

**ADMINISTRATIVE
HANDBOOK
FOR
EXEMPT EMPLOYEES**

**CHEMEKETA COMMUNITY COLLEGE
AND THE
COLLEGE BOARD OF EDUCATION**

July 1, 2021 – June 30, 2023

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1. PURPOSE AND REVISIONS

The purpose of this handbook is to define college policy governing the terms and conditions of employment for exempt employees under general fund money contracts. Non-general fund employees may have special terms and conditions due to their funding source and/or contract period; however, this handbook will be followed as closely as possible.

A committee representing all exempt employees appointed by the Exempt Association's president shall review this handbook at least every three years. This committee shall make recommendations to the college president/chief executive officer. Any revisions, deletions, or additions must receive Chemeketa Community College Board of Education approval upon the recommendation of the college president/chief executive officer or designee.

2. DEFINITIONS OF EXEMPT EMPLOYEES

Exempt are the group of employees, defined below, that are excluded from collective bargaining by provisions of the collective bargaining law, Oregon Employment Relations Board rulings, or college recognition. The terms and conditions for the college president are governed by a contract between the board and president, not this handbook. The following are classifications of exempt employees:

Administrator: An annually contracted employee designated by the college as one who performs executive duties, prepares and administers budgets, and/or formulates college administrative policy.

Confidential: "Confidential employee" means one who assists and acts in a confidential capacity to a person who formulates, determines and effectuates management policies in the area of collective bargaining. (ORS 243.650)

Manager or Coordinator: "Managerial employee" means an employee who possesses authority to formulate and carry out management decisions or who represents management's interest by taking or effectively recommending discretionary actions that control or implement employer policy, and who has discretion in the performance of these management responsibilities beyond the routine discharge of duties. A "managerial employee" need not act in a supervisory capacity in relation to other employees. (ORS 243.650)

Supervisor: "Supervisory employee" means any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection therewith, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment. (ORS 243.650)

3. JOB CLASSIFICATION AND BANDING

The college shall maintain a classification system for all exempt employees. Refer to the college Human Resources office for further information. Job classification for exempt employees ranges from B-2 to F-1.

4. RESPONSIBILITIES OF EXEMPT EMPLOYEES

The responsibility of the exempt employee shall be to effectively represent the interests of the college by providing leadership and support of the college mission and to administer college policies and procedures adopted by the college president/chief executive officer and policies approved by the College Board of Education.

5. JOB DESCRIPTIONS

The college president/chief executive officer has authority to determine the staffing requirements of the college. By authority of the president/chief executive officer, positions shall be defined, and job descriptions shall be developed setting forth duties, responsibilities, and minimum qualifications for positions. Job descriptions shall be updated as needed by the supervisor and maintained by the college Human Resources office for each college position.

6. HIRING

The recruitment and hiring of all exempt employees shall be done in accordance with the college's personnel practices and recruitment guidelines, affirmative action policy, and the Affirmative Action Plan.

7. PLACEMENT

New exempt employees shall be placed on the appropriate salary schedule in accordance with college pay practices. Initial salary placement will be made in accordance with pay equity. The current salary of a new exempt staff member transferring from a bargaining unit within the college may be considered when determining initial placement.

8. SALARY

A salary schedule shall be maintained for exempt employees. Employees working less than 1.0 FTE shall be prorated according to FTE/months worked. The college president/chief executive officer, or designee, shall require an annual review of the salary schedule for exempt employees. This review shall include an opportunity for input from representatives of the exempt employees. Recommendations for changes shall be made to the College Board of Education through the college president/chief executive officer.

During the annual review, adjustments to the salary schedule and salary step movement shall be considered.

When salary step movement is approved, increases for exempt employees on ranges B-2 through D-5 who have continued satisfactory performance, who are not at the top of their salary range, and who are offered a one (1) year contract, shall be awarded a step at the beginning of the contract year. Probationary employees hired on or before March 1 of any fiscal year (July 1– June 30) who are performing satisfactorily and receive a probationary contract are eligible for salary step increases.

Salary increases or decreases for exempt employees on ranges E-1 to F-1 who are offered a new one (1) year contract are subject to the evaluation process and shall be assigned at the beginning of the contract year.

As provided by law¹, certain exempt employees shall receive compensation, or compensatory time off, for overtime hours worked. The college will not compensate any other exempt employees for overtime.

Under special conditions, a bonus may be awarded for exemplary performance at the discretion of the Executive Team.¹

9. EMPLOYMENT STATUS

Exempt employees shall serve a minimum twelve (12) month probationary employment period. Supervisors shall evaluate the performance of the exempt employee prior to the completion of the probationary period. The supervisor may elect to extend the probationary period up to an additional six (6) months. At the end of a successful probationary period, the supervisor shall authorize the completion of a contract up to the end of the fiscal year. At any time during the probationary period, exempt employees whose performance is unsatisfactory may be terminated from employment.

Exempt employees shall be provided notice concerning their employment status not later than March 15 of each year. A notice of renewal shall include the number of months to be worked in the forthcoming fiscal year, starting date, percentage of assignment, and salary placement. A notice of non-renewal shall confirm the final date to complete the current contract.

Exempt employees who have satisfactorily completed their probationary period may obtain up to a one (1) year contract based on the fiscal year. There is no automatic renewal of one (1) year contracts.

College notice of renewal shall be considered accepted by the exempt employee unless on or before April 1, the exempt employee notifies the college Human Resources office in writing, rejecting the terms of the notice. Some exempt employees will be required to sign their notices by April 1 for certain special circumstances.

Employment as an exempt employee of the college can be terminated in the following manner:

- (A) An exempt probationary employee may be terminated at any time for any reason deemed by the college to be sufficient.
- (B) A confidential employee may be reclassified as a classified employee whenever appropriate as determined by statute and the college, or may complete the contract and not be renewed for any reason, or may be terminated in mid-contract for just cause (see Section 14), or may be retrenched as needed (see Section 15).
- (C) Any other exempt employee may complete the contract and not be renewed for any reason, or may be terminated in mid-contract for just cause (see Section 14), or may be retrenched as needed (see Section 15).

¹ Fair Labor Standards Act (federal-29 CFR 541.00 et al) (Oregon-OAR839-020-0320 et al)

10. EVALUATION

The evaluation of an exempt employee's performance may serve several purposes. The evaluation may be used as:

- (1) motivation to improve an employee's performance and as a basis for salary increases;
- (2) a source of information for concern about work performance;
- (3) a source of documentation to support disciplinary actions, including employee termination;
- (4) a basis for determining individual and organizational needs;
- (5) an aid in preparing a work plan to strengthen employee qualifications and/or performance;
- (6) an aid in setting specific work objectives;
- (7) a basis for identifying an employee who deserves promotion; and
- (8) continuing documentation of an employee's work history.

Performance appraisal shall be based on the employee's job description, specifications, and activities related to the individual's professional goals and objectives. Optionally, the employee may request that items beyond the supervisor's observation be considered in the performance appraisal. Those items might include self-evaluation, subordinate evaluation, peer evaluation, advisory group and consideration of special assignments or projects, etc., if such items have been agreed upon as a part of the evaluation.

An annual written evaluation shall contain recommendations regarding salary placement, retention, promotion, termination, or benefits such as professional renewal leave. If the employee has worked for at least six (6) months, the evaluation shall be completed on the approved evaluation forms by September 1. Additional evaluations on any form consistent with the above purposes may be completed whenever the supervisor determines it is appropriate.

11. CLASSIFICATION, RECLASSIFICATIONS AND APPEALS

Exempt employees may request a review of their job descriptions for the purposes of consideration for reclassification or the clarification of performance expectations. Requests are submitted in writing through an employee's immediate supervisor to the appropriate department and/or division administrator. All position reclassifications require the approval of Executive Team.

All requests will be forwarded to the college Human Resources office with the immediate supervisor's written recommendation for approval or disapproval within fifteen (15) working days. The college Human Resources staff shall review the employee's request and the immediate supervisor's recommendation and make a written determination within thirty-five (35) working days. If the college Human Resources office determines that a reclassification is justified, they will inform the immediate supervisor of the decision. The immediate supervisor will forward the justification to the appropriate executive dean or vice president for review and approval or disapproval by Executive Team. If the employee does not agree with the findings of the college Human Resources office, the Executive Team shall make a final determination within an additional ten (10) working days.

The implementation date for a classification change shall be the date that the new job description, properly signed by all authorizing parties, is submitted to the college Human Resources office for review. Those individuals receiving an upward classification change will be placed at the new range and step representing the dollar value at least 3.5 percent greater than the individual's current salary or as determined by pay equity. Those individuals whose positions are reclassified downward will be placed on the new range based on pay equity.

12. ORGANIZATIONAL MOBILITY

Exempt employees may apply for any college recruited position and will be considered on the basis of qualifications.

13. PROCEDURAL DUE PROCESS

Regular non-probationary exempt employees shall be afforded due process in any action to demote, retrench, or terminate them from employment with the college. Due process procedures shall be defined as an employee receiving (1) advance notice of the reasons for the action, (2) an opportunity to respond to a college official with the authority to effectively recommend action, and (3) an opportunity to for an appeal in front of the decision maker or designee after a decision has been made.

14. TERMINATION

Termination is defined as a dismissal in mid-contract.

Exempt employees in probationary status may be terminated at any time (see Section 9) for any reason deemed by the college to be sufficient.

An exempt employee in regular status may be terminated during the term of their contract for just cause. If the employee disagrees with the action, the exempt employee shall use the complaint procedure (Section 33) to appeal the termination with the appropriate executive dean or vice president, and the college president/chief executive officer. In cases where the college president/chief executive officer is the immediate supervisor, the exempt employee may appeal the termination to the College Board of Education. If the appeal is reviewed by the College Board of Education, the exempt employee has the right to determine whether the board session is in open or executive session. The decision of the College Board of Education shall be final.

15. RETRENCHMENT

If a position is eliminated in mid-contract due to reorganization, maximum notice (but not less than 90 calendar days) shall be given each employee affected. If a position is eliminated due to financial exigency, the college shall provide the employee a 30-working day written notice before the end of service. In the event of an exempt employee's retrenchment due to reorganization or financial exigency, the employee shall have the opportunity to apply for any job openings that may occur. Reassignment of an exempt employee shall be subject to the applicable provisions of current faculty and classified collective bargaining agreements.

16. RECALL RIGHTS

Retrenched employees will be allowed to apply for all internally recruited positions for a period of up to two (2) years. Qualifications for these positions shall be no more than what would normally be required of new hires. Affected employees may notify the college Human Resources office of any change in their present address or availability.

Nothing in this handbook shall prevent the college from offering an employee another position at the college provided he/she possesses the qualifications, aptitude and ability to perform the work available.

17. OFFICIAL PERSONNEL FILES

The college shall maintain for college use official personnel files in the college Human Resources office for each employee. These shall be the official personnel files maintained for each employee for purposes of retention, promotion, or discipline. These files shall contain copies of evaluations, commendations, letters, or other materials deemed appropriate by the college. All entries must be dated and signed by the submitting party.

Any materials placed in these personnel files shall be placed there within a period of time not to exceed forty-five (45) working days of the date the action was taken. The employee shall be notified of the placement of new material in the personnel files within ten (10) working days of its placement and shall be allowed an opportunity to respond to that material. At the employee's request any written response from the employee shall also be placed in the personnel files, provided that the response is received by the college Human Resources office within ten (10) working days following the date of employee notification.

Employees' personnel records shall not be made available to any individual or organization, except for college officials with a bona fide need to know or court order, without a signed authorization statement from the affected employee. Materials that are obtained confidentially by the college during the hiring process shall not be made a part of the personnel files. Materials may be expunged from the files by mutual consent of the college president/chief executive officer and the employee. Employees shall have reasonable opportunities to inspect their personnel files. Other working files are maintained as needed.

18. COPYRIGHTS—PATENTS

The ownership of any materials, processes, or inventions developed solely by an employee's effort and expense shall vest in the employee and be copyrighted or patented, if at all, in the employee's name.

The ownership of any materials, processes, or inventions produced solely for the college and at college expense shall vest in the college and be copyrighted or patented, if at all, in its name.

In those instances where materials, processes, or inventions are produced by an employee with college support, by way of the use of significant personnel time, facilities or other college resources, the ownership of the materials, processes, or invention shall vest in the person(s) designated by written agreement between the parties entered into prior to the production. If the materials, processes, or inventions are copyrighted or patented, it will also be in the name of the person(s) designated by written agreement between the parties entered into prior to the

production. In the event there is no such written agreement entered into, the ownership shall vest in the college.

19. EMPLOYEE BENEFITS

The college shall provide to exempt employees a comprehensive program of benefits (see Appendix B). Benefits shall be prorated for employees with less than 100 percent assignments. The college president/chief executive officer shall require an annual review of exempt employee benefits. This review shall include an opportunity for input from representatives of exempt employees.

20. HOLIDAYS AND PAID NON-DUTY DAYS

The following days will be paid holidays or paid non-duty days for exempt employees when the holidays occur during an employee's scheduled term of employment:

| | |
|-----------------------------|------------------------------------|
| Two New Year's days | Veterans Day |
| Martin Luther King Day | Thanksgiving Day |
| Memorial Day | The day after Thanksgiving Day |
| Juneteenth Holiday | Independence Day |
| Labor Day | Presidents Day (paid non-duty day) |
| Christmas eve/Christmas Day | |

Two floating days to be utilized throughout the year for personal, religious, cultural, or state/federal holidays in which Chemeketa remains open.

21. TUITION WAIVER

A. The college agrees to waive tuition for any employee or qualifying member of their immediate family who enrolls in classes at Chemeketa Community College. Such classes may be taken for credit or audited; however, tuition waiver shall apply to a maximum of sixty-four (64) credit hours annually for the employee and/or family. Full-time here is defined as 100 percent employment annually contracted for twelve (12) months. Community Education classes are not eligible for tuition waiver.

For this purpose, immediate family shall include spouse, children, stepchildren, or eligible domestic partner. Children and stepchildren are eligible until age 25. Legal dependents who meet the IRS dependent definition also qualify up until age 25. Annual allotment shall start with summer term and run through spring term.

B. An employee may enroll in a class providing the following: (1) attendance does not interfere with the employee's regular responsibilities, and (2) they have first received permission from their supervisor if the class is taken during their normal workday.

C. In no instance shall the employee or family member taking tuition-free classes be counted toward making minimum enrollment for self-support classes.

D. All tuition and fees not covered by tuition waivers must be paid by the employee within the

college and payment policies deadlines.

22. VACATION LEAVE

Exempt employees shall earn vacation credit at the rate of sixteen (16) hours for each month scheduled for work. Employees may accumulate vacation credits to a maximum of thirty-five (35) days (280 hours). Upon reaching the maximum time, employees must either use time or forfeit those hours beyond the 280-hour limit. Use of vacation time shall be scheduled in advance and approved by the employee's immediate supervisor. Vacations shall be scheduled so as not to interfere with the operational requirements of the college.

Upon separation from employment with the college, earned but unused vacation credits shall be paid to the employee.

23. SICK LEAVE

Exempt employees are granted eight (8) hours of sick leave for each month scheduled to work. The unused portion of sick leave shall accumulate for an unlimited number of days. (See Section 29)

Exempt employees who are absent due to illness or injury are required to keep their supervisor(s) informed as to their return-to-work status.

No compensation for accrued sick leave shall be allowed during the term of employment or upon separation from the college, except as provided by Public Employees Retirement System (PERS) statute.

24. BEREAVEMENT LEAVE

In case of death in the employee's immediate family or of a close personal friend, the employee shall be granted up to seven (7) days leave with pay for the purposes of attending the funeral or making the necessary arrangements. Extended time may be granted, using accrued sick leave, personal leave, vacation, or time off without pay as agreed to by the college or in accordance with OFLA regulations. Bereavement leave shall not accumulate from year to year.

For the purposes of bereavement leave, "immediate family" includes: parent or in loco parentis child, spouse, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, grandparent, grandchild, eligible domestic partner or a dependent who lives in the household.

25. CIVIL DUTY LEAVE

An exempt employee shall be granted leave with pay for service upon a jury or when subpoenaed as a witness; however, such compensation shall be reduced by the amount the employee received for such jury services or as a witness, excluding compensation for travel and expenses.

26. PERSONAL BUSINESS LEAVE

Exempt employees are granted sixteen (16) hours leave with pay for personal business each year. The employee shall communicate with the immediate supervisor prior to taking personal business leave. Personal business leave shall not accumulate from year to year.

27. LEAVE OF ABSENCE WITHOUT PAY

Leave of absence without pay may be granted for up to one (1) year.

If approved, the appropriate executive dean or vice president shall forward notification to the college Human Resources office.

Request for such leave must be in writing and must establish reasonable justification for approval for the request. Approval requirements are as follows:

| Length of Leave | Approvals required |
|----------------------------|--|
| 0 through 10 working days | Supervisor |
| 11 through 60 working days | Supervisor and Dean/Director and Exec Dean or VP |
| 61 and more working days | Supervisor and Dean/Director and Exec Dean or VP and President |

During such leaves which exceed one (1) month, the employee shall not accrue or receive any benefits. Arrangements may be made with the college for the employee to pay the costs of group insurance benefits, if approved by the college insurance carrier, for the duration of the leave. Employees returning from leave without pay shall be returned to their previous position (same range and step) provided that the position has not been eliminated. If the position has been eliminated in mid-contract, retrenchment procedures will be followed. The employee shall be provided written notification of the retrenchment decision.

28. PARENTAL LEAVE

A pregnant exempt employee shall be granted unpaid parental leave commencing from any time in the pregnancy with a physician's recommendation.

An exempt employee will be paid for parental leave only when using accumulated leave (see also Article 23), in conformance with the conditions listed in this handbook for the use of sick leave, and/or when the employee elects to use accrued vacation leave. The conditions of parental leave shall be consistent with federal and state statutes. Check with the college Human Resources office for details.

An exempt employee who is an adoptive parent or the parent of an unborn or newly-born child may use any leave provided for in this handbook for the performance of parental responsibilities if the procedural conditions listed for the leave are met.

29. FAMILY MEDICAL LEAVE

Employees may take family leave in accordance with FMLA and/or OFLA. Employees shall use any accrued vacation or sick leave while on FMLA and/or OFLA. Check with the college Human Resources office for details.

30. POLITICAL LEAVE

An exempt employee who is elected or appointed to a full time or part time public office which requires absence from duty with the college for an extended period of time may be granted a political leave of absence without pay. For the duration of such public service, the provisions of Section 27 shall apply.

Upon return, the employee shall be placed at no less than the same position on the salary schedule as at the time the leave was granted. If the employee's position is eliminated during the employee's absence, retrenchment procedures shall be followed. The employee on political leave shall be provided written notification of the retrenchment decision.

31. PROFESSIONAL RENEWAL LEAVE

Exempt employees who have completed three (3) years of continuous service with the college are eligible for professional renewal leave. Application for leave shall be prepared by the exempt employee requesting leave and be submitted to the immediate supervisor no later than six (6) months preceding the date the leave is to begin. Leave applications shall include the purpose of the leave, time the leave would take place, and the expectation of the value the leave will have to the college.

Leaves are usually for up to three academic terms and must be directly related to the exempt employee's job responsibilities (exceptions must be granted by the college president/chief executive officer).

Professional renewal leaves applications recommended by the supervisor and appropriate division administrator shall be submitted to the Executive Team for consideration.

The Executive Team shall review leave applications and recommend approval or disapproval to the college president/chief executive officer. The president/chief executive officer shall review all applications and forward to the College Board of Education those recommended for approval.

College compensation for persons granted leave shall be set by the college president/chief executive officer. During an approved leave, the employee may be required to make reports to the immediate supervisor on accomplishments and/or progress. The timetable for such reports shall be set by the supervisor before the leave commences.

An employee on approved professional renewal leave shall enter into an agreement with the college that upon completion of the leave the employee shall return to employment of the college for at least twice the length of the leave. If the employee fails to return to the employment of the college, the employee may be required to return any or all of the compensation received from the college during the leave. Employees on leave who do not comply with intent of the leave shall forfeit leave pay.

32. MILITARY LEAVE

Employees shall be granted military leave in accordance with state and federal law.

33. COMPLAINT PROCEDURE

It is the purpose of this procedure to provide an effective and acceptable means for employees to bring problems and complaints concerning the terms and conditions of their employment to the attention of the college in an attempt to resolve them.

When an exempt employee believes a condition, not already covered in College Policy, affecting them is unjust, inequitable, or a hindrance to effective operation, the employee will immediately discuss the situation with their supervisor.

If the employee believes the complaint has not resolved informally, then within ten (10) working days, it shall be expressed in writing to the supervisor with a formal request to initiate this complaint procedure. The written complaint shall give a clear and concise statement of the complaint including the facts upon which the complaint is based, the issues involved, and resolution sought.

A written reply shall be given to the employee within ten (10) working days of the employee's written complaint.

If the employee believes that the answer given by the supervisor did not resolve the concern or problem, the employee may submit a written complaint to the appropriate executive dean or vice president within ten (10) working days of the supervisor's response, with copies directed to the supervisor and the Associate Vice President of Human Resources.

The appropriate executive dean or vice president shall meet with the employee and with the supervisor to discuss the complaint. The executive dean or vice president may wish to meet with both the employee and the supervisor simultaneously. In any event, the executive dean or vice president shall reply in writing to the employee and the supervisor not later than ten (10) working days after the last meeting.

Should the employee believe that the reply from the division administrator does not remedy the complaint, the employee may direct an appeal to the college president/chief executive officer. The appeal shall be submitted in writing to the president/chief executive officer with a copy to the Associate Vice President of Human Resources within ten (10) working days after the reply is received from the division administrator.

The president/chief executive officer or designee shall conduct interviews as deemed appropriate and shall submit a written decision to the employee, their legal representative, executive dean or vice president and supervisor not later than ten (10) working days after the last meeting/interview. The president/chief executive officer's decision shall be final except as allowed under Section 14.

Failure at any step of the procedure to communicate the decision in writing within the specified timelines shall permit the employee to proceed to the next step. Failure at any step of this procedure to appeal a complaint to the next step within the specified timeline shall be deemed to be acceptance of the decision rendered at that step.

APPENDIX A

EXEMPT EMPLOYEE INSURANCE BENEFITS

- Medical, Dental and Vision Insurance for employee and immediate family* (spouse, domestic partner, children, or legal dependents under age 26). Effective September 1, 2022, the college will pay a maximum of \$1,628.85 per month, as well as up to \$80.00 of premium relief for combined medical insurance. This will be increased by 3 percent on September 1, 2023. In the event the college and faculty or classified employees negotiate an adjustment in fringe benefits (insurance benefits), exempt employees may be subject to the same adjustment.
- * The college will provide coverage for only one spouse (partner) if both parties are employed by the college. Employees with a spouse (partner) with college coverage will decide which employee will carry coverage or the college will choose. The college will pay a \$100 per month stipend to employees who are required to waive dual coverage because both spouses/domestic partners are employed by the college. Only the spouse waiving coverage will receive the stipend.
- Group Life Insurance for employee in the amount of \$200,000. [Note: Any insured value over \$50,000 is taxable.] Upon written request and a signed waiver form, the portion of insurance above \$50,000 in value may be waived by the employee.
- Group Term Life Insurance for employee's spouse, domestic partner and dependent children.
- Accidental Death and Dismemberment Insurance for employee only.
- Long Term Disability Insurance (LTD) for the employee, first ninety (90) calendar days of disability excluded. Employees on LTD leave shall retain all benefits for only the thirteen (13) months of absence from work. Life insurance benefits shall continue at the same level as regular employees for as long as disability payments continue (subject to the waiver of insurance premiums by the life insurance carrier). Mandatory employee paid deductions will be made to pay the premium for this coverage.
- Short Term Disability—optional employee paid deduction.
- Upon early retirement, arrangements may be made for eligible exempt employees to pay the costs of group insurance benefits until age 65 or eligibility for Medicare, whichever occurs first, as allowed by Oregon Educators Benefit Board.
- Insurance benefits for employees working less than 1.0 FTE shall be prorated based on FTE.