

Minutes
Lake Michigan College Board of Trustees Regular Meeting
Virtual Meeting- <https://LakeMichiganCollege.zoom.us/j/95782155108>
June 23, 2020, 4:15 p.m.

CALL TO ORDER

Chair Johnson called the Regular Meeting of the Lake Michigan College Board of Trustees to order at 5:16 p.m. Ms. Johnson opened the meeting with the Pledge of Allegiance.

ROLL CALL

Present: Paul Bergan, Jeff Curry, John Grover, Debra Johnson, Dr. Michael Lindley, Joan Smith, Mary Jo Tomasini,
Absent: None

SETTING OF THE AGENDA

The agenda stands as presented.

APPROVAL OF MINUTES

Minutes of the March 24, 2020 Regular Board Meeting were approved as presented with a motion by Mr. Bergan, supported by Mr. Grover.

PETITIONS AND COMMUNICATIONS FROM THE FLOOR

None

PRESIDENT'S REPORT

Dr. Trevor Kubatzke introduced Dr. Leslie Kellogg, Provost and Vice President of Academic Affairs who gave an update on the work Academic Affairs team has done preparing for a Fall learning experience that will be meaningful for all students. She described the five teaching methods being offered to students for the fall semester.

Ms. Candice Elders, Executive Director of Marketing shared a draft of the College's Fall mailing.

OLD BUSINESS

None

NEW BUSINESS

CERTIFICATION OF APPOINTMENT

2020-2021 MCCA BOARD OF DIRECTORS

MICHIGAN COMMUNITY COLLEGE ASSOCIATION

CERTIFICATION FORM

At a _____ meeting of the Board of Trustees or Board of
(Special/Regular)

Education of _____ held on _____
(College) (Date)

The following were designated as the chief administrative officer and governing board

Representatives of _____ to the Board of Directors of
(College)

The Michigan Community College Association for the year beginning July 1, 2020 and

Ending June 30, 2021.

MCCA BOARD OF DIRECTORS REPRESENTATIVES

President/Chancellor Director _____
(Name)

Trustee Director _____ _____
(Name) (Board Title)

Alternate Trustee _____ _____
Director (Name) (Board Title)

Submitted by: _____
(Signature of Authorized Agent)

Chair Johnson announced the reappointment of the MCCA Board of Director Representatives: Trustee Director, Debra Johnson and Alternate Trustee Director, John Grover.

MOTION by Mr. Bergan with support by Ms. Tomasini to approve the reappointment of the MCCA Board of Director representatives: Trustee Director, Debra Johnson and Alternate Trustee Director, John Grover.

ROLL CALL VOTE

Yeas: Paul Bergan, John Grover, Debra Johnson,
Michael Lindley, Joan Smith, Mary Jo
Tomasini, Jeff Curry
Nays: None
Absent: None

APPROVED

PRESIDENT'S CONTRACT RENEWAL

The Board of Trustees will review Dr. Kubatzke's contract renewal at today's meeting.

MOTION by Dr. Lindley with support by Ms. Johnson to approve the president's contract renewal as presented.

ROLL CALL VOTE

Yeas:	Paul Bergan, John Grover, Debra Johnson, Michael Lindley, Joan Smith, Mary Jo Tomasini, Jeff Curry
Nays:	None
Absent:	None

APPROVED

EXTERIOR SITE IMPROVEMENTS - PHASE 2

Site improvements on the north sides of B-Wing and C-Wing will create safe parking areas for employees, students and visitors. The C-Wing parking lot and walkways will support additional parking, including ADA accessible parking, and direct access to the renovated L-Wing program areas. The B-Wing parking lot improvements will not significantly change the parking layout, but will include overdue repairs to asphalt surfaces, crack repair, seal coat, and new striping.

Abonmarche administered the bidding phase. Contract Documents were released on May 27 and were made available to local plan rooms and the Abonmarche website. The advertisement was also sent to a list of local contractors. B- and C-Wing Site Improvements bids were received on June 10, 2020 and at 3:00 p.m. a virtual opening was conducted via Zoom. Three bids were received. Abonmarche and LMC conducted post-bid interview with apparent low bidder June 12. Based on the review of the bids with LMC and the outcome of the post-bid interview, Pearson Construction is recommended for award for \$285,851.

With construction costs, Architect/Engineering fees and 7% contingency, the total project budget is \$351,584. Work is scheduled to be completed in August.

At the May Board meeting, the Board passed the Capital Asset policy. This new policy requires capital projects presented to the Board include estimated annual incremental costs for:

1. asset operation
2. long-term maintenance
3. depreciation,

as well as proposed uses for unspent budget (such as bid alternates.)

The policy also requires that 6% contingency be included in all new major construction budgets and an 8% in all renovation budgets.

- annual incremental costs for asset operation: \$0
- annual incremental costs for long-term maintenance: this would include sealing, crack repair and restriping, which is normally done every 3 years at a general cost of \$3.00/SY. There is approximately 1,700 SY of new asphalt pavement where there was previously none.
- annual incremental costs for depreciation: \$17,579 (estimated)
- Bid alternatives included in the recommendation to the Board include extended parking in the C-Wing parking area and a sidewalk with pole lighting along the north side of the C-Wing parking.

This project as it is a combination of renovation (B-wing parking lot) and new and renovated construction (C-wing parking lot.) Given the nature of the type of site construction and the combination of new and renovated conditions, 7% contingency is a reasonable amount to hold for unforeseen conditions.

ACTION:

The College Administration recommended that the Lake Michigan College Board of Trustees authorize B- and C-Wing Site Improvements contract award for \$285,851 to Pearson Construction.

MOTION by Dr. Lindley with support by Mr. Curry to authorize B- and C-Wing Site Improvements contract award for \$285,851 to Pearson Construction.

ROLL CALL VOTE

Yeas: Paul Bergan, John Grover, Debra Johnson,
Michael Lindley, Joan Smith, Mary Jo

Nays: Tomasini, Jeff Curry
None
Absent: None

APPROVED

FISCAL YEAR 2021 OPERATING AND CAPITAL BUDGETS

The fiscal year 2021 operating and capital budgets were presented to the trustees for approval.

ACTION

Administration requested that the fiscal year 2021 operating and capital budgets be approved by the Lake Michigan College Board of Trustees as presented.

MOTION by Mr. Bergan with support by Mr. Curry to approve the fiscal year 2021 operating and capital budgets as presented.

ROLL CALL VOTE

Yeas: Paul Bergan, John Grover, Debra Johnson,
Michael Lindley, Joan Smith, Mary Jo
Tomasini, Jeff Curry
Nays: None
Absent: None

POLICY REVISIONS

The following policy revisions were presented to the Board of Trustees for a 1st read and approval.

Human Resources Classified Staff Policy
Human Resources Administrator Professional Technical Staff Policy

ACTION:

College Administration recommended that the Board of Trustees approve the following revisions of the Human Resources Classified Staff policy and Human Resources Administrator Professional Technical Staff policy at today's meeting.

MOTION by Ms. Tomasini with support by Mr. Curry accept the following revisions of the Human Resources Classified Staff policy and Human Resources Administrator Professional Technical Staff policy as presented.

ROLL CALL VOTE

Yeas: Paul Bergan, John Grover, Debra Johnson,
Michael Lindley, Joan Smith, Mary Jo
Tomasini, Jeff Curry
Nays: None
Absent: None

APPROVED

HUMAN RESOURCES – CLASSIFIED STAFF

Office of Origin: Human Resources
Responsibility: Executive Director, Human Resources
Original Date Adopted: 07-29-82
Dates Reviewed: 12-11-17, 07-09-18, 02-05-20, 06-15-20
Last Date Approved: 06-23-20

Lake Michigan College (the College) is an equal opportunity institution, as documented in the *Non-Discrimination* policy. The College will comply with existing state and federal employment laws.

The College will administer employment of full- and part-time Classified Staff in accordance with this policy and any procedures related to Classified Staff. The College may at any time adopt new policies and procedures or amend those existing. Adoption or amendment will not become effective until such has been communicated to employees and published with the other policies/procedures.

Definitions:

Classified Staff are non-exempt employees, in accordance with the Fair Labor Standards

Act (FLSA). For the purposes of this document, the terms "Classified Staff" and "employees" are to be used interchangeably, and refer to those individuals employed by the College.

Full-time Classified Staff are Classified Staff employed for 30 or more hours per week for 40 or more weeks annually. Part-time Classified Staff are Classified Staff employed for 29 or fewer hours per week.

Classified staff employment is for an indefinite term and may be terminated by the employee or the College, with or without cause, at any time. Classified Staff positions are considered "at will."

Policies:

Appointment: Although appointment is for an indefinite term, Classified Staff are deemed at-will employees and either they or the College may terminate the employment relationship with or without cause or notice at any time.

Bereavement Leave: Paid Bereavement Leave will be granted to full-time employees upon the death of a family member as follows. This leave will be granted for workdays falling in the period generally taken from the time of a death.

- Immediate family (current spouse/partner, child, stepchild, parent, parent-in-law, other relative residing in immediate household): 5 days
- Brother, sister, grandparent, grandchild: 3 days
- In-law (grandparent, brother, sister, son, daughter, aunt, uncle, niece, nephew): 1 day

Extenuating circumstances warranting use of Bereavement Leave over an extended period may be approved at the discretion of the supervisor in conjunction with the Executive Director, Human Resources (HR.)

Extenuating circumstances warranting more than the days above may be approved at the discretion of the supervisor in conjunction with the Executive Director, HR, and would be subtracted from the employee's Sick Leave.

Classes During Work Schedule: With supervisor approval, a full-time employee may take 1 College class a semester during her/his work schedule, up to 3 contact hours per week.

Compensation When College is Closed: Employees working during a Paid Holiday or Emergency Closure will be paid for hours actually worked in addition to emergency closure or holiday pay.

Constitutional Rights: The Board of Trustees recognizes the right of any College employee to take or refrain from taking a stand on a political issue and to support or oppose any

issue or candidate. Such activities, however, must be conducted on an individual's own time and off College premises. An individual must exercise reasonable care to show that he/she is acting in her/his capacity as a private citizen.

Discipline: The College will follow a system of progressive/corrective discipline. The supervisor and employee are encouraged to informally discuss the situation and/or performance problems before formal corrective steps become necessary.

- In normal circumstances, corrective steps, whether for related or unrelated infractions, will include written warning, followed by suspension with or without pay, and then termination.
- Discipline will be commensurate with the seriousness of the infraction; disciplinary steps may be repeated for less serious infractions or bypassed for more serious infractions.
- The immediate supervisor, in consultation with the department administrator and HR, will determine the seriousness of the action requiring discipline and determine the appropriate level of discipline.
- In determining the seriousness of an infraction, not only will the conduct of the employee be considered but also the consequences of the conduct to the College and its operations.
- The supervisor and HR may administer a Performance Improvement Plan (PIP) for the employee to support improved performance. Successful completion of a PIP does not guarantee continued employment.

Due Process: The due process provisions set forth here apply only to situations involving disciplinary suspension or termination of employment for reason of illness, disability or incapacity, or just cause.

Before employment is suspended or terminated, HR will provide the employee with a written notice of suspension or of intent to recommend termination of services. This notice will contain a statement of the reason(s) for the suspension or recommendation for termination in sufficient detail to enable the employee to be informed of the reasons and a copy of the provisions for due process.

Within 5 working days of receipt of a notice of disciplinary suspension or intent to recommend termination of services, the employee may request a meeting with the Executive Director, HR or designee for discussion within 2 weeks. Failure to request a meeting within this time limit will be deemed a waiver of the right of such a meeting and disciplinary suspension or the termination will be in effect as deemed appropriate by the supervisor and the executive administrator of the division, in consultation with Executive Director, HR. If upon meeting, the Executive Director, HR and the employee are unable to agree on the appropriateness of the disciplinary suspension or termination, the employee may appeal to the President by submitting a written request for a meeting for discussion within 5 working days. The decision of the President will be final.

The College may terminate or suspend the services of an employee at any time where just cause exists for such termination or suspension. Just cause includes, by way of illustration but not limitation, unsatisfactory performance, gross insubordination, gross violation of College policies, procedures, rules or regulations, abandonment of duties, commission of crimes, or such other conduct as justifies the termination or suspension of employment.

Emergency Closures: Employees will be paid for scheduled work hours when the College has an Emergency Closure (e.g., closures due to weather conditions or other sudden, unexpected occurrences.) If the College closes for any reason and the employee is already at work, the employee will receive pay for the remainder of that day's work schedule.

Employee Responsibilities: The basic employment obligation of the Classified Staff is to assist in the implementation of the mission and goals of the College.

All employees are expected to continually develop in professional growth and competence, and are encouraged to participate in service to the community.

In addition to special assignments made by the supervisor, employees shall perform all duties and responsibilities as defined in the position job description.

Holidays: The College will close to recognize the following Paid Holidays, either on the actual holiday or on alternate week day near the holiday. The Paid Holiday dates will be announced at the beginning of each fiscal year. If a Paid Holiday falls on a date that the employee would have normally been scheduled to work, the employee will receive regular rate wages for the schedule the employee would have worked. This will not apply to employees on a continuous leave of absence.

- Friday before Easter (date varies; 1 Paid Holiday)
- Memorial Day (date varies; 1 Paid Holiday)
- Independence Day (July 4; 1 Paid Holiday on/near July 4, as set by the College)
- Labor Day (date varies, 1 Paid Holiday)
- Wednesday before Thanksgiving, Thanksgiving Day, and the Friday following Thanksgiving Day (dates vary; 3 Paid Holidays)
- Christmas Eve at 12pm through New Year's Day (December 24 at 12pm through January 1; number of Paid Holiday days will vary depending on where the dates fall on the calendar in relation to weekdays and weekends)
- Any other days(s) announced by the College as additional holiday(s)

Employees working during a Paid Holiday or Emergency Closure will be paid for hours actually worked in addition to emergency closure or holiday pay.

Illness or Disability: Refer to *Accessibility for Persons with Disabilities* policy.

The College may terminate employment if an employee is unable to satisfactorily perform

or to resume her/his duties because of illness, disability, or incapacity at the expiration of any authorized medical leave of absence. Before employment is so terminated, a written notice of intent to terminate will be delivered to the employee, or to the guardian, spouse, or such other person as may be legally responsible for the employee. Upon receipt of such notice, the employee may request implementation of the provisions for due process set forth herein. No termination will become effective until completion of due process.

Insurance: The College will offer insurance to full-time employees and eligible dependents. The employee cost of insurance and types of coverages offered will be determined by the College in compliance with federal and state law.

Jury Duty: An employee called and reporting for jury duty must use vacation pay or must remit the payment received from the court for jury duty service to the College when received.

Mileage Reimbursement: Refer to *Mileage Reimbursement* policy.

Outside Employment: Refer to *Conflict of Interest Policy*.

Overtime: Full-time employees who work over 40 hours per work week will be paid one-and-a-half times (1.5x) hourly base pay for the hours worked over 40. Work week is defined as Sunday through Saturday. Paid or unpaid leave hours are not considered as hours worked for overtime calculations (e.g., personal days, vacation time, sick leave, paid holidays, emergency closures, etc.)

Part-Time Faculty Arrangements: Refer to *Teaching by Staff* policy.

Participation in College Groups: With the approval of the supervisor, an employee may participate in College governance and planning through membership in College committees, councils, taskforces, and/or work groups and in College-approved volunteer opportunities occurring during regular College business hours (such as the Lake Michigan College Foundation Winner's Circle Auction and the Holiday Food Basket.) Employees will be paid for supervisor-approved participation in these activities.

The College will also provide up to 4 hours of supervisor-approved off-campus paid volunteer service leave for each fall and spring semester.

Performance Review: Employees will receive at least 1 performance appraisal annually by the supervisor, which will be maintained in the employee personnel file.

Personal Days: Each year, full-time employees will be provided 3 paid Personal Days for personal business. Personal Days are not cumulative and will be forfeited if not taken in the fiscal year granted. Personal Days are granted on a pro-rated basis upon hire and then

annually in July 4.

Personnel Records: There will be only one official personnel file for each employee, which will be maintained in HR. The employee has the right to review the contents of the personnel file, excluding letters of recommendation, with an appropriate administrator. Excluding authorized College personnel or agents, no third party will be permitted access to an employee personnel file without the written consent of the employee unless disclosure is ordered in a legal action or government claim.

Professional Development: Paid professional development time may be granted with supervisor approval to attend training and other professional development activities.

Qualifications: HR possesses the right to judge the qualifications of employees and to determine the requirements for their hire, termination, transfer, or assignment.

Administration will establish minimum qualifications for each job position and will publish the qualifications in job descriptions. Minimum qualifications will adhere to Higher Learning Commission guidelines, criteria, and assumed practices. Minimum qualifications may be amended or modified from time to time as approved by HR.

Reduction in Force: The College may terminate employment if it determines that a reduction in the workforce is necessary. In such case, the College will give written notice to the affected employee no less than 10 workdays before the employee's services are to be terminated or will provide 2 weeks' pay in lieu of notice. Health, dental, and vision insurance benefits will continue through the end of the month in which employment ends. Unused vacation time will be forfeited upon termination of employment.

Resignation: Refer to *Resignation* policy.

Retirement Plans: The College will make available the Michigan Public Schools Retirement System (MPSERS) plan.

Sick Leave:

Sick Leave will be awarded annually as of July 1 or upon date of hire. Full-time employees employed on July 1 will receive 96 hours in a sick time bank each July; those beginning work after July 1 will receive a sick time bank upon hire prorated based upon portion of the year remaining.

Employees working less than 40 hours per week will receive a prorated sick time bank in July based on the hours regularly scheduled to be worked compared to a full-time schedule. Such employees beginning work after July 1 will receive a sick time bank upon hire, prorated based on the hours regularly scheduled to be worked and the portion of the year remaining.

Employees may accumulate up to 960 hours. Unused sick time will be forfeited upon termination of employment.

Sick time must be used in no less than 15 minute increments.

The College may, at its discretion, require an employee to submit competent medical verification of any use of paid Sick Leave after 5 working days of absences.

If scheduled Sick Leave (other than those on a continuous leave of absence) falls when the College has an Emergency Closure, the employee is not required to use Sick Leave for that day or hours.

Termination: If employment is terminated, the College will have no further obligations to the employee for salary or benefits from and after the date of termination subject to relevant statutes. However, health, dental, and vision insurance benefits will continue through the end of the month in which employment ends. Unused vacation time will be forfeited upon termination of employment.

Temporary Military Leave: Leave will be granted to an employee called for temporary military duty according to Federal statutes.

Tuition Waiver: Refer to *Tuition Waiver - Faculty and Staff* policy.

Vacancies, Transfers & Assignments: The Board of Trustees has delegated to the President or designee the sole authority to hire, transfer, or reassign employees. All vacancies and new positions will be posted unless filled by reassignment or reorganization.

An employee may request a change in departmental assignment to another area within her/his competency by giving official written notice to her/his supervisor with a copy to the Executive Director of HR. A request does not guarantee approval of the transfer.

The College retains the right to reassign or transfer any employee to any position or department within her/his competency at its sole discretion. Such involuntary transfers will not normally result in a decrease in compensation. Exceptions may occur if current pay rate falls outside of the DBM pay grade of newly assigned position.

Vacation:

Vacation is awarded annually as of July 1 or upon date of hire. Full-time Classified Staff employed on July 1 will receive 160 hours in a vacation bank each July, unless specifically grandfathered-in in writing under prior policies that provided more than 160 hours. Full-time employees beginning work after July 1 will receive a vacation bank upon hire prorated based upon portion of the year remaining.

Employees working less than 40 hours per week will receive a prorated vacation bank in July based on the hours regularly scheduled to be worked compared to a full-time schedule. Such employees beginning work after July 1 will receive a vacation bank upon hire, prorated based upon the hours regularly scheduled to be worked and the portion of the year remaining.

Vacation is not cumulative, and is forfeited if not taken during the fiscal year awarded. Unused vacation time will be forfeited upon termination of employment.

Vacation must be approved in advance by the supervisor, and must be used in no less than 15 minute increments.

If scheduled Vacation falls when the College has an Emergency Closure, the employee is not required to use Vacation for that day or hours.

Wage Determination: The President or designee has the authority to offer wages, consistent with the College compensation philosophy and/or contractual obligations. The College may at any time develop and/or modify wage placement criteria and procedures, which will be published or disseminated among employees.

Wellness Leave:

Full-time employees may take up to 1.5 hours of supervisor-approved paid wellness leave each week to participate in wellness activities on campus. Part-time employees may take up to 45 minutes each week. The time may be taken at one time or split throughout the week to equal the total. This time is not cumulative from week-to-week and is not paid out upon employee separation.

Work Locations: At the discretion of and with approval by supervisor, employee may work offsite (including at home) on an ad hoc basis.

Work Schedule: Employee work schedules are assigned by the supervisor in accordance with departmental and College needs.

The work schedule of a full-time employee will include a daily lunch time of 30 minutes or 1 hour, unpaid by the College, and two 15-minute paid breaks, paid by the College.

The work schedule of a part-time employee is not required to include a lunch break or any 15-minute breaks unless the employee is under 18 years of age.

References: Accessibility for Persons with Disabilities policy
Conflict of Interest policy

Mileage Reimbursement policy
Non-Discrimination policy
Resignation policy
Teaching by Staff policy
Tuition Waiver - Faculty and Staff policy

ADMINISTRATORS & PROFESSIONAL/TECHNICAL STAFF

Office of Origin: Human Resources
Responsibility: Executive Director, Human Resources
Original Date Adopted: 07-29-82
Date Reviewed: 08-18-14, 10-21-18, 06-15-2020
Last Date Approved: 09-23-14, 06-23-2020

Lake Michigan College (the College) is an equal opportunity institution, as documented in the Non-Discrimination policy. The College will comply with existing state and federal employment laws.

The College will administer employment of full- and part-time Administrator and Professional/Technical (Pro/Tech) staff in accordance with this policy and any procedures related thereto. The College may at any time adopt new policies and procedures or amend those existing. Adoption or amendment will not become effective until such has been communicated to employees and published with the other policies/procedures.

Administrators and Pro/Tech are exempt employees in accordance with the Fair Labor Standards Act (FLSA) excluding faculty, on call staff, union employees, and temporary employees.

For the purposes of this document, the terms "Administrator" and "Pro/Tech" may be used interchangeably with "employee" or "employees," and refer to those individuals employed by the College.

Definitions:

Administrators are executive or managerial employees whose job description has graded into DBM Bands D and E.

Pro/Tech are generally professional or managerial employees whose job description has graded into DBM C.

Full-time employees are those employed for 30 or more hours per week for 40 or more weeks annually. Part-time employees are those employed for 29 or fewer hours per week.

Employment is for an indefinite term and may be terminated by the employee or the College, with or without cause, at any time. Employees are considered "at will."

Policies:

Appointment: Administrators and Pro/Tech employees are deemed at-will employees. Either the employee or the College may terminate the employment relationship with or without cause or notice at any time.

Attendance at Graduation Ceremony: It is recommended that all Administrators attend graduation ceremonies. The College will provide academic regalia for graduation exercises.

Bereavement Leave: Paid Bereavement Leave will be granted to full-time employees as follows upon a death in the family. Bereavement Leave will be granted for workdays falling within the period generally taken from the time of a death.

- Immediate family member (current spouse/partner, child, stepchild, parent, parent-in-law, other relative residing in immediate household): 5 days
- Brother, sister, grandparent, grandchild: 3 days
- In-law (grandparent, brother, sister, son, daughter, aunt, uncle, niece, nephew): 1 day

Extenuating circumstances warranting use of Bereavement Leave over an extended period may be approved at the discretion of the supervisor in conjunction with the Executive Director, Human Resources (HR.)

Extenuating circumstances warranting more than the days above may be approved at the discretion of the supervisor in conjunction with the Executive Director, HR, and will be subtracted from the employee's Sick Leave.

Classes During Work Schedule: With supervisor approval, full-time employees may take 1 College class a semester during her/his work schedule, up to 3 contact hours per week.

Constitutional Rights: The Board of Trustees (Board) recognizes the right of any employee to take or refrain from taking a stand on a political issue and to support or oppose any issue or candidate. Such activities, however, must be conducted on an individual's own time and off College premises. An individual must exercise reasonable care to show that he/she is acting in her/his capacity as a private citizen.

Discipline: The College will follow a system of progressive/corrective discipline. The supervisor and employee are encouraged to informally discuss the situation and/or performance problems before formal corrective steps become necessary.

- In normal circumstances, corrective steps, whether for related or unrelated

infractions, will include written warning, followed by suspension with or without pay, and then termination.

- Discipline will be commensurate with the seriousness of the infraction; disciplinary steps may be repeated for less serious infractions or bypassed for more serious infractions.
- The immediate supervisor, in consultation with the department administrator and HR, will determine the seriousness of the action requiring discipline and determine the appropriate level of discipline.
- In determining the seriousness of an infraction, not only will the conduct of the employee be considered but also the consequences of the conduct to the College and its operations.
- The supervisor and HR may administer a Performance Improvement Plan (PIP) for the employee to support improved performance. Successful completion of a PIP does not guarantee continued employment.

Due Process: The due process provisions set forth here apply only to situations involving disciplinary suspension or termination of employment for reason of illness, disability or incapacity, or just cause.

Before employment is suspended or terminated, HR will provide the employee with a written notice of suspension or of intent to recommend termination of services. This notice will contain a statement of the reason(s) for the suspension or recommendation for termination in sufficient detail to enable the employee to be informed of the reasons and a copy of the provisions for due process.

Within 5 working days of receipt of a notice of disciplinary suspension or intent to recommend termination of services, the employee may request a meeting with the Executive Director, HR or designee for discussion within 2 weeks. Failure to request a meeting within this time limit will be deemed a waiver of the right to such a meeting, and the disciplinary suspension or termination will be in effect as deemed appropriate by the supervisor and the executive administrator of the division, in consultation with Executive Director, HR. If upon meeting, the Executive Director, HR and the employee are unable to agree on the appropriateness of the disciplinary suspension or termination, the employee may appeal to the President by submitting a written request for a meeting for discussion within 5 working days. The decision of the President will be final.

The College may terminate or suspend employment of an employee at any time where just cause exists for such termination or suspension. Just cause includes, by way of illustration but not limitation, unsatisfactory performance; gross insubordination; gross violation of College policies, procedures, rules, or regulations; abandonment of duties; commission of crimes; or such other conduct as justifies the termination or suspension of employment.

The College may terminate employment if an employee is unable to satisfactorily perform

or resume her/his duties because of illness, disability, or incapacity at the expiration of any authorized medical leave of absence. Before employment is so terminated, a written notice of intent to terminate will be delivered to the employee, or to the guardian, spouse, or such other person as may be legally responsible for the employee. Upon receipt of such notice, the employee may request implementation of the provisions for due process set forth herein. No termination will become effective until completion of due process.

Emergency Closures: Employees will be paid for scheduled work hours when the College has an Emergency Closure (e.g., closes due to weather conditions or other sudden, unexpected occurrences.) If the College closes for any reason and the employee is already at work, the employee will receive pay for the remainder of that day's work schedule.

If an employee's scheduled Vacation or Sick Leave (other than those on a continuous leave of absence) falls when there is an Emergency Closure, the employee is not required to use Vacation or Sick Leave for that day or hours.

Employee Responsibilities: The basic employment obligation of the employee is to assist in the implementation of the College mission and goals, to administer policies and procedures. Performance of these responsibilities will be accomplished without regard to hours.

All employees are expected to continually develop in professional growth and competence, and are encouraged to participate in service to the community.

In addition to special assignments made by the supervisor, employees shall perform all duties and responsibilities as defined in the position job description.

Holidays: The College will close to recognize the following Paid Holidays, either on the actual holiday or an alternate weekday near the holiday. The Paid Holiday dates will be announced at the start of each fiscal year. If the Paid Holiday falls on a date that the employee would have normally been scheduled to work, the employee will receive regular rate wages for the hours the employee would have worked. This will not apply to employees on a continuous leave of absence.

- Friday before Easter (date varies; 1 Paid Holiday)
- Memorial Day (date varies; 1 Paid Holiday)
- Independence Day (July 4; 1 Paid Holiday on/near July 4, as set by College)
- Labor Day (date varies, 1 Paid Holiday)
- Wednesday before Thanksgiving, Thanksgiving Day, and the Friday following Thanksgiving Day (dates vary; 3 Paid Holidays)
- Christmas Eve at 12pm through New Year's Day (December 24 at 12pm through January 1; number of Paid Holiday days vary depending on where the dates fall on the calendar in relation to weekdays and weekends)
- Any other days(s) announced by the College as additional holiday(s)

Illness or Disability: Refer to *Accessibility for Persons with Disabilities* policy.

Insurance: The College will offer health insurance to full-time employees and eligible dependents. The employee cost of insurance and types of coverages offered will be determined by the College in compliance with federal and state law.

Jury Duty: An employee called and reporting for jury duty must use vacation pay or must remit the payment received from the court for jury duty service to the College when received.

Mileage Reimbursement: Refer to *Mileage Reimbursement* policy

Outside Employment: Refer to *Conflict of Interest Policy*.

Part-Time Faculty Arrangements: Refer to *Teaching by Staff* policy.

Personnel Records: There will be only one official personnel file for each employee, which will be maintained in HR. The employee has the right to review the contents of the personnel file, excluding letters of recommendation, with a member of the Human Resources Department. Excluding authorized College personnel or agents, no third party will be permitted access to an employee personnel file without the written consent of the employee unless disclosure is ordered in a legal action or government claim.

Participation in College Groups: With the approval of the supervisor, an employee may participate in College governance and planning through membership in College committees, councils, taskforces, and/or work groups and in College-approved volunteer opportunities occurring during regular College business hours (such as the Lake Michigan College Foundation Winner's Circle Auction and the Holiday Food Basket.) Employees will be paid for supervisor-approved participation in these activities.

The College will also provide up to 4 hours of supervisor-approved off-campus paid volunteer service leave for each fall and spring semester.

Performance Review: Employees will receive at least 1 performance appraisal annually by the supervisor, which will be maintained in the employee personnel file.

Personal Days: Full-time employees will be granted 3 paid Personal Days annually for personal business. Personal Days are not cumulative and will be forfeited if not taken in the fiscal year granted. Personal Days are granted on a pro-rated basis upon hire and then annually in July.

Professional Development: Paid Professional Development time may be granted with supervisor approval to attend training and participate in other professional development

activities.

Qualifications: HR possesses the right to judge the qualifications of employees and to determine the requirements for their hire, termination, transfer, or assignment.

Administration will establish minimum qualifications for each job position and will publish the qualifications in job descriptions. Minimum qualifications will adhere to Higher Learning Commission guidelines, criteria, and assumed practices. Minimum qualifications may be amended or modified from time to time as approved by HR.

Reduction in Force: The College may terminate employment if it determines that a reduction in the workforce is necessary. In such case, the College will give written notice to the affected employee no less than 10 workdays before the employee's services are to be terminated or will provide 2 weeks' pay in lieu of notice. Health, dental, and vision insurance benefits will continue through the end of the month in which employment ends. Unused vacation time will be forfeited upon termination of employment.

Resignation: Refer to *Resignation* policy.

Retirement Plans: The College will make available an optional retirement salary deferral plan where employees may make pre-tax contributions to tax-deferred retirement accounts, such as a 403(b) plan, as well as the Michigan Public Schools Retirement System (MPSERS) plan.

Sabbatical Leave: See *Sabbatical Leave- Administrators & Professional / Technical Staff* policy.

Sick Leave: Sick Leave is awarded annually as of July 1 or upon date of hire. Full-time employees employed on July 1 will receive 96 hours of Sick Leave in a bank each July; those beginning work after July 1 will receive a sick time bank upon hire prorated based upon portion of the year remaining.

Employees working less than 40 hours per week will receive a prorated sick time bank in July based on the hours regularly scheduled to be worked compared to a full-time schedule. Such employees beginning work after July 1 will receive a sick time bank upon hire, prorated based on the hours regularly scheduled to be worked and the portion of the year remaining.

Employees may accumulate up to 960 sick hours. Unused sick time will be forfeited upon termination of employment.

Sick time must be used in no less than half-day increments.

The College may, at its discretion, require an employee to submit competent medical verification of any use of paid Sick Leave after 5 working days of absences.

If scheduled Sick Leave (other than those on a continuous leave of absence) falls when the College has an Emergency Closure, the employee is not required to use Sick Leave for that day or hours.

Termination: If employment is terminated, the College will have no further obligations to the employee for salary from and after the date of termination, subject to relevant statutes. Health, dental, and vision insurance benefits will continue through the end of the month in which employment ended. Unused vacation time will be forfeited upon termination of employment.

Temporary Military Leave: Leave will be granted to an employee called for temporary military duty according to Federal statutes.

Tuition Waiver: Refer to *Tuition Waiver - Faculty and Staff* policy

Vacancies, Transfers & Assignments: The Board has delegated to the President or designee the sole authority to hire, transfer, or reassign employees. All vacancies and new positions will be posted unless filled by reassignment or reorganization.

An employee may request a change in departmental assignment to another area within her/his competency by giving official written notice to her/his supervisor with a copy to the Executive Director, HR. A request does not guarantee approval of the transfer.

The College retains the right to reassign or transfer any employee to any position or department within her/his competency at its sole discretion. Such involuntary transfers will not normally result in a decrease in compensation. Exceptions may occur if current pay rate falls outside of DBM pay grade of newly assigned position.

Vacation: Vacation is awarded annually as of July 1 or upon date of hire. Full-time employees employed on July 1 will receive 160 hours of vacation in a bank each July; those beginning work after July 1 will receive a vacation bank upon hire prorated based upon portion of the year remaining.

Employees working a full-time, regular schedule of less than 40 hours per week will receive a prorated vacation bank in July based on the hours regularly scheduled to be worked compared to a full-time schedule. Such employees beginning work after July 1 will receive a vacation bank upon hire, prorated based on the hours regularly scheduled to be worked and the portion of the year remaining.

Vacation is not cumulative, and is forfeited if not taken during the fiscal year awarded.

Unused vacation time will be forfeited upon termination of employment.

Vacation must be approved in advance by the supervisor, and must be used in no less half-day increments.

If scheduled Vacation falls when the College has an Emergency Closure, the employee is not required to use Vacation for that day or hours.

Wage Determination: The President or designee has the authority to offer wages, consistent with the College compensation philosophy and/or contractual obligations. The College may at any time develop and/or modify wage placement criteria and procedures, which will be published or disseminated among employees.

Wellness Leave:

Full-time employees may take up to 1.5 hours of supervisor-approved paid wellness leave each week to participate in wellness activities on campus. Part-time employees may take up to 45 minutes each week. The time may be taken at one time or split throughout the week to equal the total. This time is not cumulative from week-to-week and is not paid out upon employee separation.

Work Locations: At the discretion of and with approval by supervisor, an employee may work offsite (including at home) on an ad hoc basis.

Work Schedule: Employee work schedules are assigned by the supervisor in accordance with departmental and College needs.

References: [Accessibility for Persons with Disabilities](#) policy
[Conflict of Interest](#) policy
[Mileage Reimbursement](#) policy
[Non-Discrimination](#) policy
[Resignation](#) policy
[Sabbatical Leave- Administrators & Professional / Technical Staff](#) policy
[Teaching by Staff](#) policy
[Tuition Waiver - Faculty and Staff](#) policy

MAJOR CAPITAL POLICY

ACTION:

College Administration recommended that the Board of Trustees approve the deletion of the Major Capital policy as presented as it was incorporated into and so replaced by the Capital Asset policy approved by the Board at the May 2020 meeting.

MOTION by Mr. Curry with support by Ms. Smith to approve the deletion of the Major Capital policy as presented.

ROLL CALL VOTE

Yeas: Paul Bergan, John Grover, Debra Johnson,
Michael Lindley, Joan Smith, Mary Jo
Tomasini, Jeff Curry
Nays: None
Absent: None

APPROVED

MAJOR CAPITAL POLICY

Office of Origin: Board of Trustees

Date Adopted: 12-06-16

Date Reviewed: 08-11-17

Last Date Modified & Approved: 08-22-17

Delete policy – incorporated into and so replaced by Capital Asset policy approved by Board May 2020 meeting.

Policy Statement:

Major Capital is broadly defined as a capital asset or capital project (i.e., capitalized costs of construction, acquisition, and/or renovation) that meets Lake Michigan College (the College) capitalization threshold but that is not included in a routine capital budget.

Major Capital projects require substantial College resources, both in terms of financial resources and human resources. To ensure the wise use of scarce resources, adequate planning and ongoing budget monitoring must occur. Towards that end, the following are required for all Major Capital projects:

1. Major Capital project activities will comply with the College's Purchasing Policy as well as the Capital Asset Procedure.
2. Project scope will be determined in collaboration with all major stakeholders (e.g., purpose, space required, estimated budget, sources of funding, location) and

presented to the College's Board of Trustees (the Board) for review prior to incurring any significant design costs.

3. An independent professional estimator or similar professional may be engaged to provide budget and square footage estimates, along with recommended bid timing.
4. Prior to seeking construction bids, project scope and budget will be reviewed with the Board of Trustees. Recommendations of scope changes identified through the design process will be highlighted.
5. Bid alternates may be included in the bid specifications to provide flexibility should the College be concerned with the risk of escalating costs or budgetary constraints.
6. The Professional Services portion of the Major Capital contract may include a construction administrator who will advocate for the College's behalf on all construction issues.
7. Major Capital projects requiring substantial equipment or systems testing will include commissioning costs in the approved budget.
8. A six percent (6%) contingency will be included in all new construction Major Capital project budgets, and an eight percent (8%) contingency will be included in all renovation Major Capital project budgets.
9. A summary of the construction bids received will be presented to the Board along with a recommendation for approval (including any bid alternates recommended for inclusion or budget adjustments) as required by the Authority to Bind policy. To take advantage of a favorable bidding climate, a special Board meeting may be needed.
10. Regular reporting of the status of Major Capital projects will be provided to the Board of Trustees.

Responsibility: Vice President, Administrative Services; CFO; Executive Director, Facilities Management

References: Purchasing Policy; State of Michigan Capital Outlay Manual; Capital Asset Procedure; Authority to Bind College to External Agreements Policy

RETIREMENT ANNOUNCEMENT

Dr. Kubatzke announced that after 34 years, Ms. Anne Erdman, Vice President of Administrative Services will be entering retirement beginning July 1, 2020. Dr. Kubatzke publicly acknowledged Ms. Erdman for her years of dedicated work at the college for our students and staff.

Ms. Erdman stated how LMC really does make a difference for our students; everywhere you go in the community you run into someone who was a student at LMC. She thanked Dr. Kubatzke for his leadership, and the Trustees for their dedication to the College. She also thanked all of the teams she was so fortunate to work with. Ms. Erdman acknowledged her family who have all worked at LMC.

Dr. Kubatzke and the Board gave Ms. Erdman a gift in appreciation on behalf of the College.

ADJOURNMENT

MOTION by Mr. Bergan to adjourn the Regular Meeting of the Lake Michigan College Board of Trustees at 5:54 p.m.

A handwritten signature in black ink that reads "Debra Johnson". The signature is written in a cursive style with a large, looped initial "D".

Debra Johnson, Board Chair
Lake Michigan College Board of Trustees

A handwritten signature in black ink that reads "Joan M. Smith". The signature is written in a cursive style with a large, looped initial "J".

Joan Smith, Board Secretary
Lake Michigan College Board of Trustees