

MANUAL OF POLICY

POLICY NUMBER: II-2 **PAGE** 1 of 4

POLICY TITLE: All Personnel: Personnel Actions and Levels of Appeal

LEGAL AUTHORITY: FLORIDA STATUTES 1001.64 AND 1012.855
STATE BOARD OF EDUCATION RULES 6A-14.041, 6A-14.0411
AND 6A-14.047

DATE OF LAST REVIEW: 7/21/2009

DATE OF BOARD ACTION: 7/1/1968, 11/3/1971, 9/6/1972, 9/26/1989, 1/21/1997, 9/21/1999,
10/23/2001, 9/29/2005 and 7/21/2009

I. General

- A. As to employees covered by a collective bargaining agreement, in the event of conflict between College policies and the collective bargaining agreement, the collective bargaining agreement will control.
- B. The College President retains final authority for personnel recommendations made to the District Board of Trustees (hereinafter referred to as the Board). Florida law stipulates that the College President's personnel recommendations can be rejected by the Board only for cause. There are College grievance processes for individuals who feel they have not received fair treatment.
- C. The College President's recommendations must comply with College policies. The Board shall act on the College President's personnel recommendations in the following categories, as required by applicable state laws and rules:
 - 1. appointment
 - 2. reappointment
 - 3. contract status (length and type of contract)
 - 4. promotion
 - 5. suspension, dismissal, return to annual contract
 - 6. termination
 - 7. granting of short-term, extended personal, professional leaves, and administrative leaves with and without pay.
- D. The College President has final operating authority in matters for which no Board action is required by state laws and rules. These include, but are not limited to, the items listed below. Items 2 and 4 are presented to the Board in the form of a report in the monthly District Board agenda.

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1. change in work location
2. job classification
3. assignment of temporary, interim or administrative responsibilities and related supplemental pay, if applicable
4. granting of leaves of various types
5. application of College personnel policies and procedures
6. Visa extensions

II. Appointments and Dismissal

- A. Employment of all College personnel shall be at the recommendation of the College President to the District Board of Trustees. Appointments are made to approved positions at rates of compensation established in the College salary schedules, which are adopted by the District Board. As provided by law, the District Board may reject recommendations only for cause.
 1. Annual contract instructional personnel and professional exempt contractual personnel shall be recommended for appointment by the College President to the District Board of Trustees at initial employment and, as appropriate, annually thereafter. The length of the contract shall be determined annually and shall be for a specified period of time. Renewal of an annual contract is governed by State Board of Education Rule. The College President has no obligation to recommend the issuance of an additional annual contract to any individual(s) holding an annual contract. Non-renewal of an annual contract shall not entitle the person to the reasons for non-renewal or to a hearing.

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2. In the event of non-renewal, a professional exempt contractual employee shall be notified of his/her non-renewal status on or before June 1st of the year in which the contract is due to expire.
 3. Professional exempt non-contractual (PENC) and support non-exempt (SNE) personnel are appointed based on the recommendation of the College President to the District Board of Trustees. The length of employment shall be based on satisfactory conduct and performance, the College's continued need for the position, and budgetary considerations. The College President's recommendations shall be presented to the District Board for approval.
 4. Part-time personnel are appointed based on the recommendation of the College President to the District Board of Trustees. The College President's recommendations shall be presented to the District Board for approval. Part-time employees are "at will" employees.
- B. Dismissal or suspension of an instructional or professional exempt contractual employee shall be governed by State Board of Education Rules; however, if the employee is governed by a collective bargaining agreement which addresses the topic, the collective bargaining agreement shall control.
- C. The College generally follows a program of progressive discipline for full-time professional exempt and support personnel as well as other full-time personnel. Depending on the severity of the infraction, this program may include counseling, written reprimand, probation, suspension and ultimately termination for cause. More serious disciplinary action up to and including termination may be used on first occurrence.

The disciplinary process is monitored by the Vice Provost of Human Resources or designee who makes a recommendation to the College Provost to be conveyed to the College

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President in instances involving suspension or termination. Recommendations for suspension or termination shall be presented to the District Board of Trustees for approval.

State Board of Education Rules do not entitle professional exempt non-contractual and support non-exempt to a hearing before the District Board of Trustees. The College provides an internal hearing process by College Procedure 2410: Performance Standards and Grievance Process for Professional Exempt and Support Employees.

III. Grievances

- A. College policies and procedures provide for the investigation and resolution of employee grievances both informally and formally. If the employee is governed by a collective bargaining agreement that addresses the topic, the collective bargaining agreement shall control.

	7/21/09
CHAIRMAN	DATE