
Chapter: Personnel

Modification No. 001

Subject: **Changes in Employee Status**

- I. A variety of personnel actions regarding changes in employee status are required to carry out the day-to-day functions of the College. The President is authorized to exercise all administrative and executive authority and duties associated with the conduct of the College, including but not limited to establishing administrative procedures relating to the assignment of College personnel and the authority to take any and all personnel actions deemed necessary, consistent with Board policy and appropriate law, including but not limited to the right to abolish or eliminate positions, reassign employees, transfer employees, reduce staff, modify salaries and reclassify positions. The Board of Trustees retains the right to review and approve the addition of any permanent positions to the College's total personnel complement and retains the right to mandate personnel actions in unusual circumstances where the President does not take personnel actions necessary and appropriate in light of serious fiscal constraints.

- II. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987.

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Modification No. 009

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I. Matters Related to Administrator Status

A. Academic Rank

1. A faculty member who is appointed to an administrative position from the faculty of the College shall retain his or her academic rank as a member of the faculty of Montgomery College.
2. An administrator may qualify to teach or may offer prior teaching and relevant preparation and experience for appropriate consideration and become eligible for academic rank in accordance with College policies and procedures regarding academic rank.

B. Waiver of Tenure

1. General: Except as stated below, administrative staff waive any right to tenure in any position at the College and are not deemed to be granted continuing tenure or similar status.
2. Exception: If a person who qualified for and was granted academic tenure as a member of the faculty of Montgomery College is appointed to an administrative staff position, that person shall continue to retain tenure as a faculty member only. That person shall not be deemed to have been granted continuing tenure or similar status in an administrative position. If that person is subsequently reassigned to a faculty position, he/she will continue to retain the faculty tenure that was previously granted.

II. Changes in Administrative Staff Status

A. Reassignment

1. The President may reassign an administrator at any time to a position for which the person is qualified. Any reassignment shall be in the sole discretion of the President. In the event of reassignment, the terms and conditions of employment governing the position to which the administrator has been reassigned, including but not limited to salary pay range, shall apply.
2. The reassignment shall not result in a salary reduction during the fiscal year in which the reassignment occurs unless the reassignment is based on lack of funding or economic or financial difficulties.

B. Abolishment of Administrative Staff Positions

1. Lack of Funding and/or Economic or Financial Difficulties
 - a. The President may abolish an administrative staff position at any

time based on lack of funding and/or economic difficulties. The employment of an administrative staff employee may be terminated at any time based on lack of funding or economic difficulties. Such abolishment and/or termination shall be in the sole discretion of the President.

- b. In the event that the President deems it necessary to abolish an administrative staff position and/or terminate the employment of an administrative staff employee based on lack of funding or economic difficulties, the President will notify the affected employee in writing that the position is being abolished and/or that his/her administrative staff employment is being terminated, state the effective date of the action(s) and the reason therefore. While every effort will be made to give more than 60 days notice before the effective date of such abolishment and/or termination, a minimum of 60 days notice will be given.
- c. If lack of funding or economic or financial difficulties result in termination of an administrative staff employee, the affected employee will be given appropriate consideration for other vacant positions for which he or she may be qualified.

2. Reorganization

- a. If the functions of an administrative staff position change substantially or if there is no longer a need for an administrative staff position as a result of changes in the organization or operation of the College, an administrative staff position may be reclassified or abolished by the President. Such abolishment or reclassification shall be in the sole discretion of the President.
- b. If the reorganization results in abolishment of an administrative staff position, the incumbent of any such position will be notified in writing that the administrative staff position is being abolished and the effective date of the action. If the abolishment results in termination of employment of an administrative staff employee, that employee will be given appropriate consideration for other vacant positions for which he/she may be qualified. In such circumstances, the affected administrative staff employee shall be given at least ninety (90) calendar days notice of the effective date of the abolishment.
- c. If the reorganization results in reclassification of an administrative staff position, the following procedures will apply.
 - (1) The incumbent of any such position will be notified in writing that the administrative staff position is being reclassified and the effective date of the action.
 - (2) If the incumbent is qualified for the reclassified position, the incumbent may be reassigned to that position.
 - (3) If the incumbent is not being reassigned, he/she will be

given appropriate consideration for other vacant positions for which he/she may be qualified. If the reclassification results in termination of employment notice will be given at least sixty (60) calendar days before the effective date of such termination.

III. Administrative Associate Assignments

A. General

1. Administrative Associate assignments provide professional development opportunities for full-time faculty and associate and support staff members. These assignments allow full-time faculty and staff members to temporarily perform specific administrative projects that make use of special employee skills and talents on an alternate time basis.
2. Administrative Associate assignments may be full-time or part-time.

B. Requests

1. Each College administrative office may request the assistance of an Administrative Associate, within the parameters of the College planning and budgeting process, by submitting a memorandum through appropriate channels. The memorandum will outline the following:
 - a. Description and objectives of the project;
 - b. Justification for using faculty/staff expertise and skills required; and
 - c. Estimated time support required.
2. The office making the request will include the project within its unit plan.

C. Applications

Each employee interested in an advertised administrative associate assignment will submit in writing to the appropriate administrator a request to be considered for the assignment. The request will include:

1. Qualifications for the specific assignment.
2. Specific reasons for desiring the administrative associate assignment.

D. Selection

The responsible administrator will interview all qualified applicants. The administrator shall select an associate keeping in mind the objectives to be accomplished; qualifications of the applicants; and specialized past experience that may be of benefit in meeting the specific objectives within a time limit important to a particular assignment. It is also important to recognize that the selection of qualified employees from underrepresented groups may assist the College in meeting its affirmative action goals. The selection of employees for administrative associate assignments must be made well in advance of an academic semester to allow for selection of qualified replacements.

E. Evaluation

At the beginning of each assignment the administrator and the associate will establish specific goals and objectives. Within one month after termination of the assignment, the associate will submit a self-evaluation and an evaluation of the assignment to the responsible administrator with a copy to the appropriate Senior Vice President. A performance evaluation of the employee will be forwarded by the responsible administrator to the appropriate provost/supervisor upon request.

IV. Changes in Associate or Support Staff Employee StatusA. Transfer of Associate or Support Staff Employees1. Voluntary Transfer

Employees may apply to the Office of Human Resources, Development, and Engagement in response to a vacancy posting for consideration of appointment to an existing position vacancy, for which he or she feels qualified.

2. Involuntary Transfer

- a. Upon recommendation of the supervisor and in consultation with the receiving supervisor and the Office of Human Resources, Development, and Engagement, an employee may be transferred between positions with similar status without his or her consent when such transfer is deemed to be in the best interest of the College.
- b. Notification of an involuntary transfer shall be made in writing by the Vice President of Human Resources, Development, and Engagement to the affected employee at least two weeks prior to the effective date of transfer. The notification shall contain the reasons for the transfer, any change in the employee's status, and any appeal rights.
- c. An employee having been notified of a pending involuntary transfer may appeal such transfer to the Senior Vice President for Administrative and Fiscal Services within five days of receipt of such notification.

3. Retention of Service Credit. Each regular status employee in good standing who is transferred from one regular position to another regular position shall retain the months satisfactorily served in the former position for credit toward the award of an annual salary adjustment.

4. Rights of Transferred Regular Status Employee. If a regular status employee fails to perform satisfactorily the duties and responsibilities of the position to which he or she was transferred (except for reasons that warrant disciplinary action), an effort will be made to place the employee in a comparable position when an opening occurs.

B. Promotion of Associate and Support Staff Employees

1. Promotion of staff employees can occur in two ways:

- a. As a result of an appointment to a position vacancy that has a higher pay grade;
- b. As a result of the assignment of new higher level duties and responsibilities that were identified through the job classification process.

The reallocation of an existing job class to a higher grade is not considered a promotion. See 35001/35001CP Compensation Programs.

2. Eligibility of Staff Employees for Promotion

- a. Each employee who meets the College's qualification requirements for a position vacancy at a higher rate of pay may be deemed eligible for consideration for promotion.
- b. In filling vacancies, consideration will be given to the applicant's experience in performance of the kinds of duties required in the position; formal education and/or training; quality of performance in other positions; knowledge, skills and abilities required for the classification; and attendance record (excluding any absences designated as Family and Medical Leave or Military Leave).

3. Application Procedures. Internal applicants may apply to the Office of Human Resources, Development, and Engagement in response to a vacancy posting for consideration of appointment to an existing position vacancy, for which he or she feels qualified.

4. Employment Procedures. Upon receipt of such internal applications, the Office of Human Resources, Development, and Engagement will follow the same procedures as described for applicants for associate and support staff positions.

If an internal applicant is evaluated as qualified by appropriate Office of Human Resources, Development, and Engagement personnel for a position vacancy, his or her application will be placed in the appropriate file of eligible applicants.

5. Effective Date of Promotions. The effective date of any promotion shall be the date on which an employee is assigned the new position.

6. Rights of Promoted Regular Employee. If a regular employee fails to perform satisfactorily the duties and responsibilities of the position to which he or she was promoted (except for reasons that warrant disciplinary action), an effort will be made to place the employee in a position comparable to his or her old position when an opening occurs.

7. Non-Selection

- a. Those persons who have applied and have been considered for a promotion but who have not been selected will be so notified by the Office of Human Resources, Development, and Engagement
- b. Hiring officials' comments or reasons regarding the non-selection of specific applicants for a higher level position will be retained for a period no less than three years by the Office of Equity and Diversity in a file related to the filling of that particular position. In no case shall such comments be filed in or become part of the staff applicant's official College personnel file.
- c. Requests by MC employees for consideration and notifications of non-selection (but not hiring officials' evaluation comments) will be retained in the employee personnel files.

C. Demotion of Associate and Support Staff Employees

Demotion is the movement of an employee from one position to another position at a lower pay grade. Voluntary demotion to a lower level position will be accompanied by a salary reduction of an amount equal to the percentage of grade differential between the grade of the new assignment and the next lower grade. However, no employee may receive a salary higher than the maximum of the salary range for the demoted position classification unless special circumstances clearly indicate such reduction not to be in the best interest of the College. The decision in this matter shall be made by the Vice President of Human Resources, Development, and Engagement. Demotions resulting from disciplinary action are addressed in 34002CP, Disciplinary Action and Suspension.

Reductions in grade as a result of the maintenance of the classification system are not demotions. Where, through classification, the class specification to which an employee's position is assigned is decreased, the incumbent employee's salary grade will not be decreased and the incumbent employee will remain in his or her current salary grade for as long as the incumbent employee remains in the position. This is not applicable to new persons in the position.

1. Voluntary Demotion

- a. An employee may apply to be demoted to another position of a lower pay grade in response to a vacancy posting providing his or her work record is satisfactory, providing he or she is qualified to perform the duties and responsibilities of the lower level position, and with approval of the appropriate personnel.
- b. Voluntary demotion to a lower level position will be accompanied by appropriate reduction in salary unless special circumstances clearly indicate such reduction not to be in the best interest of the College. The decision in this matter shall be made by the Vice President of Human Resources, Development, and Engagement.

- c. The Vice President of Human Resources, Development, and Engagement shall notify the employee in writing of the adverse effects upon the employee's status, eligibility for benefits, or related matters. The employee shall indicate in writing his or her understanding and acceptance of these changes in status.

2. Demotion Due to Elimination of Position

The salary of an employee whose position is abolished or involuntarily transferred to re-align resources to better meet the College's mission and/or to avoid a reduction in force and for whom there is no other vacant position at a comparable pay grade for which he or she is qualified, may be reduced when assigned to a lower level position should his or her salary be above the maximum of the pay grade for the demoted position.

3. Appeals from Demotion

- a. A probationary-status employee does not have the right of appeal.
- b. An employee with regular status who has been demoted may appeal such demotion to the Senior Vice President for Administrative and Fiscal Services within five working days of the receipt of the notification of the action.
- c. An employee who holds regular status with the College but who is in a probationary-status in his or her present position as the result of a promotion shall have the same appeal privilege as a regular status employee in that position, if the demotion would result in placement in a different type of position with a lower pay range than the position occupied at the time of original promotion.

4. Decision on Demotion Appeals

Whenever an employee appeals a demotion, the Senior Vice President for Administrative and Fiscal Services shall be informed of the reasons for the demotion by the Vice President of Human Resources, Development, and Engagement. The Senior Vice President for Administrative and Fiscal Services or designee shall grant a hearing on all demotion appeals and his or her decision on demotion shall be final.

V. Reduction-In-Work-Force and/or Position(s) for Associate and Support Staff

A. General

- 1. The Vice President of Human Resources, Development, and Engagement, after consultation with appropriate administrators, shall recommend reductions-in-work-force when appropriate and indicate the reasons therefore to the President through the Senior Vice President for Administrative and Fiscal Services. The recommendation shall include

the names and job titles of those employees whose position is recommended for abolishment or involuntary transfer and/or demotion to re-align resources to better meet the College's mission and/or to avoid a reduction in force

2. If the President approves the recommendation, the Vice President of Human Resources, Development, and Engagement shall notify the appropriate administrators and supervisors in the unit(s) affected.
3. Whenever it is determined necessary to reduce the associate and support staff work force or positions, the Staff Council shall be advised of such planned actions and how they will be implemented. The Vice President of Human Resources, Development, and Engagement or designee shall meet with the Council to discuss proposed recommendations and the reason(s) therefore, and the Staff Senate shall have input. When circumstances permit, the College will attempt to provide 45 days between discussion and implementation.
4. Employees shall be laid off in inverse order of qualifications in order to retain the most qualified employee(s) as follows: employees will be grouped by job title in the following pools: Continuing Education, Auxiliary Services, alternatively funded positions (positions funded through the capital budget, cable budget, grants), and positions funded through the operating budget. Before recommending layoffs, the Vice President of Human Resources, Development, and Engagement will consider whether the transfer of employees to other positions is in the best interest of the College. If the Vice President of Human Resources, Development, and Engagement determines layoffs are necessary and the President approves, seniority shall be the determining factor among employees determined to be of the same relative competence. To determine whether employees are of the same relative competence, performance evaluations will be consulted. If evaluations are not available for all employees in the job title and affected group, the supervisor must complete the evaluation within five days of being notified of a reduction in force as outlined in A. 1 of this section. Length of service shall be the determining factor among employees of the same relative competence. In no event shall an employee with regular status be terminated and an employee with temporary or probationary status be retained in the same job title.
5. When final determination is made, the unit administrator shall be notified and he/she shall meet with the affected employee(s) and inform him/her of the decision.
6. The Vice President of Human Resources, Development, and Engagement shall also notify the employee(s) by letter, stating the reasons for the reduction-in-force and indicating the opportunities for reemployment and appeal procedures. Each employee so terminated shall be given as much advance notice as possible and in no event, less than thirty calendar days. The Vice President of Human Resources, Development, and Engagement may authorize paid administrative leave for affected employees to allow employees to seek alternate employment during this thirty day period.

7. An individual who is terminated shall be given priority consideration for reemployment during the next two year period. Priority consideration for reemployment shall be interpreted to mean that all regular associate and support staff employees terminated because of a reduction-in-force shall be placed in an applicant pool for two years and be considered for any staff position for which the Office of Human Resources, Development, and Engagement determines that they are qualified. Qualified members of the pool shall be referred to units with appropriate vacancies for consideration prior to the position being opened to other internal or external applicants. Supervisors filling such positions shall be required to select an individual from the pool of qualified RIF applicants. Once the RIF applicant is offered a viable position at a comparable salary, she/he shall be removed from the pool.

B. Appeals

1. Although determinations made in the course of a reduction-in-force proceeding are not subject to the grievance procedure, an employee laid off due to a reduction-in-force or the abolishment of a position may appeal any deviation from the above procedures. The appeal must clearly show a deviation from the procedures.
2. The appeal must be made in writing to the Vice President of Human Resources, Development, and Engagement within five working days after receiving the written notification of termination from the Vice President of Human Resources, Development, and Engagement.
3. The Vice President of Human Resources, Development, and Engagement shall immediately review the procedure with the appealing employee to ascertain whether or not there has been any procedural deviation and shall provide the appealing employee written notification of his/her findings.
4. Appeal of the process may be taken by the employee to the Senior Vice President for Administrative and Fiscal Services within five working days after the receipt of the written response by the Vice President of Human Resources, Development, and Engagement. The Senior Vice President for Administrative and Fiscal Services shall provide the employee written notification of his/her findings. The decision of the Senior Vice President for Administrative and Fiscal Services shall be final.
5. If the appeal is resolved in favor of the employee, the employee shall be restored to the position with no loss of pay/leave or interruption of status. If the termination action is sustained, the termination shall be effective no less than two weeks from the date of written notification of final appeal decision.

VI. Staff Reemployment

Any staff employee whose service has been terminated because of the elimination of a position or a reduction-in-force shall receive full consideration for reemployment during the following two year period if the employee requests such consideration, if appropriate

vacancies develop, and if the employee is qualified for the position vacancy. An effort shall be made to reemploy such a terminated staff employee before employing a new employee in a position for which the terminated employee is qualified. Terminated employees who refuse a viable employment offer shall be removed from the application pool.

VII. Short-Term Temporary Staff and Administrators

- A. Short-term temporary employees are those hired for three months or less on a full-time basis to meet a specific need as follows:
1. when a staff member or administrator is on extended leave and a temporary is needed to perform the work of the absent staff or administrator;
 2. when a vacancy has occurred and the request to fill is pending with senior leadership and/or a recruitment is being conducted (this is limited to a maximum of six months);
 3. when licensing or legal requirements are implicated (for example, childcare, safety and security, swimming pools); or
 4. when the nature of the work is truly temporary (for example, art models, special projects).
- B. No individual may perform work as a short-term temporary for more than 1,300 hours in a 12-month period, from October 1 to September 30.
- C. These employees are not eligible for College benefits, except for those benefits that are required by law, such as workers compensation and FICA.
- D. These positions may be filled upon approval of the director responsible for recruitment or designee. The request must include justification and identification of the source of funds.

VIII. Temporary with Benefits Staff and Administrators

- A. Temporary with benefits staff and administrators are those hired for six months or more to meet a specific need.
- B. Temporary with benefits staff and administrator positions may be utilized where it is unclear whether there will be a long term need or funding source to establish a position or as determined by the Senior Vice President for Administrative and Fiscal Services to meet a strategic priority of the College.
- C. These employees are eligible for College benefits, except for long-term disability, self-improvement leave, and other long-term leaves. Benefits for part-time employees shall be on a pro-rata basis.
- D. Temporary with benefits positions are established upon approval of the Senior Vice President for Administrative and Fiscal Services upon recommendation by the Vice President of Human Resources, Development, and Engagement. The administrative official must justify the position and identify the source of funds. Requests should be sent to the Vice President of Human Resources,

Development, and Engagement.

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