

MAINE COMMUNITY COLLEGE SYSTEM

**PERSONNEL AND EMPLOYEE RELATIONS
Section 404**

SUBJECT: CONFIDENTIAL EMPLOYEES: BENEFITS

PURPOSE: To establish a policy governing employment benefits for Maine Community College System confidential employees

A. Introduction

Unless otherwise provided by law, full-time confidential employees of the MCCS shall receive the following benefits, and part-time confidential employees may receive a portion thereof subject to the discretion of the appointing authority and any pertinent benefit plan restrictions. Unless the text states or the content indicates otherwise, the word “president” as used in this policy means the college or System president who most directly supervises the confidential employee, and “significant other” means the person with whom the confidential employee has shared for at least six (6) consecutive months joint housing; joint financial responsibilities and/or accounts; domestic registration; and/or other evidence of significant personal commitment.

B. Compensation

1. Authority to Determine Compensation

The System president shall be responsible for evaluating performance and determining compensation for the college presidents and the System Office confidential employees. A college president shall be responsible for evaluating performance and determining compensation within established guidelines for confidential employees at the college president’s respective college. The MCCS Board of Trustees shall be responsible for evaluating performance and determining compensation for the System president according to procedures established by the Board of Trustees.

2. Merit Increases

The System president shall establish a maximum increase each year that is awarded to confidential employees. Increases exceeding the amount set by the System president shall require the System president’s prior approval. Typically, increases do not exceed 5% and are awarded to employees have satisfactorily completed at least the first three (3) months of employment. The merit increase shall be awarded, if at all, at the beginning of each fiscal year and will be based upon satisfactory job performance which shall be assessed annually using established standards of performance. Variations from these standards shall require the System president’s prior approval.

3. Acting Capacity

A confidential employee asked to perform all of the duties of a higher position for more than five (5) days and appointed to acting capacity will be paid as if promoted to the higher position for the length of the employee's assignment. Acting capacity does not cover senior employees whose job classifications include occasional or periodic responsibility for the duties of a higher position.

C. Insurance

1. Health

The System shall pay 100% of each confidential employee's and 60% of each employee's dependent's health insurance coverage as provided by the State of Maine plan.

2. Dental

The System shall provide confidential employee dental insurance. Dependent coverage is available at the employee's own expense as provide by the State of Maine plan.

3. Section 125 Plan

The MCCA shall provide a Section 125 plan to allow pretax treatment of the employee's share of health and dental insurance premiums. The plan shall include a medical reimbursement account and a dependent care reimbursement account.

4. Life

The System shall pay for basic life insurance for confidential employees who meet the eligibility requirements of the System's life insurance provider. Supplemental and dependent coverages are similarly available at the employee's own expense.

5. Temporary Disability Income Protection

The System shall pay for certain temporary disability income protection for confidential employees who meet the eligibility requirements of the System's temporary disability income protection provider. The System may require an adequate physician's statement before authorizing payment of temporary disability income.

D. Retirement

A confidential employee is required to choose between the following two retirement benefit options: 1) the Maine State Retirement System (MSRS); or 2) the Teachers Insurance & Annuity Association College Retirement Equities Fund (TIAA-CREF). The System shall pay the confidential employee's contribution to MSRS or TIAA-CREF and make a contribution for retiree health insurance as provide by the State of Maine plan and/or law.

E. Vacation

1. Confidential Exempt Employees

Confidential exempt (professional or administrative) employees hired prior to July 1, 1991, shall be granted twenty-five (25) vacation days per year. Confidential exempt employees hired on or after July 1, 1991, shall be granted twenty (20) vacation days per year, with an increase to twenty-five (25) vacation days per year after five (5) years of service within the System.

When a confidential exempt employee reaches an anniversary date that generates an increase in rate of vacation leave accrual, additional vacation leave shall be posted based on an amount prorated for the remainder of the fiscal year. Vacation leave shall be accrued at the beginning of each fiscal year. Vacation leave for newly-hired confidential exempt employees shall be prorated from date of hire until the end of the fiscal year. Vacation leave for terminating confidential exempt employees shall be paid on a prorated basis according to the portion of the fiscal year in active employment status. Confidential employees with less than fifteen years of service may carry forward up to 40 days of unused leave from one year to the next. Confidential employees with fifteen years or more may carry forward up to 45 days of unused leave from one year to the next.

Exceptions to the maximum accrual may be made if the employee would forfeit five (5) or more vacation days. Such exceptions must involve extenuating circumstances related to job demands, and must be approved by the System president. If such approval is granted, the System president shall designate a limited time period that the excess accrual may be continued.

2. Confidential Non-exempt Employees

Confidential non-exempt (hourly) employees shall earn vacation leave at a rate of one and one-fourth (1 $\frac{1}{4}$) days for each completed full month of service during the first five (5) years of service with the System. Thereafter, vacation shall be earned on the following basis for each completed full month of service with the System: one and one-half (1 $\frac{1}{2}$) days shall be earned until ten (10) years have been completed; one and three-fourths (1 $\frac{3}{4}$) days until fifteen (15) years have been completed; thereafter, two (2) days shall be earned.

Vacation leave shall be accrued at the beginning of each fiscal year. When a confidential non-exempt employee reaches an anniversary date that generates an increase in rate of vacation leave accrual, additional vacation leave shall be posted based on an amount prorated for the remainder of the fiscal year.

3. Confidential Exempt and Non-exempt Employees

If a confidential exempt or non-exempt employee leaves during the year with a vacation credit balance lower than would have been available under a monthly accrual rate, the deficit amount shall be deducted from the employee's final compensation.

F. Holidays

The System shall annually provide thirteen (13) paid holidays as follows: New Year's Day; Martin Luther King Day; Washington's Birthday/Presidents' Day; Patriot's Day; Memorial Day; Juneteenth; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Thanksgiving Friday; Christmas Day.

G. Leaves

1. Personal

The System affords both paid and unpaid personal leave.

a. Paid

Two (2) personal leave days supplement vacation leave and are provided at the beginning of each fiscal year. Personal leave days must be utilized during the fiscal year and may not be carried forward to subsequent fiscal years.

b. Unpaid

Any confidential employee may apply for an unpaid personal leave of absence for good and sufficient reason. Leave pursuant to this provision may be for a period not exceeding twelve (12) months. Such leave may be granted at the discretion of the president and will depend on the individual circumstances of the request, including the operational needs of the employer and the position held by the employee. The request shall not be unreasonably denied. All requests for such leave and responses shall be in writing. The application for leave must specifically state the reasons for such application and the length of time requested. After completion of a period of personal leave of absence, the employee shall be entitled to return to the status and position held immediately prior to the beginning of the leave of absence, so long as the position still exists and there has been no substantial change in operations that would affect the ability to return the employee to the same position and status.

Any leave of absence granted pursuant to the provision may be canceled by the president at any time for good reason upon written notice to the employee, specifying a reasonable date of termination of the leave and the reason for cancellation.

2. Sick

Confidential employees shall accrue sick leave at the rate of one (1) day per month of completed service, and shall be earned from the employee's date of employment. Use of sick leave over 120 consecutive days requires the approval of the president. However, the amount of unused sick leave accruals which can be credited toward System service for retirement purposes shall be ninety (90) days.

Sick leave may be used for illness, necessary medical or dental care, or other disability of the employee or a member of the employee's immediate family which requires the attention or presence of the employee. Immediate family shall mean the spouse, significant other, the parents of the spouse, the parents, step-parents, guardian, children, step-children, brothers, step-brothers, sisters, step-sisters, wards, grandparents and grandchildren of the employee and other family relationships as approved by a college or System president. A medical examination or doctor's certificate may be required by the president to validate legitimate use of sick leave for five (5) or more consecutive workdays, or because of repeated absences on days preceding or days following a holiday or weekend. When a medical certificate or doctor's certificate is required, it shall be at the employee's expense.

Notification of absence for sick leave shall be given as soon as possible on the first day of absence or as soon thereafter as circumstances permit.

Upon application of an employee, a leave of absence without pay may be granted by the president for a period of disability because of sickness or injury. If the president denies the requested leave, the president shall state the reason in writing. The System may require that the employee submit a certificate from the attending physician or a designated physician. If a certificate from a physician other than the attending physician is required, it shall be at the System's expense.

A former System employee who is re-appointed within four (4) years of separation may have his/her previously accumulated and unused balance of sick leave revived and placed as a credit upon approval of the president.

With approval of the college president for college-based confidential employees or System president for System-based confidential employees, the leave accorded by this subsection may be extended by not more than 20 work days for confidential employees who have extraordinary circumstances; have exhausted their sick, personal and vacation leaves; and whose institutions will not incur undue hardship. Any of the first 10 work days of such an extension shall be deemed an allowance, and any of the up to 10 additional work days shall be covered by voluntary donations that may be received from other confidential employees within the employee's college or System office.

3. Bereavement

An employee shall be allowed up to five (5) days of bereavement leave for each absence resulting from the death of a spouse, significant other, parent, or child. An employee shall be allowed up to four (4) days of bereavement leave for absences resulting from the death of any other member of the employee's immediate family. Immediate family shall mean the siblings, grandparents, aunts and uncles, nieces and nephews, guardians' wards. Immediate family shall also include relationships by marriage and others as approved by the president.

4. Management

Appointing authorities may provide confidential employees with paid leave as necessary and reasonable upon consideration of job requirements and other special circumstances.

5. Military

Confidential employees who qualify for military leave shall be governed by MCCS Policy 409.

6. Childbearing and Adoption

Childbirth or adoption leave shall be granted to a confidential employee without salary for a period not to exceed one (1) year inclusive of any period of disability covered as sick leave. Employees shall have the option of using accumulated annual leave during such period. Employees shall be allowed to retain insurance benefits during such leave. Retention of insurance benefits shall be at the employee's expense, except during any period covered by the use of vacation leave or accumulated sick leave.

7. Court Service

If a confidential employee is required to appear in court pursuant to a subpoena or other order of a court or to perform jury service, and such appearance or service results in the employee's absence from work, the employee shall be granted court service leave for the period of time necessary to fulfill such requirement. Any employee who makes an appearance and whose service is not required shall return to work as soon as practicable thereafter. A confidential employee on court service leave for a full day shall receive regular pay. This subsection shall not apply to an employee summoned to or appearing before a court or body as a party or witness to any criminal or private legal action.

8. Sabbatical

Sabbatical leave is only for efforts to improve the professional capability of the confidential employee and must be of mutual benefit to the employee and the MCCS. In the interest of rewarding professional performance and encouraging professional growth, the System president may grant such leave to the extent that the president determines such leave is financially practicable and under the following conditions:

- a. Any confidential employee who has completed five (5) continuous years of service to the MCCS shall be eligible to apply;
- b. A confidential employee shall apply to a college president for a sabbatical. If the college president approves of the application, the college president shall forward the application to the System president for approval. Any application shall be submitted to the System president through the college president no later than six (6) months before the commencement of the requested leave;
- c. Notification to a successful applicant shall be made no later than three (3) months before the commencement of the requested leave;
- d. Any confidential employee accepting sabbatical leave shall enter into a written agreement with the college president which shall provide that in the event the employee resigns from MCCS service for professional reasons before the completion of one (1) year of service after the expiration of the sabbatical leave, the employee shall reimburse the System for the salary cost of the sabbatical;
- e. Each confidential employee on sabbatical leave shall have the right to return to the employee's former position; and
- f. Confidential employees granted sabbatical leave shall receive full salary if leave is for six (6) consecutive months or half salary if leave is for a full year or the equivalent.

9. Family Medical

A confidential employee has access to Family Medical leave provided pursuant to MCCS Policy 415.

H. Layoff Rights

Confidential employees who are to be laid off shall receive, upon receipt of written layoff notice, the following salary based on duration of employment:

Years of Employment	Months of Salary
0 – 3	0
4 – 6	3
7 - 10	4
11 or more	6

The college or System president shall assess the college's or System's financial and operational needs, consult with the employee, and determine whether the employee shall receive the above salary through continued active employment; continued employment exercised as paid leave to accommodate the transition; end of employment with severance pay; or some combination thereof. All such employees shall continue to receive all benefits during their pertinent salary period, except only those employees who remain on site for the full duration of their pertinent salary period shall continue to receive sick, personal and vacation leave allocations during their pertinent salary period.

Confidential employees who are terminated do not qualify for any of the benefits accorded by this subsection.

I. Other Benefits

1. Annual Basic Eye Exams

All confidential employees who spend at least sixty-six and two-thirds percent (66 2/3%) of their time operating computer display terminals shall be entitled to be examined by an eye doctor annually at MCCS expense. All such employees receiving eye examinations pursuant to this provision must provide a medical release, and the employees shall be given a report form to be completed by the eye doctor and returned to the appropriate business office. On alternate years, the MCCS may require the confidential employee to submit a claim to the health insurance provider that provides this benefit. A confidential employee may submit a request for reimbursement of co-pay.

All confidential employees who spend at least eighty percent (80%) of time operating computer terminals shall be entitled to an annual reimbursement of up to one hundred dollars (\$100) for corrective lenses and up to one hundred fifty dollars (\$150) for progressive lenses.

2. Tuition Waivers

Tuition waivers for for-credit courses shall be extended to dependent and other children under 23 years of age of confidential employees who are accepted through the standard admissions process and who attend on a full-time basis. Such children of part-time confidential employees shall be eligible for tuition waivers on a prorated basis. In addition, a tuition waiver for a spouse or significant other shall be made available provided minimum class size has been met. Each child, spouse or significant other of an employee shall be eligible for tuition waivers not to exceed two (2) years of full-time course work.

REFERENCES: 20-A M.R.S.A. §12706(11); 26 M.R.S.A. §1022(11); P.L. 1985, ch. 695, §20(5), (7), (12) and (13)

DATE ADOPTED: June 24, 2009

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