



All Employee Groups

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Community College District
Employee Relations
Department

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**MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT
BOARD POLICY / ALL EMPLOYEE GROUPS**

A1. INTRODUCTION

The Governing Board of Maricopa County Community College District has vested the Chancellor of this District and his/her designee with the power and authority to establish standard professional conduct, rules, regulations, terms, and conditions of employment which are not in conflict with state or federal statutes and/or employee policy manuals.

A2. GOVERNING BOARD RIGHTS

The Board and its agents shall have, in addition to all powers, duties, and rights established by constitutional provision or statute, at least but not limited to the following exclusive powers, duties, and rights as specified:

- A2.1.** Direct the work of its employees.
- A2.2.** Hire, evaluate, promote, demote, transfer, assign, reassign, and retain employees.
- A2.3.** Suspend, discipline, or discharge employees for proper cause.
- A2.4.** Maintain the efficiency of its operation.
- A2.5.** Relieve its employees from duties because of lack of work, financial exigency, program change, or other legitimate reasons, according to policy manual guidelines.
- A2.6.** Determine and implement methods, means, assignments, reassignments, and personnel by which its operations are to be conducted.
- A2.7.** Take such actions as may be necessary to carry out its mission as the Governing Board of the Community Colleges.
- A2.8.** Manage the physical facilities under its control including any alteration, relocation, or new construction thereof.
- A2.9.** Initiate, prepare, certify, and administer its budgets.
- A2.10.** The Governing Board will, as part of its regular meeting agenda, provide a time for employee groups to address the Board.

A3. EMPLOYMENT REQUIREMENTS

- A3.1.** Under the Immigration Reform and Control Act of 1986 (IRCA, 8 United States Code § 1324a), all employees hired after November 6, 1986, must show their employers documents that prove their identity and their eligibility to work in this country. Completion of form I-9 (Employment Eligibility Verification Form) is required.
- A3.2.** Affirmative Action guidelines will be followed. The individual staff and administrative relationships, general responsibility, and authority will be assigned to each position.
- A3.3.** An individual who is appointed or assigned to a position must meet the minimum requirements for that position.

A4. EMPLOYMENT STANDARDS

The following constitutes grounds for disciplinary action, up to and including termination of any Maricopa County Community College District (MCCCD) employee as outlined by the respective policy manuals:

Board Policy - All Employee Groups

1. Willful and intentional violation of any state or federal law, applicable ordinance, MCCCC Governing Board policy, or MCCCCD administrative regulation that affects the employee's ability to perform his or her job.
2. Making a false statement of or failing to disclose a material fact in the course of seeking employment or re-assignment of position at MCCCCD.
3. Willful and intentional failure to perform job duties that have first been communicated to an employee and are within the employee's scope of employment.
4. Willful and intentional commitment of acts of fraud, theft, embezzlement, misappropriation, falsification of records or misuse of MCCCCD funds, goods, property, services, technology or other resources.
5. Conviction of a felony or misdemeanor that adversely affects an employee's ability to perform job duties or has an adverse effect on MCCCCD if employment is continued.
6. Fighting with a fellow employee, visitor, or student, except in self-defense. Committing acts of intimidation, harassment or violence, including (but not limited to) oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
7. Reporting to work under the influence of alcohol and/or illegal drugs or narcotics; the use, sale, dispensing, or possession of alcohol and/or illegal drugs or narcotics on MCCCCD premises, while conducting MCCCCD business, or at any time which would interfere with the effective conduct of the employee's work for the MCCCCD; the use of illegal drugs; or testing positive for illegal drugs. The exception would include the consumption of alcohol at a reception or similar event at which the employee's presence is clearly within the scope of employment.
8. Possessing firearms or other weapons on MCCCCD property, except as may be required by the job or as otherwise permitted by law.
9. Abandonment of one's position.
10. Intentional destruction or threat of destruction of MCCCCD property, with malicious intent.
11. Performing acts or executing job responsibilities in a reckless manner that poses a threat to the physical safety of the employee or another person.
12. Failure by the College President, Vice Chancellor, Chancellor or other senior level administrators to notify appropriate law enforcement authorities of any potential theft of District funds or assets.

Employees (Board Approved and otherwise) who are terminated or non-renewed due to a determination that the employee has violated Maricopa Employment Standards set forth above, or who resign in lieu of such termination or non-renewal by agreement or otherwise, are not eligible for rehire within the Maricopa Community College District. Employees will be afforded notice of such a determination and an opportunity to be heard pursuant to the applicable employee policy or administrative regulation.

The Vice Chancellor for Human Resources or designee is responsible for reviewing documented violations of employment standards, establishing procedures for the review of recommended disciplinary action to be taken, and determining whether the recommended disciplinary action is

consistent with the documented violations of the employment standards. The Vice Chancellor for Human Resources or designee shall have final authority to recommend disciplinary action under this policy and shall document the rationale for all decisions. To the extent that the recommendation for disciplinary action by the Vice Chancellor for Human Resources or designee differs from the recommendation of the employee's College President or Vice Chancellor or other Chancellor's Executive Council Member, the Chancellor shall be consulted and shall make the final recommendation on disciplinary action. The Vice Chancellor for Human Resources or designee shall make recommendations that involve the Chancellor.

Quarterly, a summary report shall be submitted to the Governing Board on disciplinary actions taken pursuant to this policy.

A5. MILITARY LEAVE FOR MILITARY TRAINING

- A5.1.** Arizona Revised Statutes provide for release of employee's who are members of the Arizona National Guard or Reserve Units to attend periods of military training without jeopardizing their positions of employment.
- A5.2.** National Guard or Reserve Training will be paid up to thirty (30) working days in a two (2) year period. One (1) copy of the employee's military orders must be presented to the Employee Relations Department to assure continuation of salary while on leave.
- A5.3.** The training period will not be deducted from the vacation period with pay to which an employee is otherwise entitled and will be considered as a period of work performance in determining eligibility for vacation accrual.

A6. MILITARY LEAVE FOR ACTIVE DUTY

- A6.1.** For MCCCCD employees, a military leave for active duty will be treated as an Absence for Personal Reasons. Employee's are due the benefits as designated in their respective policies.
- A6.2.** Employees on a Military Leave will be paid the difference between their base salary with Maricopa and the total monetary compensation they are receiving from the Military for one year. The amount received will not exceed 100 percent of the employee's regular wages. One (1) copy of the employee's military orders must be presented to Employee Relations.
- A6.3.** Under the Uniformed Services Employment and Reemployment Act (USERRA, 38 United States Code §4301), an employer must hold an employee's job for up to five (5) years when an employee is called to active duty and the leave can be intermittent. The employee must give notice upon discharge from active duty.

A7. Indemnification

- A7.1.** The Maricopa County Community College District ("Maricopa"), to the extent legally permissible, indemnifies and defends its employees against liability for acts or omissions arising out of and in the course of their employment for Maricopa or performing duties related to the conduct of Maricopa business. The General Counsel is authorized to represent Maricopa and/or the employee and direct the defense of any claim, action, suit or proceeding on behalf of Maricopa and the employee for which Maricopa is indemnifying the employee pursuant to this policy. Maricopa retains the right to direct, settle, compromise, appeal, and otherwise defend any such claim, action, suit or proceeding, including representation and the use of counsel as Maricopa deems desirable. In any such event, the employee is expected to cooperate fully.

A7.2. Employees are not represented by counsel employed or retained by Maricopa in grievance procedures, internal discrimination matters, employment dismissal, or other similar proceedings, as these are internal processes which seek to inform Maricopa, its administrators, and Governing Board members regarding the appropriateness of specific conflicts.

A7.3. Maricopa does not provide representation or indemnify employees with regard to criminal offenses, licensure, certification, or similar professional administrative or disciplinary actions, parking or moving vehicle violations, or fees, fines or penalties associated with such violations. Maricopa does not provide representation or indemnification for acts involving intentional misconduct, willful or knowing violation of the law, and transactions from which the individual derives an improper personal benefit. Each employee is expected to comply with federal and state laws, and local ordinances.

A8. JURY DUTY

A8.1. An employee recommended for jury duty or subpoenaed by the courts, which requires absences from assigned work shall notify his/her immediate supervisor of the summons or subpoena. A copy of the subpoena shall be retained by the supervisor. In order to verify an employee attended jury duty, employees are required to provide the compensation department a court document signed by the deputy clerk, jury clerk or jury commission. Personal time will be charged if the employee does not provide the required documentation. No employee will be dismissed or transferred from his/her position because of the length of jury duty.

A8.2. While serving on jury duty and away from assigned work, pay received for jury duty, exclusive of mileage paid, shall be turned over to the College Fiscal Office or the appropriate District officer.

A8.3. Time during the regularly scheduled work day (for the District) not required for jury duty including those occasions when the employee is excused from jury service, is to be utilized in pursuit of District-assigned duties.

A9. TAX-SHELTERED ACCOUNTS

The District has authorized the participation of the employees in tax-sheltered programs from those companies recommended by the Employee Benefits Advisory Committee and approved by the Governing Board in accordance with legal requirements. Further information may be obtained from the Employee Benefits Department at the District Office.

A10. VOTING FOR PUBLIC ELECTIONS--VOTING RESPONSIBILITY

Polls normally will be open from 6:00 a.m. to 7:00 p.m.; therefore, employees are expected to cast their votes outside their normal work shifts. An employee who, for exceptional reasons, finds it impossible to vote before or after working hours must request time off, in advance, in writing to the supervisor or appropriate District administrator. Such time off will be scheduled, and will not exceed two (2) hours.

A11. INDUSTRIAL COMPENSATION

A11.1. The District will provide, at no cost to the employee, Industrial Compensation Insurance. Any injury to an employee during working hours will be reported immediately to his/her immediate supervisor. The employee and the supervisor will complete the necessary paperwork and forward to the Employee Benefits Department within twenty-four (24) hours for processing.

- A11.2.** An employee absent due to an industrial accident resulting in injury or illness to the employee will be allowed up to thirty (30) days absences without loss of pay and without loss of current or accumulated sick leave. During this thirty (30) day period the district will pay the employee the difference between the wage loss benefit check received under the Industrial Compensation laws of the state to equal his/her daily rate of pay. Beginning the thirty-first (31st) day, sick leave will be reduced by the amount of the difference between the total salary of the employee and the wage loss benefit check received by the employee. The employee will also cease accruing illness hours. At the exhaustion of all illness hours, the District will cease to pay the difference between the benefits check and the employee's full rate.
- A11.3.** Any employee off on Industrial Leave of Absence will return to his/her position provided the employee presents a full medical release.
- A11.4.** Failure to return to duty after an Industrial Leave will be grounds for termination from the District.

A12. ARIZONA STATE RETIREMENT AND SOCIAL SECURITY PROGRAMS--PENSION AND RETIREMENT

An employee of the District is covered under the Federal Social Security System and the Arizona State Retirement System/Plan.

A13. TUITION WAIVER EDUCATIONAL ASSISTANCE

A13.1. Waiver of Fees

A13.1.1. Pursuant to Arizona Revised Statutes § 15-1445, the Maricopa Governing Board has approved the waiver of tuition and fees for the following categories of persons:

A13.1.1.1. Full-time employees of the District

A13.1.1.2. Spouses and dependent children of full-time employees (including those under employee's legal guardianship); and

A13.1.1.3. Adjunct faculty members for a maximum of six (6) credit hours when assigned to teach credit courses, to be taken during the semester in which they teach. Use of a waiver may be deferred to a term that follows the assignment, but use must take place within the same fiscal year of the assignment.

A13.1.2. Tuition and fee waivers are limited to the in-county cost of classes. Other fees, such as lab or towel fees, are not waived and must be paid by the employee.

A13.2. Employee tuition waivers for classes that do not conflict with the employee's regularly scheduled work hours, and dependent tuition waivers should be handled through the fiscal office of the college where the classes are taken.

A13.3. An eligible employee wishing to take a class that conflicts with his/her normal working hours of accountability must obtain the signatures of this/her supervisor and President/Provost/Vice Chancellor prior to presenting the completed form to the fiscal office. Approvals may be granted in accordance with the following:

A13.3.1. There will be a limit of one (1) class per semester unless approved by the supervisor and President/Provost/Vice Chancellor.

A13.3.2. The class must be offered only during the employee's regular work schedule.

A13.3.3. Any change in the work scheduled must have the approval of the supervisor and President/Provost/Vice Chancellor.

A14. EMPLOYEE POLICY ADMINISTRATION

A14.1. Copies of this policy will be printed at the expense of the District.

A14.2. The District will distribute copies of this agreement to all current employees and will provide a copy of these policies to each new employee at the time of orientation.

A15. HIRING OF RELATIVES

A15.1. A relative of any employee of the Maricopa County Community College District (District) may apply for, be considered without prejudice for, and be hired into any employment position. However, no employee of the District may be employed where a relative is within the line of supervisory authority, except if the individual in line of supervisory authority has recused themselves as provided in section A14.2, and no employee of the district may be involved in any key decision involving a relative.

A15.2. Responsibility for any employment or key decision regarding a relative of an employee shall be assigned to a manager or supervisor who is not related to either the relative or the employee and who is higher in managerial or supervisory authority than both the employee and the relative, except in extraordinary circumstances. The Vice Chancellor for Human Resources or designee is the sole authority to determine extraordinary circumstances and the appropriate course of action to be taken and the individual in the line of supervisory authority shall recuse himself/herself from all decision-making. The Vice Chancellor for Human Resources or designee will retain appropriate documentation of such actions. If the Vice Chancellor for Human Resources or designee is in the line of supervisory authority of a relative, the Vice Chancellor shall recuse himself/herself and the Chancellor shall name a different member of the Chancellor's Executive Council to perform this duty.

A15.3. In such cases where an individual is currently employed where a relative is within the line of supervisory authority, a transfer or resignation of one of the parties shall be required (effective with the adoption of this procedure), except as provided in section A14.2. Adoption of this procedure shall address existing situations; inclusion of this provision in this policy shall address any future situations that may arise, for example, if employees marry or otherwise change their employment or personal status to be employed within the line of supervisory authority.

A15.4. Annually, every board approved employee shall file a disclosure naming any relatives who also are an employee of the district. This disclosure also shall include an acknowledgement by the employee that they have read and understand the district's hiring of relatives policy. Updated disclosures will be submitted by the employee during the year if personal circumstances change.

A15.5. Definitions

A15.5.1. A "relative" includes a parent, step-parent, parent-in-law, brother, stepbrother, sister, stepsister, spouse, son, stepson, daughter, stepdaughter, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, grandchild, great-grandchild, aunt, uncle, niece and nephew of

the employee or the employee's spouse. A "relative" also includes a domestic partner of an employee who is claimed as a dependent by the employee for insurance purposes, and a relative (as that term is defined herein) of such domestic partner.

A15.5.2. A "key decision" includes any decision involving the hire, renewal, retention, supervision, promotion, probationary review, initial salary determination, discipline, evaluation, or compensation of a relative. A key decision does not include a decision that incidentally affects a relative among other employees.

A15.5.3. "Supervise" means to make day-to-day decisions regarding the employment of a person employed by the Maricopa County Community College District, such as work assignments, change in responsibilities, work schedule, and other decisions in direction of such person.

A15.5.4. Line of supervision includes all individuals who have the capacity to approve or determine the outcome of significant personnel actions that may impact an individual. Significant personnel actions include, but are not limited to employment, promotion, transfer, demotion, and disciplinary action.

A15.5.5. "Employee" means a person employed by the Maricopa County Community College District, and includes, but is not limited to, any Governing Board-approved employee, student employee, and person employed under a special service employment.

A16. HOLIDAYS

A16.1. The following designated days are recognized holidays by the District:

SCHEDULE OF PAID HOLIDAYS

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Friday following Thanksgiving

Winter Recess

Martin Luther King Day

Presidents Day

Spring Recess - 2 Days, Thursday and Friday

Memorial Day

A16.2. At the Chancellor's option, an additional holiday(s) may be declared during the fiscal year.

A17. PUBLIC STEWARDSHIP AND ETHICS

The Governing Board of the Maricopa Community College District recognizes the responsibility to demonstrate ethical and professional conduct. In order to demonstrate this commitment to public trust and accountability to the communities that we serve, all Governing Board Members and Board-Approved employees shall be required to participate in training that focuses on public stewardship and institutional ethics. Such training shall be rigorous, practical and application based. Newly hired Board-Approved employees shall be required to participate in training during their probationary period and every two years thereafter. Existing Board-Approved employees shall be required to participate in training within two years of the adoption of this policy and every two years thereafter. The District also shall consider ways of training temporary

employees once initial training of Governing Board members and Governing Board-Approved employees is complete. Such training shall also be rigorous, practical and application-based and temporary employees shall be required to participate in training every two years after initial training. The delivery of training to temporaries may differ from that of regular employees, in recognition of the fact that they may work on a part-time or seasonal basis.

SECTION B—Regular, Board-Approved Employees

B1. Bereavement Leave and Catastrophic Illness/Imminent Death Leave

B1.1. Bereavement Leave (not chargeable to any other kind of leave), may be used up to but not in excess of 5 working days (40 hours) due to the death of an employee's spouse/partner, father, mother, grandfather, grandmother, child (including those under employee's legal guardianship), foster child, brother, sister, grandchild, stepchild, stepfather, stepmother, or spouse's father, mother, grandfather, grandmother in any one incident. (Bereavement is paid leave)

B1.2. Catastrophic Illness and Imminent Death Leave may be used up to but not in excess of 5 working days (40 hours), due to the Catastrophic Illness/Imminent Death of an employee's spouse/partner or family member of the employee or employee's spouse in any one incident. (See B2.1 for a complete list of covered family members.) Catastrophic Illness is defined as a sudden illness/injury which is seriously incapacitating such as those that have the potential for permanent disability or extensive hospitalization/confinement or death and requires immediate action. (Catastrophic Illness/Imminent Death is a paid leave separate from any other leave and not chargeable to FMLA)

B1.3. The College President/Vice Chancellor may, when circumstances warrant, grant Bereavement or Catastrophic Illness/Imminent Death Leave to any employee based upon the Catastrophic Illness/Imminent Death or death of a person other than those listed.

B1.4. In addition, travel time outside the state, not to exceed five (5) working days (40 hours) for Catastrophic Illness/Imminent Death and not to exceed five (5) working days (40 hours) for bereavement in any one incident, may be charged against accrued sick leave.

B2. EMPLOYEE BENEFIT PROGRAM - refer to:

<http://www.maricopa.edu/employees/divisions/hr/benefits/coverage/credits> (for flex credits and rate table)

<http://www.maricopa.edu/employees/divisions/hr/benefits/coverage> (for general information)

B2.2. Insurance

B2.2.1. Hospitalization/Major Medical

The employee may purchase hospitalization/major medical insurance according to the Flexible Benefits Program.

B2.2.2. Income Disability Coverage

According to the core program of the Flexible Benefits Program, the District will provide the member with mid-term disability insurance equal to 66-2/3% of the employee's base contract salary. The waiting period shall be ninety (90) calendar days or exhaustion of all sick leave, whichever comes last.

B2.2.3. Term Life Insurance

According to the core program of the Flexible Benefits Program, the District will provide basic life insurance coverage of twenty thousand dollars (\$20,000). The employee may purchase additional life insurance according to the Flexible Benefits Program.

B3. LEAVES OF ABSENCE

B3.1. Family and Medical Leave - refer to:
<http://www.maricopa.edu/employees/divisions/hr/benefits/leaves>

The leave may be a paid or unpaid leave based upon the employee's accrued time available. Accumulation of accrued time will continue while the employee remains in a paid status. Accumulation of accrued leave will cease when the employee goes into an unpaid status but previously earned benefits will be held in suspense for the employee. An employee who is granted a Leave of Absence under FMLA will return to the position which he/she left or an equivalent position. The District will continue to pay the flexible benefits for the insurance coverage selected by the employee during the Family and Medical Leave.

B3.1.1. For the duration of Family and Medical Leave, employees will not seek, nor be employed in outside employment during their hours of accountability. The Vice Chancellor for Human Resources or designee may grant exceptions for extenuating circumstances for individuals adversely affected by these provisions. In addition to the above, any service contract with MCCCDC will be canceled until the employee returns to work.

B3.2. Leave of Absence for Medical or Personal Reasons

A Leave of Absence for medical or personal reasons may be requested in up to 6 months increments and must be approved by the appropriate supervisor, College President/Vice Chancellor with the concurrence of the Vice Chancellor for Human Resources or designee. Accumulation of accrued time will continue while the employee remains in a paid status via sick or vacation leave balances. In case of personal leave for medical reason, a physician statement, acceptable to the appropriate Human Resources staff or designee, must be received. Accumulation of accrued time will cease when the employee goes into an unpaid status. An employee who is granted an approved leave under this section will return to the position that he/she left, or one of equal grade. Failure to return from an approved leave will result in automatic termination.

B4. Personnel Files

The District shall maintain the official personnel files, which shall contain all materials relevant to the member's employment and shall be the sole repository of such materials with the exception of a college file. Only those materials permitted by law will be included in the official file. Each file will have attached a record for notation of names, dates, and purposes of persons reviewing the files. Only authorized personnel will be permitted to view employee files. A member shall have the right to:

Review the contents of his/her file(s) upon request, except letters of recommendation and College/University placement files which, when submitted, request confidentiality.

Receive a copy of any documents contained therein, except as noted in the paragraph above.

Be notified, in writing, when material (other than of routine office nature) is being added to the file(s).

Request the inclusion of relevant documents to be added to the file(s). (Determination of relevancy is the responsibility of the District Director of Employment and Recruitment.)

Request the removal of all inappropriate and/or obsolete documents from the files. (Determination will be made by the District Director of Employment and Recruitment.)

File a written response to be included whenever negative or derogatory information is placed in the file(s).

SECTION C—One Year Only, One Semester Only, Specially Funded, and Athletic Specialists

C1. Due Process Hearings

Prior to termination, employees in an MCCCCD assignment of more than 0.50 FTE for a period of three or more continuous years as of January 1, 2010 may request a due process hearing. **This includes One Year Only, One Semester Only, Specially Funded, and Athletic Specialists currently not eligible for a due process hearing.** Terminations due to loss of funds or a program reduction are not eligible for a due process hearing.

A hearing request must be presented in writing to the appropriate College President or Vice Chancellor within 5 business days of the notification to terminate. The request will be reviewed by the College President or Vice Chancellor and forwarded to the Chancellor for a decision. The Chancellor's decision will be final.

A due process hearing serves as an administrative review of a termination, and does not supersede Arizona State Statute 23-1501 governing severability of employment relationships.

C2. Short-Term Employment Expectations Form

In January of each year, District Employee Relations will send each college a list of employees covered by this section. Employment expectations need to be established and signed by the employee and supervisor. A Short-Term Employment Expectations Form will be available on the Employee Relations HR website. Upon completion of the assignment and/or by June 30th of each year a completed form should be submitted to District Employee Relations. When job expectations change, a new Short-Term Employment Expectations Form needs to be completed at that time.