

**Mexican American Catholic College, Inc.**

# **Personnel Policy Manual**



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# **Mexican American Catholic College, Inc.**

## **Personnel Policy Manual**

**This information is a summary of MACC's policies and is not intended to be complete, nor does it constitute a right, guarantee or contract.**

The intent of this policy manual is to provide an overview of the policies, practices and benefits that generally apply to the Mexican American Catholic College.

Mexican American Catholic College, Inc. reserves the right to change, interpret, withdraw or add to the policies, practices or benefits at any time without prior notice, consideration or approval by its employees.

The benefits and programs referenced in this policy manual are available only to regular full-time employees of the Mexican American Catholic College, unless specifically stated otherwise.

This manual does not constitute an employment contract between the Mexican American Catholic College and its employees. All employment is at-will and may be terminated at any time with or without cause and without prior notice by either the employee or Mexican American Catholic College, Inc.

All policies, practices, benefits and procedures stated in this document may be subject to state or local laws.

Any questions regarding the policies, practices, benefits or procedures stated in this document should be directed to the CEO.

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## **SECTION I – ORGANIZATION INFORMATION**

### **PURPOSE OF THE POLICY MANUAL**

The purpose of this Policy Manual is to set forth the policies of MACC and provide guidelines for its employees. The policies are not intended to create a contract between MACC and its employees. Employment is at the will of the employer. From time-to-time, changes may be made to the policies and rules set forth in this manual.

### **MACC Mission Statement**

“To empower and educate leaders for service in a culturally diverse church and society by offering a bi-literate, multicultural formation program that can lead to a BA and an MA in Pastoral Ministry”

### **2020 Vision Statement**

In the year 2020, the Mexican American Catholic College is a thriving, accredited institution of higher education and ministry formation. Rooted in Gospel values and its rich history at the forefront of Hispanic Ministry, MACC continues to be a leader in meeting the social and pastoral needs of a youthful and growing Latino population. MACC’s intimate campus connects students with a large network of partners to provide excellence in academics, spiritual formation and cross-cultural competencies necessary to build bridges in our diverse Church and society.

## SECTION II - GENERAL POLICIES

### **EMPLOYMENT AT-WILL**

Under Federal and State law, the Mexican American Catholic College has the right to terminate the employment relationship at any time, with or without cause or advance notice and the employee may resign at any time. This employment at-will relationship will remain in effect throughout employment with MACC. This manual is not a contract and may be changed by MACC at any time without notice.

This employment at-will relationship may not be modified by any form of oral or implied agreement. No MACC leader, supervisor or representative has the authority to alter this relationship and each employee should not interpret such a person's remarks as a guarantee of continued employment.

### **EQUAL EMPLOYMENT OPPORTUNITY**

(It is) The Mexican American Catholic College provides equal employment opportunities and recruits, hires and promotes in all job classifications without regard to race, ethnicity, color, gender, age, religion, national origin, political affiliation or beliefs, physical or mental disability, veteran status or any non-merit factor except where such is a bona fide occupational qualification. This policy applies to all aspects of employment, including but not limited to recruitment, selection, promotion, transfer, demotion, compensation, benefits, training, termination, layoff and return from layoff.

This policy does not prohibit MACC's Board from establishing "Bona Fide Occupational Qualifications" that relate to physical or mental abilities required to perform a job. Certain administrative positions may require the person to be Catholic because of the Catholic nature of the Institution.

Further, the Mexican American Catholic College does not discriminate against any individual (other than an unauthorized foreigner) with respect to recruitment, hiring or discharging of the individual from employment because of such individual's citizenship status. This provision applies with respect to citizens and prospective citizens, as those terms have been defined in the Immigration Reform and Control Act of 1986. In compliance with this Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed the I-9 form with MACC within the past three years, or their previous I-9 is no longer on record or valid.

### **WORK HOURS**

#### **Office Hours**

Normal office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. Unless temporary arrangements have been made, all employees must be on time. Please refer to the Tardiness and Absence policy for further information.

#### **Breaks**

It is important for employees to take breaks during their workday. MACC generally allows two paid 15-minute breaks, one in the morning and one in the afternoon (Employees who smoke

should take their smoking breaks at these times. Please refer to the Smoking Policy for more information). Other breaks from work will be allowed as approved by the employee's immediate supervisor. Immediate supervisors are responsible for scheduling all breaks.

### **Lunches**

The normal lunch period is one hour in length. Immediate supervisors are responsible for scheduling lunch breaks in their department. No work is generally performed during the break and lunch periods. The lunch period is unpaid if taken for more than 60 minutes.

## **CONFIDENTIALITY OF INFORMATION**

During the course of employment (with the Mexican American Catholic College), the employee may have access on a regular basis to information of a highly sensitive and confidential nature. This information will be contained in MACC records, correspondence, inter-office memoranda, and other documents. Failure to adhere to these standards for confidentiality will result in disciplinary action.

The employee may not disclose, after separation from employment, any information that they were not permitted to disclose during their employment. Moreover, the employee may not utilize the confidential information acquired while employed even after their departure from MACC.

## **PROPERTY AND EQUIPMENT USE**

MACC property is to be used for authorized purposes only. Negligence in the use of this property may be cause for disciplinary action or dismissal. Employees are expected to assist in keeping all property as clean as possible. (Trash containers are placed throughout the property).

### **Access To and Removal of Organization Property**

It is critical that management have access at all times to MACC property. As a result, MACC reserves the right to access employee offices, workstations, filing cabinets, desks, credenzas and any other MACC property at its discretion, with or without advance notice or consent. Such access would also include records, documents, files, schedules, ledgers, etc. Unauthorized removal of MACC property from the premises or its conversion to personal use may be cause for disciplinary action or dismissal.

### **Issuance of Organization Property and Equipment**

Keys to exterior doors and/or offices of MACC will be issued to appropriate employees. These keys should not be used by anyone except the employee to whom they are issued. An employee may not copy MACC keys.

Any MACC owned property and/or equipment including, but not limited to, keys, credit cards, laptop computers, beepers, cellular phones, recorders, uniforms, etc. which have been personally issued to an employee to perform their job, remains the property of MACC. It is the employee's responsibility to use these items solely for MACC-related business. These items must be returned at the time of the employee's termination.

## **Organization Bulletin Boards**

MACC leadership uses bulletin boards to inform and update its employees on matters that might affect them. Examples include:

- State and Federal Labor Laws
- Workers' Compensation Rights
- Updates regarding policies and procedures
- Staff birthdays
- Calendar of events
- Other items as approved by MACC administration

## **Telephones**

It may be necessary for employees to occasionally make and receive personal calls on MACC telephones. However, such calls should be held to a minimum and each limited to no more than 5 (five) minutes in length. Such personal calls should be made, whenever possible, during scheduled break and lunch periods. The employee is expected to inform family members of these guidelines. Unavoidable lengthy personal calls should be approved by immediate supervisors and the employee's time sheet will be adjusted appropriately.

Reasonable care must be taken when using a MACC-issued cellular phone while operating a motor vehicle.

## **Fax Machines and Copiers**

Fax machines and copiers are for official MACC business use only. *Limited* personal use may be negotiated by the employee's immediate supervisor.

## **Computers**

Employees will be permitted access and use of computers and other electronic communications devices for work-related activities only. Employees may not use MACC computers for sending or receiving personal e-mails or for visiting web sites that are not necessary for carrying out their job.

Employees may not use MACC e-mail, computer, Internet and voice mail systems in a way that could violate federal, state or local laws, including but not limited to copyright laws. No software may be loaded on the system without permission from the CEO or the employee designated by the CEO.

Failure to abide by these policies to any interception, monitoring, copying, reviewing and downloading of any communications or files may be reason for disciplinary action, up to and including termination.

## **ORGANIZATION VEHICLES**

All employees who drive a MACC vehicle will be subject to a periodic license review. Drivers are responsible for the cleanliness and general condition of the vehicle. Authorized drivers must have had a motor vehicle report (license check) with a reasonably clear record before driving any MACC vehicle.

## **DISCIPLINARY ACTION**

Any act on the part of a MACC employee found to be in violation of the Standards of Conduct shall be subject to disciplinary action by written reprimand, suspension, demotion, or termination of employment. Depending on the nature or severity of the problem, MACC may find it necessary to terminate employment without previous warnings.

### **Verbal Reprimand**

To be used when an employee has committed a minor act or a series of minor acts.

### **Written Reprimand**

To be used when an employee continues to commit minor acts after a verbal reprimand

### **Suspension**

To be used when an employee has committed a major act or a series of minor acts. In most cases, a suspension shall be for a period of time ranging from one (1) day to two (2) weeks, and may be without pay, depending on the offense.

### **Demotion**

To be used when an employee has committed a major act or after repeating a prior disciplined act of a less severe nature.

### **Termination of Employment**

To be used when an employee has committed a major act or after repeating a prior disciplined act of a less severe nature.

Each procedure of discipline shall be in writing and delivered to the employee at the time disciplinary action is administered, or at the earliest possible time immediately after disciplinary action has been taken.

A statement of discipline should advise the employee of the following:

1. Alleged action that caused the need for discipline.
2. Statement of corrective action required.
3. Nature of discipline being enforced.

Each statement of discipline should be signed by the person imposing the discipline and the employee who is being disciplined. The employee to be disciplined should acknowledge receipt of statement of discipline. Failure of the employee to acknowledge receipt does not affect the imposition of the disciplinary action. Acknowledgement of receipt does not acknowledge agreement.

A copy of a statement of discipline will be forwarded to the appropriate department personnel office for inclusion in the employee's personnel file.

**The discipline procedure does not alter the employee's at-will employment status.**

## **DISCLOSURE OF EMPLOYEE INFORMATION**

MACC disseminates employee information on a need-to-know basis. MACC does not disclose information externally without the employee's expressed written permission. The only exception to this policy is a request from properly identified and duly authorized law enforcement official.

### **Employee Information Changes**

Employees must promptly notify the Human Resources Representative if a change occurs in the personal information listed below:

- Address
- Telephone number
- Marital status
- Number of dependents
- Insurance beneficiary
- Emergency notification contact
- Legal name

### **Verification of Employment**

All requests for verification of employment and requests for employment references regarding current or former employees must be directed to the Human Resources Representative.

Supervisors are not authorized to provide employment information and are subject to disciplinary action, up to and including termination of employment, for releasing employee information.

The Human Resources Representative will release a current or former employee's dates of employment, position held, and rate of pay to an inquiring party and will not disclose further information about his/her employment.

## **EMPLOYEE RECORDS**

MACC holds all employee records in confidence. Please refer to the Disclosure of Employee Information policy.

Upon written request to the Human Resources Representative, an employee may review his/her own personnel record in the presence of his/her Supervisor or Department Head and the Human Resources Representative. The Human Resources Representative must respond in a reasonable amount of time to the request, typically the same business day. An employee may make copies of any material in his/her personnel record. A statement signed by the employee and Human Resources Representative must be left in the employee's file indicating that such action has taken place.

Employees must have knowledge of all documents placed in his/her file that relate to job performance, e.g., warnings, praises, evaluations, etc.

Employee records will be kept in accordance with state, federal and local laws. The employee record retention schedule is:

<b>Record</b>	<b>Length of Retention</b>
Personnel	Three years past termination of employment.
Pre-employment	If candidate hired, the term of employment plus three years past termination of employment. If candidate not hired, two years.
Payroll	Four years.
Medical	Six years past termination of employment.

## **EMPLOYMENT**

Any person desiring employment at MACC must complete an application for employment and return to the Human Resources Representative.

Applications for positions will be screened by Human Resources or a designated search committee to insure that they meet minimum qualifications for the position. Applicants will then be scheduled for appropriate testing. Upon satisfactory completion, an applicant will be scheduled for further processing.

All new employees will report to MACC during the processing on their first day of work for employee orientation. All employees are required to have a Social Security Card. Any material misrepresentation of facts or failure to report pertinent data on the application form shall be cause for dismissal.

Each employee will be classified as full-time, part-time, temporary or exempt at the time of hiring.

## **EMPLOYMENT PROBATIONARY PERIOD**

The first three months of employment are probationary, unless otherwise specified. This probationary period may be extended for three additional months upon the recommendation of the supervisor or department head and the final approval of the CEO. The probationary period begins on the employee's effective date of employment for all regular employees. Time spent as a temporary employee does not fulfill any of these requirements. During the probationary period, the employee must demonstrate his/her ability to satisfactorily perform the duties required. The immediate supervisor will periodically advise the employee of his/her progress and assure that the employee receives any necessary training required in order to successfully perform the job duties. A written performance review signed by employee and supervisor is to be recorded at the end of the probationary period. Failure of the employee to perform satisfactorily during the probationary period may result in dismissal. Successfully completing the probationary period does not create a contractual right for permanent employment. The employee continues to be employed at the will of the MACC.

## **EMPLOYMENT OF RELATIVES**

MACC may employ relatives of current employees providing the new employee will not supervise or be supervised in a manager-subordinate relationship by a relative, as defined below, at the time of hiring or because of normal and likely career moves.

For the purpose of this policy, "relative" means any person related to a current employee by blood or by marriage. Any relative hired by MACC must meet all selection standards and fulfill all job qualifications that a any hire must satisfy.

## **OUTSIDE EMPLOYMENT/BUSINESS ACTIVITY POLICIES**

An employee may not accept a favor, pay, gift or anything of monetary value that may result in a conflict of interest or create the appearance of a conflict of interest. An employee is prohibited from participating in gambling, betting, or lotteries while on MACC property. An employee is prohibited from receiving pay or anything of monetary value from both MACC and an outside source for performing the same work. An employee is prohibited from engaging in outside employment or other outside activity which hinders the full and proper discharge of the duties and responsibilities of his/her employment with MACC.

## **PERFORMANCE APPRAISALS**

A job performance appraisal will be completed for each employee on an annual basis covering the time period of the fiscal year. New employees will receive a job review at the end of their probation period. Performance appraisals are not directly tied to merit or salary increases.

Key objectives to be accomplished during the performance appraisal are:

- Assessment of employee's performance goals
- Identify employee strengths
- Identify employee weaknesses
- Suggest improvements for work performance
- Obtain employee feedback
- Review and updating job descriptions

## **PROMOTIONS AND TRANSFERS**

It is MACC's intent to give qualified employees preference over others when filling job openings within MACC. Because of experience, skills and educational requirements, promotions from within MACC staff are not always possible. An employee's past performance, experience, attitude, qualifications and potential are all important factors that will be considered when making promotion or transfer decisions.

When recruiting to fill a position, the Human Resources Representative will ensure that an announcement is posted consisting of a job description, qualifications and salary range. All qualified employees may apply for the position.

The Human Resources Representative shall see that all applicants are informed of:

- The specific requirements of the position
- The qualifications sought in the candidate for the position
- The personnel practices and salary range applicable to the position

## **PERSONAL APPEARANCE AND DRESS CODE**

Appearance reflects not only on the staff person as an individual, but also on MACC. The appearance of employees shall be appropriate to the occasion and their duties. Radical departures from conventional dress or personal grooming standards are not permitted, regardless of the nature of the job performed. Employees often have contact with the public and therefore represent

MACC in their appearance as well as by their actions. The properly groomed and attired employee helps to create a favorable image of MACC.

Personal appearance and grooming is governed by the following standards:

- Attire must be normally acceptable in business establishments
- Jeans, shorts, casual sandals, t-shirts and similar items of casual attire are not permitted
- Employees in designated departments, such as maintenance and housekeeping, may wear uniforms or specialized clothing that provide a standardized appearance
- Good grooming includes but is not limited to the proper care and hygiene of one's body to avoid offensive body odor, bad breath, unkempt hair and nails, etc.
- Excessive make up, perfumes / colognes, jewelry and unconventional hair styles can also be distracting and may interfere with effective work and teaching processes

If an employee reports to work inappropriately dressed or groomed, the supervisor will instruct the employee to return home and change clothes. The employee will not be compensated during such time away from work.

## **STANDARDS OF CONDUCT**

In order to ensure orderly operations and provide the best work environment, MACC expects employees to follow policies and rules. Employees will be required to sign an acknowledgment form of the Standards of Conduct policy as a condition of employment.

### **Code of Ethics**

MACC believes that its students and employees are entitled to work and study in an environment of respect. To this end, MACC has developed the following code of ethics to ensure that all concerned clearly understand their rights and responsibilities in fostering this environment.

Students and employees have the right to:

- An environment that is free of sexual harassment, drug and alcohol abuse, racial slurs and weapons
- An environment that is characterized by professional, honest and cooperative relationships
- Confidentiality regarding personal information shared in writing and verbal exchanges
- A clear and enforced procedure for presenting grievances, comments and suggestions without fear of retaliation or ridicule
- Programs and job assignments that have clear goals, objectives and evaluation methods

Students and employees have the responsibility to:

- Follow all the policies and procedures stated in the Personnel Policy Manual, including: those regarding sexual harassment, drug and alcohol abuse, racial slurs and weapons
- Maintain a high level of professional competency and a willingness to work cooperatively with others
- Understand and commit to the goals, objectives and evaluation methods of their particular program or job assignments
- Respect and maintain the confidentiality of written and verbal information
- Complete assignments and projects in a timely manner

The following are examples of infractions of the standards of conduct that may result in disciplinary action, up to and including termination of employment. The following standards do not specifically deal with an employee's performance of duties and responsibilities.

Depending on the nature or severity of the infraction, MACC may terminate an employee without previous warning.

### **Infractions**

- Action detrimental to morale
- Assisting a person to gain unauthorized access to restricted areas
- Carelessness or failure to use good safety practices
- Commission of a crime
- Conduct or action that would seriously impair job effectiveness
- Conduct that has proven to be detrimental or has an adverse effect on the department
- Conviction of a felony
- Intoxication, consumption, or possession of alcoholic beverages on MACC premises or on MACC time
- Consumption, possession, sale or purchase of alcohol on MACC's property, with the following exceptions: Consumption, possession, sale or purchase of alcohol in designated circumstances with prior approval of management
- Defacing, destruction, or removal of MACC property
- Disclosure of MACC or client trade secrets or confidential information
- Disregard of MACC memorandams, rules, regulations and policies and procedures
- Excessive absenteeism/tardiness: If a full-time or exempt employee, a two to three hour tardiness, without giving notice to the Supervisor, will be considered excessive
- Failure to cooperate with lawful security investigations
- Failure to report injuries immediately
- Falsifying or tampering with MACC documents, time records, employment applications, or employment records
- Gambling on MACC premises or on MACC time
- Gross negligence or carelessness, or improper conduct which endangers life or property or which results in injury to others or damages property
- Insubordination and/or abusive language
- Knowingly fabricating and submitting fictitious and slanderous reports concerning subordinates or supervisors
- Leaving the work area without approval
- Misappropriation of MACC funds or assets
- Negative comments from other customers or co-workers concerning job conduct
- Neglecting work or not following work schedules
- Perjury
- Possession of weapons, firearms or explosives on MACC premises or on MACC time
- Refusal to consent to a drug or alcohol test
- Refusing to accept work assigned or not following instructions and directions. In situations where instructions or directions challenge an employee's ethical and/or moral beliefs, a complaint shall be filed by the employee under the Complaint Resolution Procedure policy.
- Sexual or other unlawful or unwelcome harassment
- Sleeping on the job

- Smoking in unauthorized areas
- Theft of any kind
- Unauthorized use of telephones, mail system, computers, or other MACC-owned equipment
- Unauthorized solicitations
- Unexcused absences
- Use, possession, sale or purchase of illegal drugs, or any prescription drug without a valid prescription, on MACC property, at MACC functions or wherever MACC work is being performed
- Verbal or physical assault upon another employee, visitor, or student
- Violations of time-keeping procedures
- Willful violation of federal, state or local laws and regulations
- Abuse of sick leave policy: Abuse occurs if it is ascertained that an employee is using sick leave in place of vacation days. If on a consistent basis, after a three-day sick leave, a doctor's excuse is not presented, this will be considered an abuse of sick leave policy

### **Employee and Student Dating Policy**

MACC is dedicated to preparing students for pastoral leadership in multicultural communities and for lives of significant public and private responsibilities. Its success depends in large measure on trust in the integrity of relationships among faculty, employees and students. Dating relationships between MACC employees can adversely affect morale and the effective day-to-day activities of MACC. Therefore, dating relationships between MACC employees are discouraged.

MACC believes that faculty, employees' and students' dating relationships create the potential for abuses of authority and for both actual and apparent conflicts of interest. No faculty, employee or student should participate in such a relationship without carefully considering potential consequences to the student involved, MACC employee, himself or herself and the institution. MACC has adopted these guidelines on dating relations between MACC faculty, employees and students:

- No faculty or employee should engage in any dating relationship with any student currently enrolled in that employee's course.
- No faculty or employee should employ, as a research or teaching assistant, any student with whom that employee has or has had a dating relationship.
- No faculty or employee should participate in any decision pertaining to honors, degrees, or discipline concerning any student with whom that employee has or has had a dating relationship.
- Before entering into any dating relationship with a faculty or employee, a student should be aware that such a relationship will limit that employee's ability to direct work or promote that student's career, and may require that the relationship be revealed in any letter of recommendation written by any MACC employee.

### **TARDINESS AND ABSENCE**

Each employee has a responsibility to be on the job and ready for work at the time assigned by his/her supervisor. Each employee has an important designated job to perform and unexpected and unexcused absences disrupt MACC's operations. While some instances of absences or tardiness may be excused, excessive absenteeism or tardiness, excused or unexcused, cannot be tolerated and will result in disciplinary action, up to and including termination of employment.

### **Excused Absences**

An excused absence occurs when an employee provides proper notice to his/her manager that he/she will be absent from work. Excused absences in excess of those allowed through vacation, holidays, sick leave, or other leave, will be time without pay. Excessive excused and unpaid absences may result in discipline, up to and including termination of employment.

### **Unexcused Absences**

An unexcused absence occurs when an employee does not notify the immediate supervisor, within one hour of the normal time that the employee is expected to report to work, that he/she will be absent. Any unexcused absences will be cause for discipline, up to and including termination of employment. Unexcused absences are unpaid.

### **Consecutive Unexcused Absences**

If an employee is absent for three (3) consecutive work days for which the employee is scheduled to work without notifying his/her immediate supervisor, the absences will except in exceptional circumstances, be grounds for termination of employment.

### **Excused Tardiness**

Tardiness will be excused when in exceptional and acceptable circumstances deemed such by an employee's supervisor, an employee knows he/she will not be able to report to work at his/her scheduled work time, and contacts the supervisor within one hour of the normal time the employee is expected to report to work. The employee must explain the reason for the tardiness and provide an expected arrival time.

### **Unexcused Tardiness**

Unexcused tardiness occurs when an employee is one hour late or less when arriving on the job and did not contact the supervisor. This may be cause for discipline, up to and including termination of employment.

### **Unauthorized Exit**

If an employee leaves the work area for any reason, he/she must notify his/her supervisor. An unauthorized exit occurs when an employee leaves or is absent during the period of time prior to his/her scheduled departure or break time without the prior consent of the supervisor. This may be cause for discipline, up to and including termination of employment.

## **STANDARDS OF CONDUCT OF THE ARCHDIOCESE OF SAN ANTONIO**

As a Catholic College, and because of MACC's location within the Archdiocese of San Antonio, Texas, employees are also subject to the following archdiocesan policies and procedures that are stated fully in Appendix "A":

- "Policies on Ethics and Integrity in Ministry"
- Criminal Background Search / Checks Policy
- Policy on Sexual Harassment / Misconduct on the Part of the Church Personnel of the Archdiocese of San Antonio
- Archdiocese of San Antonio Communications Policy Concerning an Investigation of Alleged Sexual Abuse of a Minor

## SECTION III - COMPENSATION

### DEFINITION OF EMPLOYEE STATUS

For the purposes of administering compensation and benefits, employees are classified into different categories. Each classification is in compliance with applicable federal, state, and local laws.

#### **Full Time**

Employees who are regularly scheduled to work 30 hours or more per week are classified as full-time. Full-time employees may participate in MACC's benefit programs.

#### **Part Time**

Employees who are regularly scheduled to work less than 30 hours per week are classified as part-time. Part-time employees receive all legally mandated benefits, such as Workers' Compensation insurance and Social Security, but are ineligible for MACC's other benefit programs.

Occasional work weeks exceeding 40 hours does not constitute a change to full-time status. Part-time employees are given first preference for regular full-time positions when such openings occur, provided the individuals are qualified to assume such full-time status.

#### **Temporary**

Employees who are hired temporarily to supplement the work force or assist in the completion of a specific project for a short period of time are classified as temporary. Temporary employees retain that status unless notified of a change. Temporary employees receive all legally mandated benefits, such as Workers' Compensation insurance and Social Security, but are ineligible for MACC's other benefit programs.

#### **Contract Personnel**

An independent person/agency hired to accomplish specific tasks for a fixed fee are classified as Contract Personnel. Normally, this work is of a temporary nature. Contract employees do not receive any legally mandated benefits, such as Workers' Compensation insurance and Social Security, and are ineligible for MACC's other benefit programs.

### FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act requires that organizations pay non-exempt employees overtime after 40 hours per week have been worked.

**“Exempt Employees”** are *not subject* to the minimum wage and overtime provisions of the Fair Labor Standards Act. The major FLSA exemptions are executive, administrative, professional, outside sales, and employees in certain computer-related occupations. Exempt employees are paid a salary and regularly exercise discretion and independent judgment at the policy level of MACC or perform artistic, educational, or professional work.

**“Non-exempt Employees”** are *subject* to the minimum wage and overtime provisions of the Fair Labor Standards Act. Non-exempt employees include clerical, administrative and production employees.

### **Overtime Pay**

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage laws. For non-exempt positions, hours worked in excess of forty (40) hours per week will be compensated one and one-half (1 ½) times the employees' regular hourly rate. Paid time off, such as vacation, sick leave, jury duty and holidays do not count towards hours worked for the purpose of calculating overtime.

Department heads and supervisors may require employees to work overtime. All overtime hours must be authorized by the employee's immediate supervisor and with the approval of the CEO, prior to working the hours, except in emergencies. Failure to work scheduled overtime, or overtime worked without supervisor authorization, may result in disciplinary action, up to and including termination of employment.

### **Compensatory Time**

MACC may use compensatory time. The compensatory time must be agreed to by both the employee and MACC management. The time given must be figured at one and one-half hours for each hour of overtime worked. Supervisors may deny the request if the use of compensatory time will "unduly disrupt" the department's operations. In this case, the employee must be paid overtime.

All compensatory time earned by employees in any work week must be taken during the same work week as the overtime hours are worked.

### **PAY PERIODS/PAYROLL SCHEDULE**

MACC uses a semi-monthly pay period beginning on the 1<sup>st</sup> and 16<sup>th</sup> of each month. Hourly employees and salaried employees receive wages for hours worked during this period on the 15<sup>th</sup> and the last day of every month. Paychecks are available after 12:00 p.m. on the designated payday. If a pay period falls on a holiday or weekend, the payday will be the preceding normal workday. There are no salary advancements prior to payday.

### **PAY INCREASES**

Performance appraisals are conducted at least once per year by the employee's supervisor. Salary increases are determined by the CEO in accordance with current surveys of comparable jobs in the community and MACC's current financial situation. The CEO will review all salaries and approve increases on an annual basis and is not dependent on the annual performance review. From time to time, there may be years when merit increases will not be available due to budgetary restrictions.

### **PAYROLL DEDUCTIONS**

Mandated and involuntary deductions will be made from each employee's semi-monthly paycheck.

#### **Mandated Deductions**

MACC will make certain deductions from employees' compensation that are required by law. These deductions do not require employee authorization and affect every paycheck.

These deductions are:

- Federal Income Tax

- Social Security Tax
- Medicare Tax

### **Voluntary Deductions**

MACC offers programs and benefits that are voluntary. Eligible employees may voluntarily authorize deductions in writing from their paychecks to participate in the programs or benefits. Eligible employees will be provided the appropriate forms for authorization.

### **Wage Garnishments**

Wage garnishments may be taken to repay a debt or obligation to MACC. Employees must authorize garnishments in writing and will be provided the appropriate forms. Employees may also complete a promissory note for repayment. Wage garnishments mandated by a court of law do not require employee authorization.

### **Final Paycheck Deductions**

Employees who terminate employment with MACC are subject to final paycheck deductions for:

- Unreturned uniforms
- Unreturned pagers
- Unreturned cell phones
- Expense advances
- Excess vacation used
- Employment fee repayment
- Unreturned library books or other educational resources

All employees provide written authorization for these deductions by completing appropriate forms at the time of hire. Employees may also complete a promissory note for repayment if the final paycheck does not cover the expenses.

### **TIME RECORDS**

All non-exempt staff are responsible for completing accurate time records using the time-keeping system. Part-time employees will use individual time sheets to record hours worked during a Sunday through Saturday work week. Supervisors are responsible for reviewing the time records and returning them to Human Resources on or before the due date specified on the payroll schedule. An employee is not allowed to begin work earlier than 7 minutes prior to their scheduled start time unless pre-approved by their supervisor. MACC will observe the applicable labor laws in establishing a grace period not to exceed seven minutes before and after your scheduled start and end times. Time recorded within this grace period will not be paid by MACC.

## SECTION IV - EMPLOYEE BENEFITS

### EMPLOYEE BENEFITS

Employees are entitled to the MACC employee benefits listed below. These benefits are subject to change, limited, or even eliminated. Please see Human Resources for information on these plans.

#### Part-time Employees

After one year of employment, part-time employees are eligible for vacation, personal days, holidays, sick and excused leave on a prorated basis according to the hours worked.

#### Temporary Employees

Temporary employees are eligible for the same benefits as full-time exempt employees.

#### Employee Retirement Plan

Employees are eligible to participate in MACC Employee Tax Deferred Retirement Program 403 (b) after three (3) months of employment. Entry into the program will be in accordance with the following guidelines:

1. Employees may invest in the plan from their own salaries after three (3) months of employment with no matching funds from MACC until after one year of employment.
2. After one year of employment, MACC will make a matching contribution in accordance with the annually designated percentage of the gross salary of permanent full-time employees. MACC will make the contribution based on the following years of employment:
  - a. One to four years; the designated annual percentage up to 4%.
  - b. On January 1 of the 5<sup>th</sup> anniversary year an additional ½% up to 4 ½%, or the designated percentage.
  - c. On January 1 of the 11<sup>th</sup> anniversary year an additional ½% up to 5%, or the designated percentage.
  - d. On January 1 of the 20<sup>th</sup> anniversary year an additional 1% up to 6%.
3. Administrative costs will be paid from MACC contribution.
4. The employee controls all investment decisions of his/her retirement plan.
5. Employees maintain the option to make payroll deductions into the plan.
6. This benefit may be modified as necessary depending on the yearly budget.

#### Group Life and Medical Insurance

MACC provides a group life and medical insurance plan for full-time and exempt employees. Employees may participate in this plan after the first of the month following a three consecutive months employment period. This coverage may be modified as necessary depending on yearly budget.

A dependent wife or husband and dependent children of employees may also be included in this MACC group medical insurance plan if so elected by the employee. MACC will pay the following percentages for eligible dependent premiums:

Premiums	Percentage
\$25,000 and over	50% of the premium for dependents
\$15,000 to \$24,999	65% of the premium for dependents
\$14,999 or less	75% of the premium for dependents

## **HOLIDAYS**

The holiday time off will be arranged and approved by the CEO. A list of employee holidays will be posted annually on the Staff Bulletin Board. Each employee will receive a copy of the holidays.

## **SICK LEAVE**

A full-time and exempt employee is eligible for sick leave which is authorized on the basis of one (1) day for each completed month of employment after three (3) consecutive months of service. The total accrued sick leave with pay may not exceed sixty (60) days. Sick leave may not be used as a substitute for extending vacation time. *Any unused sick leave is forfeited upon termination.*

## **VACATION**

A full-time and exempt employee is eligible for vacation after working for twelve (12) consecutive months. Vacation days are awarded based on the length of service and will coincide with MACC's fiscal year (August 1 – July 31<sup>st</sup>). Vacation days are to be arranged with the immediate supervisor and with the final approval of the CEO. Vacation days are not accrued from year to year. All vacation days must be used within MACC's fiscal year. Payment will not be made by MACC for unused vacation time.

<b>Years of Service</b>	<b>Vacation</b>
1 to 4	10 working days
5 to 10	15 working days
11 or more	20 working days

## **PARENTAL LEAVE**

Parental leave is a 3-week leave with pay, separate from Sick and Vacation Leave. Full-Time and Part-Time employees must request this leave in writing and prior approval by the supervisor must be granted. Parental leave is intended to assist the employee when childbirth or adoption of an employee's child occurs. Vacation and/or Sick Leave may be taken with and added to Parental Leave.

## **OTHER LEAVE**

### **Bereavement Leave**

An employee may take up to three (3) days of leave for death in the immediate family (spouse, child, parent, grandparent, brother or sister). Exceptions require the approval of the CEO.

### **Jury Duty**

An employee's request for leave for jury duty will be granted under the following circumstances:

1. The employee is appointed to serve on a grand jury or required by court order to appear as a prospective juror in a federal, state, county, or municipal court on a day and during the hours that the employee is normally scheduled to work; or

2. The employee is required by subpoena or court order to appear as a prospective witness in a federal, state, county, or municipal court on a day and during the hours that the employee is normally scheduled to work. Offices and departments shall verify and obtain a copy of the employee's summons to appear as a potential juror or a copy of the employee's subpoena to appear as a potential witness. An employee serving for jury or witness duty will be compensated for up to eight hours per day.

An employee released early from jury duty or witness duty must return to work for the remainder of the day. The time the employee spends driving from the courthouse or other location directly to their worksite is compensated as jury or witness duty. Any employee who does not return to work as required shall have their leave accounts or pay adjusted for the amount of time absent from work.

Employees must notify their supervisor as soon as they are called to serve so that necessary arrangements can be made to cover their absence.

### **Military Leave**

MACC complies with applicable state and federal laws concerning leaves for military service. The employee's immediate supervisor should be given prior notice and a copy of military orders before such leave is taken. Employees on military leave will be paid full wages for up to 15 days in a year. Employees on military leave can apply available paid leave to the absence. The employee's health plan coverage will continue up to 24 months while the employee is absent on military leave.

### **Personal Leave of Absence**

Two (2) personal days may be taken at the discretion of the employee with approval from the employee's supervisor and at the discretion of the CEO, based on the circumstances surrounding each individual request. Personal days must be used within the fiscal year, and are not to be accrued from one year to another. Unused personal days are forfeited on July 31<sup>st</sup> of each year. Any unused personal leave is forfeited upon termination.

### **Staff Development**

Job-related education programs and workshops will be paid in part or in full by MACC in accordance with the budget and upon the recommendation by the Supervisor and Department Head and with final approval of the CEO.

## **WORKERS' COMPENSATION**

### **Reporting Procedures**

Employees should report any on-the-job injury to their supervisor or the CEO within 24 hours of the incident but no later than thirty (30) days after the date of injury. Employees should submit an Incident Report (Form 75) along with a signed Authorization for Medical Records to Human Resources. Failure to do so may result in lack of coverage under worker's compensation.

### **Medical Treatment**

If required, employees may seek medical treatment from an authorized medical facility or a doctor of their choice. The Human Resources Department has a list of medical facilities that are available.

**Return to Work**

In order to be released to full duty with no restrictions, employees will obtain Texas Workers' Compensation Commission Form (TWCC 73), have it signed by their treating doctor, and submit it to their office or department. A copy of the completed Texas Workers' Compensation Commission Form (TWCC 73), signed by the doctor, shall be forwarded to MACC management when the employee is released to full duty with no restrictions.

**Payment Under Workers' Compensation**

Employees covered under Workers' Compensation will begin receiving payment after they have been away from work for seven (7) days due to illness or injury sustained in the course and scope of employment. Payment begins on the eighth day. MACC may apply the employee's sick leave, vacation leave, or compensatory time for pay during the first seven (7) days of lost time from a compensable injury at the request of the employee. After leave time is exhausted, MACC will place the employee on leave-without-pay status, and the injured employee will receive weekly compensation benefits in accordance with Workers' Compensation Law. In no event may an employee receive more than 100% of base pay.

**Unemployment Benefits**

As a not-for-profit organization 501(c)(3), MACC is exempt from mandatory participation in the Unemployment Compensation program and has elected not to participate. Therefore, there are no unemployment benefits accrued as an employee of MACC.

## **SECTION V - SAFETY AND SECURITY**

### **SAFETY AND ACCIDENT PREVENTION**

One of the foremost objectives of the MACC is to provide a safe working environment for all employees. MACC continually strives to meet or exceed state and federal safety standards. It is essential that employees abide by safety procedures posted throughout the premises at all times. These safety procedures have been established for the employee's safety and protection. Employees are encouraged to report any condition which they feel is hazardous to health or safety to their supervisors. Any violations of safety procedures may result in disciplinary action or termination.

### **EMERGENCY CLOSINGS**

Emergencies such as severe weather, fires, or power failures can disrupt MACC's operations and may require the closing of the college.

When the decision to close the college is made, employees will be notified by their supervisor either in person or by telephone. Employees receive paid time off when officially notified by their supervisor that the office is closed due to an emergency.

### **PERSONALLY-OWNED PROPERTY**

Personally-owned property brought within MACC facilities remains the responsibility of the property owner to maintain appropriate insurance for the property should it be lost, stolen or destroyed while located on the premises of MACC. Employees are advised not to bring large sums of money, jewelry, or other valuables to work. MACC assumes no responsibility for these items, nor will MACC's insurance provider. MACC will not reimburse for any lost, damaged, stolen or destroyed personally-owned property while located within MACC facilities.

### **REPORTING ACCIDENTS**

When an accident occurs on MACC property, whether to a visitor or employee, the matter should be referred immediately to the employee's supervisor, regardless of how insignificant the accident may appear to be. This procedure is necessary in order to provide immediate medical aid to the injured person and to facilitate a full and prompt report. Employees should not make any statements to the injured person as to his/her opinions on the cause of the accident.

If an injury occurs on MACC property or off-campus while conducting MACC business, the supervisor should be notified immediately. The injured employee will be offered the option of going to a doctor. The injured employee has the option to go to a doctor at the time of accident or at a later date if the injury persists. The injured employee can go to his/her own doctor or to a clinic specified by MACC. The employee will not be responsible for any payment. The supervisor will determine if the injured employee can drive to seek medical attention, or if someone will be appointed to drive the person, depending on the extent of the injuries.

If the injury requires only first aid treatment, it will not be recorded on the OSHA 300 Log. If the injury requires medical attention other than first aid treatment, requires restricted duty or motion, causes loss of consciousness or results in death, the injury will be recorded on the OSHA 300 Log.

After each recordable injury, the OSHA 300 Log will be completed. At the end of the year, a final OSHA 300A Summary Log will be completed which must be posted by February 1<sup>st</sup> through April 30<sup>th</sup>, reporting the previous year's accident record.

## **SMOKING**

Smoking is strictly prohibited inside all buildings of MACC. All buildings are public and should be protected at all times from a fire hazard.

## SECTION VI - EMPLOYEE RELATIONS

### ALCOHOL, DRUGS AND CONTROLLED SUBSTANCES

MACC has an interest in maintaining an efficient working environment for all individuals associated with it. An individual impaired by illegal drugs, inhalants or alcohol on the job poses risks not only to the user, but also to all who may come in contact with the user. Texas law requires MACC to have a policy designed to eliminate drug abuse and its effects in the workplace. This policy includes all premises of MACC and all premises where the employee is conducting work on behalf of MACC.

#### **Policy**

The sale, purchase, use, concealment and possession of illegal drugs or alcoholic beverages, or being impaired due to the influence of illegal drugs, inhalants or alcoholic beverages while on the premises of MACC or while conducting business on behalf of MACC is prohibited at all times. Use or possession of legal inhalants is not prohibited by this policy, while their abuse is prohibited.

The sale, purchase, use, concealment and possession of equipment, products and materials which are used, intended for use, or designed for use, with illegal drugs while on the premises of MACC or while conducting business on behalf of MACC is prohibited at all times. Possession of or use of equipment, products and material intended for the use or designed for use with legal inhalants is also prohibited.

Reporting to work and being at work under the influence of illegal drugs or alcoholic beverages, or with a measurable quantity of illegal drugs or alcoholic beverages in the blood or urine while on the premises of MACC, or while conducting business on behalf of MACC at any time is prohibited. "Under the influence" is defined as not having the normal use of mental or physical faculties, and may be detectable by the employee's physical appearance, actions, breath, or speech.

#### **Tests**

MACC may request than an individual undergo a blood test, urinalysis, breath-analyzer test, or other diagnostic test for any of the following circumstances:

1. When there is a reason to believe, in the opinion of MACC management, that an individual may be in violation of the alcohol, drug and controlled substance policy while on the premises of MACC or while conducting business on behalf of MACC at any time.
2. When there is a reason to believe, in the opinion of MACC management, that an individual has reported to work with a measurable quantity of illegal drugs, alcoholic beverages and/or controlled substances in the blood or urine.

Such tests may or may not be required when, in the judgment of MACC management, an employee appears to be "under the influence" of illegal drugs, alcoholic beverages, or controlled substances as defined above.

## **Searches**

When there is reason to believe that an individual may be in violation of this policy, MACC management may request that the individual submit to a search of his/her person or property by MACC representatives or agents.

## **Discipline**

Any employee's failure to comply with this policy, reporting to work "under the influence" of illegal drugs or alcoholic beverages as defined above, refusal to sign a consent form immediately prior to search or testing as described above, refusal to submit immediately upon request to a search of his/her person and property, refusal to submit to a blood test, urinalysis, breath-analyzer test or other diagnostic test, or a positive result on such test(s) indicating use of illegal drugs or alcoholic beverages in violation of this policy may result in disciplinary action up to and including immediate termination of employment.

## **Assistance**

MACC provides medical benefits for the treatment of drug and alcohol abuse as outlined in its medical benefits plan. Sick leave, disability leave and other types of leave may also be available to employees in accordance with the terms set forth in this policy manual.

## **COMPLAINT RESOLUTION PROCEDURE**

MACC strives to provide a working environment where complaints and problems can be resolved in a quick and effective way. Whenever possible, complaints and conflicts will be handled at the lowest level possible and with the persons directly involved or affected. If the conflict or complaint is not resolved, the following procedure will be followed:

### **Step 1**

An employee will submit all grievances and responses in writing to his/her supervisor, with a copy to the Human Resources Representative, as soon as possible.

The supervisor:

- Gains full understanding of the facts of the problem or complaint.
- Schedules a follow-up meeting with the employee within seven (7) working days to resolve the problem or complaint.
- Meets with the employee to review the decision.

If the employee is dissatisfied with the decision, the supervisor explains the employee's right to proceed to Step 2. The employee may appeal to the CEO in writing. The CEO shall establish a Grievance Committee.

### **Step 2**

- The Grievance Committee shall consist of three (3) persons to review the case.
- The employee presents his/her complaint or problem and the reason for finding the proposed solution in Step 1 unacceptable.
- The Committee seeks to understand the facts of the problem or complaint.

- The Committee makes a written recommendation to the CEO.
- The CEO will meet with the employee to review the decision within seven (7) working days, and will provide a final written determination regarding the problem or complaint to the employee. A copy will be placed in the employee's personnel file.

## **OPEN DOOR ARRANGEMENT**

One of the foremost goals of MACC is to ensure that each employee has a way to express his/her problems, opinions, or suggestions. For all administrative matters, employees are advised to talk with their immediate supervisor. If the supervisor cannot resolve an issue that is brought to his/her attention, the supervisor will refer the employee to the next highest supervisory level for resolution.

## **DISABILITY ACCOMMODATIONS**

MACC is committed to fully complying with the Americans with Disabilities Act (ADA) and ensuring equal opportunity employment for qualified persons with disabilities. Upon request, job applications are available in alternative and accessible formats. Pre-employment inquiries are only made regarding an applicant's ability to perform the duties of the position.

Reasonable accommodations are available to all disabled employees where the disability affects the performance of job functions. MACC does not discriminate against any qualified employees or applicants because they are related to, or associated with, a person with a disability.

## **EXIT INTERVIEW**

The Human Resources Representative and Supervisor, along with the departing employee will conduct an exit interview on or near the employee's last working day.

## **HARASSMENT POLICY**

MACC strives to maintain a safe work environment free from intimidation, hostility, interference or offensive behavior from managers, supervisors, co-workers, or visitors. MACC will not tolerate harassment, of any kind or in any form.

### **Reporting Harassment**

The employee will report the harassing behavior to his/her supervisor. If the offender is the employee's supervisor, the employee may follow the steps outlined in the Complaint Resolution Procedure (p.23). Alternatively, the employee may report the behavior to the CEO or any other supervisor with whom the employee feels comfortable. Employees are encouraged to raise concerns and report inappropriate behavior without fear of retaliation or reprisal.

A supervisor who becomes aware of any type of harassment will promptly advise the CEO or any other member of management who will handle the matter in a quick and confidential manner.

Any employee engaging in any type of harassment will be subject to disciplinary action, up to and including termination of employment.

## **SEXUAL HARASSMENT<sup>1</sup>**

It is the policy of MACC to provide and maintain a work environment that is free of sexual harassment, sexual exploitation and intimidation. Failure to comply with this policy will result in disciplinary action, up to and including termination. Sexual harassment is a form of sex discrimination and is a violation of Federal Law Section 703 of Title VII of the Civil Rights Act of 1964 (as amended).

“Sexual Harassment” means unwelcome sexual advances, requests for sexual favors or other physical or verbal conduct of a sexual nature (1) that creates a hostile working environment; (2) the submission to which is made a term or condition of a person’s employment; or (3) the submission to, or rejection of which is used as a basis for an employment decision affecting the harassed employee.

It is illegal and against MACC policy for any worker, male or female, to harass another worker or to create a hostile working environment by either committing or encouraging:

1. Physical assaults on another employee, including but not limited to rape, sexual battery, molestation or attempts to commit these assaults;
2. Intentional physical contact that is sexual in nature, including but not limited to, touching, pinching, patting or brushing up against another employee’s body;
3. Unwanted sexual advances, propositions or sexual comments, including gestures, jokes or comments made in the presence of any employee who has indicated in any way that such conduct in his/her presence is unwelcome; or
4. Posting or displaying pictures, posters, calendars, graffiti, objects or other materials that are sexual in nature or pornographic.

It is important for every employee to understand that jokes, stories, cartoons, nicknames, and comments about appearance may be considered offensive to others.

If an employee is subjected to, or witnesses sexual harassment, he/she should notify his/her immediate supervisor as soon as possible. When an employee reports such an incident to a supervisor, the supervisor is responsible for reporting it to the next level of supervision and the CEO, even if the employee does not want anything said or done about it. If the employee’s immediate supervisor is the source of the alleged harassment, the employee should report the problem directly to the next level of supervision or to the CEO. If an employee is either subjected to or witnesses sexual harassment committed by the CEO, the employee will notify the Board of Directors’ Personnel Committee or the Chair of the Board of Directors.

A prompt and thorough investigation of the facts and circumstances of any claim of discrimination, including harassment or retaliation, will be conducted. Appropriate corrective action will be taken, if necessary. While MACC cannot control the actions of outside parties,

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<sup>1</sup> MACC Employees are also subject to follow the policies and procedures of the Archdiocese of San Antonio on Sexual Harassment and Misconduct – see Appendix “A” for full details.

such as MACC vendors or patrons, employees who believe they have witnessed or been the subject of discrimination by an outside party, including harassment or retaliation, will report the alleged act(s) to the CEO. An employee who knowingly makes a false complaint is subject to discipline up to and including termination.

## **VIOLENCE IN THE WORKPLACE**

MACC encourages employees to report disputes or differences with other employees and visitors to their supervisor before the situation potentially escalates into violence. MACC will not discipline employees for raising such concerns.

MACC will not tolerate harassment, intimidation, threats or assault of a fellow employee by any employee, whether such occurs at or away from the workplace. Any employee committing such an act against a co-worker, or threatening violence against a co-worker, will be subject to disciplinary action, up to and including termination.

MACC will promptly and thoroughly investigate all reports of, threats of, or actual violence and suspicious individuals or activities.

## **WEAPONS AT WORK**

Employees and others present on MACC's premises are prohibited from carrying a weapon, concealed or otherwise. A weapon includes any device, which could cause death or serious bodily injury to another such as a handgun, rifle, explosive, incendiary device, brass knuckles, or the like. This policy includes all premises where an individual performs work for, or on behalf of MACC. Security personnel will be called to escort MACC and non-MACC personnel suspected of possessing a weapon from MACC.

Employees are reminded that MACC premises, including desks, file cabinets and other MACC property, are subject to search. When there is reason to believe that an individual may be carrying a weapon, MACC management may request that the individual submit to a search of his/her person and/or property.

Any employee's failure to comply with this policy, refusal to sign a consent form, or submit immediately upon request to a search of his/her person or property may result in disciplinary action, up to and including immediate termination of employment.

Any employee who is the victim of a violent act by another employee, or who is threatened by another employee will immediately report the incident to his/her supervisor and the police, if applicable. Any employee who observes an act of violence or threat of violence by another employee should report the incident to his/her supervisor or the CEO.

Supervisors will report any such incidents to the CEO who will, in turn, consult with security personnel, or other authorities, to determine appropriate preventive or disciplinary action.

**SECTION VII - EMPLOYEE ACKNOWLEDGEMENT FORM**

**Employee Statement of Acknowledgement and Receipt of Policy Manual**

This statement is to acknowledge that I have received a copy of MACC’s Personnel Policy Manual. I understand that it provides guidelines and summary information about MACC’s personnel policies and procedures concerning employment, compensation, workplace guidelines, benefits, performance standards, and salary and wage administration. I also understand that it is my responsibility to read, understand, become familiar with, and comply with the policies that have been established.

I further understand that MACC’s Management reserves the right to modify, supplement, rescind, or revise any of these policies from time to time, with or without notice, as they deem necessary or appropriate.

I acknowledge that my employment may be terminated at any time with or without cause or advance notice, and that this employment “at-will” relationship will remain in effect throughout my employment with MACC unless it is specifically modified by a written agreement signed by me and the CEO of MACC. I further acknowledge that this employment “at-will” relationship may not be modified by any oral or implied agreement.

I understand and acknowledge that this policy manual and any part of its contents in no way, shape, or form create any contract of employment.

I further acknowledge that I have read carefully and fully understand the preceding policies and procedures. By signing my initials by each policy, I am indicating that I am in full agreement of its contents and will abide by the policy stated.

- \_\_\_\_\_ Confidentiality
- \_\_\_\_\_ Drug and Controlled Substances Policy
- \_\_\_\_\_ Harassment Policy
- \_\_\_\_\_ Payroll Deduction Policy
- \_\_\_\_\_ Sexual Harassment Policy
- \_\_\_\_\_ Standards of Conduct
- \_\_\_\_\_ Worker’s Compensation

\_\_\_\_\_  
Employee Name (Please Print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the CEO

\_\_\_\_\_  
Date

**NOTE: This Employee Statement of Acknowledgement will be filed in the employee’s personnel file.**

**APPENDIX**

# Archdiocese of San Antonio

## Policies on Ethics and Integrity in Ministry

### **I. Principles of Ethics and Integrity in Ministry: Code of Ethics**

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships.

It is with the intention that relationships in ministry be experienced at all times as charitable and without intention to do harm or allow harm to occur that the following Code of Ethics has been adopted by the Archdiocese of San Antonio. All Church personnel are asked to carefully consider each standard in the Code and within the Policies on Ethics and Integrity in Ministry before agreeing to adhere to the standards and continue in service to the Archdiocese.

- Church personnel will exhibit the highest Christian ethical standards and personal integrity.
- Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.
- Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- Church personnel will not physically, sexually, or emotionally abuse or neglect a minor or an adult.
- Church personnel will share concerns about suspicious or inappropriate behavior with their pastor, their principal, the Vicar General or Archbishop.
- Church personnel will report any suspected abuse or neglect of a minor to the Texas Department of Protective and Regulatory Services.
- Church personnel will accept their personal responsibility to protect minors and adults from all forms of abuse.

### **II. General Definitions**

## **A. Church Personnel**

For the purposes of this policy, the following are included in the definition of Church personnel:

1. Priests incardinated in the Archdiocese of San Antonio.
2. Priests who are members of religious institutes assigned to pastoral work in the Archdiocese.
3. Priests of other jurisdictions who are assigned to pastoral work in this Archdiocese; priests seeking incardination in this archdiocese; other priests including those who are retired or who request canonical faculties to do part-time or supply ministry.
4. Permanent and transitional deacons incardinated in this Archdiocese; permanent deacons but with canonical faculties to function in this Archdiocese.
5. Seminarians and those enrolled in the permanent Diaconate Formation Program.
6. Women religious and religious brothers working for the Archdiocese, its parishes, schools, or agencies.
7. Individuals in other forms of consecrated life who are associated with the Archdiocese.
8. All paid personnel whether employed in areas of ministry or other kinds of services by the Archdiocese, its parishes, schools, or other agencies; also, those who contract their services to Church agencies.
9. All volunteers. This includes any person who enters into or offers him/herself for a Church-related service of his/her own free will.

## **B. Types of Misconduct**

For the purposes of this policy, misconduct includes the four types of behavior listed below:

1. Immoral conduct. Conduct that is contrary to the discipline and teachings of the Church.
2. Harassment. Conduct or language which created an intimidating, hostile or offensive working environment.
3. Exploitation. Taking unfair advantage of a counseling relationship for the benefit of the counselor.
4. Abuse of minors. Physical, sexual, or emotional abuse of children under the age of 18 or adults who are uniquely vulnerable to abuse because of physical or mental disabilities.

## **III. Prevention of Immoral Conduct: Guidelines for Ethical and Moral Behavior**

### **A. Definitions**

1. Immoral conduct is defined as behavior that is contrary to the discipline and teachings of the

Church and may result in scandal to the faithful or harm to the ministry of the Church.

2. Scandal is an attitude or behavior, which leads another to do evil. Scandal damages virtue and integrity. It is a grave offense if by deed or omission another is deliberately led into a grave offense (Catechism of the Catholic Church, n.2284).

## **B. Standards of the Archdiocese**

1. It is fundamental to the mission of the Archdiocese of San Antonio for Church personnel to exhibit the highest ethical standards and personal integrity. The purpose of this policy is to insure that all Church personnel follow the traditional strong moral and ethical standards of the Catholic Church. Therefore, Church personnel should not engage in the following conduct:

- a. Formally rejecting the teachings of the Catholic Church or the Christian way of life.
- b. Exhibiting actions that are disruptive to the ministry and public worship.
- c. Procuring or participating in abortion, homicide, or euthanasia.
- d. Possessing pornographic materials.
- e. Engaging in adultery, flagrant promiscuity or illicit co-habitation.
- f. Abusing alcohol, drugs, or gambling.
- g. Stealing or any other form of theft, including misappropriation of Church funds.
- h. Sexual harassment, exploitation or abuse.
- i. Physical assault and fighting.
- j. Committing any criminal act against a person.

2. Church personnel should not harm the reputation of others through:

- a. Disclosing the faults or failings of others to persons who have no cause to know them.
- b. Making false allegations against another.

3. Church personnel enjoy a public trust and confidence. It is essential that Church personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe that irregularity in conduct exists. All Church personnel have a responsibility to uphold the standards of the Catholic Church in their day-to-day work and personal lives.

## **IV. Prevention of Harassment: Guidelines for Professionalism**

### **A. Definitions**

a. Harassment encompasses a broad range of physical, written, or verbal behavior that includes, but is not limited to, the following:

- Physical or mental abuse

- Racial insults
- Derogatory ethnic slurs
- Unwelcome sexual advances or touching
- Sexual comments or sexual jokes
- Requests for sexual favors used as a condition of employment or to affect other personnel decisions, such as promotion or compensation
- Display of offensive materials

b. Harassment is an offensive use of power where the purpose or the effect is to create a hostile or intimidating work environment.

c. Harassment may be severe and/or pervasive.

- Severe conduct is sufficient to alter a workplace environment even though it may occur only once.
- Pervasive conduct is a persistent pattern of offensive conduct.

## **B. Standards of the Archdiocese**

1. Church personnel do not engage in physical, psychological, written or verbal harassment of employees, volunteers or parishioners and do not tolerate such harassment by other Church personnel.

Church personnel shall provide a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.



Archdiocese of San Antonio
Code of Ethics and Screening Questionnaire

The Mexican American Catholic College (MACC) has accepted the Archdiocese of San Antonio policy and Code of Ethics on sexual misconduct and adopted it as part of MACC's policies in 2001.

It is with the intention that relationships in the ministry be experienced at all times as just, charitable and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Archdiocese of San Antonio:

- Church personnel will exhibit the highest Christian ethical standards and personal integrity.
Church personnel will conduct themselves in a manner that is consistent with the discipline and teaching of the Catholic Church.
Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
Church personnel will not physically, sexually, or emotionally abuse or neglect a minor or an adult.
Church personnel will share concerns about suspicious or inappropriate behavior with their pastor, their principal, the Vicar General or Archbishop, or MACC President.
Church personnel will report any suspected abuse or neglect of a minor to the Texas Department of Protective and Regulatory Services, local law enforcement agency and /or appropriate authorities.
Church personnel will accept their personal responsibility to protect minors and adults from all forms of abuse.

The archdiocese of San Antonio and MACC appreciate your willingness to share your faith, gifts, and skills. Providing safe and secure programs for our members and participants is of utmost importance to us. The information gathered is designed to help us provide the highest quality Catholic ministries for the people of our community. Please answer the following questions.

Have you ever received any medical treatment, physical or psychological, for reasons involving physical abuse or sexual abuse by you? Yes No

If yes, on a separate sheet of paper, give a brief description of the treatment; include dates, nature and locations and treating physician with name, address, and phone number.

Do you agree to observe all of the Archdiocese of San Antonio guidelines and policies of the ministry you are applying, employed in, or volunteering in? Yes No

Do you understand and agree that false statements and/or omissions regarding past conduct may be ground for denial of the application, to provide employment, and/or volunteer services and that refusal to inform MACC the contents of a criminal record may result in the automatic denial of the application, termination of employment and/or suspension of volunteer services? Yes No

I affirm I have read and understood the foregoing and to the best of my knowledge, the information I have provided is true and correct.

Applicant's Signature

Date

Printed Name