

<b>Employment – General Procedure</b>	Procedure Number	6.1.1P
	Effective Date	11/10/21

## **1.0 PURPOSE**

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

## **2.0 REVISION HISTORY**

Adopted on: 4/2/14  
Revised on: 11/10/21

## **3.0 PERSONS AFFECTED**

All employees of the College are subject to the procedures.

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

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

While employed with LCCC, an employee’s Legacy status may only be altered as a choice the employee makes or by written agreement of the employee and the College. Should a Legacy employee apply for, and accept, a position that falls under a different defined employment

relationship term governed by the College's policies and procedures in effect at the time the employee accepts the new position, their employment terms may change (e.g., a current Legacy Professional applies for, is selected, and accepts a position as an annual contract Administrator, or a current Legacy Classified Staff applies for, is selected, and accepts a promotion to an at-will Classified position, or current Legacy Classified Staff applies for, is selected, and accepts an annual contract Professional position).

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

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

#### **4.0 DEFINITIONS**

- A. *Regular positions* – Positions for which the College has a routine and on-going need. The anticipated duration of institutional need for regular positions is more than six (6) months. These positions are benefitted.
- B. *Part-Time positions* – Positions for which the College does not have a routine and on-going need. Part-time positions can be temporary part-time, ongoing part-time, student positions, or adjunct faculty. These positions are non-benefitted.
- C. *Contracted employees* – Employees who have an employment contract with the College which provides the employee a continued employment expectation for the duration of the contract.
- D. *At-will employees* – Employees who do not have a contractual relationship with the College. For at-will employees, either the College or the employee may terminate the employment relationship at any time, and for any reason or without reason.
- E. *Interim appointment* – An appointment in which the employee is placed into the position on a temporary, rather than an on-going basis. The appointment is interim when the position is being filled based upon an emergent need identified in LCCC policy or procedure.
- F. *Outside employment* - Work-related duties or responsibilities away from LCCC.

#### **5.0 PROCEDURES**

- A. Employment Types
  - 1) Employment positions are categorized as one of two employment types, either Regular or Part-time. Regular positions are positions for which the College has a routine and ongoing need. Regular positions have an expected or anticipated institutional need for the position

for duration of more than six (6) months. Part-time positions can be temporary part-time, ongoing part-time, student positions, or adjunct faculty.

2) Interim Appointments or Employment with a Projected Duration

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

B. Employee Classifications:

The Board of Trustees of Laramie County Community College (LCCC), through the President, has established a classification system for categorizing its employees and determining the appropriate type of employment relationship for each employee group. Employees at LCCC are assigned to one of six (6) employment categories: Administrator, Professional, Managerial, Faculty, Faculty Managerial or Classified Staff. Please refer to Procedure 6.11P for definitions of classification categories.

Faculty positions are grouped into three primary categories:

a. Provisional Faculty

Provisional Faculty applies to full-time, regular (not interim or grant-funded) faculty on an annual contract who have not received continuing contract status. These faculty positions are typically considered to be exempt from the overtime provisions of the FLSA. Provisional Faculty will be provided a contract. The employment relationship with Provisional Faculty will be governed by the written employment contract. The contract is a legal agreement between the College and the employee, which specifies the employee's employment category, duration of the contract, compensation, and any other conditions of employment during the contract period. Provisional Faculty contracts are for a specified number of duty days as set forth in Academic Affairs Policy and Procedure 2.18 and 2.18P, Workload, Full-Time Faculty. At the conclusion of the contract term, it will be in the sole discretion of the College as to whether or not a new contract will be issued. The process to apply for Continuing Contract Faculty is specified in Academic Affairs Policy and Procedure 2.17 and 2.17P, Faculty Promotion and Rank.

b. Continuing Contract Faculty

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

c. Adjunct Faculty

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

C. Position Qualifications

1) Minimum Qualifications

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

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

2) Preferred Qualifications

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

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

D. Nepotism

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

- 1) As in all other hiring decisions, the related person/dedicated relationship partner/household member shall meet minimum education and experience requirements of the vacant position.
- 2) Candidates for employment must list all related persons/dedicated relationship partner/household members who are College employees or serving on the Board of Trustees at the College.
- 3) A hiring manager/supervisor who is contemplating employment of a person related/dedicated relationship partner/household member to a present College employee or a member of the Board of Trustees must notify the Human Resources Office of the relationship.
- 4) Hiring of a related person/dedicated relationship partner/household member is subject to review by Human Resources and written approval of the President.
- 5) An employee shall neither initiate nor influence, in any way, employment decisions involving the individual with whom he or she is a related person/dedicated relationship partner/household member. Examples of employment decisions are as follows: recommending hiring, retention, or promotion, determining job assignments or work schedules, approving leave, evaluating performance, etc.

- 6) Related persons/dedicated relationship partner/household members shall not work for the College in a direct and/or immediate supervisory-subordinate relationship or in an indirect supervisory-subordinate relationship within the management chain for the specific position (e.g., a related person of a College Administrator may not be employed in any capacity within the Administrator's functional/operational department).
- 7) In the occurrence of a situation of nepotism between employees within a management chain, the organizational reporting alignment of these employees shall be reviewed for any potential realignment. Any potential reporting realignment that may be necessary shall be subject to review and approval by Human Resources and the President.

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

#### E. Outside Employment

- 1) The following policies for outside employment apply to all full-time employees. Work-related activities and conduct away from LCCC must not compete with, conflict with or compromise the college's interests or adversely affect job performance and the ability to fulfill all responsibilities to LCCC.
- 2) LCCC employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related concerns at LCCC, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related concern(s) up to and including termination. Conflicts with availability during contractual duty days and unmet expectations will be addressed under LCCC Procedure 6.7P, Performance Management.
- 3) Employees may not use LCCC paid sick leave to perform work for another employer. Improper use of LCCC sick leave may result in termination of employment with LCCC.
- 4) Employees are prohibited from unauthorized use of any LCCC resources, tools, equipment and/or the unauthorized use or application of any confidential or proprietary information in accordance with LCCC Procedure 6.10P.
- 5) If an employee's outside employment presents a conflict of interest with LCCC, as defined in the Conflict of Interest Policy, or if such outside employment has any potential for negative impact on LCCC, the employee may be asked to terminate the outside employment.
- 6) Employees currently employed outside of the college and receiving benefits from a second employer, should disclose their employment using the OUTSIDE EMPLOYMENT FORM. Employees intending to seek outside employment should first seek approval using the OUTSIDE EMPLOYMENT FORM.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s)	Executive Director of Human Resources, Tammy J. Maas	3/30/21
Approval by President's Cabinet		
Ratified by College Council	Melissa Gallant, College Council Co-Chair	11/10/21
Approval by President (Signature)		11/10/21