunteer's expected activities.

4. Volunteer agrees to abide by the policies and procedures of the College which can be found on the College's website at www.midland.edu while performing volunteer services. Volunteer understands that Volunteer may be subject to criminal background checks and other prescreening checks, if applicable.
5. Volunteer hereby and forever releases, waives, discharges, covenants not to sue, and agrees to hold harmless for any and all purposes Midland College, the Board of Trustees of Midland College and each of its members, officers, agents, administrators, representatives, employees, staff, and other volunteers (collectively, "Releasees" or "Indemnitees") from any and all claims, actions, suits, demands, agreements, liabilities, injuries (including death), damage to or loss of property of Volunteer, judgments, and proceedings both at law and in equity, including without limitation any claims based upon sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability, arising from the beginning of time and related to or arising from Volunteer's services on behalf of Midland College.
6. Volunteer understands and accepts that there may be inherent risks associated with the voluntary services provided by Volunteer, and Volunteer agrees, accepts, and assumes any risks associated with Volunteer's activities at the College. Volunteer further agrees to indemnify and hold harmless Indemnitees from any and all liabilities, claims, demands, injuries (including death), or other damages, including court costs and attorneys' fees and expenses, which may arise as a result of Volunteer's activities at the College, including injuries sustained as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of Indemnitees.

Upon completion, please submit this form to the department or email to mchr@midland.edu.

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

Volunteer's Signature	Volunteer's Printed Name
-----------------------	--------------------------

Volunteer's Phone Number	Volunteer's Email Address
--------------------------	---------------------------

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

In the presence of:

Coordinator (Director)	Date
------------------------	------

Dean (if applicable)	Date
----------------------	------

President's Cabinet Member	Date
----------------------------	------

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

Executive Director of HR & Payroll	Date
------------------------------------	------

Upon completion, please submit this form to the department or email to mchr@midland.edu.

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MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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

SUBJECT: Reasonable Suspicion Searches

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

Reasonable Suspicion:

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

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

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

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

MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: DEA Compensation and Benefits - Salaries and Wages

SUBJECT: Travel – Determining Compensable Time for Nonexempt Employees

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

“Normal work hours,” for the purposes of this regulation are defined as an employee’s regularly scheduled work hours (e.g. Monday through Thursday 8 a.m. to 5 p.m. with a one-hour lunch break, and Friday from 8 a.m. to 12 p.m., or during summer hours Monday through Thursday 7:30 a.m. to 5:30 p.m. with a one-hour lunch break). This definition applies to normal workdays (Monday through Friday) and to weekends (Saturday and Sunday). Employees with variable work hours will have their normal work hours defined by the Human Resources/Payroll department prior to travel, based on a review of time records over the previous month.

Calculating and Reporting Travel Time

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

Meal periods should be deducted from all travel time.

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

Travel Category	Compensable Time	Non-compensable Time
Travel During the Work Day	Time spent in travel as part of the member's principal job activity (i.e., travel between job sites).	
One-Day Assignment in Another Town or City	<ul style="list-style-type: none"> • Time spent traveling to and returning from a one-day required assignment in another city or town regardless of whether employee is the driver or the passenger, regardless of whether the travel cuts across the normal work schedule. • Time spent at required conference, meeting, etc. 	<ul style="list-style-type: none"> • Normal commuting time will be subtracted. • Time not worked even if it cuts across the employee's regular work schedule (e.g., employee goes sightseeing instead of attending a conference session, the conference sessions are only from 9a.m. to 3 p.m., etc.). • Meal periods and social activities where attendance is not required and work is not performed

Travel Away From Home Community (Overnight Travel)	<ul style="list-style-type: none"> Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that cuts across a member's normal work schedule, including non-work days. If an employee travels between two or more time zones, the time zone associated with the point of departure determines whether the travel falls within normal work hours. Riding as a passenger when the member is required to perform work (for example, to serve as an assistant or helper, respond to email, take business-related phone calls, etc.). Driving a vehicle, regardless of whether the travel takes place within or outside normal work hours. Time spent attending authorized conferences, meetings, etc. 	<ul style="list-style-type: none"> Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that falls outside of normal work hours. Riding as a passenger outside of normal work hours where work is not required. Travel between hotel and meeting site. If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available and paying for travel by car would exceed the cost of the authorized mode, only the estimated travel time associated with the authorized mode will be counted as hours worked. If the College authorizes hotel accommodations for overnight travel but the employee prefers to drive home each evening.
Travel Category	Compensable Time	Non-compensable Time
	<ul style="list-style-type: none"> Required attendance at meals or meal breaks where work is performed. Required attendance at social functions. 	<ul style="list-style-type: none"> Regular meal periods where work is not performed and attendance is not required. Voluntary attendance at social functions. Time spent outside of the conference or meeting (i.e., employee goes sightseeing instead of attending conference sessions). Time spent sleeping unless the employee has the primary responsibility for the safety and welfare of students.

Example 1 – Same Day Travel

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

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

Example 2 – Overnight Travel (by airplane)

A non-exempt employee travels out of town for a 3-day conference, departing on Sunday. Employee's normal work schedule is from 8:00 am to 5:00 pm Monday through Thursday and 8:00 am to 12 pm on Friday.

- On Sunday, employee leaves home at 1 pm and drives to the airport for a flight that departs at 4 pm.
- The duration of the flight is 3 hours and the employee arrives at their destination airport at 7 pm.
- Employee takes a shuttle from the airport to the hotel.
- The employee works/conferences from 8:00 am to 5:00 pm on Monday, Tuesday and Wednesday with a one-hour meal period on each day during which no work is performed.
- After the conference, employee takes a cab and arrives at the airport at 7 pm for a flight that departs at 8 pm.
- The duration of the flight is 3 hours and the employee arrives Wednesday night at 11 pm.
- It takes the employee one hour to drive home.

Day	Compensable Time	Non-Compensable Time
Saturday	• N/A	• N/A
Sunday	<ul style="list-style-type: none"> • Drive time to airport, wait time at airport and one hour of the flight (because this is all travel time that occurs during normal working hours, even though it is a non-workday) • Total hours worked = 4 (1 pm to 5 pm) 	<ul style="list-style-type: none"> • Portion of the flight after 5 pm (because employee is a passenger and it is outside of normal working hours) • Shuttle from airport to hotel (because employee is a passenger and it is outside of normal working hours)
Monday	<ul style="list-style-type: none"> • 8 am to 12 pm and 1 pm to 5 pm • Total hours worked = 8 	• 12 pm to 1 pm (lunch)
Tuesday	<ul style="list-style-type: none"> • 8 am to 12 pm and 1 pm to 5 pm • Total hours worked = 8 	• 12 pm to 1 pm (lunch)
Wednesday	<ul style="list-style-type: none"> • 8 am to 12 pm and 1 pm to 5 pm • Drive time home (1 hour) • Total hours worked = 9 	<ul style="list-style-type: none"> • 12 pm to 1 pm (lunch) • Travel to airport and return flight (because the hours are outside of normal work hours and employee is traveling as a passenger)
Thursday	<ul style="list-style-type: none"> • Total Hours Sun through Wed = 29 • <i>Upon return to work employee should meet with supervisor to discuss hours already worked and schedule adjustments to not exceed 36 hours in the week</i> 	

Appendix D – Outside Employment Form



NOTIFICATION OF OUTSIDE EMPLOYMENT FORM

Name: _____ Employee ID #: _____

Nature of employment: _____

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

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

Employee Signature	Title	Date
Supervisor Signature	Title	Date
Next Level Supervisor (if applicable)	Title	Date
President's Cabinet Member Signature	Title	Date

Upon completion, please submit this form to the Human Resources/Payroll Department or email to mchr@midland.edu.

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MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: DLA Employee Performance - Evaluation

SUBJECT: Performance Evaluations

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

The key objectives of the evaluation process are as follows:

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

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

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

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

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

Appendix F –Request for Approval-PT Employee Working over 17 hpw (PTOB Form)



Guidelines and Request for Approval of Part-Time Employee Working Over 17 Hours Per Week (PTOB Form)

Per Midland College Policy DEB Local, part-time employees may be eligible for health insurance and TRS, based on the following criteria: A part-time employee who works at least 18 but not more than 35 clock hours per week, or the equivalent, and are expected to work for a period of at least 4 ½ months or work for more than one full semester, have the option to elect insurance benefits and will be eligible for TRS unless eligible for ORP or is a TRS retiree.

18-29 HOURS PER WEEK	Health insurance paid at part-time rates	30-35 HOURS PER WEEK	Health insurance paid at full-time rates
	Employer pays 50% of employee's premium and 25% of dependent premiums		Employer pays 100% of employee's premium and 50% of dependent premiums

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

REQUEST INFORMATION

Name of Employee: _____ Title: _____

Justification: _____

Expected clock hours per week: _____

Do you expect employee to continue working 18 or more clock hours per week for a period of 4 ½ months and work for more than one full semester?

☐ Yes
☐ No

Requested length of approval through date: _____

FOR ADJUNCT FACULTY, PLEASE FILL OUT THE REQUESTED INFORMATION BELOW

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

Calculation of clock hours for face to face credit courses:

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

Calculation of clock hours for online credit courses:

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

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

Online course (3-2) = 4 semester hours = 8 Clock hours per week

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

RECOMMENDED:

Supervisor Signature

Date

APPROVALS:

Dean Signature

Date

President's Cabinet Member Signature

Date

President's Signature (required of requesting 30-35 hours)

Date

Upon completion, please submit this form to the department or email to mchr@midland.edu.

08/2024

MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: DEB Compensation and Benefits – Fringe Benefits

SUBJECT: CHAP Fit – Wellness Release Time

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

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

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

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

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

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

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

Morning

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

Lunch

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

Afternoon

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

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

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

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

Appendix H – CHAP Fit Wellness Release Time Approval Form



Complete Health Awareness Program

C.H.A.P. Fit

Wellness Release Time Approval Form

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

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

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

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

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

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

Morning

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

Lunch

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

Afternoon

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

EMPLOYEE INFORMATION:

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

Requested days and times: _____

Approved / Denied Reason for Denial: _____

Employee Name: _____

Employee Signature: _____

Supervisor Name: _____

Supervisor Signature: _____

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

DEB Administrative Regulation – CHAP Fit – Wellness Release Time

05/2019

MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: DEC Compensation and Benefits

SUBJECT: Leaves and Absences

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

USE OF PAID LEAVE OR COMPENSATORY TIME

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

Paid leave may only be used for absences on scheduled work days, totaling a maximum of 36 hours per week. Consequently, paid leave may not be used for absences on non-scheduled work days. Full-time faculty members are considered as part-time employees outside of the period of appointment thus ineligible to accrue paid sick leave or use paid sick leave outside of the period of appointment.

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

ACCRUAL OF PAID LEAVE

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

Accruals are posted effective the end of the day on the 15th of each month.

An employee shall not earn any form of paid leave nor be paid for College District holidays when the employee is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

RECORDING OF LEAVE

Leave shall be recorded as follows:

- For full-time exempt employees, leave shall be recorded in full-day increments.
- For full-time nonexempt employees, leave shall be recorded in quarter-hour increments.

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

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

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

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

ABSENCE NOTIFICATION: ABSENCES EXCEEDING THREE DAYS

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

MENTAL HEALTH LEAVE FOR PEACE OFFICERS

Definitions

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

Requesting Mental Health Leave

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

Confidentiality of Request for Mental Health Leave

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

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

QUARANTINE LEAVE FOR PEACE OFFICERS AND EMERGENCY MEDICAL TECHNICIANS

Definitions

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

Requesting Quarantine Leave

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

PAYMENT OF LEAVE

CHANGE IN POSITION FUNDING

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

TRANSFER FROM 12 MONTH POSITION TO LESS THAN 12 MONTH POSITION

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

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

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

FOUNDATION GRANT

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

Appendix J – Weekly Leave Request Form

MIDLAND COLLEGE WEEKLY LEAVE REQUEST

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

EMPLOYEE INFORMATION

NAME: _____ EMPLOYEE ID: _____

TITLE: _____

REQUESTED LEAVE

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

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

1. **Vacation**
2. **Sick Leave (Employee) ***
* If out more than 3 consecutive days, a doctor's note must be attached.
3. **Sick Leave (Family) ***
Relationship of Family Member: _____
Spouse, son or daughter, stepchild, legal ward, or a child for whom the employee stands *in loco parentis*, parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
* If out more than 3 consecutive days, a doctor's note must be attached.
4. **FMLA**
Local leave is used in the following order: sick, vacation, personal, and comp. An absence due to a work-related injury or illness shall be designated as FMLA for eligible employees.
5. **Personal Leave**
6. **Compensatory Time**
7. **Jury Duty**
8. **Leave without Pay**
An employee shall not earn any form of paid leave nor be paid for College District holidays when the employee is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.
9. **Other** Reason for request: _____

EMPLOYEE SIGNATURE: _____ DATE: _____

APPROVALS

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HUMAN RESOURCES

SUPERVISOR

VICE PRESIDENT

PRESIDENT

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

Upon completion, please submit this form to the Human Resources/Payroll Department or email to mchr@midland.edu.

08/2024

Appendix K – Sick Leave Bank Regulation

MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: DEC Compensation and Benefits

SUBJECT: Sick Leave Bank

I. Overview

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

II. Definitions and General Information

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

- H. When applicable, Midland College's FMLA policy applies to the use of Sick Leave Bank benefits.

III. General Provisions

- A. Only eligible employees may apply to use sick leave from the Sick Leave Bank.
- B. Eligible employees may apply to use Sick Leave Bank leave only for their own catastrophic illness or injury.
- C. Eligible employees must exhaust all accrued paid leave and any applicable compensatory time before they are eligible to use leave from the Sick Leave Bank.
- D. Employees applying for Sick Leave Bank are not required to contribute to the Sick Leave Bank before they can apply for leave from the Sick Leave Bank.
- E. The benefit amount from all College plans cannot exceed 100% of the employee's normal compensation.
- F. Employees who use Sick Leave Bank leave are not required to pay back the leave.
- G. Any unused balance of leave from the Sick Leave Bank awarded to the eligible employee will be returned to the Sick Leave Bank.
- H. Employees may also reclaim sick leave for non-serious illness if they contributed sick leave to the Bank that fiscal year and then exhausted their sick leave balance in the same fiscal year. Such employees may receive only the number of hours they contributed to the Bank that same fiscal year, if available.
- I. Employees who contribute leave to the Bank cannot have it returned to them unless they are eligible to use it as defined above.
- J. An employee may apply only once for each serious illness or injury unless the maximum of 45 working days was not received.
- K. Employees using Sick Leave Bank leave continue to accrue paid leave such as vacation and regular sick leave in accordance with College policy.

IV. Contributing to the Sick Leave Bank

- A. Contributions to the Sick Leave Bank are strictly voluntary and confidential.
- B. Employees may contribute from one (1) to three (3) days of sick leave in full day increments equivalent to eight (8) hours to the Bank at designated times if the balance is below 960 hours.
- C. To contribute to the Sick Leave Bank, an employee must submit a Sick Leave Bank Donation form to the Human Resources/Payroll department.
- D. Employees may not designate a specific person to receive their contribution.

V. Requests to Use Leave from the Sick Leave Bank

- A. To request time from the Sick Leave Bank, an employee must submit a completed Sick Leave Bank Withdrawal Request form along with a completed Certification of a Licensed Practitioner.
 - a. If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.
- B. The number of hours of leave from the Bank awarded to the employee will be based on the recommendation of the licensed practitioner regarding usual recovery and rehabilitation time for the employee's medical condition along with the applicant's attendance history are used in the determination of the number of hours of leave granted from the Bank. The Executive Director of Human Resources & Payroll and the applicant's immediate supervisor will review the employee's attendance history and this information will be communicated to the Committee.
- C. Applications to use Sick Leave Bank leave will be processed on a first-come, first-serve basis.
- D. An eligible employee may not draw time from the Sick Leave Bank in an amount that exceeds a total of 45 working days (or 360 hours).
- E. If it is determined that the employee is eligible to participate in the Sick Leave Bank, the Committee shall determine the exact amount of time that an eligible employee may draw from the Bank, and shall submit the recommendation to the President for final approval. Approval or disapproval of any application shall be made by the Committee and communicated to the employee within a reasonable time period.

Appendix L – Sick Leave Bank Withdrawal Request Form



SICK LEAVE BANK WITHDRAWAL REQUEST FORM

FOR COMPLETION BY EMPLOYEE

NAME: _____ EMPLOYEE ID: _____
LAST FIRST MIDDLE INITIAL

TITLE: _____ SUPERVISOR: _____

REASON FOR REQUEST: _____

NUMBER OF HOURS REQUESTING FROM SICK LEAVE BANK: _____

LAST DAY PHYSICALLY AT WORK: _____

EXPECTED RETURN DATE: _____

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

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

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

SIGNATURE OF EMPLOYEE: _____ DATE: _____

FOR COMPLETION BY HUMAN RESOURCES DEPARTMENT

Date Received: _____

Employment Date (FT): _____

Last Day Physically at Work: _____

Accrued Leave at Commencement of Absence:

Sick _____ Vacation _____ Comp _____ Personal _____

Date Eligible for STD: _____

Supervisor Recommendation: _____

Hours Awarded: _____

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

03/2019

CERTIFICATION OF LICENSED PRACTITIONER

1. Employee Name: _____
2. Diagnosis Code and diagnosis (including complications): _____

3. Date condition commenced: _____
4. Probable duration of condition: _____
5. Check YES or NO to each question below:

<input type="checkbox"/> YES	<input type="checkbox"/> NO	Is inpatient hospitalization required?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Does the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Is the employee able to perform the functions of the employee's position?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	Is the employee able to perform work of any kind?
6. The definition of a Catastrophic Injury or Illness is:
A severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all paid leave. Such conditions typically require prolonged hospitalization or recovery and are expected to result in disability or death.
In your opinion, do the circumstances of this case meet this definition?
☐ YES ☐ NO

Name of Attending Physician (Print): _____

Degree: _____ Telephone: _____

Address: _____

Signature: _____ Date: _____

Appendix M – Sick Leave Bank Donation Form



SICK LEAVE BANK DONATION FORM

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

NAME: _____ EMPLOYEE ID: _____
LAST FIRST MIDDLE INITIAL

NUMBER OF DAYS I WANT TO TRANSFER: _____

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

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

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

SIGNATURE OF EMPLOYEE: _____ DATE: _____

Appendix N – Professional Development Transcript (non-faculty)

Guidelines for Professional Development Transcript

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

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

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

**Professional Development Transcript
(Non-Faculty Employees)**

Employee Name:	
Employee Title:	
Office or Department:	
Academic Year:	

Professional Development Activity	Date(s) of Activity	Hours

Employee Signature	Supervisor's Signature
Date	Date

All professional development activities must be approved by the supervisor prior to the date of the activity and should not be included on this transcript unless approved.

Appendix O – Employee Complaint Forms

EMPLOYEE COMPLAINT FORMS (See below)

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

EMPLOYEE COMPLAINT FORM — LEVEL ONE

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

1. Name _____

2. Address: _____

Telephone number: _____

Email address: _____

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

Name: _____

Address: _____

Telephone number: _____

Email address: _____

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

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

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

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

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

Signature of complainant: _____

Date of filing: _____

Signature of complainant's representative: _____

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

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

LEVEL TWO APPEAL NOTICE

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

1. Name _____

2. Address: _____

Telephone number: _____

Email address: _____

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

Name: _____

Address: _____

Telephone number: _____

Email address: _____

4. Who held the Level One conference? _____

Date of conference: _____

Date you received a response to the Level One conference: _____

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

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

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

Signature of complainant: _____

Signature of complainant's representative: _____

Date of filing: _____

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

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

LEVEL THREE APPEAL NOTICE

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

1. Name _____

2. Address: _____

Telephone number: _____

Email address: _____

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

Name: _____

Address: _____

Telephone number: _____

Email address: _____

4. Who held the Level Two conference? _____

Date of conference: _____

Date you received a response to the Level Two conference: _____

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

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

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

Signature of complainant: _____

Signature of complainant's representative: _____

Date of filing: _____

Complainant, please note: A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal. Please keep a copy of the completed form and any supporting documentation for your records.

LEVEL FOUR APPEAL NOTICE

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

1. Name _____

2. Address: _____

Telephone number: _____

Email address: _____

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

Name: _____

Address: _____

Telephone number: _____

Email address: _____

4. Who held the Level Three conference? _____

Date of conference: _____

Date you received a response to the Level Three conference: _____

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

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

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

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

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

Signature of complainant: _____

Signature of complainant's representative: _____

Date of filing: _____

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

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

Appendix P – Fundraising Procedures & Guidelines Regulation

MIDLAND COLLEGE ADMINISTRATIVE REGULATION

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

SUBJECT: Fundraising Procedures and Guidelines

Fundraising efforts on behalf of Midland College must:

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

Approval for Solicitation

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

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

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

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

Individuals, corporations and other organizations often initiate contact with Midland College faculty and staff regarding funding opportunities. While individual staff and faculty members may answer questions and discuss gift opportunities with potential donors, these inquiries must be reported promptly, within 72 hours, to the Executive Director, Institutional Advancement/Midland College Foundation, Inc. Any complex questions such as those involving possible tax liabilities, testamentary gifts, asset valuation, trust arrangements or gifts of real property and mineral interests are best referred to the Executive Director, Institutional Advancement/Midland College Foundation, Inc.

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

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

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

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

Recording and Acknowledgement of Gifts

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

Confidentiality

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

Midland College Student Guidelines and Procedures

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

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

Appendix Q – Criminal History Background Checks Regulation

MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: DC Employment Practices

SUBJECT: Criminal History Background Checks

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

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

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

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

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

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

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

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

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

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

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

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

Appendix R – Authorization & Acknowledgement for Driver Record Check Form



Authorization and Acknowledgement for Driver Record Check

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

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

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

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

Driver Information

☐

Employee

☐

Student

Name:

First Name

Middle initial

Last Name

Employee/Student ID:

Phone Number:

Email:

Title:

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

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

Signature:

Date of Signature:

MM

DD

YYY

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

HR: ☐ DL COPY

☐ MEDICAL CARD (CDL ONLY)

☐ DRIVER LIST

☐ DOT FILE (CDL ONLY)

☐ EMAIL APPROVAL/DENIAL:

Date

05/2019

Appendix S – Use of Technology Resources Regulation

MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: CR Technology Resources, DK Professional Development

SUBJECT: Use of Technology Resources

- I. Midland College employees are expected to use institutional technology in the best manner possible to fulfill the mission of the College. This regulation applies to any technology resources owned or maintained by the College or used to access College resources or store College information including hardware and related software and all devices and accompanying media such as but not limited to the following:
 - A. Desktops, laptops, notebooks, tablets, gaming systems
 - B. Mobile telephones
 - C. College telephones and related systems
 - D. Personal computers
 - E. Other devices capable of storing data such as removable storage media and online storage repositories
- II. An employee who violates provisions of this regulation may be subject to disciplinary actions in accordance with College Policies and regulations.
- III. Signed acceptance of the College's Employee Handbook constitutes an acknowledgement that the employee has read and understands the following:
 - A. Employees do not have the right to privacy regarding personal or private information stored on and transmitted via institutional computer equipment or networks. Employees should not expect personal or private information stored on institutional computer equipment and/or networks to remain private.
 - B. The College can access, disclose, use, or remove both business and personal communications and information from institutional computer equipment without notification or employee agreement.
 - C. The College may conduct random audits to verify that institutional computer equipment is clear of viruses or other malicious software and that such equipment is used in accordance with College requirements.
 - D. The College will monitor Internet activity and investigate alleged violations of this regulation.
- IV. The College will report any technology resource use believed to violate federal, state, or local laws to the appropriate authorities.
- V. College employees are expected to avoid the following activities while using College technology resources:

- A. Accessing College technology resources without specific authorization.
- B. Stealing and/or sabotaging College technology resources.
- C. Using unauthorized software or hardware on College computer equipment.
- D. Using non-College e-mail systems to transmit information related to College business.
- E. Personal use of College technology resources.
- F. Using College technology resources in any manner that violates federal, state or local laws, or College policies.

- VI. Annually, employees who use a computer to complete at least 25 percent of their College duties are required to successfully complete a cybersecurity training program approved by the Texas Department of Information Resources to meet Texas TAC 202 and HB 3834 requirements.

Current employees must complete the training between August 1st and October 31st. New employees must complete the training within 45 days from their initial employment date.

Completion of the training requirement is recorded in the College's training software and this information is available to the employee, the employee supervisors and the Human Resources department. Supervisors are notified of employee failure to comply with training requirements.

Training is provided online and via in-person workshops provided throughout the year.

Appendix T – Cell Phone Stipend Agreement Form

Cell Phone Stipend Agreement

x

Employee Name: _____

Administrative Regulation Summary:

Employees who hold positions that require they be in close contact with the College at all times may receive a cell phone stipend to compensate for business-related costs incurred when using their individually-owned cell phones. The stipend is considered a taxable fringe benefit to the employee. A person's job duties relating to cell phone use and access will determine the stipend amount. Cell phone stipends for using multi-factor authentication or checking email will not be issued.

Nonexempt employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. As such, nonexempt employees may not use their personal cell phones for work purposes outside their normal work schedule without prior approval from their supervisor. This includes reviewing, sending, and responding to emails or text messages, responding to phone calls, or making calls using a personal cell phone.

No employee using their personal cell phone should expect any privacy except that governed by law. Employees receiving a cell phone stipend are required to provide their cell phone number to their supervisor immediately upon the effective date of the stipend. Additionally, the cell phone number will be included in internal College directories. For additional information, please see the Employee Handbook, Personal Use of Electronic Media.

Recipients of a cell phone stipend have the following responsibilities:

- Purchase cell phone service and equipment and assume responsibility for vendor terms and conditions. In addition, the employee is responsible for plan choices, calling areas, service features, termination clauses, and paying all cell service and device charges.
- Select a service provider, plan, and features that meet the job requirements and level of service the stipend intends to cover. Ensure the carrier selected has service in required usage areas, such as on campus and/or at home, as needed for the department.
- Maintain an active service contract for the duration of the stipend.
- Promptly report any cell phone number changes and if phone is stolen or missing.
- Comply with all Federal and State data maintenance and protection laws (e.g., FERPA, records retention requirements), as well as College Policies and Procedures, including those pertaining to data security, personal use of electronic media, etc.
- Delete all College data from the cell phone when employment of the College is severed, except when there is a legal request to maintain the data.

By signing below, I certify that I have read, understand and agree to the Cell Phone Stipend Administrative Regulation and my responsibilities as described above. I understand that changes in College Policies or Administrative Regulations may supersede, modify, or render obsolete the information summarized in this document. As the College provides updated information, I accept responsibility for reading and abiding by the changes. The College reserves the right to amend or alter the terms of this agreement.

*Stipend will be effective on the start date of the employee's next pay period after all approvals are received and will not be backdated.

Amount of Stipend Request:

- ☐ Regular Use: \$25/month
☐ Moderate Use: \$50/month
☐ Extensive Use: \$75/month

Employee Cell Phone Number: _____

College GL Account Number (Long Distance/Cell Phone Charges Ending in 6504-0): _____

* This form should be submitted up the chain of command to the President. Executed form should be submitted to the Human Resources/Payroll Department. Forms that are incomplete or missing approvals will not be processed. *

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