

MAINE COMMUNITY COLLEGE SYSTEM

**PERSONNEL AND EMPLOYEE RELATIONS
Section 403**

SUBJECT: CONFIDENTIAL EMPLOYEES: GENERAL

PURPOSE: To establish a policy governing employment of confidential employees

A. Introduction

The Maine Community College System employs persons who are not represented through collective bargaining. These employees are confidential employees. They are responsible for managing the System, establishing policy, and providing support service to management employees.

B. Employment at Will

Confidential employees are employees "at will." Either the employee or the System may terminate the employment relationship at any time for any reason(s) as long as the reason(s) does not violate the law.

C. Appointment

Confidential employees shall receive, at the time of their initial appointment, a letter from the applicable appointing authority, including information such as:

1. Title of position;
2. General duties to be performed;
3. Starting date of employment and ending date of employment (if any); and
4. Other terms of employment (if any).

All employment of such persons is for an indefinite term unless otherwise explicitly stated. Subsequent reappointment of such persons on a periodic basis, in order to continue their employment, is unnecessary.

D. Reclassifications

Classification and reclassification are the assignment or reassignment, respectively, of a position or group of positions to an occupational classification which is appropriate for compensation and employment purposes. Requests for classification or reclassification actions shall be initiated by the requesting confidential employee by submitting to the supervisor a completed job analysis form signed and dated by the employee. The supervisor shall review the request and forward it to the president for signature, who will then forward it to the System human resources department for review. The System Office shall respond with a determination to the employee within sixty calendar days.

E. Resignation

A confidential employee may resign in good standing by giving written notice to the president at least thirty calendar days in advance of the effective date of employee's resignation. Resignations shall take effect when accepted and, once accepted, may not be rescinded without consent of the college or System president.

F. Termination of Appointment

Confidential employees serve at the discretion of the Maine Community College System Board of Trustees and their designees, and such employees may be terminated at will and at any time with or without cause.

G. Appeal of Termination of Appointment

A confidential employee at a college may appeal through the following procedure the written decision of a college president to terminate the employee's employment. A confidential employee is defined, for purposes of this policy, as a non-represented employee as defined by section 401(C) of this Policy Manual.

1. Appeal to the System president

- a. The employee may appeal in writing to the System president a college president's written decision. The appeal shall be in writing, shall state specifically the basis for the appeal, and shall be received by the System president within five business days of the date of the college president's written decision.
- b. The System president shall, if requested by the employee:
 - (1) Meet with or otherwise hear from the employee regarding the appeal; and/or
 - (2) Appoint a person who did not directly and substantially participate in the college president's decision to review the appeal and advise the System president thereon; and
- c. The System president shall render a written decision as soon as practicable.

2. Appeal to the Board of Trustees

- a. The employee may appeal to the chair of the Board of Trustees the System president's written decision only if the appeal alleges a violation of law regarding discrimination;

- b. Such appeals to the chair shall be in writing, shall state specifically the basis for the appeal, and shall be received by the chair within five (5) business days of the date of the System president's written decision; and
- c. As soon as practicable, the chair shall assign one or more trustees to review the appeal. Those trustees shall:
 - (1) If requested by the employee, meet with or otherwise hear from the employee;
 - (2) If requested by the System president, meet with or otherwise hear from the System president or the System president's designee; and
 - (3) Issue a final written decision as soon as practicable.

3. Additional Rules Governing all Appeals under this Policy

- a. All aspects of this appeal process shall be confidential except by written consent of both the employee and the System president;
- b. In all stages of this appeal process, the employee bears the burden of proof;
- c. The System president, for good cause shown, may extend any time period of this policy. Expedition, however, is strongly favored;
- d. Employees are expected to use completely and in good faith these procedures prior to instituting any proceedings regarding the subject matter of their appeal in any court or agency. If, prior to or subsequent to commencing an appeal under this procedure, an employee files a claim regarding the subject matter of the appeal with a court or agency, the System reserves the right to discontinue the appeal if the System determines that continuation of the proceedings either will not conclude the case or will be duplicative; and
- e. This procedure is provided for the internal resolution of differences and is not a legal forum.

REFERENCES: 20-A M.R.S.A. §12706(11); 26 M.R.S.A. §2022(1); P.L. 1985 ch. 695, §20(5), (7), (12) and (13)

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: