

December 11, 2003

04-078

RESOLUTION TO APPROVE BOARD POLCY  
REVISIONS (First Reading - Section 300)

PREPARED BY: Jan Coulton, Director, Public Affairs

APPROVED BY: Gerard "Jerry" Berger, President

REPORT: The Board appointed a subcommittee to review its policy manual. The subcommittee has reviewed the policies on Personnel in Chapter 300 and is recommending their approval for first reading.

RECOMMENDATION: That the Board approve the revision to policies in Chapter 300.

Resolutions 04-073 through 04-079 were moved for approval by Director McKinney and it passed unanimously.

# Portland Community College Board Policy

## Chapter 300- College Personnel

- B 301 Management Rights
- ~~B 302 Compliance with State and Federal  
Personnel Requirements~~
- ~~B 303 Personnel Practices and Standards~~
- B 304 **302** Employee Compensation and Benefits
- B 305 **303** Gratuities **Ethical Conduct**
- B 306 **304** Alcohol and Controlled Substances
- B 307 **305** Contracted Employees – Living Wage

# Management Rights – Policy B 301

The Board of Directors reserves all rights and powers with respect to the management governance of the college operations and the employment of all college employees except as limited by law or the requirements of any operative collective bargaining agreement.

**Under the authority granted by ORS 341.290, the Board establishes the office of college President and delegates powers and duties for management of the college to the President in Board Policy 213.**

~~Should the whole or any part of a current collective bargaining contract be legally declared void, the college reserves the right to administer all employment salaries, conditions and benefits as it deems fair and appropriate, until a new contract or any part thereof is substituted.~~

## **~~Compliance with State and Federal Personnel Requirements — Policy 302~~**

~~The Board of Directors will ensure compliance with state and federal laws, administrative rules and other requirements relating to public employees, including collective bargaining rights, and fair labor practices.~~

# Personnel Standards and Practices - Policy 303

The Board of Directors shall determine the period of appointment for the President and will establish conditions relative to that appointment.

The President has the authority to hire, terminate and set personnel policies and procedures for all other college employees. This authority to make personnel decisions may be delegated by the President. However, the Board requires that:

- The Board retains the authority to make the final personnel decisions in executive officer positions.
- The President will confer with the Board in advance if there are unusual circumstances indicating that Board consideration prior to a hiring decision is advisable. This would include unusual commitments regarding compensation, fringe benefits, moving expenses or length of tenure. The Board reserves the right to require that the President consult with the Board in advance before filling a position.
- The President shall prepare a personnel report for management and faculty positions for the Board's review and acceptance.
- A performance appraisal be given to each administrator annually.

## Supervisor Employee Relationships:

The college shall avoid both the appearance and existence of discrimination or favoritism in employment because of legal or economic relationships.

The college will not discriminate in favor or against any job applicant (including student and work study positions) because the applicant has a family member (as defined in Oregon law) employed by the college, except that no person will be hired for or transferred to a job with the college if:

- \* The person's family member has supervisory authority over, or can effectively influence supervision of the position; or
- \* That person's family member may make salary recommendations for the position.

No person will be hired for or transferred to a job with the college if an economic or legal relationship exists between the supervisor and applicant which would substantially interfere with the supervisor's ability to supervise the applicant or cause a substantial conflict of interest.

## **Employee Compensation and Benefits – Policy B ~~304~~302**

The President shall maintain a system(s) of compensation and benefits for college employees. It is the intent that, within resources reasonably available, compensation and benefits paid to college employees shall be consistent with total compensation in comparable labor markets for similar services being performed. The President shall periodically recommend to the Board compensation and benefits changes as required to meet or maintain this market relationship.

For employees in represented bargaining units such compensation and benefit packages shall be negotiated in accordance with applicable laws.

## ~~Gratuities~~ **Ethical Conduct – Policy 305 303**

### **Gratuities**

~~No Board member or college employee may accept directly or indirectly any substantial rebate, service gift compensation, money, promise or contract for future compensation from any person or organization to whom a promise or purchase order is awarded in which the college has an interest nor shall such persons further their personal gain by confidential information gained by their district association.~~

**The President shall establish administrative procedures to keep the college in compliance with Oregon public officials' ethics statutes (ORS Chapter 244) and to prevent college resources from being used for personal gain. The procedures shall address proper use of college resources, facilities and equipment; employment and reporting relationships of relatives of PCC employees; the acceptance of gifts, honoraria, and reimbursement for expenses.**

## Alcohol and Controlled Substances - Policy B 306-304

The manufacture, distribution, dispensing, possession or use of alcoholic liquor, intoxicants or controlled substances not medically prescribed, or being under the influence of these to any degree by any employee in or about the College buildings or on the College premises or while performing any duties for the College is prohibited and is cause for suspension and/or dismissal. If the employee is not dismissed, suspension may be imposed in combination with a requirement to complete a drug or alcohol treatment and rehabilitation.

All employees are required to abide by this alcohol and drug-free workplace policy. In addition, they shall notify the Office of Human Resources within five days of their conviction for a violation of substance abuse laws involving the workplace, or if they became aware that another employee has been convicted of such a violation.

Employees may seek referral assistance ~~form~~ **from** the Office of Human Resources in connection with alcohol or drug-related problems. Reasonable efforts shall be made to handle such requests confidentially. Requests for assistance are encouraged and will not themselves be considered as ground for dismissal. Such requests shall not, however excuse violations prohibited by this policy.

The provisions of this policy regarding dispensing, possession or use of alcoholic liquor may be suspended temporarily ~~by action of the Board or by the President with permission of the Board~~ for specified and approved social functions **as approved by the Campus President where such function will occur.**



## **Contracted Employees - Living Wage - Policy B 307 305**

The College "living wage" policy expresses the intent of the Board that individuals employed through contractual agreements to provide certain services to the College receive a total hourly compensation (hourly wages plus hourly benefits package cost) which is not less than the Federal poverty guideline for a family unit of four.

This policy shall apply to employees of contractors engaged by the College to provide custodial and public safety patrols at facilities wholly owned by the College. This policy does not apply to individuals employed by the contractor or the College through a Qualified Rehabilitation Facility, or on a temporary or substitute basis. The policy does not apply to individual employees of an otherwise covered contractor who are in a benefits eligibility waiting period. The College President shall develop and maintain an administrative process procedures to implement this policy.

*Adopted 3/99*