

Texas Southmost College

Employee Handbook

Table of Contents

1. Welcome

- 1.1. History & Culture
- 1.2. College Leadership
- 1.3. Purpose of Handbook
- 1.4. At-Will Employment

2. Workplace Commitments

- 2.1. Equal Opportunity Employment
- 2.2. Non-Harassment / Non-Discrimination
- 2.3. Drug Free / Alcohol Free Environment
- 2.4. Open Door Policy

3. College Policies and Procedures

- 3.1. Professional Conduct
- 3.2. Dress Code
- 3.3. Solicitation
- 3.4. Payday
- 3.5. College Property
- 3.6. Privacy
- 3.7. Non-Disclosure of Confidential Information
- 3.8. Personnel Files
- 3.9. Breaks for Expression of Breast Milk
- 3.10. Outside Employment
- 3.11. Assignment and Reassignment
- 3.12. Reporting Arrests, Indictments, Convictions, and Other Adjudications
- 3.13. Substantive Changes
- 3.14. Criminal Background Checks and Valid Texas Driver's License
- 3.15. References
- 3.16. Job Offers

4. Employment Classification

- 4.1. Exempt Employees
- 4.2. Non-Exempt Employees
- 4.3. Part-Time, Full-Time or Temporary Status

5. Attendance Policies

- 5.1. General Attendance
- 5.2. Tardiness
- 5.3. Breaks
- 5.4. Abandonment/Involuntary Resignation

6. Leave Policies

- 6.1. Vacation
- 6.2. Sick Leave

- 6.3. Family and Medical Leave Act
- 6.4. Holidays
- 6.5. Court Appearances
- 6.6. Voting Time Off
- 6.7. Military Leave
- 6.8. Bereavement Leave
- 6.9. Personal Leave Without Pay
- 6.10. Severe Weather Conditions

7. Work Performance

- 7.1. Expectations
- 7.2. Employee Evaluations and Reviews
- 7.3. Insubordination

8. Discipline Policy

- 8.1. Grounds for Disciplinary Action
- 8.2. Procedures
- 8.3. Termination

9. Health and Safety

- 9.1. Workplace Safety
- 9.2. Workplace Security
- 9.3. Emergency Procedures
- 9.4. Soliciting/Posting Notices/Bulletin Boards
- 9.5. Campus Security

10. Benefits

- 10.1. Health Insurance
- 10.2. Social Security/Medicare/Medicaid
- 10.3. Retirement Plans
- 10.4. Worker's Compensation
- 10.5. Disability Coverage
- 10.6. Employee Assistance Program
- 10.7. Educational Benefits
- 10.8. On Site Interviews
- 10.9. Moving Expenses

11. Separation of Employment

- 11.1. Voluntary Separation
- 11.2. Final Paycheck
- 11.3. COBRA Continuation of Benefits
- 11.4. Exit Interview
- 11.5. Reemployment of Personnel

Section 1 – Welcome

1.1 History & Culture

Welcome to Texas Southmost College. This institution has a long and fascinating legacy. Founded in 1926, Texas Southmost College (TSC) was the first community college in Texas. After a variety of minor name changes and affiliations with the local school districts, TSC took its final form in 1948 after the U.S. Government gave Fort Brown (the first U.S. military post established in Texas) to the College where its main campus resides to this day. The beautiful campus sits on approximately 50 acres of land adjacent to the Rio Grande River. The campus boasts a classic Spanish Colonial/Mexican/Mission style architecture which illustrates its historical past.

In 1991, the Texas Legislature created The University of Texas at Brownsville (UTB) as an upper-division university to replace The University of Texas Pan American-Brownsville, and authorized it to enter into an agreement with Texas Southmost College to teach courses not offered at the university. The two higher education institutions existed as a single entity until 2011 when TSC chose to become an independent institution again dedicated to serving the educational needs of the Brownsville community – especially in the areas of career and workforce education.

TSC was accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) in 2015; and in 2017, the Board of Trustees of the Texas Southmost College appointed Dr. Jesus Roberto Rodriguez to be the institution’s President.

1.2 College Leadership

Board of Trustees

- Adela Garza, Chair
- Juan Mendez, III, J.D., Vice Chair
- Ruben Herrera, J.D., Secretary
- Eva Alejandro, Trustee
- JJ. De Leon, Jr., Trustee
- Art Rendon, Trustee
- Dr. Tony Zavaleta, Trustee

Executive Officers

- Dr. Jesus Roberto Rodriguez, President
- Dr. Joanna Kile, Vice President of Instruction
- Dr. Gisela Figueroa, Vice President of Finance and Administration
- Dr. Larry Rideaux, Vice President of Student Services
- Melinda Rodriguez, Vice President of Institutional Advancement and Community Relations
- Luis Villarreal, Vice President of Information Technology
- Oscar Hernandez, Executive Director of Institutional Research and Compliance
- Lissa Frausto, Chief Human Resources Officer

1.3 Purpose of this Handbook

This handbook has been prepared to inform employees of the policies and procedures of Texas Southmost College (TSC) and to establish TSC's expectations. It is not all inclusive or intended to provide strict interpretations of our policies; rather, it offers an overview of the work environment. This handbook is not a contract, expressed or implied, guarantying employment for any length of time and is not intended to induce an employee to accept employment with TSC.

TSC reserves the right to unilaterally revise, suspend, revoke, terminate or change any of its Local policies or Regulations, in whole or in part, whether described within this handbook or elsewhere, in its sole discretion. If any discrepancy between this handbook and current policy arises, conform to current policy. Every effort will be made to keep you informed of TSC's policies, however we cannot guarantee that notice of revisions will be received by all employees. Feel free to ask questions about any of the information within this handbook. This handbook supersedes and replaces any and all personnel procedures and manuals previously distributed, made available or applicable to employees.

1.4 At-Will Employment - DM (Local)

Except for full-time faculty, all employment at TSC is at-will. An at-will employment relationship can be terminated at any time, with or without reason or notice by either the employer or the employee. This at-will employment relationship exists regardless of any statements by other personnel to the contrary. Only the President of TSC is authorized to modify the at-will nature of the employment relationship, and the modification must be in writing.

Section 2 – Workplace Commitments

2.1 Equal Employment Opportunity - DAA (Legal)

TSC is an equal employment opportunity employer and does not unlawfully discriminate against employees or applicants for employment on the basis of an individual's race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status, pregnancy, or any other status protected by applicable law. This policy applies to all terms, conditions and privileges of employment, including recruitment, hiring, placement, compensation, promotion, discipline and termination.

Whenever possible, TSC makes reasonable accommodations for qualified individuals with disabilities to the extent required by law. Employees who would like to request a reasonable accommodation should contact the Human Resources department.

Several laws enforced by the U.S. Equal Employment Opportunity Commission prohibit workplace discrimination. The Americans with Disabilities Act (ADA) requires employers to provide, among other things, reasonable accommodations to qualified individuals with disabilities unless to do so would cause an undue hardship to TSC.

2.2 Non-Harassment Policy / Non-Discrimination Policy – DIAB (Local)

TSC prohibits discrimination or harassment based on race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status, pregnancy, or any other status protected by applicable law. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and is free from discriminatory practices, including without limitation harassment. Consistent with its workplace policy of equal employment opportunity, TSC prohibits and will not tolerate harassment on the basis of race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status, pregnancy, or any other status protected by applicable law.

Violations of this policy will not be tolerated. Discrimination includes, but is not limited to: making any employment decision or employment related action on the basis of race, color, religion, creed, age, sex, disability, national origin, marital status, veteran status, pregnancy or any other status protected by applicable law.

Harassment is generally defined as unwelcome verbal or non-verbal conduct, based upon a person's protected characteristic that denigrates or shows hostility or aversion toward the person because of the characteristic, and which affects the person's employment opportunities or benefits, has the purpose or effect of unreasonably interfering with the person's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive working environment. Harassing conduct includes, but is not limited to: epithets; slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group based on their protected characteristic.

Sexual harassment (DIAA (Local)) is defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include: unwelcome or unsolicited sexual advances; displaying sexually suggestive material; unwelcome sexual flirtations, advances or propositions; suggestive comments; verbal abuse of a sexual nature; sexually oriented jokes; crude or vulgar language or gestures; graphic or verbal commentaries about an individual's body; display or distribution of obscene materials; physical contact such as patting, pinching or brushing against someone's body; or physical assault of a sexual nature.

Reporting: Any employee who feels that he or she has been harassed or discriminated against, or has witnessed or become aware of discrimination or harassment in violation of these policies, should bring the matter to the immediate attention of his or her supervisor or the Human Resources department. TSC will promptly investigate all allegations of discrimination and harassment, and take action as appropriate based on the outcome of the investigation. An investigation and its results will be treated as confidential to the extent feasible, and the college will take appropriate action based on the outcome of the investigation.

No employee will be retaliated against for making a complaint in good faith regarding a violation of these policies, or for participating in good faith in an investigation pursuant to these policies. If an employee feels he/she has been retaliated against, the employee should file a complaint using the procedures set forth above.

Please refer to the Human Resources webpage for more detailed information regarding these policies and procedures.

2.3 Drug-Free / Alcohol-Free Environment – DH (Local), DI (Local)

Employees are prohibited from unlawfully consuming, distributing, possessing, selling, or using controlled substances while on duty. In addition, employees may not be under the influence of any controlled substance, such as drugs or alcohol, while at work, on TSC's premises or engaged in TSC's business. Prescription drugs or over-the-counter medications, taken as prescribed, are an exception to this policy. Anyone violating this policy may be subject to disciplinary action, up to and including termination.

2.4 Open Door Policy

TSC has an open door policy and takes employee concerns and problems seriously. TSC values each employee and strives to provide a positive work experience. Employees are encouraged to bring any workplace concerns or problems they might have or know about to their supervisor or some other member of the administration.

Section 3 – TSC Policies and Procedures

3.1 Professional Conduct – DH (Local)

TSC expects its employees to adhere to a standard of professional conduct and integrity. This ensures that the work environment is safe, comfortable and productive. Employees should be respectful, courteous, and mindful of others' feelings and needs. General cooperation between coworkers and supervisors is expected. Individuals who act in an unprofessional manner may be subject to disciplinary action.

3.2 Dress Code

An employee's personal appearance and hygiene is a reflection on TSC's character. Employees are expected to dress appropriately for their individual work responsibilities and position. Generally, TSC encourages all employees to dress in a "business casual" fashion. Fridays are "denim days" and appropriate jeans are allowed when worn with a TSC sanctioned t-shirt or school colors.

3.3. Solicitation

Employees are prohibited from soliciting (personally or via electronic mail) for membership, pledges, subscriptions, the collection of money or for any other unauthorized purpose anywhere on TSC property during work time, especially those of a partisan or political nature. "Work time" includes time spent in actual performance of job duties but does not include lunch periods or breaks. Non-working employees may not solicit or distribute to working employees. Persons who are not employed by TSC may not solicit or distribute literature on TSC's premises at any time for any reason.

Employees are prohibited from distributing, circulating or posting (on bulletin boards, refrigerators, walls, etc.) literature, petitions or other materials at any time for any purpose without the prior approval of the administration.

3.4 Payday

Paychecks are distributed semi-monthly on the 15th and last day of the month. If a payday falls on a federal holiday or weekend, the payday will be the last working day prior to the holiday or weekend.

Generally, time cards are due approximately 14 days before the next payroll date. Please check the Human Resources website page and click on Payroll Calendar for precise time card due dates.

Paychecks include salary or wages earned less any mandatory or elected deductions. Mandatory deductions include federal or state withholding tax, and other withholdings for insurance and retirement. Elected deductions are deductions authorized by the employee, and may include, for example, contributions to benefit plans. Employees may contact Human Resources to obtain the necessary authorization forms for requesting additional deductions from their paychecks.

Notify Payroll if the paycheck appears to be inaccurate or if it has been misplaced. TSC reserves the right to charge a replacement fee for any lost paychecks. Advances on paychecks are not permitted.

Any change in name, address, telephone number, marital status or number of exemptions claimed by an employee must be reported to Human Resources immediately.

3.5 College Property – DGD (Local), DH (Local)

TSC property, such as equipment, vehicles, telephones, computers, and software, is not for private use. These devices are to be used strictly for college business, and are not permitted off grounds unless authorized. College property must be used in the manner for which it was intended. Upon separation, employees are required to surrender any college property they possess.

College computers, internet and emails are a privileged resource, and must be used only to complete essential job-related functions. Employees are not permitted to download any “pirated” software, files or programs and must receive permission from the Information Technology department before installing any new software on a college computer. Files or programs stored on college computers may not be copied for personal use.

Phones are provided for college use. TSC requests that employees not receive personal calls while on duty. If urgent, please keep personal calls to a minimum and conversations brief. Personal long distance calls are not permitted. Employees are reminded that they should have no expectation of privacy in their use of college computers or other electronic equipment. Violations of these policies could result in disciplinary action.

3.6 Privacy

Employees and employers share a relationship based on trust and mutual respect. However, TSC retains the right to access all college property including computers, desks, file cabinets, storage facilities, and files and folders, electronic or otherwise, at any time. Employees should not entertain any expectations of privacy when on college grounds or while using college property.

All documents, files, voicemails and electronic information, including e-mails and other communications, created, received or maintained on or through college property are the property of TSC, not the employee. Therefore, employees should have no expectation of privacy over those files or documents.

3.7 Non-Disclosure of Confidential Information

Any information that an employee learns about TSC, its students or employees, as a result of working for TSC that is not otherwise publicly available constitutes confidential information. Employees may not disclose confidential information to anyone who is not employed by TSC or to other persons employed by TSC who do not need to know such information to assist in rendering services.

3.8 Personnel Files - DBA (Local)

TSC maintains a personnel file on each employee. These files are kept confidential to the extent possible. Employees may review their personnel file upon request. It is important that personnel files

accurately reflect each employee's personal information. Employees are expected to inform TSC of any change in name, address, home phone number, home address, marital status, number of dependents, emergency contact information and beneficiary information.

Employees may review the contents of their personnel files by scheduling an appointment with the Human Resources department. Appointments should be made during normal business hours.

3.9 Breaks for Expression of Breast Milk – DG (Legal)

TSC supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

3.10 Outside Employment – DBF (Local)

Employees are required to disclose in writing to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the College. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

3.11 Assignment and Reassignment – DJ (Local)

The College President shall be authorized to assign and transfer any employee depending on the needs of the College. For contractual employees, reassignment during a contract period shall be accomplished without reduction in salary or benefits for the remainder of such contract period only.

3.12 Reporting Arrests, Indictments, Convictions, and other Adjudications – DH (Local)

An employee shall notify his or her immediate supervisor within three (3) calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude. Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

3.13 Substantive Changes - GK (Local)

Procedures have been established to ensure ongoing compliance with Comprehensive Standard 3.12 (Substantive Change) of the Principles of Accreditation from the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). All employees should be familiar with the procedures for monitoring and reporting substantive change that are published in GK Regulation and GK Exhibit located on the Institutional Research and Compliance department webpage. Employees will not initiate any action that could be considered a substantive change without written approval from the President and prior notification and approval, if required, from SACSCOC.

3.14 Criminal Background Checks and Valid Driver's License

All TSC positions are security-sensitive. The College will conduct a criminal background check on all prospective full-time and part-time employees. The College also verifies valid Texas Driver's License (TDL) for any employee driving College vehicles. If a criminal background investigation identifies a conviction, the Chief Human Resources Officer will review the information, and when necessary, will consult with the President and/or legal counsel to determine if the offer of employment is affected by the report. If a driver of a College vehicle commits an offense that jeopardizes TDL status, they are to immediately notify their supervisor and cease driving any College vehicle until such time they are restored to TDL approved status. The College reserves the right to conduct periodic criminal background and TDL checks throughout the scope of employment.

3.15 References

It is the Hiring Supervisor's responsibility to ensure that a minimum of three reference checks are on file for the recommended finalist. One of the references should be the finalist's last immediate supervisor.

3.16 Job Offers

No offer of employment, either written or verbal, shall be made to the successful candidate without the approval of the College President or his/her designee.

Section 4 - Employment Classification

TSC assigns positions, determines wages and compensates employees for overtime in accordance with state and local laws and the Fair Labor Standards Act.

4.1 Exempt Employees – DEA (Local)

Exempt employees are those that are excluded from the overtime pay requirements of the Fair Labor Standards Act. Exempt employees are paid a salary and are expected to work beyond their normal work hours whenever necessary to accomplish the work of TSC. Exempt employees are not eligible to receive overtime compensation. Employees should consult with an administrator if they have questions regarding their classification as an exempt employee. The Fair Labor Standards Act provides narrow provisions for who qualifies for exempt employee status.

4.2 Non-Exempt Employees – DEA (Local)

Non-exempt employees are those eligible for overtime pay of 1.5 times the regular hourly rate of pay for all hours worked over 40 per work week. The college may substitute “comp time” in lieu of paying overtime wages at its discretion. Earned comp time shall be used before any available paid leave. All overtime must be approved in advance. Employees should consult with an administrator if they have questions regarding their classification as a non-exempt employee.

4.3 Part Time, Full Time or Temporary Status

Part-time or full-time status depends on the number of hours per week an employee works. Regular employees who work fewer than 40 hours receive part-time classification. Part-time employees are not eligible for employee benefits as described in this handbook. Regular employees who work at least 40 hours receive full-time classification.

From time to time TSC may hire employees for specific projects or periods of time. Temporary employees may work either part-time or full-time, but generally are scheduled to terminate by a certain date. Temporary employees who remain on duty past the scheduled termination remain classified as temporary. Only college administration may change an employee’s temporary status. Full-time temporary employees are eligible for employment benefits.

Section 5 – Attendance Policies

5.1 General Attendance

TSC maintains normal working hours of 8 a.m. to 5 p.m. Hours may vary depending on work location and job responsibilities. Supervisors will provide employees with their work schedule. Should an employee have any questions regarding his/her work schedule, the employee should contact the supervisor.

TSC does not tolerate absenteeism without excuse. Employees who will be late to or absent from work should notify a supervisor in advance, or as soon as practicable in the event of an emergency. Chronic absenteeism may result in disciplinary action. Employees who need to leave early, for illness or otherwise, should inform a supervisor before departure. Unauthorized departures may result in disciplinary action.

5.2 Tardiness

Employees are expected to arrive on time and ready for work. An employee who arrives late is considered tardy. TSC recognizes that situations arise which hinder punctuality; regardless, excessive tardiness is prohibited, and may be subject to disciplinary action.

5.3 Breaks

When working conditions permit, and pending a supervisor's approval, employees may receive one paid 15 minute break for every 4 hours worked. Meal breaks should be at least 30 minutes in length and the employee should be completely relieved from duty. Meal breaks are unpaid and must be approved by a supervisor.

5.4 Abandonment/Involuntary Resignation

An employee who is absent for more than three (3) consecutive scheduled workdays without approval and notification to their supervisor is considered to have abandoned employment. This applies to an employee during normal course of employment as well as the scheduled return from vacation or leaves of absences.

Section 6 – Leave Policies

6.1 Vacation – DEC (Local)

TSC provides, as a benefit, paid vacation for its eligible employees. Requests for use of vacation time must be approved by the employee's supervisor in advance. The supervisor may approve or deny the request based on college resources. TSC is flexible in approving time off when doing so would not interfere with college operations.

Vacation days are granted only in full hourly units (e.g., 3 hours, NOT 2 hours 50 minutes). A regular employee may use vacation time after six full months of service. Employees accrue vacation time at the rate of one (1) day vacation leave (e.g. 8 hours) for every full month worked. Use of vacation leave shall not exceed ten (10) consecutive workdays without prior administration approval. Generally, employees must earn and accrue vacation benefits before such leave may be used. Employees should consult Human Resources regarding the amount of vacation leave they accrue each pay period.

Any remaining accrued time off may be accumulated or carried forward into the next year but cannot exceed 20 days. Vacation benefits do not accrue during any period of extended leave of absence.

6.2 Sick Leave – DEC (Local)

Situations may arise where an employee needs to take time off to address medical or other health concerns. TSC requests that employees provide notification to their supervisor as soon as practicable when taking time off. Sick days are granted on a paid basis to regular employees provided that they have accumulated sick leave to use. Employees accrue sick leave at the rate of one (1) day sick leave (e.g. 8 hours) for every full month worked. Employees may consult Human Resources regarding their sick leave balance. Sick leave may accumulate up to a maximum of 90 days. New employees are eligible to use sick leave after the third full month of employment. Sick leave may be used for: illness of the employee, illness of the employee's immediate family, family emergency, and birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.

As a benefit for its full-time employees, the college sponsor's a sick leave pool to help the employee through catastrophic illness or injury (for the employee or immediate family member). Employees wishing to join the sick leave pool should contact Human Resources for more information. Use of the sick leave bank shall be permitted only after all available leave has been exhausted.

6.3 Family and Medical Leave Act (FMLA) – DEC (Local)

TSC offers leave consistent with the requirements of the federal Family and Medical Leave Act (FMLA). Under the FMLA, an employee may be eligible for an unpaid family and medical leave of absence under certain circumstances. Under the federal FMLA, a person who has worked as an employee of TSC for at least 1,250 hours for twelve months is eligible for FMLA leave. Up to twelve weeks of unpaid leave per year is available for the following reasons:

- The birth of a child and to care for the newborn child;

- Placement of a child into adoptive or foster care with the employee;
- Care for a spouse, son, daughter or parent who has a serious health condition;
- Care for the employee's own serious health condition;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- To care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin.

If the need for leave is foreseeable, employees should notify a supervisor 30 days prior to taking FMLA leave. If the need for FMLA leave arises unexpectedly, employees should notify a supervisor as soon as practicable, giving as much notice to TSC as possible.

Employees will be required to provide: medical certifications supporting the need for leave if the leave is due to a serious health condition of the employee or employee's family member; periodic recertification of the serious health condition; and periodic reports during the leave regarding the employee's status and intent to return to work. Employees must return to work immediately after the serious health condition ceases, and employees who have taken leave because of their own serious health condition must submit a fitness-for-duty certification before being allowed to return to work. Leave may be taken on an intermittent or reduced schedule to care for an illness; yet, may not be taken intermittently for the care of a newborn or newly adopted child. When leave is taken intermittently, TSC may transfer the employee to another position with equivalent pay and benefits, which is better suited to periods of absence. Subject to certain conditions, the employee or TSC must use accrued paid leave (such as sick leave or vacation leave) concurrent with FMLA leave. It is highly recommended that employees contact Human Resources regarding the specifics of FMLA's benefits and requirements.

TSC will maintain group health insurance coverage for an employee on family and medical leave on the same terms as if the employee had continued work. If applicable, arrangements will be made for the employee to pay their share of health insurance premiums while on leave. TSC may recover premiums paid to maintain health coverage for an employee who fails to return to work from family and medical leave.

If an employee would like TSC to maintain other paid benefits during the period of leave, premiums and charges which are partially or wholly paid by the employee must continue to be paid by the employee during the leave time. Family and medical leave will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. However, an employee on family and medical leave in an unpaid status does not continue to accrue benefits (e.g., sick leave or vacation leave).

Upon returning from FMLA leave, an employee will be restored to his/her original job or an equivalent job with equivalent benefits, pay, seniority, and other employment terms and conditions as provided by the Family and Medical Leave Act.

6.4 Holidays – DED (Local)

Due to the variability of an academic calendar, the number of paid holiday's changes from year to year. TSC observes the following holidays:

- Martin Luther King, Jr. Day
- Charro Days
- Spring Break (to be determined by the academic schedule)
- Semester Break
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving (to be determined by the academic schedule)
- Winter Break (to be determined by the academic schedule)

An employee shall be eligible for a paid holiday if it is observed during the employee's regular working schedule. For example, a nine-month employee who works from September to May shall not be eligible for a holiday observed in July. In order to be paid for a holiday, an employee must be in a paid status the day before and the day after the holiday.

6.5 Court Appearances – DEC (Local)

TSC understands that occasionally employees are called to serve on a jury. Employees who are selected for jury duty or a subpoena must provide a copy of their summons to a supervisor. Time taken for jury duty is granted on a paid basis. Employees released from jury duty with 4 hours remaining in the workday, are expected to return to work.

6.6 Voting Time Off

Employees are encouraged to participate in elections. TSC grants incremental time off to cast a ballot in an election. Voting time off is granted on a paid basis. Should extenuating circumstances arise while voting, notify a supervisor as soon as possible.

6.7 Military Leave – DEC (Local)

Employees called to active military duty, military reserve or National Guard service may be eligible to receive time off under the Uniformed Services Employment and Reemployment Rights Act of 1994. To receive time off, employees must provide notice and a copy of their report orders to an immediate supervisor. Military leave is granted on an unpaid basis. Upon return with an honorable discharge, an employee may be entitled to reinstatement and any applicable job benefits they would have received if present, to the extent provided by law.

6.8 Bereavement Leave

Employees shall be entitled to bereavement leave with pay for three (3) days in the event of a death in the employee's immediate family (spouse/life partner, child or parent) or for grandparent, sister or brother, father-in-law, mother-in-law, or grandchildren. If an employee wishes to take time off due to the death of an immediate family member, the employee should notify their supervisor immediately. Approval of bereavement leave will occur in the absence of unusual operating requirements. An employee may use, with their supervisor's approval, available paid leave for additional time off as necessary and in accordance with operating needs.

6.9 Personal Leave Without Pay – DEC (Local)

Regular full-time employees may request an unpaid leave of absence after the exhaustion of paid leave. A request for a leave of absence must be submitted in writing in advance to the President of the college. Leave of absences that are granted are unpaid, and will not be considered until an employee has exhausted all appropriate accrued leave balances. Continuation of employee benefits during a leave of absence will be the responsibility of the employee.

6.10 Severe Weather Conditions

TSC closes when other government offices in the Brownsville, Texas area are closed due to severe weather conditions. Under TSC's leave policy, annual and/or personal leave may be taken without prior scheduling and approval if the employee is unable to reach the office due to severe weather conditions.

6.11 Recording of Leave

Leave shall be recorded as follows:

1. Leave shall be recorded in half-day increments for all exempt employees.
2. Leave shall be recorded in on-hour increments for all non-exempt employees.
3. If the employee is taking intermittent FMLA, leave shall be recorded in one-hour increments.

Section 7 – Work Performance

7.1 Expectations

TSC expects every employee to act in a professional manner. Satisfactory performance of job duties and responsibilities is key to this expectation. Employees should attempt to achieve their job objectives, and act with diligence and consideration at all times. Poor job performance can result in disciplinary action, up to and including termination.

7.2 Employee Evaluations and Reviews – DLA (Local)

TSC will periodically evaluate an employee's performance. The goal of a performance review is to identify areas where an employee excels and areas that need improvement. TSC uses performance reviews as a tool to determine promotions and/or terminations. All performance reviews are based on merit, achievement and other factors may include but are not limited to:

- Quality of work
- Attitude
- Knowledge of work
- Job skills
- Attendance and punctuality
- Teamwork and cooperation
- Compliance with college policy
- Past performance reviews
- Improvement
- Acceptance of responsibility and constructive feedback

Employees should note that a performance review does not guarantee a pay increase or promotion. Written performance evaluations may be made at any time to advise employees of unacceptable performance. Evaluations or any subsequent change in employment status, position or pay does not alter the employee's at will-relationship with TSC. Forward any questions about performance expectation or evaluation to the supervisor conducting the evaluation or Human Resources.

7.3 Insubordination

Supervisors and employees should interact with mutual respect and common courtesy. Employees are expected to take instruction from supervisors or other persons of authority. Failure to comply with instructions or unreasonably delaying compliance is considered insubordination. Acts of insubordination are subject to disciplinary action, up to and including termination.

If an employee disagrees with a supervisor, the employee should first try to mediate the situation by explaining their position. If possible, a compromise might be met and accusations of insubordination avoided.

Section 8 – Discipline Policy

8.1 Grounds for Disciplinary Action – DH (Local), DM (Local), DMAA (Local)

TSC reserves the right to discipline and/or terminate any employee who violates college policies, practices or rules of conduct. Poor performance and misconduct are also grounds for discipline or termination. The following actions are unacceptable and considered grounds for disciplinary action. This list is not comprehensive; rather, it is meant merely as an example of the types of conduct that TSC does not tolerate. These actions include, but are not limited to:

- Engaging in acts of discrimination or harassment in the workplace – DIAA (Local), DIAB (Local);
- Possessing, distributing or being under the influence of illicit controlled substances – DHB (Local);
- Being under the influence of a controlled substance or alcohol at work, on college premises, or while engaged in college business – DHB (Local);
- Unauthorized use of college property, equipment, devices or assets – DH (Local);
- Damage, destruction or theft of college property, equipment, devices or assets – DH (Local);
- Removing college property without prior authorization or disseminating college information without authorization – DH (Local), DBA (Local);
- Falsification, misrepresentation or omission of information, documents or records – DH (Local), DBA (Local);
- Lying – DH (Local);
- Insubordination or refusal to comply with directives – DH (Local);
- Failing to adequately perform job responsibilities – DH (Local);
- Excessive or unexcused absenteeism or tardiness – DC (Local), DH (Local);
- Disclosing confidential or proprietary college information without permission – DH (Local);
- Illegal or violent activity – DH (Local);
- Falsifying injury reports or reasons for leave – DEC (Local), DH (Local);
- Possessing unauthorized weapons on premises – CHF (Local);
- Disregard for safety and security procedures – DH (Local);
- Disparaging or disrespecting supervisors and/or co-workers – DH (Local); and
- Any other action or conduct that is inconsistent with college policies, procedures, standards, or expectations.

8.2 Procedures

Discipline may take the form of oral warnings, written warnings, probation, suspension, demotion, discharge, removal, or any one of these options or other disciplinary action, in no particular order. The course of action will be determined by TSC at its sole discretion as it deems appropriate.

8.3 Termination

Employment with TSC is on an at-will basis and may be terminated voluntarily or involuntarily at any time.

Upon separation, an employee is required:

- to continue to work until the last scheduled day of employment;
- to turn in all reports and paperwork required to be completed by the employee when due and no later than the last day of work;
- to return all files, documents, credit cards, equipment, keys, access cards, software or other property belonging to TSC that are in the employee's possession, custody or control;
- to turn in all passwords to his/her supervisor; and
- to participate in an exit interview, if requested.

Section 9 – Health and Safety

9.1 Workplace Safety - DI (Local)

TSC takes every reasonable precaution to ensure that employees have a safe working environment. Safety measures and rules are in place for the protection of all employees. Ultimately, it is the responsibility of each employee to help prevent accidents. To ensure the continuation of a safe workplace, all employees should review and understand all provisions of TSC's workplace safety policy.

Employees should use all safety and protective equipment provided to them, and maintain work areas in a safe and orderly manner, free from hazardous conditions. Employees who observe an unsafe practice or condition should report it to a supervisor or the Director of Risk Management immediately. Employees are prohibited from making threats against anyone in connection with his/her work or engaging in violent activities while in the employ of TSC. Any questions regarding safety and safe practices should be directed to the Director of Risk Management. In the event of an accident, employees must notify a supervisor immediately. Report every injury, regardless of how minor, to a supervisor immediately. Physical discomfort caused by repetitive tasks must also be reported. For more information about on the job injuries, refer to the worker's compensation section of this handbook. Employees should recognize any potential fire hazards and be aware of fire escape routes and fire drills. Do not block fire exits, tamper with fire extinguishers or otherwise create fire hazards.

9.2 Workplace Security

Employees must be alert and aware of any potential dangers to themselves or their coworkers. Take every precaution to ensure that your surroundings are safe and secure. Guard personal belongings and college property. Visitors should be escorted at all times. Report any suspicious activity to a supervisor immediately.

9.3 Emergency Procedures

In the event of an emergency, dial 911 immediately. If you hear a fire alarm or other emergency alert system, proceed quickly and calmly to the nearest exit. Once the building has been evacuated, only a supervisor may authorize employees to reenter.

9.4. Soliciting/Posting Notices/Bulletin Boards

On-campus soliciting, collecting and benefit sales for outside organizations are prohibited.

9.5 Campus Security

The safety of students, faculty, staff, and visitors is of vital concern to TSC. Everyone within the campus community is involved in creating a safe environment and is encouraged to report all safety concerns by calling Campus Security. Texas Southmost College contracts with a security agency that works closely with local police. The contact number for Campus Security is (956) 295-3700 for non-

emergency situations. If you have a medical emergency, crisis, or other life threatening situation needing a police officer or emergency medical responder, you should immediately call 911. Tips on creating a safe environment include:

- Do not allow technology to make you unaware of your surroundings.
- Complete the TSC Active Shooter trainings as scheduled.
- Do not keep valuables in your vehicle.
- Always lock the doors to your vehicle.
- Have Security walk you out after dark.
- Keep strong computer passwords and protect them.
- Be on the lookout for scams by phone, email, or SMS.
- Protect physical devices such as laptops and cell phones.

Section 10 - Benefits

This handbook contains descriptions of some of our current employee benefits. Many of TSC's benefit plans are described in more formal plan documents available from Human Resources. In the event of any inconsistencies between this handbook or any other oral or written description of benefits and a formal plan document, the formal plan document will govern.

10.1 Health Insurance

TSC makes group health benefits available to eligible employees and their family members. Eligible employees are full time employees who have worked for 2 months. Part time employees are eligible if they work at least 30hours per week over 4 months.

Health benefits are paid in part by TSC. The remainder of the costs is the employee's responsibility. Employees can receive details about benefits provided, contribution rates and eligibility from Human Resources.

10.2 Social Security/Medicare/Medicaid

Unlike many educational institutions and school districts in Texas, TSC does participate in the provisions of the Social Security, Medicare and Medicaid programs. Employees' contributions are deducted from each paycheck and TSC contributes at the applicable wage base as established by federal law.

10.3 Retirement Plans

TSC participates in the Texas State Teacher's Retirement Plan (TRS) and, for exempt employees, the State's Optional Retirement Plan (ORP). Additionally, employees may make pretax contributions to an annuity plan. Contact Human Resources for detailed information regarding eligibility, employee contributions, vesting period and/or employer contributions. More information can also be found in the plan summary description, which is available from Human Resources as well. If there are any inconsistencies between this handbook and any of the Summary Plan Descriptions, the Summary Plan Descriptions shall govern. TSC reserves the right to modify or terminate any or all of its retirement benefits or to change benefit providers at any time with or without notice.

10.4 Worker's Compensation – DEC (Local)

As required by law, TSC provides workers' compensation benefits for the protection of employees with work-related injuries or illnesses. Workers' compensation insurance provides coverage to employees who receive job related injuries or illnesses. If an employee is injured or becomes ill as a result of his/her job, it is the employee's responsibility to immediately notify a supervisor of their injury in order to receive benefits. Report every illness or injury to a supervisor, regardless of how minor it appears. Supervisors, in turn, should report the illness or injury to the Director of Employee Benefits and Compensation. TSC will advise the employee of the procedure for submitting a workers' compensation claim. If necessary, injured employees will be referred to a medical care facility. Employees should retain all paperwork provided to them by the medical facility. Failure to report a work-related illness or

injury promptly could result in denial of benefits. An employee's report should contain as many details as possible, including the date, time, description of the illness or injury, and the names of any witnesses.

A separate insurance company administers the worker's compensation insurance. Representatives of TSC may contact injured employees regarding their benefits under the plan. Additional information regarding workers' compensation is available from Human Resources.

An employee may return to work after a work related injury or illness under certain conditions when the employee's physician issues a restricted or conditional medical release. If there is a light duty assignment available in the employee's department, the employee will be allowed to return to work. Twelve (12) weeks is the maximum time an employee may remain on a light duty assignment. The College President may make a temporary exception if the educational or organizational objectives of the College can only be met by this exception.

The College may require a Fitness for Duty examination based on the employee's job performance or the employee's return from an illness or injury. An employee who cannot perform the essential functions of his/her job, with or without reasonable accommodations in his/her former position, may apply for a transfer to another position (if one is available) for which he/she qualifies and where his/her restrictions can be accommodated. A light duty assignment ends when an employee's physician releases him/her without any restrictions or a reasonable accommodation is no longer available.

10.5 Disability Coverage

Disability insurance provides partial paycheck reimbursement for times of serious illness or injury which leads to total disability. Total disability is defined as the inability to perform any job function as a result of the injury or illness. Employees who have worked for 2 months are eligible for disability insurance coverage. To qualify for benefits, the period of total disability must exceed 30 days.

Employees must exhaust any sick leave benefits before being eligible for disability leave coverage. Coverage extends for 150 days for short-term disability. Short-term disability benefits are calculated as 66% of an employee's base salary. Coverage extends until you are able to return to work or reach your maximum benefit period. Long-term disability benefits are calculated as 60% of an employee's base salary. Any payments received from worker's compensation or state disability will result in an equal decrease in disability benefits. Disability benefits are subject to employment withholding provisions.

The employee is responsible for notifying a supervisor of their disability, expected date of return, and the name of their attending physician. TSC may request that an independent medical provider perform an examination. In addition, TSC may require a medical release form prior to returning to work. For more information regarding disability benefits, contact the Director of Employee Benefits and Compensation. If there are any inconsistencies between this handbook and any of the Summary Plan Descriptions, the Summary

Plan Descriptions shall govern. TSC reserves the right to modify or terminate any or all of the benefits or to change benefit providers at any time with or without notice.

10.6 Employee Assistance Program

The College offers an Employee Assistance Program that provides free short-term counseling for eligible employees and their immediate family. Confidential counseling sessions are available 24 hours per day, 7 days per week at no charge to the employee. Information about this program is made available in the Human Resources Office.

10.7 Educational Benefits

The College offers College Free Tuition to all full-time employees, the employee's spouse, and the employee's dependent children according to administrative regulations. This benefit shall only apply to tuition, other fees and costs associated with enrollment may be applicable.

The College offers tuition reimbursement to all full-time employees. The amount of reimbursement available each year shall depend on the amount determined by the Board and on the number of employees applying for this benefit at the same time. Reimbursements shall be made in accordance with administrative regulations.

10.8 On Site Interviews

TSC may pay a qualified applicant necessary travel expenses related to an on-site interview for an exempt level position. The Human Resources Department should be contacted to obtain approval for reimbursement of interview expenses. The College's allowable reimbursements include airfare, car rental, and lodging. Expenses will be reimbursed after actual receipts have been received and processed by the College. If a candidate withdraws from the process or declines an offer of full-time employment, his/her expenses will not be reimbursed.

10.9 Moving Expenses

TSC, at the discretion of the College President, shall reimburse reasonable and eligible expenses and/or relocation allowance for prospective administrative employees. The College reserves the right to notify and/or amend these practices. The newly hired employee must submit original receipts for eligible expenses to the appropriate Vice President who will arrange for reimbursement. If an employee resigns his/her position within 24-months of the appointment, he/she will be required to repay 100% of reimbursement for moving and relocation expenses.

Section 11 – Separation of Employment

11.1 Voluntary Separation

TSC recognizes that personal situations may arise which require a voluntary separation of employment. The employee shall give reasonable notice. Reasonable notice for nonexempt staff shall be a minimum of two weeks and a minimum of four weeks for exempt or contract staff. If reasonable notice is not given, the employee will not be paid their unused vacation accrual. This request does not alter an employee's at-will relationship with TSC.

All rights and privileges of employment with TSC terminate upon the date of separation. As further discussed in Section 8.3, separating employees are required to return all college property assigned to them. Failure to do so may result in the withholding of their final paycheck.

11.2 Final Paycheck

Employees who terminate employment with TSC will be given their final pay check on the next pay period. Should the employee be unable to personally retrieve their paycheck, it will be mailed to the address on file. Vacation balances are paid out on the pay period after the final paycheck for employees who are eligible.

11.3 COBRA Continuation of Health Benefits

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), a qualified employee who separates employment (for reasons other than gross misconduct on the employee's part) or who loses health and dental coverage due to a reduction in work hours may temporarily continue group health and dental coverage for him/herself, his/her spouse, and any covered dependent children at the full premium rate plus administrative fees. That eligibility normally extends for a period of eighteen (18) months from the qualifying date. For more information regarding COBRA health insurance benefits, see the Human Resources department.

11.4 Exit Interview

TSC may request an exit interview upon notice of separation. The purpose of the exit interview is to complete necessary forms, collect college property and discuss employment experiences with TSC.

11.5 Reemployment of Personnel

Any break in service other than qualifying leaves of absences shall terminate an employee's seniority and benefits. The College District shall have no requirement to restore salary or other benefits to former employees who return to work. Accrual of any employee benefits shall begin with the employment date for the new position with no carryover or recalculation of accrued benefits from the former employment periods. Former employees must follow the normal application and hiring process and must meet all minimum qualifications and requirements of the position including any required qualifying exam.

Former TSC employees shall be ineligible for rehire if the separation was due to any of the following:

1. Termination for just cause;
2. Resignation or retirement in lieu of termination for just cause, including resignation or retirement during development or pendency of administrative proceeding seeking termination of employment, based on substantiated misconduct.
3. Resignation or retirement during the course of an internal investigation for alleged misconduct, which, if substantiated would constitute just cause for termination;
4. Categorization of ineligibility for rehire pursuant to other TSC policy; and/or
5. Resignation without reasonable notice set out in policy.

The period of ineligibility for rehire shall be no more than three (3) years. Exceptions to this policy shall require approval of the College President.

Acknowledgement of Receipt for Employee Handbook

I acknowledge that I have received a copy of the Employee Handbook.

I understand that I am responsible for reading the information contained in the Employee Handbook.

I understand that the Employee Handbook is intended to provide me with a general overview of TSC's policies and procedures.

I acknowledge that nothing in this Employee Handbook is to be interpreted as a contract, expressed or implied, or an inducement for employment, nor does it guarantee my employment for any period of time.

I understand and accept that my employment with TSC is at-will. I have the right to resign at any time with or without cause, just as TSC may terminate my employment at any time with or without cause or notice, subject to applicable laws.

I understand that nothing in the Employee Handbook or in any oral or written statement alters the at-will relationship, except by written agreement signed by the employee and the President of the College.

I acknowledge that TSC may revise, suspend, revoke, terminate, change or remove, prospectively or retroactively, any of the policies or procedures outlined in this Employee Handbook or elsewhere, in whole or in part, with or without notice at any time, at TSC's sole discretion.

(Printed Name of Employee)

(Signature of Employee)

(Date)

(College Representative)