

MERCER COUNTY COMMUNITY COLLEGE
Minutes of the 662nd Meeting
of the Board of Trustees
July 16, 2020

The public meeting was called to order by Chair Mark Matzen, at 6:33 p.m., via Zoom Conferencing. In addition to the Chair, the following members were in attendance: Blanca Berrios-Ohler, Angela Delli Santi, Kevin Drennan, Dave Fried, Yasmin Hernandez-Manno, Anthony Inverso, Walt MacDonald, Larry Nespoli and Jianping Wang, President. Also present was Perry Lattiboudere, College Counsel.

I. OPENING OF MEETING

A) FLAG SALUTE

Chair Matzen led those attending the meeting in the Pledge of Allegiance to the flag of the United States of America.

B) STATEMENT OF NOTIFICATION

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and to attend meetings of public bodies at which any business affecting its interests is discussed or acted upon. In accordance with the provisions of this Act, the Board of Trustees of Mercer County Community College has caused notice of this meeting to be published by having the date, time and place posted on the bulletin board in the lobby of the Administration Building, on the West Windsor Campus, at the James Kerney Campus, on the College's website homepage, and faxed to The Trentonian and The Times.

C) ADOPTION OF AGENDA

Mr. Drennan moved to approve the Agenda, which was seconded by Ms. Delli Santi and adopted with Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye.

D) PUBLIC COMMENT

No one from the attending public addressed the Board at this time.

II. APPROVAL OF MINUTES OF THE JUNE 18, 2020 BOARD MEETING

Mr. Drennan presented Agenda Item II (A), which was seconded by Dr. Nespoli. The item passed with Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye. Trustee Fried abstained.

BE IT RESOLVED, that the minutes of the June 18, 2020 meeting of the Board of Trustees are approved as presented.

III. FINANCIAL MATTERS

Dr. MacDonald presented Agenda Items III (A) through (D) for ratification, which were seconded by Mr. Drennan. The items were ratified with Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye.

A) MONTHLY FINANCIAL STATEMENT

The members of the Board noted receipt and ratified the Monthly Financial Statement, which is attached. (Attachment #1)

B) INVESTMENT DETAIL

The members of the Board noted receipt and ratified the Report on Investment Detail, which is attached. (Attachment #2)

C) PURCHASE ORDERS AND CONTRACTS UNDER \$36,400

The members of the Board noted receipt and ratified the Report on Purchase Orders and Contracts under \$36,400.00, which is attached. (Attachment #3)

D) MONTHLY PAYMENT LIST FOR JUNE

The members of the Board noted receipt and ratified the monthly payment list for June.

Dr. MacDonald presented Agenda Items III (E) through (O), which were seconded by Mr. Drennan. The items were passed with Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye.

E) CANTEEN/COMPASS GROUP U.S.A., INC.

WHEREAS, Mercer County Community College has a need to acquire food service management and vending services for the College's Eatery at the West Windsor campus and vending services at the James Kerney campus in FY 2021; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of this service will exceed \$36,400; and

WHEREAS, a provision of the County Contracts Law, N.J.S.A 18A:64A-25.4 requires every contract or agreement for the performance of any work or the furnishing or hiring of any materials and supplies which is to be paid with or out of college funds, shall be made and awarded only by the County College after public advertising for bids and bidding and therefore, the requirements to a fair and open contract process were met; and

WHEREAS, of the four (4) vendors which responded to the advertised bid for food service management and vending services, Canteen / Compass Group, U.S.A. was evaluated for price and other factors and considered to have the most responsible and cost-effective bid representing the best value for the College;

WHEREAS, Compass Group, U.S.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Canteen / Compass Group, U.S.A. has not made any reportable contributions to a political or candidate committee in Mercer County in the previous one year, and the contract will prohibit Canteen / Compass Group, U.S.A. from making and reporting contributions through the term of the contract; now therefore

BE IT RESOLVED, that the President is authorized, on behalf of this Board, to enter into a one year (1) contract, with two (2) one year extension options with Canteen / Compass Group, U.S.A., to provide food service management and vending services to the West Windsor campus and vending services to the James Kerney campus for the period from August 1, 2020 to July 30, 2021.

MERCER COUNTY COMMUNITY COLLEGE

REQUEST FOR BOARD APPROVAL: June 16, 2020

Budget lines beginning with “2” indicate grant funded

VENDOR

Canteen / Compass Group USA, Inc,
2400 Yorkmount Road
Charlotte, NC 28217

AMOUNT: \$0 out of pocket expenses by MCCC

BUDGET LINE: 34-09-01-03-301602-30000
34-09-01-03-301602-42630

DEPARTMENT: Dining Services

TYPE OF PURCHASE:

Bids Distributed: 11 Bids Received: 4

DESCRIPTION: RFP # 2003 Food Service Management and Vending Services

BID SUMMARY:

VENDOR	Price and Other Factors Committee Evaluation Total Score
Canteen / Compass Group USA, Inc,	52
Lessings Food Service Management	34
Culinary Ventures Vending	34
Coco Kerala Hospitality LLC	31

F) FAIRLEIGH DICKINSON UNIVERSITY AGREEMENT OF UNDERSTANDING, AMENDED RESOLUTION

WHEREAS, Mercer County Community College seeks to establish a partnership with Fairleigh Dickinson University that enables students to complete the upper division courses required for certain undergraduate and/or graduate degree programs upon completion of an associate degree at the Trenton and West Windsor campuses; and

WHEREAS, Mercer County Community College agrees to provide the necessary support, administrative services and space for students to transition to the Bachelor of Arts, Bachelor of Science and the combined Bachelor/Master degree programs at Fairleigh Dickinson University; and

WHEREAS, Fairleigh Dickinson University agrees to provide an employee to administer the day-to-day operations of this program at Mercer County Community College; and

BE IT RESOLVED, that the President is authorized, on behalf of this Board, to amend the Agreement of Understanding with Fairleigh Dickinson University, in accordance with the resolution adopted by the Board of Trustees on July 21, 2016, to adjust tuition and fee rates to provide support, administrative services and space that enables students to take upper division courses required for certain Fairleigh Dickinson University undergraduate and/or graduate degree programs for payments (revenue) to the College of up to \$50,000 through June 30, 2021.

G) INFINITY FLIGHT GROUP, LLC, AMENDED RESOLUTION

WHEREAS, Mercer County Community College has need to obtain aviation flight instructional training and equipment (including aircraft) for students enrolled in the College's Aviation program for the next two years; and

WHEREAS, the purchase will be executed as a Political Contribution Disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of this service will exceed \$17,500; and

WHEREAS, a provision of the County Contracts Law, N.J.S.A. 18A:64A-25.5, (a) (1) exempts professional services from public advertising for bids but requires a resolution authorizing the award of such a contract; and

WHEREAS, Infinity Flight Group, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Infinity Flight Group, LLC has not made any reportable contributions to a political or candidate committee in Mercer County in the previous one year, and the contract will prohibit Infinity Flight

Group, LLC from making any reportable contributions through the term of the contract; now therefore

BE IT RESOLVED, that the President is authorized, on behalf of this Board, to renew the contract with Infinity Flight Group, LLC of Ewing, New Jersey, in accordance with the resolution adopted by the Board of Trustees on July 17, 2014, March 19, 2015 and July 19, 2018, to make technical and other changes to obtain aviation flight instructional training for students enrolled in the College's Aviation program solely from student flight instructional fees and issue payments for the reimbursement of student aviation flight instructional training costs on a monthly basis for actual flight training usage, estimated to be \$3,790,371 for the period from August 1, 2020 through July 31, 2021 and for an amount to be determined at a later date for the period from August 1, 2021 through July 31, 2022 and provided in a subsequent resolution to the Board of Trustees.

H) NEW JERSEY COUNCIL OF COUNTY COLLEGES

WHEREAS, Mercer County Community College has a need to acquire advocacy, legislative liaison, informational and other related professional services in FY 2021; and

WHEREAS, a provision of the County Contracts Law, N.J.S.A. 18A:64A-25.5, (b) exempts from public advertising services made or entered into with the United States of America, the State of New Jersey, a county or municipality or any board, body, or officer, agency or authority or any state or subdivision thereof; and but requires a resolution authorizing the award of such a contract; now therefore

BE IT RESOLVED, that the President is authorized, on behalf of this Board, to pay an annual assessment not to exceed \$49,127 to the New Jersey Council of County Colleges in Trenton, New Jersey for advocacy, legislative liaison, informational and other related professional services in FY 2021.

I) RUTGERS, THE STATE UNIVERSITY OF N.J. FACILITY USE AGREEMENT

WHEREAS, Mercer County Community College has established a partnership with Rutgers, The State University of New Jersey that enables students to complete the upper division courses required for certain undergraduate and/or graduate degree programs at the Trenton and West Windsor campuses; and

WHEREAS, Mercer County Community College agrees to provide classroom and administrative space necessary for the effective functioning of classes offered by Rutgers, The State University of New Jersey; and

WHEREAS, N.J.S.A. 18A:64A-12 (l) requires the Board of Trustees to approve a resolution to lease college property which is necessary or desirable for college purposes; now therefore

BE IT RESOLVED, that the President is authorized, on behalf of this Board, to extend the Facility Use Agreement with Rutgers, the State University of New Jersey, in accordance with the resolution adopted by the Board of Trustees on October 16, 2014, to provide classroom and administrative space on the West Windsor campus for a facility use fee of \$25,000 through June 30, 2021.

J) RUTGERS, THE STATE UNIVERSITY OF N.J., PARTNERSHIP FEE, AMENDED RESOLUTION

WHEREAS, Mercer County Community College has established a partnership with Rutgers, The State University of New Jersey that enables students to complete the upper division courses required for certain undergraduate and/or graduate degree programs at the James Kerney and West Windsor campuses; and

WHEREAS, Mercer County Community College agrees to provide classroom and administrative space necessary for the effective functioning of classes offered by Rutgers, the State University of New Jersey; and

WHEREAS, N.J.S.A. 18A:64A-12 (j) authorizes the Board of Trustees to enter into contracts and agreements with the State or any of its political subdivisions, or with any public body, department or agency of the State or the United States which is necessary or desirable for college purposes; now therefore

BE IT RESOLVED, that the President is authorized, on behalf of this Board, to amend the Memorandum of Understanding with Rutgers, the State University of New Jersey, in accordance with the resolution adopted by the Board of Trustees on September 15, 2016, for technical changes to the partnership fee estimated at \$20,000 used to reimburse the College for increased educational program utilization and related services by faculty, staff and students in FY 2021.

K) SYSCO FOOD SERVICE

WHEREAS, Mercer County Community College has a need to acquire food supplies to support its James Kerney campus cafeteria, and the Conference Center and the Hotel Restaurant and Institution Management (HRIM) Program on the West Windsor campus in FY 2021; and

WHEREAS, the acquisition will be executed as a Political Contribution Disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of this service will exceed \$17,500; and

WHEREAS, a provision of the County Contracts Law, N.J.S.A. 18A:64A-25.5, (a) (7) exempts food supplies and related services from public advertising for bids but requires a resolution authorizing the award of such a contract; and

WHEREAS, Sysco Foodservice has completed and submitted a Business Entity Disclosure Certification which certifies that Sysco Foodservice has not made any reportable contributions to a political or candidate committee in Mercer County in the previous one year, and the contract will prohibit Sysco Foodservice from making any reportable contributions through the term of the contract; now therefore

BE IT RESOLVED, that the President is authorized, on behalf of this Board, to enter into a contract with Sysco Foodservice of Philadelphia, Pennsylvania for an amount not to exceed \$100,000 for the period between July 1, 2020 and June 30, 2021.

L) WORKERS COMPENSATION INSURANCE POOL

WHEREAS, Mercer County Community College has a need to obtain workers' compensation insurance in FY 2021; and

WHEREAS, a provision of the County Contracts Law, N.J.S.A. 18A:64A-25.5, (a) (11) exempts insurance services from public advertising for bids but requires a resolution authorizing the award of such a contract; now therefore

BE IT RESOLVED, that the President is authorized, on behalf of this Board, to renew the placement of workers' compensation insurance coverage through the New Jersey County College Workers' Compensation Insurance Pool from July 1, 2020 through June 30, 2021 at a cost not to exceed \$225,000.

*New Jersey WSCA/NASPO Contract #89850

M) ACCEPTANCE OF THE FY2021 NEW JERSEY YOUTH CORPS PROGRAM GRANT

WHEREAS, the New Jersey Department of Labor has released a portion of a full year's funding for the New Jersey Youth Corps Program for FY 2021; and

WHEREAS, the Youth Corps Program is one of the largest youth service and conservation corps in the United States; and

WHEREAS, the Youth Corps Program is a year-round, voluntary program which engages young adults (ages 16 - 25) in full-time educational activities, career training, and community service; and

WHEREAS, due to the impact of COVID-19 and unexpected statewide closures, the New Jersey Department of Labor, effective July 1, 2020 has authorized all current New Jersey Youth Corps grantees a continuation year of services for FY21 for the period July 1, 2020 thru September 30, 2020

BE IT RESOLVED, that the President be authorized, on behalf of this Board, to accept a New Jersey Youth Corps continuation for FY 21 from the New Jersey Department of Labor for an amount up to \$77,634 for the period July 1, 2020 through September 30, 2020.

N) ACCEPTANCE OF THE USDOE TRIO EDUCATIONAL TALENT SEARCH ACT AWARD

WHEREAS, the U.S. Department of Education has made resources available to educational institutions for a TRIO - Educational Talent Search grant through PL 102-325 IV Higher Education Act of 1965 P.L. 102-325 Amended; and

WHEREAS, the goal of the Educational Talent Search grant is to increase the number of youth from disadvantaged backgrounds who complete high school and enroll into a post-secondary education.

WHEREAS, the Educational Talent Search grant for the performance period of September 1, 2016 through August 31, 2021 awards Mercer County Community College up to \$1,347,213 over five budget periods; and

WHEREAS, the Educational Talent Search grant for the fifth and final budget period of September 1, 2020 through August 31, 2021 awards Mercer County Community College up to \$364,474 and a carry forward amount of \$20,198.50 totaling \$384,673 for FY 21 ; and

WHEREAS, the Board has determined that the distribution of Educational Talent Search grant funds is consistent with the mission of the College to ensure student success; now therefore

BE IT RESOLVED, that the Mercer County Community College Board of Trustees accept the U.S. Department of Education acceptance of Educational Talent Search grant estimated funding amount of \$384,673 for the budget period from September 1, 2020 through August 31, 2021 for FY21 and authorizes the President to expend funds in accordance with the U.S. Department of Education guidelines.

O) COVID-19 ASSISTANCE FUND

WHEREAS, COVID-19 health crisis has resulted in enormous negative impact on Mercer County Community College (MCCC) students; and

WHEREAS such impact has negatively affected our students' ability to continue and complete their education at MCCC; and

WHEREAS such negative impact are particularly felt by those students who are not able to receive adequate federal and state financial assistance to allow them to continue their education at MCCC; and

WHEREAS MCCC continues to demonstrate its concern for students and commitment to their success; now therefore

BE IT RESOLVED, that the Board of Trustees approves to designate \$300,000 to establish MCCC COVID-19 Assistance Fund to provide financial assistance to those students in order to help them in their retention, completion and ultimately success.

IV. HUMAN RESOURCES MATTERS

Ms. Delli Santi presented Agenda Item IV (A), which was seconded by Mr. Drennan. The item was passed with Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye.

A) APPOINTMENTS AND STAFF SEPARATION REPORT

BE IT RESOLVED, that this Board approves the Appointments, and notes receipt of the Staff Separation Report, all of which will be made a part of the minutes of this meeting. (Attachment #4)

Ms. Delli Santi presented Agenda Item IV (B), which was seconded by Dr. Nespoli. The item was passed with Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye.

B) TENURE APPOINTMENT

BE IT RESOLVED, That this Board hereby approves the offering of tenure appointments effective with the 2020-2021 academic year to faculty members in their fifth year of service as recommended by the President as indicated in the attached which is to be made part of the minutes of this meeting. (Attachment #5)

V. OPERATIONS MATTERS

Mr. Drennan presented Agenda Item V (A), which was seconded by Dr. MacDonald. The item was ratified with Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye.

A) FAMILY MEDICAL LEAVE ACT POLICY – NEW OMB 988

BE IT RESOLVED, that the Board hereby approves the proposed policy on Family Medical Leave Act (OMB 988) as recommended by the President and Operations Committee of the Board, and as outlined in the attached, which will be made part of the minutes of this meeting. (Attachment #6)

Mr. Drennan presented Agenda Item V (B) for ratification, which was seconded by Dr. MacDonald. The item was ratified with Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye.

B) JUNE 2020 CLERY REPORT

The members of the Board noted receipt and review and ratified the June 2020 Clery Report, which is attached. (Attachment #7)

VI. AUDIT COMMITTEE

Mr. Inverso presented Agenda Item VI (A), which was seconded by Mr. Drennan and approved by Trustees Berrios-Ohler, Delli Santi, Drennan, Hernandez-Manno, Inverso, MacDonald, Matzen and Nespoli voting aye.

A) FY2018 CARL D. PERKINS AUDIT REPORT FOR MERCER COUNTY COMMUNITY COLLEGE

WHEREAS, The Department of Education, Office of Accountability and Compliance has completed a fiscal audit of the post secondary Carl D. Perkins Grant for the College for the fiscal year ending 2018; and

WHEREAS, The NJ Department of Education, Office of Accountability and Compliance has rendered findings and recommendations;

WHEREAS, the Board of Trustees has reviewed and discussed the findings and recommendations at its public meeting on July 16, 2020; now therefore

BE IT RESOLVED, that the Board of Trustees hereby accepts the audit report for the College for the fiscal year ending June 30, 2018; and

BE IT FURTHER RESOLVED, that the Board of Trustees approves the Corrective Action Plan, which will be submitted to the Department of Education, Office of Accountability and Compliance before the deadline.

VII. PRESIDENT'S UPDATE

Enrollment/Registration

- Our summer enrollment number is finalized this week. As of today we are 5.4% up from the last summer. This is a remarkable accomplishment, considering we started 52.8% down from last year. This is entirely credited to our dedicated staff who is working tirelessly to market and reach out to students.

- Our fall enrollment is still significantly down right now, but our team is working very hard to improve it every day by vigorously marketing our three modes of instruction: Remote, Online and Hybrid. Currently, approximately 51%, 33%, and 9% students are registered into these classes while another 7% are in clinical classes.

Fiscal Health

- The College is ending the fiscal year positively. This is the fifth year in a row. This is an extraordinary accomplishment in an extremely difficult financial environment, thanks to the entire college community for your collective efforts and sacrifice. As a result, we are able to continue to honor our commitment of saving every full time position. Furthermore, we are able to honor our scheduled salary increase from the collective bargaining agreements, beginning this pay period.

COVID-19 Response

- Our Cares Act team has awarded 967 students over \$850,000 over the past few months for the CARES Act Project. We are calling and contacting every student to ensure a positive customer service experience. We have made many calls, sent emails and text messages, and left voice mails in order to reach every student. It is estimated that we had to make an average of 6.5 phone calls per student in order to complete an award.
- Mercer was the first community college in the state to submit our College Reopen Plan, which was developed and made public on June 1. Consequently, we were able to begin our limited in-person instruction on July 6, which included Chemistry labs, flight instruction and a few radiography make-up classes. Approximately 130 students are being served. Faculty and staff, particularly, academic deans and our facilities department employees have worked hard and carefully to prepare the buildings for classes, coordinating cleaning schedules before, during and after classes, as well as posting signage and adding hand sanitizing stations around the relevant facilities. By all accounts, classes went well and students are very satisfied.

Partnerships/Community Outreach

- Our first ever Trenton Resources for Employment fair was a major success. Conducted entirely virtually, the fair was sponsored by Eckerd Connects Professional Development, ResCare Workforce Services, Melissa Tenzer and Dress for Success Central New Jersey, The Father Center, Mercer County One-Stop Career Center, Greater Mercer TMA and Scott Needham of Princeton Air. There will be a second edition of the fair, focused on bringing employees in contact with area employers this fall.
- Face shields continued to be manufactured by the college's Advanced Manufacturing Lab. To date, approximately 600 face shields have been distributed. We are anticipating approximately 3,500 more will be produced before the end of summer, some of which will be used by the college in the fall. These shields will serve as added protection in classes where social distancing is a challenge due to the nature of the course. Face shields are used by faculty, staff and students who are on campus, including science lab based courses, health profession clinical courses, aviation, and some art classes.
- Our TRIO/Upward Bound program began its summer robotics lab for Trenton area high school students on Tuesday, July 7, led by Dr. Kimyata Valere of Rider University. For the first time, this lab was run entirely virtually. The program is also facilitating a weekly speaker series on Fridays at 9 a.m.

- The college responded to the some of the most pressing needs of its community on June 24 and 25, when we hosted our food and clothing drive at James Kerney Campus. We provided donations to more than 400 needy families, while also helping nine families to complete the 2020 census. Another ten individuals filled out college applications and another applied for the federal CARES Act Relief Fund.
- We are once again partnering with the Haldeman Auto Group for the 29th Annual MCCC Golf Classic. The Classic is scheduled for Monday, Oct. 5, and will be held at the Trenton Country Club. All proceeds will go directly to supporting student athlete scholarships.
- WWFM will host the next two live, concert broadcasts on July 24 from Mercer's Black Box Theater. Both broadcasts will feature the use of a 7' Steinway Grand Piano supplied by Jacobs Music, one of WWFM's long-time partners and underwriters.
- We are working with Yudelkis M. Hernandez-Bailey, Drug Court Coordinator from Mercer County Criminal Courthouse, to offer a virtual information session via Zoom to their Drug Court program participants. The proposed dates are 8/11 or 8/18. The purpose is to expose participants to programs and opportunities at MCCC. Recruiters will also be available to assist with applications, CCOG, Financial Aid, and enrollment.

Partnerships/Articulation Agreements

- Dean Bennani and BSTEM faculty are currently in communication with New Jersey City University regarding articulation agreements for Cybersecurity and Business Administration.
- Dean Bennani and BSTEM faculty are also working on the viability of delivering the Amazon Web Service's Training as well as a cloud certification

Student Success

- An MCCC Phi Theta Kappa (PTK) honors student, Breianna Pettis was recently accepted at the Columbia School of General Studies, Columbia's college for nontraditional students who want to earn a degree while attending full- or part-time. Pettis plans to concentrate on creative writing and minor in African-American studies. She is one of three transfer students from MCCC who will be embarking on an Ivy League education in 2020.
- Griffin Jones, one of our former *Voice* reporters and photographers, also at Columbia, is writing for the Columbia student newspaper, and is also secretary of the Columbia Pre-Law club and publishing articles in the Columbia Law Review. He credits Mercer for encouraging him to think about social issues and use his writing ability to make a difference.
- Nottingham High School graduate Oriana Seitz will be attending MCCC. She is a top soccer recruit and outstanding student athlete, graduating 19th in her Nottingham class and arriving at MCCC as an NJ S.T.A.R.
- Six of our athletics teams earned an NJCAA Academic Team Award, which awards teams based on their cumulative GPA. This is an increase over the five teams that earned this designation last year.
- Two former Mercer student-athletes are participating in the Major League Baseball Summer Camp, preparing for the upcoming season. Heath Fillmeyer, who played for Mercer in 2013 and 2014 is in camp with the Kansas City Royals. Dennis Brady, who

played for Mercer in 2017, is in camp with the Anaheim Angels. This is a great accomplishment, as each team was allowed to select 60 players from their entire organization to be available to play this season.

Facilities Updates

- The University Center is scheduled to be completed in August. The One Stop Student Center is almost complete.

VIII. NEW JERSEY COUNCIL OF COMMUNITY COLLEGE REPORT

1. FUNDING UPDATE – STATE AND FEDERAL

- State Budget
 - NJ's community colleges were successful in their statewide budget advocacy campaign in June. \$16.5 million was restored in funding for community college, for July-September. MCCC's share will be about \$900,000.
 - Thank you letters/emails should be sent to Senate President Steve Sweeney, Assembly Speaker Craig Coughlin, plus Mercer County state legislators and Governor Murphy too.
 - The next important step is a new state budget for Oct-June; the Governor will propose his budget in late August.
- Federal Funding – There are several “buckets” of COVID-related federal stimulus dollars, each with different guidelines on how these dollars can be spent.
 - College CARES Funding – Mercer's share is \$1.9 million, half to support students and half for use by the college. Recent guidelines are more flexible – a very good thing.
 - Governor's Emergency Education Fund (GEER) – Mercer's share is \$668,000. Guidelines for use of these funds are also flexible.
 - Governor's CARES Funding – While \$300 million is available for NJ's colleges/universities, Mercer's share is not yet known, and the guidelines for the use of these funds are much more restrictive.

2. COMMUNITY COLLEGE ENROLLMENTS

- The only thing that community college leaders, both in NJ and throughout the country, seem to agree on is that past enrollment projection models are largely irrelevant in predicting Fall 2020 enrollment patterns.
- There continues to be a lot of conversation about encouraging four-year institution students to become “visiting” students at their local community college for a semester or two.
- At the same time, another alternative is to encourage these students, even while enrolled at senior institutions, to take at least some community college courses. A recent national study by the Community College Research Center (CCRC) at Columbia University shows that senior institution students who take 1-10 credits at a community college actually have higher bachelor's degree completion rates and higher earnings after graduating (plus less debt) than students who do not take community college courses. And these findings hold true for students of color. This CCRC study can be another tool in MCCC's enrollment marketing efforts for the Fall semester.

3. NEW STATE LAW TO REFORM HEALTH INSURANCE FOR PUBLIC EMPLOYEES

- The NJ Legislature recently passed (and Governor Murphy signed) a bill that will reform health insurance plans for public employees, which is projected to achieve \$300 million in savings throughout the state.
- Current employees will be offered incentives to consider high-quality lower-cost plans, which will provide savings to them and their employers.
- New employees will be required to enroll in these high-quality lower-cost plans.
- Future savings for community colleges and their employees are not yet clear, but could be substantial.

IX. CHAIR'S REPORT

Chair Matzen announced that there will be no public meeting for the month of August, but the committees will meet. He said that, because of looking at things at a more strategic level, more and more information is being posted to the board portal. He encouraged trustees to take a look at the portal before and after committee meetings. He said the board is committed to being more strategic and forward thinking.

Dr. Aamir Rehman, Chair of the Foundation Board, shared their commitment to raising money for our students. He announced that a foundation board designated fund of \$240,000 will be made available to help Mercer students during this time. They have also raised an additional \$51,000 for the Student Emergency Fund. He hopes this sends the message that the community stands behind our students and wants them to be as successful as they can at this time. Dr. Rehman also said he hopes the college community will come out and support the golf outing. He said adaptation and creativity are the themes moving forward. The Board thanked Dr. Rehman and said this is a testament to the foundation's hard work on behalf of the college.

Chair Matzen thanked faculty, staff and administration for all of their hard work. He said he is proud and happy that the administration is able to make a commitment to no layoffs. He said, during these difficult times, Mercer is a good place to be to weather the storm.

There being no further business to discuss, Dr. MacDonald moved to adjourn the meeting. The motion was seconded by Ms. Delli Santi and passed unanimously. The meeting adjourned at 7:38 p.m.

Respectfully submitted,



Dr. Jianping Wang
President, Mercer County Community College

/bb
Attachments



**Preliminary
 June 2020 Draft YTD Financial Statement**

	FY2020 Budget	June 2020 YTD	(Over)/Under Budget	Actual % Used/Earned	Expected % Used/Earned	Variance % Used/Earned **
Revenues:						
State of New Jersey	7,250,000	6,291,000	959,000	86.77%	100.00%	-13.23%
Mercer County	17,870,000	17,870,000	-	100.00%	100.00%	0.00%
Tuition & Fees	31,177,000	28,950,000	2,227,000	92.86%	100.00%	-7.14%
Non -Credit Tuition & Fees	2,225,000	1,283,000	942,000	57.66%	100.00%	-42.34%
Other **	5,682,000	6,189,000	(507,000)	108.92%	100.00%	8.92%
Total Revenue	64,204,000	60,583,000	3,621,000	94.36%	100.00%	-5.64%
Salaries - 54.9% of total Budget	35,275,000	33,405,000	1,870,000	94.70%	100.00%	-5.30%
Benefits - 18.6% of total Budget	11,970,000	11,160,500	809,500	93.24%	100.00%	-6.76%
Total Salary and Benefits - 73.5% of total Budget	47,245,000	44,565,500	2,679,500	94.33%	100.00%	-5.67%
<i>- Salaries and Benefits allocated below</i>						
Expenses:						
Instruction	28,175,000	26,850,000	1,325,000	95.30%	100.00%	-4.70%
Academic Support	3,646,000	3,418,750	227,250	93.77%	100.00%	-6.23%
Student Services	5,955,000	5,462,250	492,750	91.73%	100.00%	-8.27%
Institutional Support	19,101,000	17,369,000	1,732,000	90.93%	100.00%	-9.07%
Plant Operations	7,327,000	6,835,000	492,000	93.29%	100.00%	-6.71%
	64,204,000	59,935,000	4,269,000	93.35%	100.00%	-6.65%
KEY BUDGET ITEMS (included above):						
Utilities	1,950,000	1,382,500	567,500	70.90%	100.00%	-29.10%
Custodial Contract	855,000	809,500	45,500	94.68%	100.00%	-5.32%
Maintenance, Grounds and Equipment	2,071,000	2,021,500	49,500	97.61%	100.00%	-2.39%
IT Management, Computer Software and Hardware	4,031,000	3,988,000	43,000	98.93%	100.00%	-1.07%
	8,907,000	8,201,500	705,500	92.08%	100.00%	-7.92%
Total Expenditures	64,204,000	59,935,000	4,269,000	93.35%	100.00%	-6.65%
Surplus/Deficit	-	648,000	(648,000)			
** Other Revenue Key Items:						
WWFM Listener Donations	630,000	943,000	\$\$\$ (313,000)	149.68%	100.00%	49.68%
Conference Center and Food Commissions	695,500	436,000	259,500	62.69%	100.00%	-37.31%
Partner Schools (Rutgers, Felician, William Patterson, FDU)	330,000	249,000	81,000	75.45%	100.00%	-24.55%
Mercer Institute	975,000	520,000	455,000	53.33%	100.00%	-46.67%
Kelsey Theater	260,000	295,000	(35,000)	113.46%	100.00%	13.46%
Tower Rentals	445,000	423,000	22,000	95.06%	100.00%	-4.94%
Facility Rentals	249,000	265,500	(16,500)	106.63%	100.00%	6.63%
Bookstore	350,000	188,000	162,000	53.71%	100.00%	-46.29%
Summer Camps (Tomato Patch/Athletics/Camp College)	1,169,000	1,106,000	63,000	94.61%	100.00%	-5.39%

** Negative variance in the expected revenue equates to less than anticipated earnings

** Negative variance in the expected expense equates to cost savings

\$\$\$ Unexpected beneficiary from estate of WWFM listener, \$431,000

MCCC

Attachment #2

INVESTMENT DETAIL
FOR THE PERIOD ENDING June 30, 2020

		TERM & INTEREST		
<u>DATE</u>	<u>SHORT TERM INVESTMENTS</u>	<u>RATE</u>	<u>DUE</u>	<u>AMOUNT</u>
06/30/20	Bank of Princeton	0.10%	N/A	3,590,550.88
06/30/20	Bank of Princeton	2.00%	1/22/2021	522,945.95
06/30/20	FIRST BANK	0.35%	N/A	1,049,106.31
06/30/20	WELLS FARGO BANK BALANCE	0.25%	N/A	<u>10,988,874.15</u> ###
				<u>16,151,477.29</u> ***
 <u>LONG TERM INVESTMENTS</u>				
06/30/20	WELLS FARGO BANK - UNEMPLOYMENT TRUST FUND	N/A		<u>520,471.54</u>

*** Cash Balances are gross, current Liabilities are not netted against these balances

Includes \$2 million of advanced capital funding from the County and \$1.2 million of funds earmarked for students under the Cares Act

MCCC PURCHASE ORDER REPORT
 \$7,280.00 - \$36,400.00
 DATE OF BOARD MEETING: July 16, 2020
 Budget lines beginning with "2" indicate grant funded

P O.#	DATE	VENDOR	AMOUNT	BUDGET CODE	BASIS FOR AWARD
P12259	6/2/20	American Public Media St. Paul, MN	\$8,916.24	25-01-01-05-302092-64105	Exemption: Sole Source

Affiliation and monthly program carriage fees for WWFM funded by listener donations.

P12261	6/2/20	Dell Marketing, LP Round Rock, TX	\$19,483.00	10-01-01-03-301302-69724	NJ State Contract #89850
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Annual payment for Symantec Antivirus software for use by Information Technology Services Department.

P12268	6/20/20	Dynamic Security Edison, NJ	\$24,607.00	70-07-01-03-701261-76101	GSA Contract #07F-0251X
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Payment for Genetec Video Surveillance system at the Cafeteria on the West Windsor Campus, chargeable to the FY 2019 New Jersey Chapter 12 program.

P12271	6/20/20	Dynamic Security Edison, NJ	\$9,317.27	70-07-01-03-701261-76101	GSA Contract #07F-0251X
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Payment for Access and Intercom security systems at the Maintenance Building on the West Windsor Campus, chargeable to the FY 2019 New Jersey Chapter 12 program.

P12272	6/20/20	Dynamic Security Edison, NJ	\$8,856.51	70-07-01-03-701261-76101	GSA Contract #07F-0251X
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Payment for Access and Intercom security systems at 101 N. Broad Street, chargeable to the FY 2019 New Jersey Chapter 12 program.

P12274	6/2/20	Ellucian Company, LP Fairfax, VA	\$20,789.00	10-01-01-03-301304-64110	Exemption: Proprietary
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Payment for Ellucian Colleague portal maintenance for the Information Technology Services Department.

P12278	6/6/20	Ellucian Company, LP Fairfax, VA	\$33,592.00	10-01-01-03-301304-64110	Exemption: Proprietary
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Payment for access to the Ellucian Payment EMV Client for the Information Technology Services Department.

P12285	6/6/20	Kaplan, Inc New York, NY	\$8,350.00	21-01-02-02-302007-60120	Exemption: Textbooks
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Payment for an SAT preparation courses for Upward Bound students.

MCCC PURCHASE ORDER REPORT
 \$7,280.00 - \$36,400.00

DATE OF BOARD MEETING: July 16, 2020
 Budget lines beginning with "2" indicate grant funded

P O.#	DATE	VENDOR	AMOUNT	BUDGET CODE	BASIS FOR AWARD
P12286	6/6/20	Nucleus Robotics Los Angeles, CA	\$8,900.00	21-01-02-02-302007-60120	Exemption: Professional Services

Payment for online robotics courses and related supplies for Upward Bound students.

P12290	6/8/20	Elsevier, Inc. Maryland Heights, MO	\$23,839.84	10-00-00-00-000000-15001	Exemption: Proprietary
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Purchase of Health Education Systems Incorporated (HESI) exams for the Nursing Department.

P12291	6/10/20	Apple Computer Austin, TX	\$30,492.00	22-01-01-02-302025-69310	ESCNJ 18/19-67
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Purchase of nine (9) Apple iMac Computers and Apple Care Warranties for the Communications Studio Lab, purchased by Information Technology Services Department and funded by the Carl D Perkins Career and Technical Education Grant.

P12293	6/10/20	Adorama New York, NY	\$31,244.85	22-01-01-02-302025-69310	MCCC RFQ #2046
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Purchase of Cameras and related equipment for the TV Studio, funded by the Carl D Perkins Career and Technical Education Grant.

P12302	6/16/20	National Public Radio Washington, DC	\$24,103.18	25-01-01-05-302092-64105	Exemption: Sole Source
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Affiliation and monthly program carriage fees for WWFM funded by listener donations.

B5377	6/18/20	OCLC Dublin, OH	\$7,765.05	10-04-01-02-200300-69724	Exemption: Library Materials
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Payment for Cataloging and Interlibrary Loan Services for the Library.

Human Resources Office

To: Jianping Wang, President

From: Barbara Basel, Vice President for Human Resources

Date: July 16, 2020

Re: Ratification of Appointments

The following appointments have been made since June 18, 2020.

Effective Date of Hire	Department	Name	Title	Salary	Range	FLSA
6/29/2020	Finance	Westfall, Jane	Accountant	\$58,000	\$37,695-\$67,305	Exempt
6/29/2020	Purchasing	McIntyre, Sherrie	Procurement Compliance Analyst	\$63,000	\$42,872-\$76,364	Exempt



Human Resources

June 30, 2020

To: Barbara Basel, Vice President of Human Resources
From: Jebby Mathew, Coordinator HRIS Operations, Human Resources
Subject: Separation Report for June 2020

Date	Name	Title	Division	Type*	EEO
06/30/2020	Barbara Behrens	Professor, Health Professions- Physical Therapy		RT	F W
06/30/2020	Daniel Bielskie	Assistant Professor, Business and STEM- Mathematics		NR	M W
06/30/2020	Anthony Bruzaitis	Director Media and Telecommunication, ITS		RT	M W
06/30/2020	Diane Campbell	Vice President, Student Affairs		RT	F B
06/30/2020	Kayren Carter-Mjumbe,	Education Specialist, Community Education & Training		NR	F B
06/27/2020	James Gardner	Director of Public Relations, College Advancement		RS	M W
06/30/2020	Martha Gunning	Assistant Professor, Student Affairs- Counseling		RT	F B
06/30/2020	Laurene Jones	Professor/Director, Transfer and Career Services		RT	F W
06/30/2020	Robert Mahan	Maintenance Specialist, Facilities and Maintenance		RT	M W
06/30/2020	Sarah McClinton-Barnes,	Custodian, Facilities and Maintenance		RT	F B
06/30/2020	Donald Reichman	Professor, Business and STEM		RT	M W
06/30/2020	Patricia Richards	Executive Assistant, College Advancement		RT	F W
06/30/2020	Angelique Simmonds	Assistant Professor, Health Professions – Nursing		NR	F B
06/30/2020	George Warner Jr.	Maintenance, Facilities and Maintenance		RT	M W
06/30/2020	Fred Weiner	Professor, Student Affairs-Counseling		RT	M W

*

NR - Non-Reappointment
RS - Resigned
RT - Retired

Recommended and approved for presentation to the Board of Trustees

Barbara Basel, Vice President of Human Resources

Date

Jianping Wang, President

Date



Academic Affairs Division

June 23, 2020

To: Board of Directors

From: Dr. Robert Schreyer, VP of Academic Affairs

A handwritten signature in blue ink, appearing to read "R. Schreyer".

Subject: Tenure Promotion of Terry Voldase
Associate Professor – Information Technology

I am pleased to recommend Terry Voldase, Associate Professor in the Information Technology Program for the tenure position 2020-2021 Academic Year. This recommendation carries the endorsement of the Technology and Engineering Department Personnel Committee and the Division of Business and STEM. This recommendation is consistent with her performance as an Associate Professor in technology. Terry Voldase will be entering her seventh year of full-time faculty service in Fall 2020 and is eligible for tenure.

Original appointment: August 2014 – July 2016 Full-Time Temporary 2 years
August 2016 – July 2020 Full-Time Permanent 4 Years

Current responsibilities:

- Normal teaching load 15 credits each semester
- Coordinator IST 101 curriculum
- Manages the IST 101 “Open Lab” Hour for all MCCC students
- Serves as secretary of the College Curriculum Committee
- Member of the Faculty Council on Teaching and Learning
- Member of the MCCC Honors Task force
- Presidential Leadership Academy Team
- Serves on two hiring committees: the Computer Networking faculty and the IOESS Dean.

Recommended and approved for presentation to the Board of Trustees

Barbara Basel, Vice President, Human Resources

Date

Mark Carmichael, Vice President for Finance & Administration

Date

Dr. Jianping Wang, President

Date



Family Medical Leave Act Policy

- A. PURPOSE.** To provide eligible employees with job-protected time off work for serious health conditions, the birth or placement of a child for adoption or foster care, or to care for a family member with a serious health condition as provided in the Family and Medical Leave Act of 1993 (FMLA). During this leave, the employee's job status is protected and MCCC will continue to pay its portion of the employee's health care benefits (if applicable).
- B. APPLICABILITY.** All employees who have been employed by MCCC for at least 12 months and have actually worked at least 1,250 hours during the 12 months prior to the leave.
- C. POLICY.**
1. Introduction. Family and Medical Leave (FML) is a leave of absence taken by employees for specified medical reasons, during which MCCC shall maintain the employee's health insurance (if applicable) in the same manner as if the employee remained in active pay status. During the leave, however, such employees must continue to pay the employee's share of health insurance premiums. Employees returning from FML shall be reinstated to the position held by the employee when the leave began or an equivalent position with equivalent employment benefits, pay and other terms and conditions.
 2. Entitlement to Leave.
 - a. Generally, eligible employees are entitled to a total of 12 workweeks of FML during a rolling 12-month period measured backward from the date on which the employee uses any FML. Employees may take the leave for any of the following reasons:
 - i. Birth of a child of the employee and to care for the newborn child.
 - ii. Placement of a child with the employee by way of adoption or foster care.
 - iii. To care for the spouse, child, parent or one who stood in place of a parent of the employee, if that person has a serious health condition.
 - iv. Because of a serious health condition that renders the employee unable to perform any of the essential functions of the employee's position; or
 - v. Any qualifying exigency when the employee's spouse, child or parent is on active duty or is notified of an impending call or order to active duty in the Armed Forces (including the Reserves and National Guard) in support of a "contingency

operation."

- b. **Military Caregiver Leave Entitlement.** Eligible employees are entitled to a total of 26 workweeks in a single 12-month period per-covered service member, per-injury, measured forward from the date the employee's leave begins, to care for a spouse, child, parent, or next of kin who is a service member undergoing medical treatment, recuperation or therapy, is on out-patient status, or is on the temporary disabled retired list for a serious injury or illness.
3. **Use of Paid Leave.** Employees meeting specified eligibility requirements are entitled to various paid leaves of absence (i.e., sick, vacation, holidays, compensatory time, etc.), as described in this manual. Employees are required to use all applicable paid leave to the employee's credit (except compensatory time) in conjunction with FML. Employees requesting paid leave for FML must comply with the employee's department's normal procedures for use of paid leave. MCCC will designate an employee's use of paid leave as FML based on the information provided by the employee or employee's spokesperson. Employees will be notified when paid leave is designated as FML. Paid leave that is substituted for unpaid leave will be counted toward the 12 weeks of FML.
4. **Holidays.** Time off on a recognized holiday shall count against the employee's FML entitlement if the employee is on FML the entire week during which the holiday is observed.
5. **Leave Increments.** FML shall be counted in increments of 15 minutes.
6. **Husband and Wife.** In a case in which a husband and wife are both employed by MCCC, requests for leave due to the birth or placement with the employees of a child, or to care for either employee's parent who has a serious health condition, the aggregate number of workweeks of FML to which both employees are entitled shall be limited to 12 workweeks combined during the leave year.
7. **Intermittent/Reduced Leave.**
 - a. Generally, leave due to the serious health condition of the employee or the employee's spouse, child or parent, or for military caregiver leave, may be taken intermittently or on a reduced leave schedule when medically necessary. MCCC may require an employee taking foreseen leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits in order to better accommodate the recurring periods of leave. The use of intermittent or reduced schedule leave shall not reduce the total amount of leave to which the employee is entitled. Leave due to the birth or placement with the employee of a child may be taken on an intermittent or reduced leave schedule in consultation with Human Resources and the immediate supervisor.
 - b. **Deductions for Exempt Employees.** MCCC may make deductions from an exempt employee's salary for time taken as intermittent or reduced FML within a workweek, without affecting the exempt status of the employee. The deductions may be taken in 15 minute increments and designated on the employee's timesheet as FML. In such case the employee shall be required to use all applicable paid leave in conjunction

with FML.

8. Benefit Accrual during Leave. Sick, vacation and other paid leave will accrue in accordance with Mercer County Community Colleges Collective Bargaining agreements for covered employees.
9. Working/Attending School While on FML. Employees on FML may not work, perform services, receive, or earn compensation for or from any other entity, including the employee's own business, from the beginning of such absence until the employee returns to work, unless authorized in advance by the Vice President for Human Resources. In addition, any service contract with MCCC will be cancelled during FML. Employees on FML for their own serious health condition may not attend classes at MCCC and are therefore not eligible for tuition waiver as defined by collective bargaining unit contracts and OMB 358 while on FML.

Teaching while on FML. Teaching may be permissible when the employee is approved for intermittent FML and the schedule is pre-approved by the Dean, Divisional Vice President, and the Vice President for Human Resources.

10. Reinstatement.

- a. Generally, employee's returning to work from FML shall provide the Office of Human Resources with at least one week's notice of intent to return. The Office of Human Resources will notify the employee's supervisor of the employee's intended date of return. When an employee not in a "key" position returns from FML, the employee will be restored to the position held by the employee when the leave began or an equivalent position with equivalent employment benefits, pay and other terms and conditions. The employee taking FML shall not lose any employment benefit that accrued prior to the commencement of leave.
- b. Key Employeesⁱ. If an employee's position is determined to be "key", the employee may be denied reinstatement when:
 - i. MCCC shows that denying reinstatement is necessary to prevent substantial and grievous economic injury to MCCC's operations.
 - ii. MCCC notifies the employee that reinstatement will be denied at the time MCCC determines that grievous economic injury would occur; and
 - iii. The employee already has begun the leave and elects not to return to employment within a reasonable time after receiving MCCC's notice.
- c. Certification. The employee's physician shall be required to certify that the employee is able to resume performing all of the essential functions of the employee's position as a condition of return to employment.

11. Payment of Insurance Premiums for Failure to Return from Leave. If the employee fails to return from FML, the employee may be required to reimburse MCCC for the total insurance premiums paid by MCCC for the period of FML during which the employee was on unpaid leave, unless the failure to return is due to:

- a. Continuation, recurrence or onset of a serious health condition; or
- b. Other circumstances beyond the employee's control.

In such cases, MCCC shall require medical certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid during the unpaid portion of the leave by MCCC.

12. Employee's Notice Responsibility. An employee requiring FML must provide MCCC with as much advance notice of the need for leave as possible. The Office of Human Resources will provide employee with Medical Certification Form to be completed by physician, and Intent to Request FML Form to be completed by employee. These forms are due to The Office of Human Resources within fifteen (15) days of receipt. The minimum required notice under the FML is as follows:

- a. When the need for leave is foreseeable, including planned medical treatment for a serious illness or injury of a covered service member (if practicable), the employee must provide 15 days' advance notice.
- b. If 15 days' advance notice is not practicable, notice must be given as soon as practicable, after the need for the leave becomes known to the employee.
- c. If the approximate timing for leave is not foreseeable, the employee must still provide notice of the need for leave as soon as practicable.
- d. Employees must promptly provide the Office of Human Resources with a written statement signed by the medical provider that includes information regarding: the date the leave will begin, the anticipated return to work date, whether the absence will be full-time or part-time, and if there are any restrictions. Any change in such information must also be submitted promptly.
- e. Notice of the need for leave is provided by the employee on forms available in the Department of Human Resources.

In addition, if MCCC requires additional information in order to determine if the absence is FML-qualifying, the employee must respond to MCCC's request for such information as soon as possible. Failure to respond may result in denial of FML.

13. Call-in Procedure. Employees requesting paid or unpaid leave for FML must comply with the employee's department's normal call-in procedures.

14. Notice to Employee. Within five business days, or as soon as is feasible after notice of the need for leave is provided by the employee, the Office of Human Resources will provide the employee with detailed written notice of:

- a. MCCC's FML expectations and policy;
- b. The employee's rights and obligations (including the amount of insurance premium that must be paid, if applicable);
- c. The consequences of an employee's non-compliance;
- d. The fact that the leave will be counted against the employee's annual FML entitlement and how it is measured; and

e. The requirements regarding medical certification.

15. Initial Certificate of Serious Health Condition. Employees who request FML must provide MCCC with certification of the condition from a health care provider in cases involving serious health conditions and attach the certification to the request for leave at initial request. Employees must provide sufficient information for MCCC to determine if the leave may qualify for FML protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the employee has the need for hospitalization or continuing treatment by a health care provider, or has the circumstances supporting the need for military family leave. Employees also must inform MCCC if the requested leave is for a reason for which FML was previously taken or certified. Upon receipt of the certification, MCCC may, at its expense, require the employee to obtain a second opinion from a health care provider selected by MCCC. MCCC may deny FML if the employee refuses to release relevant medical information to the health care provider designated by MCCC to provide the second (or third) opinion. MCCC's health care provider or the Department of Human Resources may, with the employee's permission, contact the employee's health care provider directly for verification or clarification purposes, but will not seek additional information from the provider. Prior to contacting the employee's health care provider, MCCC will ask the employee to correct the deficiencies in the certification. If the second opinion differs from the first, MCCC may, at its expense, require the employee to submit to a third examination by a health care provider jointly selected by MCCC and the employee. The cost of a third party examination is borne by MCCC and the third party opinion shall be final and binding. MCCC shall provide the employee with a copy of the second and third opinions within five (5) business days of receipt.

16. Recertification.

- a. For pregnancy, chronic or permanent/long-term conditions under continuing supervision of a health care provider, MCCC may request recertification every 30 days while the employee is on leave. However, if circumstances described in the previous certification change significantly (i.e., the severity of the condition, complications, etc.), MCCC may immediately request recertification.
- b. If the minimum duration of the incapacity specified on an initial certification is more than 30 days, or if the leave is taken on an intermittent or reduced scheduled basis, MCCC may not request recertification before the minimum duration of the specified leave expires unless one of the conditions described in subparagraphs C (16) (c) (i) through (iii) below is met.
- c. For circumstances not covered by this paragraph C (16), MCCC may request recertification at any reasonable interval (but not more often than every 30 days), unless:
 - i. The employee requests an extension of leave; or
 - ii. Circumstances described by the previous certification have changed

significantly (i.e., duration or nature of the illness, complications, etc.);
or

- iii. MCCC receives information that casts doubt upon the continuing validity of the certification. If one of the conditions of subparagraphs C (16) (c) (i) through (iii) occurs, MCCC may immediately request recertification.
 - d. MCCC may request the same information on recertification as is permitted during initial certification. The employee has the same obligation to cooperate with MCCC during the recertification process as in the initial certification process.
17. Certification Deadline. Employees shall provide requested certification within 15 calendar days unless this time limit is not practicable (for example winter break or holidays). Failure to provide this certification may invalidate the leave. Employees are solely responsible for any costs associated with obtaining requested certification.
18. Fitness for Return to Duty. If MCCC requires a fitness-for-duty certification prior to returning an employee on FML to duty, any physical requirement will be job-related and consistent with business necessity and may only be sought with regard to the condition that caused the need for FML. MCCC's health care provider may, with the employee's permission, contact the employee's health care provider to clarify fitness for duty, but will request no additional information. The employee has the same obligation to cooperate in the fitness-for-duty certification process as described in the certification/recertification process above. Failure to provide a fitness-for-duty certification at least one week prior to return to duty may terminate the employee's right to reinstatement unless the employee has requested additional FML.
19. Employees' Failure to Pay Insurance Premium. Upon commencement of FML, MCCC shall continue the employee's health insurance (if applicable) as if the employee were not on leave. However, MCCC's obligation shall cease if the employee is more than 30 days late in tendering the employee's share of the premium. In such a case, MCCC shall provide the employee a written notice of the discontinuance of coverage by mailing such notice at least 30 days before the date coverage will cease.

Board of Trustees Meeting
July 16, 2020



To: Mark Carmichael,
Vice President of Finance and Administration

From: Bryon K Marshall,
Director of Facilities and College Safety

Date: July 01, 2020

Subj: Reportable Crimes, Fires, and Other Emergencies As Required By S-485/A
1976 Law the Cunningham/ Ruiz Bill

In accordance with S-485/A-1976 law the Cunningham/ Ruiz Bill requiring Presidents of public institution of higher education to regularly report on-campus criminal and fire events to the institution's governing board I have the following to report.

For the calendar month of June 2020 there were no (0) Reportable Offense-Crime(s), fires, and other emergencies occurred on campus during the reporting period which were recorded by College Safety and Security

Respectfully Submitted.

Bryon K. Marshall, Executive Director
Facilities and College Safety,
Mercer County Community College
