

# Southwest Virginia Community College

## Part-time Employee Handbook



Revised July 2013

## **Introduction**

Southwest Virginia Community College is a two-year institution of higher education established as a part of a state-wide system of community colleges serving primarily the residents of the counties of Buchanan, Dickenson (partial), Russell and Tazewell. The College opened to students in the fall of 1968.

The Handbook for Part-Time (P-14) Employees for Southwest Virginia Community College provides basic information on benefits, policies, and procedures for P-14 college employees.

It does not create any employee rights or benefits. This handbook is not a contract, nor is it an invitation to contract.

The laws and policies governing P-14 employees at SWCC are defined by the Department of Human Resources Management (DHRM) as described in that agency's Policies and Procedure Manual.

A copy of the DHRM Policies and Procedures Manual is viewable online at:  
<http://www.dhrm.state.va.us/>.

In addition, employment at SWCC is subject to the policies and procedures of the Virginia Community College System and of Southwest Virginia Community College.

## **Hourly (P-14) Employees**

P-14 employees are employed on an hourly basis and limited to working no more than 1,500 hours for the College in 365-consecutive day period. Hourly employees receive pay increases as approved through the legislative process, but their pay may not exceed the hourly equivalent for the maximum of the applicable pay band. The Virginia Personnel Act does not cover hourly employees, nor do they have tenure or a right of appeal of termination, nor are they eligible for regular benefits of salaried employment.

Refer to DHRM Policy 2.20C, Types of Employment

## **Exempt/Non-Exempt Status**

The College is subject to the Fair Labor Standards Act (FLSA), a federal law. At the time of employment, the employee is advised of the non-exempt or exempt classification of the position based on the FLSA exemption test criteria.

## **Pay Dates and Paychecks**

Hourly (P-14) employees' pay dates are biweekly. P-14 employees will have federal and state taxes, HI, and OASDI deductions. P-14 employees may have deductions for deferred annuities.

## **Liens**

Tax liens and garnishments must be honored in accordance with the state garnishment law and the federal Wage Garnishment Act. A garnishment or lien results from a legal procedure that requires part of a salary to be withheld for the payment of a debt. Federal and state law prohibits the discharge of any employee because his or her earnings being subjected to garnishment for any one indebtedness.

A Direct Deposit Earnings Statement is provided to each employee by the Business Office.

## **Change of Name, Address, and/or Telephone Number**

It is the responsibility of the employee to keep the Human Resources Department informed of any address change in the event that a US Postal Service mailing is needed to forward information to the home of an employee.

Change of name is an official change to an employee's personnel and pay records. It is essential that any change in name(s) be made as soon as possible after such change becomes effective. A copy of appropriate documentation (new social security number, court order, or marriage license) is required to implement change.

## **Verification of Employment**

Requests from outside organizations for verification of employment are referred to the Human Resources Department (276/964-7389).

## **Hours or Work**

The workweek at SWCC starts on Friday and continues through Thursday of the following week. The normal work schedule is 7:45 a.m. to 4:30 p.m. with 45 minutes for lunch. Some positions have different work schedules. Check with your supervisor for the work schedule for your position. Your supervisor may adjust your work schedule to meet the needs of the agency.

## **Breaks**

Breaks are up to the supervisor's discretion. It is not expected that fixed breaks will be established. A misunderstanding sometimes arises when an employee requests that "break" time be used to extend the lunch period, arrive later or depart early in the day for a lunch period or break not taken. This practice is not allowed.

Refer to DHRM Policy 1.25, Hours of Work

## **Overtime**

Non-exempt employees are covered by the Fair Labor Standards Act (FLSA) and thereby entitled to receive time and one half compensation for hours worked over 40 in a workweek. The FLSA mandates non-exempt employees be paid at time and one half of their normal wage or have leave credited at time and one half hours for the time they work beyond the regular 40-hour workweek. Non-exempt employees may not voluntarily work overtime without pay, nor can a non-exempt employee work overtime without prior approval from his or her supervisor.

## **Family & Medical Leave**

Employees who have been employed by the College for at least 12 months and have worked at least 1,250 hours during the 12 months prior are eligible for FMLA.

An eligible employee is entitled to receive up to 12 weeks of unpaid family and medical leave per leave year on either a continuous, intermittent, or reduced leave schedule basis for any one or more of the following reasons:

- The prenatal care for or the birth of a child, and to care for the newborn child.
- Placement of a child with the employee for adoption or foster care.
- To care for the spouse, son, daughter or parent with a serious health condition.
- Because of a serious health condition which renders the employee unable to perform the functions of his/her position. When leave is for a family member's serious health condition, the health care provider should complete the "Certification of Health Care

Provider for Family Member's Serious Health Condition" form (U.S. Department of Labor Form WH-380-F).

- Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty, or has been notified of an impending call or order to active duty in support of a contingency operation.

It is the policy of the College to fully comply with the FMLA and provide eligible employees with up to 12 weeks of unpaid family and medical leave per leave year because of their own serious health condition or the serious health condition of an eligible family member, or up to 26 weeks of unpaid leave to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member.

Employees submit a written request on the Request for Family Medical Leave Form directly to the Human Resources Department at least 30 days before the anticipated leave, unless an emergency precludes such advance notice. The College requires certification either prior to the commencement of leave, or while on leave, for an employee's serious health condition, or continued need of the employee's care for illness in the immediate family.

The College also requires employees to report every 30 days on their status and intent to return to work. For the employee absence due to their own serious health condition, a doctor's release must be provided prior to the employee returning to work indicating if the employee is able to return to full duty or if the employee has restrictions.

Refer to DHRM Policy 4.20, Family and Medical Leave; DHRM Policy 4.57, VSDP; or the Department of Labor Web site [www.dol.gov](http://www.dol.gov).

### **Tax-Sheltered Annuity Plan**

The College offers employees the opportunity to participate in a deferred compensation plan under section 403(b) of the Internal Revenue Code. Participants enjoy the benefits of voluntary saving for additional retirement benefits while having tax-deferral on the deduction amount and the invest income. All employees, with few exceptions, are eligible to participate in this plan. Plan participants must defer \$200 in a calendar year. To enroll in the 403(b) program:

- Select the vendor you want to use for your 403(b)
- Contact the vendor and request enrollment materials
- Fill out enrollment forms and send forms to the vendor

Employees may participate in both 403(b) and 457 deferred compensation plans.

## **Commonwealth's Deferred Compensation Plan**

The Commonwealth of Virginia offers employees the opportunity to participate in a deferred compensation plan under section 457 of the Internal Revenue Code. This plan is administered through the Virginia Retirement System, with the Great West Benefits Corporation providing third party administrative services. Employees may participate in both 403(b) and 457 deferral plans.

## **Workers' Compensation**

The Workers' Compensation Program protects all state employees from financial loss due to lost work (lost wages), medical expenses and other costs associated with a covered injury sustained arising out of and in the course and scope of employment subject to the provisions of the Workers' Compensation Act. Employees who have suffered a covered on-the-job injury are provided access to quality medical treatment and rehabilitation services all designed to bring the employee to full recovery returning him/her to good health and gainful employment.

Any employee injured is to report his or her injury to the Campus Police immediately. If the employee is unable to report his or her injury, then the supervisor will call Campus Police immediately. Campus police are trained in First Aid and can assist with minor injuries. Campus police will assist with major injuries until such time as trained rescue personnel arrive.

The Campus Police will complete an accident report and provide the employee with a panel of physicians to seek treatment from for their injuries. The accident report will be forwarded to the Human Resources Department. The Human Resources Department will complete the required reports to be sent in for establishment of a claim.

MCI (Managed Care Innovations) is the contracted provider for Worker's Compensation benefits of the Commonwealth. MCI provides a team approach to handling claims including a medical network, medical management, network pharmacy, on-site medical staff, access to surveillance in order to reduce fraudulent claims, vocational placement staff, and loss control programs.

In order for an accident to be covered under the Virginia Worker' Compensation Act, it must arise out of and in the course of employment. Not all injuries that happen at work are covered under the Act. Each incident will be reported to the Campus Police Department. The Campus Police Department is open 24/7 and therefore available to employees at all times. Following the completion of the Police Report, SWCC will submit the Employer's First Report of Accident to MCI. MCI will determine whether a claim will be covered under the Virginia Workers' Compensation Act. Employee's prompt submission of all paperwork and cooperation with MCI and the Human Resources Department in processing the claim is vital.

## **Return to Work Policy**

The return to work policy for Southwest Virginia Community College will be implemented according to Executive Order #52. The policy will have the flexibility to take into account the injured employee's special circumstances, using modified or light duty assignments when appropriate. College management will work with all employees to reduce on the job risks. College management will also work with the Worker's Compensation Program (WCP) in implementing the initiatives to reduce work-related injuries and to improve services to all injured employees. The College's Return to Work Coordinator is the Human Resources Manager. The HR Manager will enforce the implementation of this policy. This policy will be reviewed annually and revisions made as necessary. The Health and Safety Committee will be actively involved in the review and revision process. The College will educate all employees on the Return to Work Policy.

When an employee is injured on the job, the supervisor of the injured employee will be responsible for notifying the Human Resources Department and Campus Police within 24 hours of the injury. The Human Resources Department or Campus Police will provide the injured employee with a panel of physicians from which to choose his/her medical care. The Human Resources Department will fax or email the Employer's Accident Report (EAR) into the Workers Compensation Program within the required time frame.

After the employee has met with the panel physician for the first time, the College will maintain contact with the physician's office in order to obtain the employee's prognosis for recovery and work status. The Human Resources Office will submit the position description and physical demands form, if necessary, including documentation detailing the Return to Work Program to the attending physician. The injured employee should bring his/her disability slip or work restrictions to the Return to Work Coordinator or his/her supervisor. If the coordinator is not clear on the work restrictions set forth by the physician, he/she will call the physician. Once work restrictions are obtained, the supervisor will maintain communication with the coordinator and the injured employee.

Modified/Transitional duty is when the injured employee's regular job duties have to be adjusted to accommodate the nature of the injury. The injured employee should be able to perform without the added stress of injury. Before the employee starts his/her modified/transitional duty, the supervisor, the employee, and Return to Work Coordinator will discuss the modified/transitional duty. Work tasks and duties should be adjusted to meet the needs of the injured employee until he/she can return to his/her normal duties. Modified/transitional duty may be restricted up to 90 days, except where there are Americans with Disabilities Act implications.

If modified/transitional duty is required, there are several things to consider. First, depending on the normal work tasks and duties of the employee, the Return to Work Coordinator, in coordination with the supervisor, will try to find work for the injured worker. If modified/transitional duty is possible within the department, the employee will continue to work there. If modified/transitional duty is not possible within the employee's department, the Return-to-Work Coordinator will seek to find modified/transitional duty within another department. The Return to Work Coordinator will complete the transitional employment plan,

review it with the injured/ill employee and supervisor, obtain their signatures, and then submit it to the attending physician for approval. During transitional duty, the Return to Work Coordinator will meet with the injured/ill employee to discuss concerns and evaluate progress every month. This duty can be altered, upgraded, or changed in a manner consistent with medical restrictions and in accordance with an individual's improved condition. The Return to Work Coordinator will submit a supplemental report indicating this return to work to the WCP and also will notify Virginia Sickness Disability Program if applicable of the employee's return to work.

If the employee is not able to return to work because of the severity of the injury, the College will maintain on-going communication with the employee. The college will also communicate with the attending physician and provide him/her with information regarding the employee's position and the agency's return-to-work program in order to assist in returning the employee back to work. The supervisor will maintain communication with the Return to Work Coordinator and the injured employee. If it is determined that the employee has permanent restrictions that result in his/her inability to perform the essential functions of his/her primary position, the provisions of the Americans with Disability Act (ADA) and other applicable laws will be applied to determine suitability for employment.

Southwest Virginia Community College, along with the Worker's Compensation Program, will attempt to make the return to work process of the injured employee as smooth as possible. The College's goal is to get the employee back to work, full duty-full time, as soon as possible in a safe and healthy manner.

## **Parking**

Employees will be assigned parking areas by the Campus Police. All college employees must register their vehicles with the Campus Police and receive appropriate identification decals. Employees parking in unauthorized parking spaces will be ticketed. All traffic rules and regulations established by the Commonwealth of Virginia, and by the local jurisdiction, are enforced on College property and campus locations.

Official guests are permitted to park in any available guest space or where instructed by Campus Police.

Neither the College nor the Governing Board shall be responsible for damage to automobiles or other vehicles while parked or operated on college property.

## **POLICIES, PROCEDURES, AND GUIDELINES**

### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) gives civil rights protection to individuals with disabilities. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

Complaints by faculty/staff and applicants for employment should be addressed to the Human Resources Manager, who has been designated to coordinate ADA compliance efforts.

The complainant should file the complaint in writing, state his/her name and address, and briefly describe the alleged violation of the regulations or reason for the complaint. The complainant should file the complaint with 90 calendar days after he/she becomes aware of the alleged violation.

### **Guidelines on AIDS**

Because there is no evidence that the AIDS virus can be transmitted via work interaction, the state will not discriminate against applicants for employment or employees because they have AIDS or are suspected of having AIDS. Should an employee express concern about working with a co-worker who has AIDS, ARC, or HIV, or who is a member of a high-risk

group, the supervisor should arrange for that employee to talk with an expert resource to try to allay the concern.

If the employee is still concerned, the supervisor may assist the employee by rearranging the employee's work assignment based on the needs of the organization. The relevant issue is whether or not the infected person can perform the job.

The decision on whether and when to disclose the diagnosis to others rests solely with the employee. According to Virginia law, an employee's medical record is personal information, and such information, if in the possession of the employer, is not subject to mandatory disclosure under the Freedom of Information Act. The employer, because of the right of confidentiality, should not disclose the information to anyone without the consent of the employee and the primary care physician, or unless required for job-related reasons as determined, on a case-by-case, by the Commissioner of Health.

In all cases of illness, including AIDS, the employee's supervisor may not request or require a diagnosis of a particular illness, except as required to determine whether an employee is capable of performing the essential functions of a job without hazard to him or herself, fellow employees, or to process medical disability claims. To protect the health of state employees with AIDS or ARC, supervisors should tell the employee if it is believed the work environment has greater than normal risk of exposure to infectious agents, such as in certain laboratories, child care settings and in certain parts of the state's hospitals.

Special resources for information, advice and counseling are:

AIDS Hotline, VA Department of Health - Statewide Toll Free: 800/533-4148  
Spanish Speaking 800/322-7432

US Public Health Service Toll Free Hotline – 24 hours/day, 7-days/week: 800/342-AIDS

HIV/AIDS Support Services - Statewide Toll Free: 800/215-8121

## **Child Support Enforcement**

All Virginia employers are required to report new hires to the Department of Social Services, Virginia New Hire Reporting Center. New employees must complete the Child Support Enforcement form NVCC 105-117, which asks the employee if he or she is under an income withholding order for child support, and return it to the Human Resources Department with other forms required for employment.

## **College Crime Report and Safety**

In fulfillment of the U. S. Department of Education's regulations under the Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics relating to the Student Right-to-Know and Campus Security Act as set forth in the Higher Education Opportunity Act [Public Law 110-315].

SWCC provides its students, faculty and staff with an annual security report which is published on the web site at <http://www.sw.edu/Security/index.htm>. SWCC seeks to provide its students, faculty and staff with a safe place to learn and work. The College will prosecute violators of local, state and federal laws in appropriate state and federal courts.

**In an emergency** a student, faculty member, or staff member should use any of the following means to get help:

**Call Campus Police by dialing HELP (4357) on any Campus office phone or phone on any elevator. If you are outside a building, special HELP phones are located at:**

Armory (back door)

Buchanan Hall (back of building facing parking lot)

Buchanan Hall (middle of the parking lot)

Charles R. King Community Center (entrance to weight room)

Dickenson Hall (front entrance)

Dickenson Hall Parking Lot (middle of lot on student side of lot)

Davis Hall (front entrance)

Davis Hall Parking Lot (middle of lot)

Pavilion #4 near the Football Field

Physical Plant (front entrance)

Russell Hall (front entrance)

Tazewell Hall (entrance facing Buchanan Hall)

Your call will put you in radio contact with a campus police officer. **The Campus Police Office** is in the Physical Plant Building located on the lower level of the campus near the football field. **Campus Police are on duty seven days a week, twenty-four hours a day (24/7).**

**On-Campus Phone – Dial: HELP 4357**

**Call 911 (for emergency, life-threatening situations) On-Campus or Off-Campus OR contact any uniformed Campus Police officer.**

### **Employment of Relatives (Nepotism)**

An employee of the college shall not exercise any control over the employment or the employment activities of a member of the employee's immediate family and shall not be in a position to influence those activities. For purposes of this section, a member of the employee's immediate family shall be defined as any son, daughter, or spouse whether living in the employee's household or not. Son and daughter shall include those related by blood, marriage, or adoption. Also included in the definition, is any other person residing in the household of the employee who is a dependent of the employee or of whom the employee is a dependent. For example: a spouse of the president, or a member of the president's immediate family, shall not be employed by the college. The spouse of a dean, or a member of the dean's immediate family, shall not be employed in the area of responsibility of a dean.

Each community college is prohibited from employing for remuneration in any capacity whatsoever, either on a full-time or part-time basis, a member of the college's board, including the member's spouse or a member of the immediate family.

All personnel actions must be within the limits of the Virginia Conflict of Interest Act.

See Code of Virginia Section 2.2-3106

### **Background Check Policy**

The purpose of the Background Check Policy is to:

- promote a safe environment and protect the welfare of students, employees, and visitors to our campuses;
- protect organizational assets including people, property and information;
- verify the identity and credentials of applicants;
- perform due diligence in ensuring that we appropriately evaluate candidates' background and suitability for employment at SWCC;
- enable the College to make prudent hiring decisions based upon comprehensive job-related information

All new employees (full-time and adjunct teaching faculty, administrative/professional faculty, classified staff, and wage employees) and current employees who are hired into or transfer to classified, administrative/professional and teaching faculty positions at SWCC on or after July 1, 2007 are covered by this policy.

Employees rehired within 18 months of their last assignment are not required to undergo a background check if a check appropriate to the new position had been previously completed.

The minimum investigation will always include the following:

- Professional reference checks to verify the skills, past performance, and the candidate's potential and suitability for employment.
- A reference from the current (or most recent) supervisor is strongly preferred for applicants with work experience. If this is not feasible, reference from two former immediate supervisors should be obtained in addition to checks of other appropriate references.
- Verification of social security number.
- Virginia criminal history and sexual offender registry check.
- Verification of academic credentials and professional licensure, as appropriate for the position.

Reference and background checks should be completed prior to an offer of employment, however ***the applicant's first day of work in the position must not be prior to the satisfactory completion of appropriate checks.***

Some positions will require additional background investigations based upon the nature or importance of the position to the college and community. Reasons for additional checks include, but are not limited to, positions that handle significant financial transactions, security sensitive positions, executive positions, and other positions afforded a degree of special trust and confidence. Such checks may include the following:

- **Sensitive Positions:** In accordance with DHRM policy and Virginia Code, VA Code §2.2-1201.1, each agency must designate positions which are directly responsible for the health, safety, and welfare of the general populace or protection of critical infrastructures. These positions are required to have a Virginia criminal history and Federal Bureau of Investigation database check conducted through the Department of State Police. This check must also include fingerprinting.
- **Work and Residence History:** Candidates who have resided or worked in a state other than Virginia will undergo a criminal history check on the national level or in the communities where they worked and resided, as appropriate.

Such checks should be undertaken in addition to Virginia State Police criminal history checks.

- **Motor Vehicle History:** Motor vehicle record checks should be conducted for positions that involve the operation of a motor vehicle or heavy equipment, or that require a valid driver's or commercial driver's license. Such operators should have their motor vehicle records checked periodically to ensure that the employee maintains a good driving record.
- **Credit Check:** Positions requiring a credit check are those that have access to material levels of cash or negotiable securities; have responsibility or authority for the executive, approval or commitment of financial resources or transactions; responsibility for creating, collecting, or accounting for material levels of accounts receivables; have significant inventory control responsibilities, including the receipt and release of inventory; have access to, or responsibility for the payroll/personnel or purchasing systems, or privileged access to sensitive data or critical data processing systems; have unsupervised access to college, employee, or student property or master key access to facilities or have access to pharmaceuticals or other controlled drugs.
- **Fingerprint Check:** Fingerprint checks are required for all security positions, and information technology positions designated as security sensitive, consistent with the requirements of Code of Virginia §2.2-1201. Fingerprint checks may also be conducted for other positions designated as "sensitive" by the College or VCCS System Office.
- **Medical/Physical Evaluation:** A pre-employment, post-offer, or return-to-work physical may be required for positions that require a certain degree of physical exertion based upon the essential functions of the position in question, or medical qualification requirements (if applicable). Such requirements exist to ensure that applicants can perform the essential functions of the job with or without reasonable accommodation, or that they possess the minimum abilities necessary for safe and efficient performance of the duties that characterize the position.
- **Drug and Alcohol Testing:** In accordance with the Code of Federal Regulations, all drivers of vehicles requiring a Commercial Driver's License are subject to the pre-employment testing for controlled substances and reasonable suspicion, random, and post-accident, return-to-work, testing for the use of controlled substance (drugs) and alcohol.

### **Current Employee Responsibility to Report Convictions**

Current Employees must report to their immediate supervisor and Human Resources within five days:

- Any drug convictions they receive, whether they are felonies or misdemeanors.

- Convictions related to child molestation, indecency with a minor, or other sexual offenses.
- Convictions for alcohol related and serious motor vehicle violations, including but not limited to DWI/DUI, reckless driving, evading arrest, hit-and-run, and similar offenses if their duties involve the operation of college heavy machinery equipment or motor vehicles, life safety, or security.
- Any convictions involving financial impropriety or similar matters for employees who work in positions with fiduciary responsibilities.
- The System Office and College reserves the right to conduct a criminal background check when circumstances are identified that warrant further investigation for job-related convictions. Results of the background check will normally not affect opportunities for continued employment unless information discovered regarding prior or current convictions leads to a conclusion that the safety of students, clients, and/or co-workers may be compromised. The individual may be reassigned or his/her employment may be terminated.

### **College Responsibilities**

Job advertisements will announce and applicants will be advised that satisfactory reference and background checks are a condition of employment.

### **Use of Background Check Information**

The discovery of either a job-related conviction or falsified conviction information or other information on the applicant may result in denial of employment. A previous conviction does not automatically disqualify an applicant from consideration from employment.

- **Job Relatedness:** In making the determination of job-relatedness of convictions, consideration will be given to the nature, recency, frequency, severity, or the crime(s) and the age of the individual at the time the crimes were committed.
- **Other factors:** Other factors that will impact the decision include the nature of the position for which selected; the relationship that a conviction has to the duties and responsibilities of the position; whether the circumstances arose out of an employment situation; whether the conviction related to harm to other such as murder, rape, assault, domestic violence, etc.; the nature and scope of the position's fiduciary responsibilities; the nature and scope of the position's student, public, or other interpersonal contact; the nature and scope of the position's autonomy and discretionary authority; the sensitive nature of the data or records maintained or to which the position has access; the potential opportunity presented for the commission of offenses; the extent to which acceptable job performance requires the trust and confidence of the college or public; and other factors as deemed appropriate.
- **Withholding Conviction Information:** If an applicant fails to reveal any previous job-related conviction, he/she will likely be disqualified from employment in that or any other position with the VCCS for falsification of an application.

## **Maintaining Information**

Any information derived from reference or background checks shall be maintained in the strictest confidence possible. Only essential personnel involved in the hiring process shall be informed, on a need-to-know basis.

- The Human Resources Department will administer the gathering of this information, except in the case of Campus Police Officers and security positions, which pursuant to DHRM Policy 2.10 will be conducted by the Campus Police Department.
- The college must follow the guidelines of DHRM Policy 2.10 and the requirements of the Fair Credit Reporting Act, where appropriate, for conducting background checks.
- Information retained in personnel files shall be kept to a minimum, briefly identifying the outcome of the results. For individuals rejected, the file documents will indicate that the offer was retracted because of information obtained through a reference or background check. For the person hired, the file documentation would indicate that appropriate reference and background checks were conducted and revealed no problem areas related to employment.

## **Immigration Reform and Control Act**

The College is required to verify an employee's citizenship as a condition of employment. The process will verify an individual's eligibility for employment in the United States.

After accepting employment, new hires are required to complete an I-9 form and present documentation of their identity and eligibility to work in the United States. Southwest Virginia Community College will confirm identity and work authorization using the E-Verify system (*effective June 1, 2011*).

## **Methodology Employed**

The College will request that a person being hired produce documents to verify both identity and employment eligibility. The employee is required to fully complete Section I of the form at the time of hire – when the employee begins work. The following documents will satisfy this requirement.

- U. S. Passport (unexpired)
- Certificate of U.S. Citizenship (Form N-560 or N-561)
- Certificate of Naturalization (Form N-550 or N-570)
- Unexpired Foreign Passport, with I-551 stamp or attached Form I-94 indicating unexpired employment authorization
- Permanent Resident Card or Alien Registration Receipt Card with photograph (Form I-151 or I-551)
- Unexpired Temporary Resident Card (Form I-688)
- Unexpired Employment Authorization Card (Form I-688A)
- Unexpired Reentry Permit
- Unexpired Refugee Travel Document (Form I-571)

- Unexpired Employment Authorization Document issued by DHS that contains a photograph (Form I-688B)

If one of the previously referenced documents is not available, an applicant or employee must submit both a document verifying employment eligibility and a document establishing identity.

Documents that verify employment eligibility include the following:

- U.S. Social Security Card issued by the Social Security Administration (other than a card stating it is not valid for employment)
- Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
- Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
- Native American tribal document
- U.S. Citizen ID Card (Form I-197)
- ID Card for use of Resident Citizen in the United States (Form I-179)
- Unexpired employment authorization document issued by DHS (other than those listed under List A)

Documents establishing identity include the following:

- Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- ID card issued by federal, state, or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- School ID card with a photograph
- Voter's Registration card
- U.S. Military card or draft record
- Military dependent's ID card
- U.S. Coast Guard Merchant Mariner Card
- Native American tribal document
- Driver's license issued by a Canadian government authority

The supervisor or designee is responsible for completing Section II of the form within 3 business days of hire. Completed original forms are to be forwarded to the Human Resources Department.

### **Drug-Free Work Place Act**

Any employee who violates the Federal Drug-Free Schools and Communities Act and the Drug-Free Workplace Act is subject to the full range of disciplinary actions, including discharge, pursuant to applicable disciplinary policies, such as DHRM Policy 1.60, Standards of Conduct.

The following constitute a violation of this policy:

Unlawful or unauthorized manufacture, distribution, dispensation, possession or use of alcohol or other drugs in the workplace. The workplace consists of any state-owned, controlled or leased property, or the site where state work is performed.

Impairment in the workplace from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes.

A criminal conviction for:

Violation of any criminal drug law, based upon conduct occurring either on or off the workplace.

Violation of any alcohol beverage control law or law that governs driving while intoxicated based upon conduct occurring in the workplace.

An employee's failure to report the conviction to the supervisor in writing no later than five calendar days after such conviction.

The Commonwealth of Virginia has published its own policy on substance abuse. Each employee will be given a summary of this policy, Commonwealth of Virginia's Policy on Alcohol and other Drugs, and asked to sign a notice acknowledging receipt.

Refer to DHRM Policy 1.05, Alcohol and Other Drugs

## **Use of Telephone**

The telephone is an extension of your personality. The moment you lift the telephone receiver you are making an impression. If your voice is unfriendly, abrupt, or unpleasant, the caller pictures the college in the same light.

The college's telephones are provided for college employees to conduct the business of the college and to provide academic and administrative support services. Although it is understood that employees will sometimes need to make or receive personal and/or local calls, they should be kept at a minimum.

## **Publicity and News Releases**

The President of the College, the Public Relations Coordinator or other designated representatives are the only employees authorized to speak to the media. The Public Relations Office is responsible for the dissemination of information, publications, and news releases originating from the College.

## **Purchasing**

All purchasing must be done through procedures set by the college, the Virginia Community College System, and the Commonwealth of Virginia. Purchase requisition forms are located

on the server and can be downloaded. Each department may also have specific guidelines regarding purchasing approval. General questions regarding state purchasing requirements may be directed to the Business Office.

## **Equal Employment Opportunity Procedures**

### **EEO Policy**

SWCC is committed to providing equal employment opportunity for all employees and job applicants regardless of their race, color, religion, sex, age, marital status, national origin, citizenship status, disability, political affiliation, and veteran status. Equal opportunity extends to all aspects of the employment relationship including hiring, transfers, promotions, training, termination, working conditions, compensation, benefits and other terms and conditions of employment. SWCC complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of unlawful harassment, including sexual harassment.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission of such conduct is made, either explicitly or implicitly, a condition of employment; (2) such conduct has the purpose or effect of unreasonable interference with a person's job performance by creating an intimidating, hostile, or offensive working environment; or, (3) submission to rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

Harassment in any form is a serious offense that will not be tolerated in state employment. The Governor's Executive Order and DHRM's Policies and Procedures Manual set for the policy of the Commonwealth concerning unlawful discrimination

### **Violations**

It is unlawful to discriminate against any person based on race, color, religion, national origin, sex, age, marital status, citizenship status, disability, political affiliation, and veteran status. Supervisors or employees found to have engaged in unlawful discriminatory conduct or harassment are subject to immediate disciplinary action, including employment termination.

### **Sexual Misconduct Policy**

Sexual misconduct is reprehensible and will not be tolerated by SWCC. It subverts the mission and goals of the College and threatens the careers, educational experience, and well-being of students, faculty and staff. Sexual misconduct is a form of discrimination and relationships involving sexual misconduct have no place within the College. Sexual misconduct is destructive to individual students, faculty, staff and the academic community as a whole. When through fear or reprisal, a student, staff member, or faculty member submits, or is pressured to submit, to unwanted sexual attention, the entire College suffers.

While sexual misconduct most often takes place in situations of a power differential between the persons involved, the College recognizes that sexual misconduct may occur between

persons of the same status. Sexual misconduct may also occur between persons of the same sex. The College will not tolerate behavior between or among members of the College community that creates an unacceptable working or educational environment.

SWCC has defined physical and psychological abuse as misconduct, which is subject to disciplinary action. Allegations of sexual harassment, rape, acquaintance rape, and other forcible and non-forcible sex offenses are subject to disciplinary actions. This sexual misconduct policy applies to all employees and students. Where there is probable cause to believe that campus regulations prohibiting sexual misconduct have been violated by a student or employee, SWCC will pursue disciplinary action, which may include sanctions up to, and including dismissal from the College.

State regulations require all SWCC employees to treat seriously any allegation of a sex offense reported to them or face possible action by the College, if not a criminal action, which could lead to their suspension or dismissal.

If an incident occurs which is a violation of Virginia's criminal justice statutes, prosecution may be undertaken by the Commonwealth Attorney. If criminal justice authorities choose not to prosecute, the College can pursue disciplinary action. Students will be disciplined under SWCC's "Student Code of Conduct" as found in the SWCC Catalog and Student Handbook; faculty will be disciplined according to the SWCC Faculty Handbook, VCCS Handbook, and DHRM policies; and classified staff will be disciplined according to the Commonwealth of Virginia's Standards of Conduct.

If a student is involved in an incident with another student, the Dean of Student Development Services has jurisdiction over the incident.

If the student is involved in an incident involving a member of the faculty, a counselor, or others who work for the College, or if the incident involves two employees, the President has jurisdiction over the incident. Appeals can be made to appropriate authorities.

If a sexual assault occurs on SWCC's property or in connection with any College function, the College shall see that the victim's confidentiality is protected. The choice to speak to people, other than law enforcement authorities is up to the victim.

The victim has the right to:

Be treated with dignity, in a courteous and respectful manner.

Be protected from threats, intimidation, and harm.

Be informed concerning the criminal justice process.

Be informed of financial assistance and social services available.

Be notified of criminal court proceedings relating to his or her case.

In addition to, or in lieu of, rights above:

File a grievance within 30 days of the offense as outlined in the Grievance Procedure for State Employees, OR file a complaint with the Equal Employment Services of the Commonwealth Department of Human Resources Management within 180 days of the offense.

File a complaint with the Federal Equal Employment Opportunity Commission within 180 days of the incident.

Information on any of these procedures may be obtained from the Human Resources Office.

### **Accommodations for Religious Holidays**

Title VII of the Civil Rights Act of 1964, Section 703 (a)(1), prohibits discrimination on the basis of religion. Guidelines issued by the United States Equal Employment Opportunity Commission state that the requirement not to discriminate on religious grounds "... includes an obligation on the part of the employer to make reasonable accommodation to the religious needs of employees... where such accommodation can be made without undue hardship on the conduct of the employer's business." Such religious needs might include the need to observe certain religious holidays during the year, which are not included in the list of paid holidays provided to state employees.

To comply with the provision of the Civil Rights Act, when a religious holiday falls during an employee's workweek and the employee wishes to observe that holiday, state agency heads must make reasonable efforts to accommodate the employee's needs by allowing time off for the holiday. Only where undue hardship on the conduct of agency business would result can the employee's request for time off be denied. Undue hardships might exist, for example, where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence. The Equal Employment Opportunity Commission Guidelines provide that "... the employer has the burden of proving that an undue hardship renders the required accommodations to the religious need of the employee unreasonable."

### **Use of College Vehicles**

A fleet of State vehicles is available to serve the transportation needs of the campus. Vehicles may be checked out or returned during office hours, or at other pre-arranged times with Campus Police.

Reservations for pool vehicles should be made as early as possible to assure availability. First come/first served will be the process of assignment. Only a Vice President or the President may change the priority.

Individuals, including spouses and children, not employed by the College are not authorized to operate or to be a passenger in a State vehicle unless they are conducting official business.

Operators shall have a valid operator's license, and a good driving record. Motor Pool procedures along with prior supervisor approval must be completed before the trip. Trips out of state or overnight must have a Cost Estimate and Request for Travel Advance Form approved in advance of the trip. Call extension 7214 for reservations. A trip card must be signed when the vehicle is picked up.

The operator returns the vehicle to the Motor Pool lot. The ending mileage, date and time is recorded on the trip form along with any mechanical problems noted. The trip form, keys and any gasoline receipts are given to the Motor Pool office. After office hours, the keys and trip forms are placed in the key drop box located at the entrance to the Physical Plant.

In the event of an accident the following procedure is to be followed:

All Motor Pool vehicle accidents must be investigated by a Virginia State Police officer, regardless of damage.

Accidents outside of the State of Virginia must be investigated by the State Police Agency of that state.

Accident procedure instructions are outlined on an instruction card placed in the vehicle glove box. Campus Police are to be notified immediately when an accident occurs. Campus Police can be notified after hours at 276/964-7503. Depending upon the severity of the accident, Campus Police will notify the appropriate individuals.

The operator must notify the Campus Police office to complete an accident report. Failure to do so may result in disciplinary action.

College vehicle claims are handled by the Risk Management Office.

## **Computer Services**

### **Software Privacy Laws**

Educators have a valid need for quality software and reasonable prices. However, we also need to face the legal and ethical issues involved in copyright laws and publisher license agreements; and we must accept the responsibility for reinforcing adherence to these laws and agreements. The SWCC Policy on Software Copyright provides information regarding software copying and usage. Questions regarding interpretation of this policy should be directed to the Information Technology Manager.

### **Use of Internet & Electronic Communication Systems**

SWCC provided computer systems and other State systems are the property of the Commonwealth and are provided to facilitate the effective and efficient conduct of State business. Users are permitted access to the Internet and electronic communication systems to assist in the performance of their jobs.

No user should have any expectation of privacy in any message, file, image or data created, sent, retrieved or received by use of the Commonwealth's equipment and/or access. All state agencies have right to monitor any and all aspects of their computer systems including, but not limited to, sites, instant messaging systems, chat groups, or news groups visited by agency users, material downloaded or uploaded by agency users, and e-mail sent or received by agency users. Such monitoring may occur at any time, without notice, and without the user's permission.

In addition, electronic records may be subject to the Freedom of Information Act (FOIA) and, therefore, available for public distribution.

The conduct of computer users who access the internet and send e-mail containing the college's domain address may be perceived as reflecting on the character and professionalism of the college. When engaging in such conduct, employees are expected to do so in a responsible and professional manner.

Additional information regarding this policy may be found in DHRM Policy No. 1.75 dated 3/17/11.

### **Copyright Policy**

Photocopying of copyrighted materials is regulated by Title 17 of the U.S. Code, Public Law 94-553, 90 Stat. 2541 -- often called the "Copyright Law."

SWCC's policy regarding reproduction of materials that hold a copyright is to comply with the regulations specified in the "Fair Use" Guidelines.

### **Gifts, Gratuities, Rewards**

State employees are in a position of public trust and, therefore, cannot accept gifts, gratuities, favors, or rewards for any service performed in connection with employment at SWCC. In addition, it is unlawful for employees to solicit, offer, or accept money or anything of value in exchange for an appointment, promotion, or special privilege with Southwest Virginia Community College or with any other state agency.

### **College Policy on Political Activities**

The Virginia Community College System recognizes and encourages the exercise of the right of VCCS employees, as citizens, to engage in political activities on their own time.

Should a staff member campaign for or be elected to local, state, or federal office, it is necessary that the individual give assurance to the President, who will in turn give assurance to the Chancellor and the State Board for Community Colleges that the individual's duties in the System are being carried out fully and with no diminution of effectiveness caused by absences that might be required as a public official.

**In conformance with the foregoing policy, the following guidelines cover political activities of staff members:**

Faculty or staff members should, as a matter of courtesy, notify the President of the college of their intent to seek public office or to accept an appointment to public office prior to the time such information is made public through notices of the press or other media.

If staff members are elected or appointed to local, state, or national office, they must understand that their first and primary responsibility is to their position with the college.

If faculty or staff members choose to seek public office, the campaigning must be done on their own time and without taking advantage of any resources or settings directly involving the institution. Candidates must be ready to assure their constituents that their candidacy is not subsidized by public funds.

When a staff member is elected or appointed to public office and assignments conflict with institutional duties, the member would first be required to take available annual leave or compensatory leave. If no annual or compensatory leave is available, then the staff member should request leave without pay subject to existing rules and policy. If leave without pay is not appropriate, the member should resign from the college.

**Outside Employment**

No employees shall engage in any other employment, or in any private business, or in the conduct of a profession during the hours for which they are employed to work for the state, nor outside such hours in a manner or to an extent that affects, or is deemed likely to affect, their usefulness as an employee of the Commonwealth.

Any employees of the college who engage in such employment, business, or profession outside of their hours of duty shall notify the President or their Vice President of the nature and extent of such outside employment.

**Threat Assessment Team (TAT)**

It is the goal of the Threat Assessment Team (TAT) to provide a safe campus environment for students, faculty, staff, alumni and visitors. The TAT will take preventive measures to identify, assess, and intervene in situations that pose a threat to the safety of the campus community. The TAT is composed of campus members in accordance with the Code of Virginia, § 23-9.2:10.

**Workplace Violence Policy**

In accordance with DHRM Policy 1.80 Workplace Violence, it will be the policy of SWCC to follow the DHRM guidelines along with the steps outlined in the SWCC Emergency Plan developed by the Risk Manager with input from campus constituents. The Risk Manager is designated by the President as the Workplace Violence Coordinator in accordance with DRHM Policy 1.80.

Workplace violence can be expressed in many ways, and it is the policy of SWCC to prohibit all such conduct. Any such conduct will not be tolerated and perpetrators of this conduct will be subject to disciplinary action up to and including discharge, and may be subject to criminal charges if circumstances warrant.

As part of the annual review of the SWCC Emergency Plan, the Threat Assessment Team (TAT) will review occurrences of workplace violence. The annual review will include a threat assessment. The Emergency Plan includes, as part of the post-incident analysis, a review/evaluation of any related incident by the TAT. The TAT will make recommendations/revisions/additions to the emergency plan. In addition, comments will be solicited from faculty, staff, and students.

The campus maintains a HELP line for faculty, staff, students, visitors, or others to notify Campus Police of an emergency. All incidents of Workplace Violence should be reported immediately to Campus Police. In the case of a serious incident requiring campus wide action the Emergency Command Center will be activated. The following individuals may be requested in the SWCC Emergency Command Center: President or designee, Emergency Coordinating Officer (Risk Manager), Vice-Presidents, Campus Police, Facilities Manager, Information Technology Manager, Human Resources Manager, and any other employees as determined by the President.

## **Weapons Policy**

SWCC and the Virginia Community College Systems Office prohibits threats and acts of violence on college property, within college/system office facilities, at any college/system office-sponsored event; while engaged in college/system office business, educational, or athletic activities; and while traveling in state vehicles.

### Prohibited conduct includes but is not limited to:

Possessing, brandishing, or using a firearm, weapon, or other device by faculty or staff that is not required by the individual's position while on college/system office property or engaged in college/system office business; or in violation of law or other college/system office policy, except where the employee is a law enforcement professional.

Brandishing, using, or possessing a weapon without a permit to carry a concealed weapon by third parties while on campus in academic or administrative buildings, or while attending a sporting, entertainment, or educational event, when specifically asked by the college to agree not to possess a weapon as a condition of attendance. This provision does not apply to law enforcement personnel.

Brandishing or using a weapon by third parties with a permit to carry a concealed weapon while on campus in academic or administrative buildings, or while attending a sporting, entertainment or educational event, when specifically asked by the college to agree not to possess a weapon as a condition of attendance. This provision does not apply to law enforcement personnel.

Refer to VCCS Policy 3.14.6 Workplace Violence Prevention and Threat Assessment

### Consequences of Policy Violations:

Employees violating this policy will be subject to disciplinary action up to and including termination and criminal prosecution using existing policies and procedures including Section 3 of the VCCS Policy Manual or DHRM Policy 1.60, Standards of Conduct. Additionally, employees who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued employment, to participate in a mental health evaluation as part of a threat assessment process, and receive approval from the mental health evaluator that they are not a risk to themselves or others.

### **Public Health Emergency**

The college's policy is to protect the health of faculty, staff, students, and other college constituents and to provide continuity of services to the college's service region during times of pandemic illness. The college will follow guidance as provided by the Director of DHRM and under DHRM Policy Number: 4.52. This policy can be partially or fully implemented upon declaration of a Communicable Disease of Public Health Threat, in anticipation of Exceptional Circumstances, or in response to a specific incident.

Upon the State Health Commissioner's determination of the existence of Exceptional Circumstances relating to one or more persons within the Commonwealth who are known to have been exposed to or infected with a Communicable Disease of Public Health Threat, but prior to any formal declaration or emergency closing decision, the college will apply the following procedures:

- The college will remain open for business. All employees are expected to report to work as usual.
- The college will review the Continuity of Operations Plan (COOP) and revise as necessary in anticipation of widespread staffing deficiencies.
- Employees will be provided a copy of the DHRM Public Health Emergency Leave Policy.
- Employees will be reminded of their status as either an essential or non-essential personnel designation.
- The college will communicate with employees in a timely manner to ensure that employees are aware of the status of public health concerns, the college's COOP requirements, and the college's efforts to reduce the spread of, or exposure to, infection, and applicable human resources policies.
- Employees will be compensated according to established compensation policies and overtime regulations.
- Those employees with telecommuting work agreements will be encouraged to work off site to reduce the risk of exposure.
- Employees may be temporarily reassigned to minimize critical staffing deficiencies in accordance with employees' qualifications and training.

The college will maintain communications with the Cumberland Plateau District Health Department and follow their guidelines for health related recovery procedures in the college's service region. Employees will be expected to report to work as usual unless ill or as

otherwise directed by the Governor, college president, or the State Health Commissioner. Failure to report to work or to perform assigned duties may result in disciplinary action.

If the Public Health Threat requires the closing of the college, employees will follow the college's emergency closing procedure.

## **CODE ADAM**

The 2003 session of the Virginia General Assembly passed legislation mandating the implementation of a Code Adam policy and procedure in every building owned or leased in the Commonwealth of Virginia (no exceptions). This program's success will be based on everyone doing their appointed task. We must use the resources that we already have to implement this program. The purpose of Code Adam is to prevent and/or find a lost or missing child or young adult. Time is of the essence and is very critical. After all, the safe return of a child to their parents is our ultimate goal.

Code Adam is a program that is named after a 6 year old boy who was left alone in a Sears Electronic department store in Florida, by his mother while she went to purchase a lamp. When she returned a few minutes later, 6 year old Adam Walsh was nowhere to be found.

Most major department stores, Wal-Mart, Kmart, and Target, were the first of several businesses to enact this program, with Wal-Mart being the front-runner in setting it up. The procedures we are going to use are being adopted or patterned after Wal-Mart's procedures.

### **The procedure:**

- When a child or teen is reported missing on campus at SWCC, the first and immediate step taken is to get the word out. Any college employee can call the Campus Police or ECO and initiate Code Adam. Good communication is critical for this action. A completed description of the child and possible abductor will be issued as soon as possible.
- The next step is to have all faculty and staff report to their nearest exit and begin to monitor that exit for any suspicious person and to look for the missing child. No matter what building you are in, no exceptions can be made. The key to the success of this program is an immediate response by all faculty and staff.
- Building Wardens will assign the faculty and staff in their respective areas to either monitor the exits or to actively search specific areas for the missing child. This will take a cooperative and serious effort of all involved.
- Building Wardens will be in contact with each other and will relay information to Campus Police and Maintenance personnel.

- Campus Police will have the entrances to the college blocked; Maintenance personnel will be in the parking lots so a cooperative effort inside cannot be stressed enough. When the missing child is located, the announcement of the cancellation of Code Adam will be given.

**Specific duties:**

- Building Wardens will direct faculty and staff to secure exits or search specific areas for the missing person. They will assign zone wardens to oversee certain zones in the search. They will also aide in the relaying of information and will be in charge of their respective area.
- Zone Wardens will oversee the search of a specific area of a building assigned to them by the Building Warden.
- Faculty and staff will secure and observe all exits and will actively search their assigned area. They will assist the Building Warden and physically carry information in the event a cell phone or radio is not available.
- Campus Police will immediately block the entrances to the college. They will also aide in relaying information to the local police agency. They will keep the Vice President of Financial and Administrative Services informed of the progress of the search by cell phone. They will also complete an Incident Report.
- Maintenance will search the grounds of the campus to include the parking lots. They will be assigned specific areas by the Facilities Manager. They will assist in the relay of information via radio.
- Campus Police will be responsible for contacting the National Center for Missing and Exploited Children at 800/THE-LOST and coordinating communication between all parties involved.
- The Public Relations Coordinator will be the official media spokesperson for the College and will keep the President and Vice Presidents informed of the progress of the search.
- Students will remain in their respective classroom and stay there until the search has concluded.