

OWENS COMMUNITY COLLEGE
REGULAR MEETING OF THE BOARD OF TRUSTEES
DECEMBER 9, 2008 ~ MINUTES

A meeting of the Board of Trustees was held in the Conference Center #111 ABC on the Owens Community College Findlay Campus.

Call to Order - Chair John Moore called the meeting to order at 1:30 p.m. and directed that the record show that the meeting was held in accordance with the Ohio Revised Code, Chapter 3358, and the policies of the Board of Trustees.

Roll Call - Roll call was taken, and the following members were present: Allan Libbe, Ronald McMaster, R J Molter, John Moore, Rich Rowe, and Diana Talmage (6).

Approval of the Minutes of the Board of Trustees - The minutes of the November 11, 2008, regular meeting were reviewed, and the Chair declared the minutes approved as written.

Welcome of Visitors – Chair Moore welcomed all in attendance at the meeting.

Trustees Collaboration Committee Report – There was no report; however, Chair Moore commented on follow up with the University of Toledo and the Toledo Public Schools Board of Education to gain insight on closing achievement gaps.

Adjustment of Proposed Agenda for Today's Meeting – Chair Moore stated that there was no adjustment to today's agenda.

Facilities/Capital Improvements Report – Mr. John Satkowski, Executive Vice President/CFO, reported on facilities and capital improvements, including the ground work for the Center for Emergency Preparedness Operations building and the lighting project for the Engineering Technologies building. He stated that the Transportation Technologies auto body area will be painted and that the exterior signage of Health Technologies and Findlay Campus is being coordinated with the Marketing Department. The fiscal year 2008 audit that was completed by Plante and Moran was approved and accepted by the Ohio State Auditor.

Mr. Satkowski stated that he attended Governor Strickland's December 4 press conference on Ohio's budget. Mr. Satkowski presented the Ohio Office of Budget and Management's December 1, 2008, presentation on "What the National Financial Crisis means for Ohio's Revenues in Fiscal Years 2009, 2010, 2011." He concluded his report stating that the Ohio Association of Community Colleges' chief fiscal officers will be meeting on December 13 to review state support scenarios. Mr. Moore commented on sacrifices that will need to be made in the State.

Provost's Report – Dr. Paul Unger, Executive Vice President and Provost, reported on his meeting with Chancellor Fingerhut, Dr. Dennis O'Neil, Executive Director of the National Fire Academy, Kimberly Zurz, Director of the Ohio Department of Commerce, and State Fire Marshal Mike Bell to adopt and implement a two-year and four-year fire science curriculum being developed by the National Fire Academy. It is imperative that fire fighters receive consistent and continuous training. He stated that State Fire Marshal Bell announced at the ground breaking ceremony of the Center for Emergency Preparedness Operations Center that Owens Community College will be the first institution to host Ohio Fire Academy coursework offerings. The College is building a network of national and state-wide relationships.

Dr. Unger stated that the College has been awarded a \$500,000 grant to fund international students pursuing certificates and applied degrees. These international students will come from Brazil, Egypt, Indonesia, Pakistan, South Africa and Turkey, and they are expected to begin classes in August 2009. The Community College International Development organization is assisting with this endeavor and its mission is to build global relationships that strengthen educational programs and promote economic development.

The College is collaborating with the University of Toledo, Toledo Public Schools and several community agencies to offer informational sessions and help on applying for financial aid. This initiative aligns with the University System of Ohio's goals of access and collaboration.

Dr. Unger announced the following achievements. Two students in the Dietetic Technician program have received \$1,000 Ohio Space Grant Consortium Scholarships. Due to the leadership of Dr. Bruce Busby, Vice President of Academic Services, the College has four student-nominees representing the Toledo and Findlay Campuses for the prestigious American Association of Community Colleges' All-USA, Phi Theta Kappa national and state awards. Today's issue of the Chronicle of Higher Education announced that the College will benefit from a Gates Foundation grant to MDRC (founded as Manpower Demonstration Research Corporation), a research-oriented, non-profit organization, providing scholarships based on performance and attendance to low-income students. This will be a pilot study being conducted in Ohio, California, New York and New Mexico. Later in today's meeting the Trustees will be asked to approve the retirement of Mr. Paul Svatik, Professor, Electrical/Electronics, School of Technology. Professor Svatik has served the College for thirty years.

Second Life Project Report – Ruth Couch, Instructor, Information Technologies, presented “Second Life: Virtual Worlds and Education.” She introduced the College's virtual campus that was recently opened. It is a virtual environment that provides opportunities for students and faculty to collaborate.

Report on Open Positions – President Adams invited Dr. Cynthia Eschenburg, Vice President of Human Resources, to present. Dr. Eschenburg stated of the open positions, fifteen positions are being recommended to be filled in today's meeting.

Dates to Remember – President Adams commented on the updated information and invited the Trustees to attend the December 12 Commencement activities that are scheduled.

EXECUTIVE SESSION

Chair Moore announced an executive session for discussion of matters related to personnel, collective bargaining, security arrangements, and pending or imminent court action. Mr. Libbe made a motion to adjourn to executive session for the reasons specified. Dr. McMaster seconded the motion, and the Chair called for a roll call vote. Roll Call: Allan Libbe, yea; Ron McMaster, yea; R J Molter, yea; John Moore, yea; Rich Rowe, yea; and Diana Talmage, yea. (6)

Upon return from executive session, roll call was taken, and the following members were present: Allan Libbe, Ron McMaster, R J Molter, John Moore, Rich Rowe, and Diana Talmage (6).

RECOMMENDATIONS OF THE PRESIDENT TO THE BOARD OF TRUSTEES

Resignations, Terminations and Leaves of Absence – President Adams presented the following resolutions pertaining to resignations, terminations, and leaves of absence to the Board of Trustees:

RESOLUTION 2008-12-09-01

BE IT HEREBY RESOLVED that the recommendation of the President to accept the resignation of John Aleksander, Director, Buildings and Grounds, effective 12/31/2008 for reason of retirement be approved by the Board of Trustees.

RESOLUTION 2008-12-09-20

BE IT HEREBY RESOLVED that the recommendation of the President to accept the resignation of Gary Brinker, Coordinator, Public Service Training Programs, effective 12/31/08, for reason of retirement be approved by the Board of Trustees.

RESOLUTION 2008-12-09-21

BE IT HEREBY RESOLVED that the recommendation of the President to accept the resignation of Deanna Haan, Manager, Child Care Center, Findlay, effective 11/21/08, for personal reasons be approved by the Board of Trustees.

Mr. Molter made a motion to approve the above listed resolutions, which was seconded by Ms. Talmage. Following a voice vote, the motion was adopted.

Employment of Personnel – President Adams presented the following resolutions pertaining to the employment of personnel to the Board of Trustees:

RESOLUTION 2008-12-09-02 & 22

BE IT HEREBY RESOLVED that the recommendation of the President to employ the following persons, in compliance with Affirmative Action Guidelines established by the College, be approved by the Board of Trustees:

NAME: Karen Brown
ADDRESS: Perrysburg, OH
EDUCATION: Associate Degree, with a major in Retail Management and Marketing, from The University of Toledo
EXPERIENCE: Over twenty-four years retail experience
ASSIGNMENT: Clerk, Bookstore

NAME: Jill Gentry
ADDRESS: Luckey, OH
EDUCATION: Bachelor of Science, with a major in International Business, from Bowling Green State University
EXPERIENCE: Over fourteen years customer service and data entry experience in financial system
ASSIGNMENT: Specialist, Transfer Systems

NAME: Stacie Majewski
ADDRESS: Rossford, OH
EDUCATION: Associate Degree, with a major in Office Administration Technology, from Owens Community College
EXPERIENCE: Over two years experience as a student office worker at Owens Community College
ASSIGNMENT: Secretary, Alumni Relations

NAME: Raymond Schaffer

ADDRESS: Swanton, OH
EDUCATION: Graduate of Swanton High School
EXPERIENCE: Over nineteen years custodial experience
ASSIGNMENT: Custodian, Third Shift

NAME: Jeffrey Carstensen
ADDRESS: Walbridge, OH
EDUCATION: Graduate of Lake High School
EXPERIENCE: Over two years custodial experience
ASSIGNMENT: Custodian, Third Shift

NAME: Michael Cornell
ADDRESS: Middleton, ID
EDUCATION: Associate of Arts, with a major in English and Associate of Science with a major in Criminal Justice, from Brigham Young University-Idaho
EXPERIENCE: Over seven years experience as an emergency services manager
ASSIGNMENT: Director, Center for Emergency Preparedness

NAME: Ryan Grant
ADDRESS: Whitehouse, OH
EDUCATION: Paramedic Certificate Program from The University of Toledo
EXPERIENCE: Over ten years experience as a paramedic
ASSIGNMENT: Instructor, Fire Emergency Medical Technician

NAME: LaShaun Staples
ADDRESS: Toledo, OH
EDUCATION: Graduate of Start High School
EXPERIENCE: Over four years administrative assistant experience
ASSIGNMENT: Administrative Assistant, The Source

NAME: Marie Vasquez
ADDRESS: Alexandria, VA
EDUCATION: Master of Education, with a major in Physical Education, from The University of Toledo; Bachelor of Science, with a major in Exercise Science, from The University of Toledo
EXPERIENCE: Over six years experience as a Fitness Director
ASSIGNMENT: Chair, Allied Health (Findlay)

RESOLUTION 2008-12-09-23

BE IT HEREBY RESOLVED that the recommendation of the President to employ the following part-time regular staff on the basis indicated below be approved by the Board of Trustees:

<u>NAME</u>	<u>ASSIGNMENT</u>
Lori Carr	Customer Service Associate
Jeremy Klein	Customer Service Associate
Penny McLaren	Customer Service Associate

RESOLUTION 2008-12-09-03 & 24

BE IT HEREBY RESOLVED that the recommendation of the President to award revised contracts on the basis indicated below be approved by the Board of Trustees:

<u>NAME</u>	<u>ASSIGNMENT</u>
Yolanda Houle	Specialist, Customer Service Data
David Basich	Director of Operations
Lisa Bosnyak	Loan Specialist, Financial Aid
Susan Emerine	Director, Disability Services
Veronica Herrera	Secretary/Receptionist, School of Business and Information Systems
Laurel King	Cataloger
Ann Kleinfelter	Lab Technician, Engineering Technology (Findlay)
Ann LaVoy	Secretary, Student Enrichment and Athletics
Donald Rahman	Director of Buildings and Grounds

RESOLUTION 2008-12-09-04 & 25

BE IT HEREBY RESOLVED that the recommendation of the President to make the following temporary appointments on the basis indicated below be approved by the Board of Trustees:

<u>NAME</u>	<u>ASSIGNMENT</u>
Bruce Hartzell	Computational Science Course Developer (Grant Funded)
Nicholas Huenefeld	Men's and Women's Basketball Statistician
Cindy Hines	Part-time ABLE* Orientation Instructor (Grant Funded)
Rochelle Manley	Compass Workshop – Math (Grant Funded)
Jessica Nekoranec	Cheerleading Coach
Peter Palko	Corporate Training Commission, Findlay
James Perry	Computational Science Course Developer (Grant Funded)
Randy Ratliff	Instructor Training, Professional Development
James Zubricky	Computational Science Course Developer (Grant Funded)
Victoria Black	Veterans Administration Support Staff
Lisa Bosnyak	Customer Service Associate
Stephen Boston	Ohio Community College Athletic Conference Bonus, Assistant Women's Volleyball Coach
Dennis Caldwell	Ohio Community College Athletic Conference Bonus, Assistant Women's Volleyball Coach
Rebecca Dandurand	Northwest ABLE* Training and Curriculum Specialist (Grant Funded)
Alberta Findley	Assistant Women's Basketball Coach
Paul Frankforter	Compass Workshop Leader PAC09T** (Grant Funded)
Amy Giordano	Advisor, TANF*** Educational Assistance Program (Grant Funded)
Jennifer Hazel	Professional Development Workshops
Melanie Jankowski	Compass Workshop Leader PAC09T** (Grant Funded)
Jerry Jones	Auxiliary Facilitator
Harold Lewis	Ohio Community College Athletic Conference Bonus, Head Women's Volleyball Coach
Sheridan Lorraine	Compass Workshop Leader PAC09T** (Grant Funded)
Kenneth McCoy	Videographer, Men's Basketball
Jeanette Miller	Compass Workshop Leader PAC09T** (Grant Funded)
Gary Mohr	Tutor PAC09T** (Grant Funded)
Christopher Stoll	Sound Tech for Toledo School of Arts
Mary Jo Wilhelm	Quick Start Tutor (Grant Funded)

(* Adult Basic Literacy Education / ** Grant / *** Temporary Assistance for Needy Families)

Mr. Libbe made a motion to approve the above listed resolutions, which was seconded by Ms. Talmage. Following a voice vote, the motion was adopted.

Individual Faculty Contracts (Tenure) - President Adams presented the following resolution pertaining to the award of tenure contracts to the Board of Trustees:

RESOLUTION 2008-12-09-05

BE IT HEREBY RESOLVED that the recommendation of the President to award tenure and the initial tenure contracts to the members of the faculty and counselors listed below be approved by the Board of Trustees.

<u>Name</u>	<u>Rank</u>	<u>Contract Length</u>
Tatiana Gorbunova	Instructor	2009-2012
Duane Shaffer	Instructor	2009-2012
Andrew Timothy	Instructor	2009-2012

Dr. McMaster made a motion to approve the above resolution, which was seconded by Mr. Libbe. Following a voice vote, the motion was adopted.

Non-Bargaining Unit Employee Salary Schedule - President Adams presented the following resolution pertaining to the adoption of the non-bargaining unit employee salary schedule to the Board of Trustees:

RESOLUTION 2008-12-09-06

WHEREAS, 3358:11-5-13 Exempt and Non-Exempt Employment Policy is being recommended for amendment in compliance with the provisions of the Fair Labor Standards Act of 1938; and

WHEREAS, the Vice President of Human Resources conducted an internal audit of non-bargaining unit positions based on the Fair Labor Standards Act definitions for exempt and non-exempt classifications; and

WHEREAS, the exemption status is a legal designation for pay purposes and the College considers all employees as professionals; and

WHEREAS, the Vice President of Human Resources and the President recommend the adjustment of the Non-Bargaining Unit Salary Schedule, effective January 1, 2009, which classifies all non-bargaining unit positions in accordance with the definitions of the Fair Labor Standards Act of 1938; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees adopts the Non-Bargaining Unit Salary Schedule, effective January 1, 2009, (Attachment 1) and authorizes the Vice President of Human Resources to implement guidelines for classification of exempt and non-exempt positions in accordance with the Fair Labor Standards Act of 1938.

Ms. Talmage made a motion to approve the above resolution, which was seconded by Dr. McMaster. Following a voice vote, the motion was adopted.

Fall Semester 2008 Candidates for Graduation – President Adams presented the following resolution pertaining to candidates for graduation to the Board of Trustees:

RESOLUTION 2008-12-09-07

BE IT HEREBY RESOLVED that the recommendation of the President to approve the listing of candidates for graduation for Fall Semester 2008, as presented in Appendix I, contingent upon said candidates having met all necessary requirements for graduation, be approved by the Board of Trustees.

Mr. Libbe made a motion to approve the above resolution, which was seconded by Ms. Talmage. Following a voice vote, the motion was adopted.

Conferring of Honorary Degree – President Adams presented the following resolution pertaining to the conferring of an honorary degree to the Commencement Ceremony keynote speaker to the Board of Trustees:

RESOLUTION 2008-12-09-08

WHEREAS, Barbara Steele, Regional President for the ProMedica Health System, has graciously agreed to be the keynote speaker at the Fall 2008 Commencement Ceremony; and

WHEREAS, Ms. Steele is an outstanding leader, whose commitment to the continuous improvement and innovation of the health care industry is paramount to advancing the health of the people living in our communities; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the recommendation of the President to present an Honorary Associate of Science Degree in Business Administration to Ms. Steele at the December 12, 2008, Commencement Ceremony as an expression of the College's appreciation, be approved by the Board of Trustees.

Ms. Talmage made a motion to approve the above resolution, which was seconded by Mr. Molter. Following a voice vote, the motion was adopted.

Policy Recommendations – President Adams presented the following resolutions pertaining to policy recommendations to the Board of Trustees:

RESOLUTION 2008-12-09-09

WHEREAS, the Board of Trustees previously adopted policy 3358:11-5-01 Salary Administration Program; and

WHEREAS, to achieve greater efficiency and clarity of operations, the President and the Vice President of Human Resources recommend certain revisions to said policy; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees amends 3358:11-5-01 Salary Administration Program Policy (Appendix II); and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Vice President of Human Resources to implement procedures consistent with the policy, and the Secretary to the Board of Trustees to file the amendment of the policy with the Ohio Legislative Service Commission.

Mr. Libbe made a motion to approve the resolution, which was seconded by Ms. Talmage. Following a voice vote, the motion was adopted.

RESOLUTION 2008-12-09-10

WHEREAS, the Board of Trustees previously adopted policy 3358:11-5-02 Contracts/Salary Notices; and

WHEREAS, to reflect the employment classifications per the provisions of the Fair Labor Standards Act of 1938, as amended, and to achieve greater efficiency and clarity of operations, the President and Vice President of Human Resources recommend certain revisions to said policy; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees amends 3358:11-5-02 Contracts/Salary Notices Policy (Appendix III); and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Vice President of Human Resources to implement procedures consistent with the policy, and the Secretary to the Board of Trustees to file the amendment of the policy with the Ohio Legislative Service Commission.

Mr. Rowe made a motion to approve the resolution, which was seconded by Mr. Molter. Following a voice vote, the motion was adopted.

RESOLUTION 2008-12-09-11

WHEREAS, the Board of Trustees previously adopted policy 3358:11-4-06 Campus Closings/Delays; and

WHEREAS, to achieve greater efficiency and clarity of operations, the President and the Treasurer recommend certain revisions to said policy; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees amends 3358:11-4-06 Campus Closings/Delays Policy (Appendix IV); and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Treasurer to implement procedures consistent with the policy, and the Secretary to the Board of Trustees to file the amendment of the policy with the Ohio Legislative Service Commission.

Dr. McMaster made a motion to approve the resolution, which was seconded by Mr. Molter. Following a voice vote, the motion was adopted.

RESOLUTION 2008-12-09-12

WHEREAS, the Board of Trustees previously adopted policy 3358:11-5-07 Daily Work Schedule; and

WHEREAS, to achieve greater efficiency and clarity of operations, the President and the Vice President of Human Resources recommend certain revisions to said policy; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees amends 3358:11-5-07 Daily Work Schedule Policy (Appendix V); and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Vice President of Human Resources to implement procedures consistent with the policy, and the Secretary to the Board of Trustees to file the amendment of the policy with the Ohio Legislative Service Commission.

Mr. Rowe made a motion to approve the resolution, which was seconded by Ms. Talmage. Following a voice vote, the motion was adopted.

RESOLUTION 2008-12-09-13

WHEREAS, the Board of Trustees previously adopted policy 3358:11-5-13 Exempt and Non-Exempt Employment; and

WHEREAS, in order to be in compliance with the provisions of the Fair Labor Standards Act of 1938, as amended, the President and Vice President of Human Resources recommend certain revisions to said policy; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees amends 3358:11-5-13 Exempt and Non-Exempt Employment Policy (Appendix VI); and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Vice President of Human Resources to implement procedures consistent with the policy, and the Secretary to the Board of Trustees to file the amendment of said policy with the Ohio Legislative Service Commission.

Mr. Molter made a motion to approve the resolution, which was seconded by Mr. Rowe. Following a voice vote, the motion was adopted.

RESOLUTION 2008-12-09-14

WHEREAS, the Board of Trustees previously adopted policy 3358:11-5-41 Vacation (Twelve-Month Employees); and

WHEREAS, to achieve greater efficiency and clarity of operations, the President and the Vice President of Human Resources recommend certain revisions to said policy; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees amends 3358:11-5-41 Vacation Policy (Appendix VII); and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Vice President of Human Resources to implement procedures consistent with the policy, and the Secretary to the Board of Trustees to file the amendment of the policy with the Ohio Legislative Service Commission.

Dr. McMaster made a motion to approve the resolution, which was seconded by Mr. Libbe. Following a voice vote, the motion was adopted.

RESOLUTION 2008-12-09-15

WHEREAS, the Board of Trustees previously adopted policy 3358:11-5-42 Personal Leave; and

WHEREAS, to achieve greater efficiency and clarity of operations, the President and the Vice President of Human Resources recommend certain revisions to said policy; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees amends 3358:11-5-42 Personal Leave Policy (Appendix VIII); and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Vice President of Human Resources to implement procedures consistent with the policy, and the Secretary to the Board of Trustees to file the amendment of the policy with the Ohio Legislative Service Commission.

Ms. Talmage made a motion to approve the resolution, which was seconded by Mr. Molter. Following a voice vote, the motion was adopted.

RESOLUTION 2008-12-09-16

WHEREAS, the Board of Trustees previously adopted policy 3358:11-5-44 Family and Medical Leave; and

WHEREAS, to achieve greater efficiency and clarity of operations, the President and the Vice President of Human Resources recommend certain revisions to said policy; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees amends 3358:11-5-44 Family and Medical Leave Policy (Appendix IX); and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes the Vice President of Human Resources to implement procedures consistent with the policy, and the Secretary to the Board of Trustees to file the amendment of the policy with the Ohio Legislative Service Commission.

Mr. Rowe made a motion to approve the resolution, which was seconded by Mr. Libbe. Following a voice vote, the motion was adopted.

Memorandum of Understanding – President Adams presented the following resolution pertaining to an amendment to the Owens Support Staff Union (OSSU) bargaining agreement to the Board of Trustees:

RESOLUTION 2008-12-09-17

WHEREAS, Resolution 2005-11-15-16 ratified the bargaining agreement with the Owens Support Staff Union (Local 6325) for the period of October 1, 2005, through September 30, 2008; and

WHEREAS, administration and union representatives continued to meet in accordance with Article IV, Labor Management Committee, which resulted in an amendment to extend the contract to the end of the year, 2008, as reflected in the Memorandum of Understanding, Attachment 2 and listed; and

- Extension of the Bargaining Agreement in its entirety, October 1, 2008, through December 31, 2008, as dated January 2, 2006

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees adopts the amendment to the bargaining agreement between the College and the Owens Support Staff Union (Local 6325) and authorizes the Vice President of Labor and Employee Relations to file the amendment with the State Employment Relations Board.

Dr. McMaster made a motion to approve the resolution, which was seconded by Ms. Talmage. Following a voice vote, the motion was adopted.

OACC Terry M. Thomas Friend of Community Colleges Award Nomination – President Adams presented the following resolution pertaining to the nomination for the Terry M. Thomas Friend of Community Colleges Award to the Board of Trustees:

RESOLUTION 2008-12-09-18

WHEREAS, the Ohio Association of Community Colleges 2009 Excellence Awards program is accepting nominations for the Terry M. Thomas Friend of Community Colleges Award; and

WHEREAS, the Lucas County Commissioners, Tina Skeldon Wozniak, Pete Gerken and Ben Konop, are dedicated to creating educational and workforce development opportunities to the citizens of Lucas County; and

WHEREAS, as a result of the Lucas County Commissioners progressive collaboration with Owens Community College in providing access to higher education within the Lucas County One-Stop

employment center, The Source, Owens Community College has served 1,183 cumulative students, with 600 students being new to the College; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Owens Community College Board of Trustees proudly nominates community partner, the Lucas County Commissioners, for advancing access to community college education and workforce training, and contributing to the University System of Ohio's goals of access, quality, affordability, efficiency and economic leadership.

Mr. Libbe made a motion to approve the resolution, which was seconded by Dr. McMaster. Following a voice vote, the motion was adopted.

Security Arrangements Recommendation - President Adams presented the following resolution pertaining to security arrangements to the Board of Trustees:

RESOLUTION 2008-12-09-26

WHEREAS, the Board of Trustees and College administration recognize the College's current campus safety officers for their hard work and dedication to providing a safe environment for students, faculty, staff and trustees; and

WHEREAS, Owens Community College takes pride in creating and maintaining a safe environment for students to learn; and

WHEREAS, the Board of Trustees has the authority to create a campus police force under the provisions set forth in Ohio Revised Code 3345.04;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Trustees delegates the President to institute a campus police force and to designate one or more employees as state university law enforcement officers in accordance with Section 109.77 of the Ohio Revised Code;

BE IT FURTHER RESOLVED that the designated state university law enforcement officers shall take an oath of office, wear the badge of the office, serve as peace officers for the College, and give bond to the State of Ohio for the proper and faithful discharge of their duties as required by the Board of Trustees and in accordance with Ohio Revised Code 3345.04.

Mr. Molter made a motion to approve the resolution, which was seconded by Mr. Libbe. Chair Moore read the resolution aloud. Mr. Paskvan commented that this initiative has been reviewed for about a year now and several discussions had taken place with the Board of Trustees. The planning, organization, training and obtaining pertinent certifications and approvals will take 12 to 18 months to fully implement the program. Following a voice vote, the motion was adopted.

Facilities/Capital Improvements Recommendations – President Adams presented the following resolution pertaining to facilities and capital improvements to the Board of Trustees:

RESOLUTION 2008-12-09-19

BE IT HEREBY RESOLVED that the recommendation of the President to award an agreement for professional services for the College Hall Data Center Modifications project to JDRM Engineering, Inc., Sylvania, Ohio, using local funds in the amount of \$106,000 be approved by the Board of Trustees.

Mr. Rowe made a motion to approve the above resolution, which was seconded by Dr. McMaster. Following a voice vote, the motion was adopted.

REGULAR REPORTS

Financial Statements – Mr. Satkowski presented the financial statements. Chair Moore directed that the financial statements for the period ending October 31, 2008, be accepted and filed as submitted.

Monthly Reports to the Board of Trustees - Members of the Board of Trustees were issued copies of the regular reports of the Executive Vice President/Provost, Executive Vice President for Business Affairs/Chief Financial Officer, Executive Dean of the Findlay Campus, and Executive Director, Fund Development. Chair Moore directed that the monthly reports be accepted and filed as submitted.

Statements and Comments by Members of the Board of Trustees – Chair Moore extended congratulations to Trustee Dee Talmage on her reappointment to serve a second term on the Board of Trustees.

Mr. Moore commented on the Chancellor's Video Conference for Trustees that was held earlier in the morning. He stated that the Chancellor relayed that the Governor would like to protect higher education in the State budget, however, everyone needs to work even harder to improve student enrollment and retention. Chair Moore stated that the State is reviewing facility/space usage, and the Chancellor has requested that the higher education institutions create more partnerships with community organizations and companies.

Adjournment – As there was no further business to come before the Board of Trustees, Chair Moore declared the meeting adjourned.

APPENDIX I – Candidates for Graduation (*Available upon request*)

APPENDIX II

3358:11-5-01 Salary administration program policy.

(A) Purpose. It is the objective of Owens ~~Community College~~ community college to establish and maintain salary levels which reflect position responsibilities; are competitive with other employers in the same employment market; are capable of attracting, retaining, and motivating competent employees; and are within the budgetary resources of the college.

(B) Responsibility for the salary administration program.

(1) The board of trustees of Owens ~~Community College~~ community college approves the salary administration program and reviews and approves the president's recommendations regarding all salaries and salary adjustments.

(2) The president will determine which positions are covered by this program and will recommend to the board of trustees salaries for new employees and salary adjustments for current employees.

(3) The vice president for human resources administers the program. ~~All position descriptions will be kept on file in the human resources office and reviewed periodically. The human resources office, at the direction of the president, will also coordinate the performance appraisal process.~~

(4) ~~The president's council will conduct position review and reevaluation during the spring and/or summer and necessary realignments to salary classifications will be done by the human resources office at the direction of the president. Changes in the classifications will be communicated to the affected employees.~~

~~(C) Position evaluation and classification.~~

~~(1) Position evaluation and classification does not consider the performance level or individual characteristics of an incumbent in a position. It merely establishes a relative value of the assigned scope and responsibilities of a given position in relation to all others.~~

~~(2) In determining how much an employee is to be paid, there are two considerations as they relate to the progress and viability of the college: the relative worth of the position as compared to other positions and the objective appraisal of the employee's performance relative to the position requirements. Position evaluation determines the worth of each position at the college whereas performance appraisal determines the relative worth of the incumbent in the position.~~

~~(3) The objectives of position evaluation are:~~

~~(a) To provide a systematic, fair, and factual basis for sound ranking of positions to insure, so far as possible, that all employees are compensated fairly in relation to all other positions in their department, their division, and the college.~~

~~(b) To provide one basis for determining salary differentials which reflect position requirements and responsibilities and the proper relationship to salaries paid for similar requirements and responsibilities both within the college and the community.~~

- ~~(c) To provide position descriptions which will aid the president in the selection, placement, and promotion of employees according to their experience, ability, and performance.³~~
 - ~~(d) To provide employees and applicants for positions with information about position duties, responsibilities, and promotional opportunities.~~
 - ~~(e) To provide the president with a starting point for realigning positions, making new position assignments, and/or approving workflow procedures.~~
 - ~~(f) To provide one framework for measuring the results of the college's efforts in the area of equal opportunity.~~
- ~~(4) Plan factors. The evaluation of positions involves giving separate consideration to the following factors: education, experience, complexity of duties, supervision received, responsibility for preventing errors, contacts with others, confidential data, mental or visual demand, working conditions, character of supervision, scope of supervision.~~
- ~~(5) Position evaluation procedure-~~
- ~~(a) All position responsibilities should be evaluated during the annual performance appraisal meeting. Changes in position responsibilities should be communicated through the immediate supervisor to the human resources office. The human resources office will prepare the submitted changes for review by the president's council. Before changes can go into effect with respect to a particular position, the president's council must approve them.~~
 - ~~(b) In the cases of new positions, a more formal evaluation will be required. The immediate supervisor at the inception of the new position will write a preliminary position description. After one year, the preliminary description should be reviewed and necessary changes to the position description should be made. A more formal position description will then be drafted for approval by the president's council. The position will then be given formal alignment within the salary classifications.~~

~~(D)~~ (C) Salary ranges.

- (1) The president will establish salary range guidelines which reflect current competitive rates of pay each year in the relevant employment market and which are compatible with the budgetary resources of the college.
- (2) Contract length effect. In order to compensate for different lengths of work years, the salary grade rate ranges may be modified to consider the number of days actually worked. Yearly contracts will be computed to a number of hours; therefore, a twelve-month contract will be considered as two thousand eighty hours, which includes vacations and paid holidays. Schedules for lesser work periods ~~are prorated~~ accordingly include paid holidays but do not include paid vacation. As a result, the following will be applied to the full-year schedule.

<u>Contract Length</u>		<u>No. of Hours</u>
12.0 months (260 days)	=	2,080
11.0 months (220 days)	=	1,760
10.5 months (210 days)	=	1,680
10.0 months (200 days)	=	1,600
9.5 months (190 days)	=	1,520
9.0 months (180 days)	=	1,440

(3) Salary range revision.

- (a) The salary ranges may be adjusted annually if competitive data indicates the general salary line has shifted. The salary structure as a whole may be revised, rather than individual salary ranges, to preserve internal relationships ~~produced by position evaluations of positions.~~
- (b) ~~It is important to note that adjustments~~ Adjustments to the salary structure will not be passed on to the employees in the form of a general increase ~~or decrease~~ unless specifically authorized by the president and the board of trustees. ~~Individual merit increases may be awarded to employees only on the basis of their performance evaluation and attitude.~~

~~(E)~~ Performance reviews.

- ~~(1) It is the policy of the college to evaluate employee performance regularly and systematically in order to provide a basis for equitable salary adjustments, to provide employees with an indication of their strengths and weaknesses, and to promote further employee development.~~
- ~~(2) There are two basic applications of employee performance reviews: (a) providing feedback to employees regarding their performance in order to aid their development of working skills and relationships; and (b) providing the administration with the information which is necessary to properly reward employees in relation to their contribution to the college's success.~~
- ~~(3) The review attitude should be one of honest, constructive criticism and/or recognition. The college requires each supervisor to discuss the appraisal with each employee and to discuss goals and objectives for the employee for the following year. The meeting with the employee should allow a two-way flow of information so that both parties can better understand each other and the expectations that each has regarding job responsibilities.~~
- ~~(4) Performance evaluations will be conducted prior to November thirtieth of each year. Informal and/or interim evaluations may occur at other times during the year.~~
 - ~~(a) Formal performance evaluations for counselors will be conducted prior to March fifteenth of each year.~~

~~(F)~~(D) Salary Merit-based reviews and adjustments.

- (1) All salary merit-based adjustments will be related to job performance. Employee salaries will be reviewed and adjusted periodically (~~usually yearly~~) to ensure that each employee's salary reflects his/her contribution to the progress and viability of the college and is within the budgetary resources of the institution.
- (2) Pay adjustments.
 - (a) Individual performance is the only basis for a merit increase. Length of service or time spent in a position does not, by itself, justify an increase. Employees who fail to meet expectations or whose performance or attitude is unacceptable are not eligible for merit increases.
 - (b) The primary advantages of the merit plan are:
 - (i) The higher performing employee receives a greater percentage increase than a lower performing employee.

- (ii) The salary can be moved to a proper relationship with other employees based on performance.
- (iii) Salary range increases are considered in the merit calculation in a systematic manner.
- (c) In no event shall an employee receive a pay increase which places that employee's calculated hourly rate above the maximum rate of their range. The budgeted amounts of annual increases shall be determined in consideration of available funds for such purposes as determined by the president.

~~(3) Promotion.~~

- ~~(a) A promotion is the act of placing an employee in a position which requires greater skills, knowledge, and ability to perform more complex and responsible work than the employee was required to perform in his/her prior position. The salary structure is designed so that an individual may be promoted into a position in a higher salary grade and normally still be below the midpoint salary for the new position even after a promotional increase.~~
- ~~(b) Any employee promoted to a higher classification shall advance to the range assigned for that classification at the minimum or entrance rate or at a rate of five percent above the employee's current salary, whichever is greater. However, no increases shall be granted to a level above the maximum rate established for the pay range.~~

~~(4) Transfers. A transfer is defined as the movement of an employee from one position to another where there is no change in classification. Employees who are transferred shall receive no increase or decrease in pay as a direct result of the transfer. The next merit increase should consider their performance throughout the year.~~

~~(5) Demotions. A demotion is the act of reducing an employee to a classification which requires less skill, knowledge, and ability and requires performance of less complex and less responsible work than the employee was required to perform in his/her previous position. A demotion also involves reducing the employee to a lower pay range. A demotion may occur because an employee has exhibited an inability or unwillingness to handle his/her duties and responsibilities, for disciplinary reasons, or as a result of a reduction in force. Regardless of the reason, the employee shall always be assigned to that pay range assigned to the employee's new classification. The employee will be placed in the appropriate range at a rate of ninety-five per cent of his/her previous rate or at the maximum of the assigned range, whichever is lower.~~

Effective date: XX/XX/XXXX

Certification

Date

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 Prior effective dates: 3/5/2002

APPENDIX III

3358:11-5-02 Contracts/salary notices policy.

(A) ~~Contracts~~ Salaried exempt employees.

- (1) A contract is an agreement entered into between the board of trustees of Owens ~~Community College~~ community college and ~~administrative and certain professional staff~~ full-time non-bargaining unit salaried exempt employees. All contracts are “limited,” i.e., have a termination date. ~~They are issued for a fiscal year and, thus, may be either one year in length or a portion of a fiscal year in length (from starting date to end of the current fiscal year).~~
- (2) The contract is issued after the board, upon recommendation of the president, approves the contract. ~~Employees should read the contract carefully, noting the obligations, duties, and conditions which govern them as employees. Employees will receive two copies of the contract to sign. One signed copy should be retained by the employee and the other signed copy should be returned to the human resources office, according to the guidelines issued with the contract.~~

(B) ~~Salary notices~~ Non-exempt employees. Salary notices are issued to hourly non-bargaining unit non-exempt staff as a confirmation of hourly wage. The salary notice is issued after the board, upon recommendation of the president, approves the salary notice. A salary notice is a communications device and does not imply any contractual arrangement. ~~It is mailed to the employee’s home address.~~

(C) ~~Salary Adjustments~~. Salary adjustments are normally made ~~near the beginning of each calendar year~~ on an annual basis. Salary adjustments are subject to the sufficiency of funds and official action of the board. ~~Salary adjustments are communicated to employees through a salary notice.~~

(D) Implementation. The vice president of human resources will implement procedures consistent with this policy.

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APPENDIX IV

3358:11-4-06 Campus closings/delays policy.

- (A) Purpose. ~~Delaying the opening of the campus or closing the campus due to circumstances beyond the college's control may require delaying the opening of a campus or advancing the closing of a campus. Delays or closings are executed in accordance with college procedures.~~
- (B) Implementation. The executive vice president of business affairs/chief financial officer will implement procedures consistent with this policy.
- ~~(B) Guidelines.~~
- ~~(1) Communicating closings/delays. When a decision is made to cancel classes, a public announcement will be communicated to the following radio or television stations.
 - ~~(a) Toledo radio. WYSZ (89.3 FM), WCWA (1230 AM), WSPD (1370 AM), WRVF (101.5 FM), WVKS (92.5 FM), WIOT (104.7 FM), WWWM (105.5 FM), WRQN (93.5 FM), WXKR (94.5 FM), WTOD (1560 AM), WLQR (1470 AM), WJUC (107.3 FM), WPOS (102.3 FM), WKKO (99.9 FM), WBUZ (106.7 FM).~~
 - ~~(b) Findlay radio. WIMJ (107.7 FM), WFIN (1330 AM), WBVI (96.7 FM), WFOB (1430 AM), WKXA (100.5 FM), WQTL (106.3 FM), WCKY (103.7 FM).~~
 - ~~(c) Northwest Ohio television. WTVG TV 13, WTOL TV 11, WNWO TV 24, WUPW TV 36.~~~~
 - ~~(2) Timeframe for closing/delay decisions. When feasible, decisions for closing the college will be made prior to six thirty a.m. for day classes and before three forty five p.m. for evening classes. Announcements will apply to both credit and non credit classes and to all other scheduled events on the campus.~~
 - ~~(3) Faculty reporting guidelines. When classes are cancelled, faculty do not need to report during the hours that the classes are cancelled by the college.~~
 - ~~(4) Administrative/support staff reporting guidelines.
 - ~~(a) When classes are announced as cancelled, all administrative and support staff personnel will be notified by their supervisors by telephone when they are to report to the college.~~
 - ~~(b) If an employee does not report to work due to inclement weather but is responsible for being on duty, the duty time missed will not be compensated.~~~~
 - ~~(5) Severe weather. During the spring and summer months, severe thunderstorm, tornado or other severe weather warnings are more prominent. The security department (recognized by blue or gray uniforms) and the buildings & grounds department (recognized by red shirts) will implement an emergency procedure to warn employees, students, and guests. When a designated staff member appears with warning information, listen carefully and follow the emergency instructions that are given. Time is limited during emergency situations and designated personnel will not have time to answer questions.~~

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APPENDIX V

3358:11-5-07 Daily work schedule policy.

(A) ~~Salaried~~ Exempt staff. The normal work schedule for salaried staff is forty hours per week.

(B) Hourly Non-exempt office support staff.

(1) The normal work schedule for ~~hourly~~ office support employees is 37.5 hours per week, because they forego morning and afternoon breaks, thus earning an additional half hour each full day on the job. As such, they are paid for forty hours per week.

~~(C)~~(2) ~~Other hourly employees.~~ Hourly employees Employees (such as buildings and grounds staff) who take two fifteen-minute breaks each day work forty hours per week.

~~(C)~~~~(D)~~ Part-time staff members. The normal work schedule for part-time staff members is set by the immediate supervisor.

~~(E) Daily Schedules.~~ ~~Daily schedules vary from job to job. A normal daily office schedule for non-exempt staff is either from eight a.m. to four thirty p.m. or eight thirty a.m. to five p.m. with one hour unpaid for lunch, to be taken between eleven thirty a.m. and one thirty p.m. in accordance with each department's written procedure. Supervisors may approve alternate work schedules consistent with departmental needs and in accordance with established procedure. For those offices in which it is necessary to "close" during the lunch hour period, the standard lunch hour of twelve noon to one p.m. should be observed. If another closing time is occasionally necessary, it should be approved by the supervisor and communicated to the switchboard operator. An exempt employee may take a lunch break at his/her discretion, in consultation with the immediate supervisor.~~

Effective date: ~~September 9, 2002~~

Daniel R. Hauenstein

Certification

August 20, 2002

Date

Promulgated under: ~~RC Sec. 111.15~~

Statutory authority: ~~RC Sec. 3358.08~~

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Prior effective dates: 3/5/2002, 9/2/2002

APPENDIX VI

3358:11-5-13 Exempt and non-exempt employment policy.

- A. Purpose: Employment positions at Owens ~~Community College~~ community college will be classified as distinguished between exempt positions and or non-exempt positions based on the provisions of the Fair Labor Standards Act of 1938, as amended.
- ~~B. Exempt positions at Owens community college shall include all positions identified as “Administrative” on the college’s salary structure, as well as all positions classified in pay grades 11 and above on the “Professional” salary schedule. Secretaries and administrative assistants to positions that are classified as exempt shall also be considered exempt for purposes of this policy.~~
- ~~C. Any position at the college which has not been designated as “exempt” under section B shall be designated as “non-exempt” for purposes of this policy.~~
- ~~D.B. The Vice President of Human Resources is authorized to implement administrative guidelines consistent with this policy. The vice president of human resources shall be responsible for the review of all positions and appropriate classification to ensure compliance with the Fair Labor Standards Act of 1938, as amended.~~

Effective date: _____ December 29, 2003

Daniel R. Hauenstein _____
Certification

December 16, 2003 _____
Date

Promulgated under: _____ RC Sec 111.15
Statutory authority: _____ RC Sec 3358.08
Rule amplifies: _____ RC Sec 3358.08
Prior effective dates: —

Effective date: XX/XX/XXXX

Certification

Date

Promulgated under: 111.15
Statutory authority: 3358.08
Rule amplifies: 3358.08
Prior effective dates: 12/29/2003

APPENDIX VII

3358:11-5-41 Vacation (twelve-month employees) policy.

- (A) Purpose. Vacation time is provided to employees on twelve-month assignments. Employees must schedule vacation at a time that is convenient to meet the particular needs of their department. All vacations must be submitted in writing on the appropriate form and approved in advance by the employee's immediate supervisor.

When an employee begins employment before the sixteenth day of the month, the employee will begin accruing the last pay date of that month. Otherwise the employee will begin accruing the last pay date of the following month. (Persons on unpaid leave will not earn vacation during such absence.)

- (B) Guidelines.

- (1) Accrual.

~~(a) Accrual begins at the end of the first full month of service and continues for each subsequent full month of service. (Persons on unpaid leave will not earn vacation during such absence.)~~

~~(a)~~ (b) Administrators Full-time exempt staff accrue twenty-three days (one hundred eighty-four hours) vacation per year, which represents a monthly accrual of 15.33 hours per month.

~~(b)~~ (c) Other Full-time non-exempt staff accrue vacation as follows:

- (i) Full-time, twelve-month employees will for their first five years of service receive twelve vacation days (ninety-six hours) per year, which represents a monthly accrual of ~~8.0~~ eight hours per month.
- (ii) At the completion of the employee's fifth year of service, the monthly accrual rate will be revised to 11.33 hours per month so that at the end of the sixth year the employee will have accrued seventeen days (one hundred thirty-six hours) vacation per year.
- (iii) At the completion of the employee's tenth year of service, the monthly accrual rate will be revised to 14.67 hours per month so that at the end of the eleventh year the employee will have accrued twenty-two days (one hundred seventy-six hours) vacation per year.

- (2) Vacation leave may be taken in ~~one~~ half-hour increments. If an employee takes a day off, the number of hours used will be equal to the number of hours that they were scheduled to work on that day. Vacation time can only be used after it has been earned. Maximum accrued vacation, which can be carried over from one fiscal year to the next fiscal year, cannot exceed two ~~and one-half (2.5)~~ years of vacation accrual.

- (3) Employees who transfer from a less-than-twelve-month position to a twelve-month position will have their years of service counted toward the calculation of the appropriate accrual. Vacation accrual for the twelve-month assignment will begin at the end of the first full month of service in the twelve-month assignment.

- ~~(4) Employees may secure the total number of hours of accumulated vacation from the human resources office. Questions regarding vacation accrual should be directed to the human resources office.~~

- (C) Other Part-time staff working twenty hours or more per week accrue as follows:
- (i) Part-time, twelve-month employees will for their first five years of service receive six vacation days (forty-eight hours) per year, which represents a monthly accrual of four hours per month.
 - (ii) At the completion of the employee's fifth year of service, the monthly accrual rate will be revised to 5.67 hours per month so that at the end of the sixth year the employee will have accrued 8.5 days (sixty-eight hours) vacation per year.
 - (iii) At the completion of the employee's tenth year of service, the monthly accrual rate will be revised to 7.33 hours per month so that at the end of the eleventh year the employee will have accrued eleven days (eighty-eight hours) vacation per year.
- (D) Other Part-time staff working less than twenty hours per week do not accrue vacation time.

Effective date: ~~_____~~ September 19, 2004

Brian Paskvan _____

Certification

August 10, 2004 _____

Date

Promulgated under: _____ RC Sec. 111.15
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 Rule amplifies: _____ RC Sec. 3358.08
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Effective date: XX/XX/XXXX

 Certification

 Date

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 Rule amplifies: 3358.08
 Prior effective dates: 3/5/2002, 9/19/2004, 7/15/2005

APPENDIX VIII

3358:11-5-42 Personal leave policy.

- (A) Purpose. For full-time non-exempt staff a limit of sixteen hours per fiscal year of leave (non-accruable) will be allowable. For part-time staff working twenty hours or more per week, a limit of eight hours per fiscal year of leave will be allowable.
- (B) Implementation. The vice president of human resources will implement procedures consistent with this policy.
- ~~(B) Guidelines.~~
 - ~~(1) Employees who accrue twenty three days vacation per year are not eligible for personal leave.~~
 - ~~(2) Personal leave is to be requested in advance on the appropriate form and submitted to the employee's supervisor.~~
 - ~~(3) Personal leave should be requested only for personal business that cannot be handled at times other than during the employee's regular work hours.~~
 - ~~(4) Personal leave is to be used in half hour increments.~~
 - ~~(5) Part-time staff working less than twenty hours per week do not accrue personal time.~~
 - ~~(6) Any personal leave for the end of the fiscal year must be submitted to the office of human resources no later than June fifteenth.~~

Effective date: _____ October 16, 2005

Eugene C. Lapko _____

Certification

August 9, 2005 _____

Date

_____ Promulgated under: _____ RC Sec. 111.15
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_____ Certification

_____ Date

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APPENDIX IX

3358:11-5-44 Family and medical leave policy.

- (A) Purpose. Owens ~~Community College~~ community college understands the importance of family issues in today's work force. The college also recognizes that more of its employees than ever before face conflicting demands of family obligations and work. Because an employee may find it necessary to take leave from their job for a temporary period to address certain family responsibilities or their own serious health conditions and in order to comply with the Family and Medical Leave Act of 1993 Public Law 103-3 (FMLA), Owens ~~Community College~~ community college hereby establishes its family and medical leave policy.
- (B) Eligibility. In order to qualify under this policy, an employee must meet both of the following conditions:
- (1) Must have been employed by Owens ~~Community College~~ community college for at least twelve months or fifty-two weeks prior to the leave request. The twelve months, or fifty-two weeks, need not be consecutive.
 - (2) Must have worked at least one thousand two hundred fifty hours during the twelve month period immediately before the date when the leave would begin.
- (C) Type of leave covered. The college will grant an eligible employee up to twelve weeks of family and medical leave during each twelve month period (July first through June thirtieth) in accordance with the Family and Medical Leave Act of 1993 Public Law 103-3 (FMLA), if the procedures in this policy are followed and leave is requested for any of the following reasons:
- (1) The birth of a son or daughter of an employee and in order to care for that child.
 - (2) The placement of a son or a daughter with an employee for adoption or foster care.
 - (3) To care for a spouse, son, daughter or parent of an employee if the family member has a serious health condition.
 - (4) An employee's own serious health condition that renders them unable to perform the functions of their position.
 - (5) Qualifying exigency (as secretary (of defense) shall, by regulation, determine) arising out of the fact that the spouse, or son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty, in support of a contingency operation.
- (D) Type of leave covered. The college will grant an eligible employee up to twenty-six weeks of family and medical leave during each twelve month period (July first through June thirtieth) in accordance with the Family and Medical Leave Act of 1993 Public Law 103-3, if the procedures in this policy are followed and leave is requested for any of the following reasons:
- (1) Leave to care for a family member (spouse, son, daughter, parent, or next of kin) of a service member who is recovering from a serious illness or injury sustained in the line of active duty.
- (D)(E) Serious health condition. An employee may take leave because of a serious health condition that makes them unable to perform the functions of their position. A serious health condition includes any of the following:

- (1) Hospital care. Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- (2) Absence plus treatment. A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:
 - (a) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider.
 - (i) Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations.
 - (b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - (i) A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.
- (3) Pregnancy. Any period of incapacity due to pregnancy or for prenatal care.
- (4) Chronic conditions requiring treatments. A chronic condition which:
 - (a) Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider.
 - (b) Continues over an extended period of time (including recurring episodes of a single underlying condition).
 - (c) May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.)
- (5) Permanent/long-term conditions requiring supervision. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under continuing supervision of, but need not be receiving treatment by, a health care provider. Examples including Alzheimer's alzheimer's, a severe stroke or the terminal stages of a disease.
- (6) Multiple treatments (non-chronic conditions). Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- (7) The college requires the employee to provide a doctor's certification of a serious health condition. If an employee has questions about what illnesses may be covered under Family and Medical Leave Act of 1993 Public Law 103-3 (FMLA) or under the college's sick leave plan policy 3358:11-5-43, they should contact the human resources office.

(8) If an employee takes paid sick leave for a condition that progresses into a serious health condition and they request leave as provided by this policy, the college will designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

(~~E~~)(F) Benefits while on leave. While on leave under Family and Medical Leave Act of 1993 Public Law 103-3 (FMLA), the college will continue the employee's health benefits during the leave period at the same level and under the same conditions as if they had continued to work. If an employee chooses not to return to work for reasons other than the continuation, recurrence or onset of a serious health condition which would entitle them to leave or other circumstances beyond their control, the college will require them to reimburse the college for the amount it has paid for their health insurance premium during the leave period.

(~~F~~)(G) Status after leave. If an employee takes leave under FMLA, they will be able to return to the same job or an equivalent job. (In accordance with the law, the college may choose to exempt certain highly compensated employees from this requirement and not return them to the same or similar position.)

(~~G~~)(H) Use of paid and unpaid leave.

(1) If an employee has accrued sick leave and if they are taking leave because of their own serious health condition or the serious health condition of a family member, they must use paid sick leave first and take the remainder of the twelve weeks as unpaid leave. If they have vacation leave available to them, they must also use this paid leave before taking unpaid leave. (For example, if they have one week of vacation and one week of sick leave, they would be able to take two weeks of paid leave and ten weeks of unpaid leave under this policy.)

(2) If an employee is taking leave for the birth of a child, they must use paid sick leave for physical recovery following childbirth per doctor's note. They must then use vacation leave, if available. They will then be eligible for the remainder of the twelve weeks as unpaid leave.

(3) If an employee is taking leave for adoption or foster care of a child and they have paid vacation available to them, they must use paid vacation leave prior to taking unpaid leave.

(4) If an employee is taking leave to care for a family member with a serious health condition and they have paid vacation available to them, they must use paid vacation leave prior to taking unpaid leave.

(5) Leave under this policy shall be for a maximum of twelve weeks total. This total shall include both paid and unpaid leave.

(~~H~~)(I) Intermittent leave or a reduced work schedule. For a personal illness or to care for a sick family member, an employee need not take such leave continuously. They may take it on an intermittent basis or by reducing their scheduled work hours if they provide certification from the health care provider that leave must be taken in that manner. The college may temporarily transfer the employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent leave or reduced leave schedule. Request for intermittent leave or reduced leave schedule after the birth, adoption or foster care placement of a child will not be considered.

(~~I~~)(J) Certification of serious health condition.

- (1) The college requires certification of a serious health condition by a health care provider to support a request for leave. The employee must respond to such a request within fifteen days of the request or provide a reasonable explanation for the delay. Failure to provide certification will result in a denial of leave.
 - (2) The college has a right to ask for a second opinion if it has reason to doubt the certification. The college will pay for the employee to get a certification from a second doctor, whom the college will select. If necessary to resolve a conflict between the original certification and the second opinion, the college will require the opinion of a third doctor. The college and the employee will jointly select a third doctor, and the college will pay for the opinion. This third opinion will be considered final.
- (J)(K) Procedure for requesting leave. Except where leave is not foreseeable, the employee must submit a "~~Family and Medical Leave Request Form~~" family and medical leave request form to their immediate supervisor and the human resources office thirty days prior to the start of requested leave. (If an employee is undergoing planned medical treatment, they must make a reasonable effort to schedule the treatment to minimize disruptions to the college's operations.) If it is not possible to give thirty days notice, they must give as much notice as practicable. If they fail to provide thirty days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty days from the date the college receives notice. While on leave, the employee must report periodically to the human resources office regarding the status of the medical condition and their intent to return to work.

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