

SECTION 2

Human Resources Related Policies

2.0 Kentucky Community and Technical College System Employment

With the establishment of the Kentucky Community and Technical College System through the *Kentucky Postsecondary Education Improvement Act of 1997* (in sections of KRS Chapter 164), KCTCS is authorized to employ individuals in furtherance of its mission. The KCTCS President is authorized to promulgate administrative procedures to implement this policy.

2.0.1 Employment Status Categories

Employment status determines an employee's right to continued employment with KCTCS. Based on the process by which the faculty or staff member is employed, the employee has a designated employment status, and/or the right to earn a designated employment status.

KCTCS recognizes seven (7) employment status categories:

A. Faculty Tenured Employment Status

The Board of Regents may grant tenure to faculty upon recommendation by the President of KCTCS and the Chancellor. Tenure for faculty when granted by the Board of Regents in accordance with the Kentucky Community and Technical College System procedures shall be in KCTCS and not at the individual educational unit of the KCTCS colleges. Faculty members who have earned tenure under UKCCS or KCTCS have tenured employment status at KCTCS. The terms of employment are specified in the faculty member's contract.

B. Faculty Tenure-Track Employment Status

Faculty members working to earn tenured employment status while in a tenure-track (tenure-eligible) position are issued a tenure-track contract and have tenure-track employment status at KCTCS. The terms of employment are specified in the faculty member's contract.

C. Term Contract Employment Status

Faculty who are employed in a non-tenure-track position are issued a term contract and have term contract employment status. Staff may be issued a term contract and have term contract employment status. Faculty and staff who are employed through a term contract are not eligible to earn KCTCS continued employment status and are subject to the employment terms specified in their contract.

D. Continued Employment Status

Prior to July 1, 2003, newly hired regular status non-contract faculty earned "continued employment status" under the KCTCS personnel system after the Introductory Period was satisfactorily completed. Regular status non-contract staff earn "continued employment status" under the KCTCS personnel system after the Introductory Period is satisfactorily completed. Former UKCCS non-contract staff who exercise the one-time option into the KCTCS personnel system are granted continued employment status.

E. Continuing Employment Status

Former 151B faculty and staff who earned “continuing employment status” under KRS Chapter 151B retain continuing employment status following their transfer to KCTCS under KRS 164.5805, including those who exercise the one-time option into the KCTCS personnel system.

F. “Status” Employment Status

Former 18A staff who earned “status” employment status under KRS Chapter 18A retain “status” employment status following their transfer to KCTCS under KRS 164.5805, including those who exercise the one-time option into the KCTCS personnel system.

G. “At Will” Employment Status

Temporary status non-contract employees shall have “at will” employment status. Regular status less than full-time non-contract employees who are hired on or after July 1, 2004, shall have “at will” employment status. Former UKCCS non-contract staff retain their employment “at will” status following their transfer to KCTCS under KRS 164.5807. For employees under the KCTCS personnel system who are subject to the Introductory Period, they have “at will” employment status during the course of the Introductory Period.

2.0.2 Employee Rights

Employees hired after the establishment of KCTCS are governed by the KCTCS personnel system rules. Employees who were transferred to KCTCS pursuant to KRS Chapter 164 are referred to in KCTCS policies and procedures as “former UKCCS employees” and “former KRS 151B/18A employees,” respectively. Former UKCCS employees transferred to KCTCS pursuant to KRS 164.5807 retain coverage under the personnel rules in the University of Kentucky administrative regulations. Former UKCCS employees with tenure shall retain their tenure. Former 151B/18A employees retain coverage under the applicable personnel rules in Titles 101 and 780 of the Kentucky Administrative Regulations that were in effect on June 30, 1998, and adopted by the KCTCS Board of Regents pursuant to KRS 164.5805(1)(e). Former 151B employees with “continuing employment status” shall retain their “continuing employment status.” Former 18A employees with “status” as their employment status shall retain their “status.” These transferred employees have the right to exercise a one-time option into the KCTCS personnel system. All employee grievances and appeals shall be under the rules provided by the KCTCS policies and procedures.

KCTCS employees under the University of Kentucky administrative regulations who accept other positions in any KCTCS college after June 29, 2001, retain coverage under University of Kentucky administrative regulations until they elect to be covered by the KCTCS personnel system. Former Cabinet for Workforce Development employees who accept other positions in any KCTCS college after June 29, 2001, retain coverage under applicable provisions of Titles 101 and 780 of the Kentucky Administrative Regulations that were in effect on June 30, 1998, until they elect to be covered by the KCTCS personnel system. The employee’s option into the KCTCS personnel system shall be in writing and may be exercised at any time to be made effective on the first day of the applicable pay period.

KCTCS BOARD OF REGENTS POLICIES

Positions in the KCTCS System Office shall be positions under the KCTCS personnel system; therefore, employees who choose to accept KCTCS System Office positions shall be governed by KCTCS personnel system policies.

No one other than the KCTCS Board of Regents may alter or modify Board policies. No one other than the KCTCS President may alter or modify administrative policies and procedures. Any alteration or modification of policies must be in writing.

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(SIGNED)	9-25-09	(SIGNED) 9-25-09
_____ Chair, Board of Regents	_____ Date	_____ President, KCTCS Date

2.1 Kentucky Community and Technical College System Definition of Faculty, Faculty Rank, and Faculty Titles

The faculty is comprised of all employees holding faculty rank. Specific employment status categories are described in Board of Regents Policy 2.0.

2.1.1 Definition of Faculty, Faculty Rank, and Faculty Titles

The Faculty of a college shall consist of the following: full-time ranked faculty who teach; full-time ranked librarians; full-time ranked counselors; and other full-time personnel who have faculty rank, tenure, or faculty contract status in the college.

All other administrative or professional personnel shall be considered non faculty in terms of this policy.

Within the limits established by the Kentucky Community and Technical College System Procedures and the *Rules of the Senate*, the faculty members of each college shall determine the educational policies of that college.

A ranked faculty member is a full-time employee of the college who has been appointed to a regular academic rank: Instructor, Lecturer, Assistant Professor, Associate Professor, or Professor; and others that are equivalent to the recognized ranks.

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(SIGNED)	9/19/14	(SIGNED)	9/19/14
_____ Chair, Board of Regents	_____ Date	_____ President, KCTCS	_____ Date

2.5 KCTCS President’s Performance Review

In accordance with the statutory authority of the Commonwealth of Kentucky, the Board of Regents of KCTCS shall exercise jurisdiction over KCTCS. This policy establishes the personnel rules for the annual performance review of the KCTCS President by the Board of Regents.

The purpose of the President’s annual performance review is to assess the individual performance of the President, the effectiveness of the President’s leadership of the System, and the President’s commitment to the progress of the System.

The performance review shall include the following elements:

1. An established performance review period;
2. An established performance review schedule that indicates the manner and timeline for the presentation of performance and assessment data;
3. The President’s assessment of his or her accomplishments, progress in established performance objectives, and satisfaction of job duties and responsibilities; and
4. The Board’s assessment of the President’s accomplishments, progress in established performance objectives, and satisfaction of job duties and responsibilities.

The Board of Regents shall establish process and procedure for implementing the requirements of this policy.

<u>6-10-05</u> Date Approved by KCTCS Board of Regents	<u>9-18-15</u> Date of Last Review	<u>6-10-05; 9-18-15</u> Date of Last Revision <i>(Include all dates in chronological order)</i>	
<u>(SIGNED)</u> Chair, Board of Regents	<u>9-18-15</u> Date	<u>(SIGNED)</u> President, KCTCS	<u>9-18-15</u> Date

2.8 KCTCS Employee Separation

At times, it may be necessary for KCTCS or individual employees to initiate a separation of their employment. In addition to KCTCS policies and procedures, separation actions are governed by the employee's personnel system. To protect the interests of both parties, the KCTCS Board of Regents authorizes the KCTCS President to set forth categories of separation and the policies and procedures related to each category identified below.

2.8.1 Non-Renewal of Appointment

Term contract employment shall end upon the expiration of the stated term as specified in the contract, without additional notice. For *initial tenure-track appointments on or after July 1, 2005*, notice deadlines for non-renewal of appointment, including subsequent appointments, shall be at least ninety (90) calendar days before the period of appointment ends. For *initial tenure-track appointments prior to July 1, 2005*, notice deadlines for non-renewal of subsequent appointments shall be as set forth in the initial appointment forms. Colleges shall comply with the minimum standards set forth in KCTCS administrative policies and procedures for the deadlines for providing written notice to inform faculty of non-renewal of appointment.

2.8.2 Termination

Employees may be terminated for violations of applicable laws, policies, procedures, and regulations governing KCTCS employees.

Employees with faculty tenured employment status, faculty tenure-track employment status, term contract employment status, continued employment status, continuing employment status, and "status" employment status, are ensured that any disciplinary action taken against an employee, including termination, shall be for just cause and the employee shall have due process rights. "Just cause" means there is proper and sufficient reason for disciplinary measures.

Except in cases of financial emergency, the termination of a regular faculty appointment shall, in accordance with KRS 164.360, be for reasons of incompetency, neglect of or refusal to perform duties, or for immoral conduct. For regular staff employees just cause includes, but is not limited to, unsatisfactory work performance relative to performance expectations, misconduct, or violations of any of the workplace rules, policies, or regulations contained in the *KCTCS Policy Manual* or any of the policies, procedures, or regulations applicable to the employee.

Employees with "at will" employment status may be terminated with or without cause.

KCTCS BOARD OF REGENTS POLICIES

The KCTCS President is authorized to promulgate administrative procedures to implement this policy. Appropriate procedures shall be followed to implement a faculty or staff termination as specified in *KCTCS Administrative Policies and Procedures* regarding termination. The employee's employment status determines the procedures by which a termination shall occur.

2.8.3 Resignation

Employees in all employment status categories shall provide the proper notice of resignation as specified in *KCTCS Administrative Policies and Procedures* in order to not adversely impact KCTCS operations.

2.8.4 Retirement

Eligible KCTCS employees in all employment status categories may retire in accordance with the applicable retirement plan's policies and procedures. Proper notice of retirement shall be given according to *KCTCS Administrative Policies and Procedures* and the applicable retirement plan.

4-30-99

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KCTCS Board of Regents

3/11/05

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4/30/99; 3/11/05

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*(Include all dates in
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(SIGNED)

Chair, Board of Regents

3/11/05

Date

(SIGNED)

President, KCTCS

3/11/05

Date

**2.11.4 Kentucky Community and Technical College System
Policy on Salary Supplements* to KCTCS Employees
from Outside Sources**

KCTCS recognizes that the Board of Regents, in order to carry out its responsibilities, has been statutorily delegated the exclusive jurisdiction over salaries and compensation of KCTCS employees; and furthermore, that the Board of Regents is statutorily mandated to periodically evaluate the progress of every institution in KCTCS toward its mission and goals; and, in addition, that the Board of Regents has the statutory responsibility for holding officers and officials accountable for institutional missions and for progress on goals and objectives that are in accordance with the strategic agenda of each institution.

In order to fulfill its statutory duties and responsibilities, the Board of Regents reserves the right to review and approve all supplementary salary and compensation offered or provided to KCTCS employees by persons or entities outside KCTCS. From time to time, the Chair of the Board of Regents may, at his/her total discretion, call upon the KCTCS President to provide complete salary and compensation information regarding one or more KCTCS employees. This information may be evaluated by the Board to determine whether the salary supplements provided to KCTCS employees by outside persons or entities enhance progress toward the mission, goals, and objectives within the strategic agenda of the college and KCTCS. If the Board of Regents finds that the additional salary and compensation being received or offered is not enhancing progress and presents a true conflict of interest, then the Board may direct that the additional salary and compensation from the outside source or sources be forsaken by the employee. This policy shall not be used to force forfeiture of all additional salary and compensation paid to employees from outside sources. Salary supplements, which are deemed by the Board to benefit KCTCS in the furtherance of the approved institutional mission, goals, objectives, and strategic agenda, without a true conflict of interest, shall be approved by the Board of Regents.

* Salary Supplement -- Compensation under the Internal Revenue Code that must be included as gross income on individual tax returns and is compensation in addition to salary or compensation offered or received by a KCTCS employee for performance of his or her duties for KCTCS.

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(SIGNED)

Chair, Board of Regents

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Date

(SIGNED)

President, KCTCS

2.15.1.2.1 Policy on Dues Deduction

The Kentucky Community and Technical College System (KCTCS) may allow professional dues payment for employee membership organizations through the payroll systems, provided that the process does not pose an undue administrative burden on system operations. Employee membership organizations must register with KCTCS and be approved by the KCTCS President in order to be considered for employee dues deduction.

The President is authorized to develop appropriate procedures, costs, and criteria in order to implement the policy delineated above.

5-20-98

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KCTCS Board of Regents

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*(Include all dates in
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(SIGNED)

Chair, Board of Regents

5-20-98

Date

(SIGNED)

President, KCTCS

2.16 KCTCS Personnel Dispute Resolution

2.16.1 Informal Personnel Dispute Resolution Procedure

KCTCS firmly believes in openly communicating issues that affect employees and the work environment. Accordingly, KCTCS encourages employees to bring an issue or dispute with a coworker to discuss that issue or dispute directly with that individual. If a resolution is not reached, employees shall arrange a meeting with their immediate supervisor to discuss any concern, problem, or issue that arises during the course of employment. Any information discussed in such meetings is considered confidential to the extent possible. Retaliation against any employee for appropriate usage of open communication channels is prohibited. It is counterproductive to a harmonious workplace for employees to create or repeat rumors or office gossip. It is more constructive for an employee to consult his/her immediate supervisor immediately with any questions. Supervisors have the responsibility to respond promptly to these questions.

All members of the faculty and staff of the Kentucky Community and Technical College System have full rights of communication with administrative officers of the Kentucky Community and Technical College System and Board of Regents through established administrative channels. KCTCS faculty and staff shall send official recommendations and communications to their immediate supervisor. The immediate supervisor, when requested, shall transmit these recommendations or communications, with any comments and recommendations, to the next higher supervisor.

2.16.2 Formal Personnel Dispute Resolution Procedures

All members of the faculty and staff of the Kentucky Community and Technical College System are entitled to appeal any decision affecting terms of their employment by the Kentucky Community and Technical College System through regularly established channels. The Kentucky Community and Technical College System policies and procedures in no way limit the KCTCS President from communicating with members of the faculty and staff, nor do they prevent communication among members of the faculty, staff, administrative officers and the Board of Regents for purposes other than the submission of official recommendations and communications.

In accordance with KRS 164.586, the KCTCS Board of Regents has established a personnel dispute resolution system that is available to all employees. The personnel dispute resolution system includes appeal processes through the faculty KCTCS Senate Advisory Committee on Appeals, the KCTCS Complaint Resolution Procedure, and the KCTCS Independent Third Party Appeal Process.

KCTCS BOARD OF REGENTS POLICIES

For faculty appeals related to termination and the procedures used in the promotion process, a faculty member may submit an appeal to be heard by the faculty KCTCS Senate Advisory Committee on Appeals.

The KCTCS Complaint Resolution Procedure is a multi-stage appeals process available for designated types of complaints by faculty and staff, beginning with a review by the employee's immediate supervisor and may progress through established administrative channels. Through the Complaint Resolution Procedure an employee shall make an oral complaint concerning a violation, misinterpretation or improper application of a specific personnel statute, regulation, safety procedure or policy.

The KCTCS President is authorized to promulgate formal complaint and appeals procedures to comply with KRS 164.586.

After completion of the appeals processes through the faculty KCTCS Senate Advisory Committee on Appeals or the KCTCS Complaint Resolution Procedure, employees may access the KCTCS Independent Third Party Appeal Process for designated types of complaints, as defined in the KCTCS Board of Regents policies regarding the independent third party appeal process.

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Chair, Board of Regents

6-10-05

Date

(SIGNED)

President, KCTCS

6-10-05

Date

2.16.3 KCTCS Independent Third Party Appeal Process

In accordance with KRS 164.586 the Board of Regents established a personnel dispute resolution process that results, in the final stage, in an independent third party appeal available for all employees of the Kentucky Community and Technical College System.

Appealable complaints under the Independent Third Party Appeal Process are allegations that a formal, documented adverse employment action taken for misconduct, which resulted in a reduction of earnings, was improper or inappropriate or was taken for reasons which constitute statutorily prohibited discrimination against members of a protected class of which the employee is a member. Appealable complaints include actions to terminate a faculty member or the college president/ceo for reasons of incompetence, neglect of or refusal to perform assigned duties, or for immoral conduct.

Decisions to terminate employees still in their introductory period are not appealable under the Independent Third Party Appeal Process.

"Independent third party" is defined as a neutral party not representing either the employee or KCTCS, the employer. The choice of this independent third party must be conducted in a manner to ensure independence.

An employee may request redress for an appealable complaint through this process provided that the employee has completed the appropriate appeal process, either through the faculty KCTCS Senate Advisory Committee on Appeals or the KCTCS Complaint Resolution Procedure, and received a final decision. The request for an Independent Third Party Appeal Process shall be filed within thirty (30) calendar days of the rendering of the final decision.

At this stage, the employee may choose either the KCTCS Independent Third Party Appeal Process or relief through the courts, but not both.

Any appealable complaint shall be settled through an independent third party appeal process such as the process used by the American Arbitration Association. The first step in an independent third party appeal process will be to determine if the appeal is within the definition of an appealable complaint. Professional fees and expenses of the third party hearing an appeal shall be shared equally by KCTCS and the appellant employee, with the employee share limited to 5% of the employee's annualized gross income from work at KCTCS. Each party pays for its own cost of representation.

KCTCS BOARD OF REGENTS POLICIES

For faculty termination appeals, the independent third party appeal process hearing is held on behalf of the KCTCS Board of Regents. Following the hearing and a decision by the Independent Third Party Appeal Process hearing officer, the KCTCS Board shall make the final decision regarding the appeal.

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(SIGNED) _____ Chair, Board of Regents	6-10-05 _____ Date	(SIGNED) 6-10-05 _____ President, KCTCS

2.17 Independent Third Party Appeal Process for Academic Governance Issues

Tenure denials and decisions not to renew or extend faculty employment contracts* are matters of academic governance, and therefore related appeals will be handled using a panel of academic experts in an independent third party appeal process. Once a final decision regarding a tenure denial or a decision to not renew or extend a faculty employment contract is rendered under the appropriate process, the faculty member has thirty (30) calendar days to submit a written request to the KCTCS President for an independent third party appeal. An independent third party appeal process shall be provided by a panel of academic experts who are appointed by the KCTCS President from outside KCTCS. The panel shall examine the record to determine whether the appellant received process that is due under rules adopted by the Board of Regents or its designee regarding the process for making decision about tenure denials and non-renewal of contracts. The panel shall make and report a finding to the KCTCS President as soon as practicable whether the appellant received due process that is specified under the rules. The decision of the KCTCS President (as the Board of Regents' designee) shall be final and shall be presented to the Board of Regents for ratification. Board of Regents' actions on tenure and contract renewals are final.

*This policy is applicable to appeals related to decisions regarding faculty term contracts only in cases of academic freedom issues.

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<u>(SIGNED)</u> Chair, Board of Regents	<u>6-10-05</u> Date	<u>(SIGNED)</u> President, KCTCS

**2.18.7.1 Kentucky Community and Technical College System
Policy on Continued Employment Status**

KCTCS employees to whom the Introductory Period policy applies (those KCTCS employees who are not governed by employment contract, tenure contract, or superceding predecessor personnel system rules) may earn continued employment status. This status means that disciplinary actions shall be for just cause.

The President of KCTCS shall issue administrative procedures to implement this policy.

4-28-00

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(SIGNED)

4-28-00

(SIGNED)

4-28-00

Chair, Board of Regents

Date

President, KCTCS

Date