

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – Human Resources

SECTION 20: COLLEGE'S RIGHT TO MANAGE, DISCIPLINE AND DISCHARGE

I. MANAGEMENT RIGHTS

College employees shall recognize the prerogatives of the College as employer to operate and manage college affairs in such areas as, but not limited to:

- A. direct employees;
- B. hire, promote, transfer, assign, and retain employees;
- C. relieve employees from duties because of lack of work or funds or under conditions where continuation of such work would be inefficient and nonproductive;
- D. maintain the efficiency of college operations;
- E. determine the methods, means, job classifications, and personnel by which college operations are to be conducted;
- F. take whatever actions may be necessary to carry out the missions of the College in situations of emergency; and
- G. establish the methods and processes by which work is performed

II. DISCIPLINE

The College shall administer disciplinary action, including discharge from employment, in accordance with collective bargaining agreements, law, and the principles of due process and progressive discipline. Progressive discipline is a method of dealing with unsatisfactory performance or misconduct of employees and is designed to provide the employee with an opportunity to become aware of and correct the misconduct or substandard performance and restore the employee as a productive member of the workforce.

The College recognizes there may be instances when progressive discipline is inappropriate, and immediate discipline or discharge from employment is necessary.

Administrators may be given no more than twelve (12) months written notification of termination.

III. DISCHARGE FOR PROBATIONARY EMPLOYEES

Probationary employees may be terminated any time prior to completion of the six (6) month probationary period. During a probationary period of employment, the employment may be terminated for any lawful reason without a showing of cause based upon the recommendation of the

supervisor and subject to review by the Executive Director of Human Resources, and the approval of the President. Such terminations are not subject to due process or the grievance procedure.

IV. RELEASE OF EMPLOYEE(S) FROM DUTY

The President, may relieve employee(s) from duty for reasons identified in 39-31-303 M.C.A., collective bargaining agreements, other relevant statutes and Board policies.

V. WRITTEN STATEMENTS ON REASONS FOR DISCHARGE

In accordance with Section 39-2-801, MCA, the College shall, upon demand, provide a discharged employee with a written statement of reasons for the discharge.

VI. REFERENCES

Only the President, or designee, is authorized to respond on behalf of the College to requests for information regarding the job performance of a current or former employee.

VII. GARNISHMENT OF WAGES

In accordance with Section 39-2-302, MCA, the College shall not discharge or lay off any employee because of attachment or garnishment served on the employer against the wages of the employee.

REFERENCES: 39-2-801-804; 39-2-501; 39-2-901-915, 39-31-303 M.C.A.

*History: Adopted November 12, 1986; Revised March 14, 1989; Revised October 22, 2001; Revised May 18, 2009, Revised November 23, 2015; Revised July 22, 2019; Reviewed December 19, 2022