

2023

SECTION C HUMAN RESOURCES



BLACKHAWK TECHNICAL COLLEGE | 6004 S County Road G ~ Janesville WI 53546

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**BLACKHAWK TECHNICAL COLLEGE
SECTION C – HUMAN RESOURCES
POLICY**

C-050 – COMMITMENT TO DIVERSITY

Authority	District Board
Effective Date	November 18, 2020
Revision Date(s)	
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	E219 – Nondiscrimination E220 – Equal Opportunity
In Compliance With	ADA Amendments Act of 2008 (ADAAA) Age Discrimination in Employment Act of 1967 (ADEA) Title VII of the Civil Rights Act of 1964

The College is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The District Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The District Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity and provide equal consideration for all qualified candidates.



**BLACKHAWK TECHNICAL COLLEGE
SECTION C – HUMAN RESOURCES
POLICY**

C-100 – DELEGATION OF AUTHORITY, HUMAN RESOURCES

Authority	President/District Director
Effective Date	July 29, 2020
Revision Date(s)	
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	Policy A-240 – Delegation of Authority to the President/District Director
In Compliance With	

The Executive Director of Human Resources/CHRO is delegated responsibility from the President/District Director to recommend employment, develop job responsibilities, and perform other personnel actions provided that all federal and state laws and regulations, District Board policies, and procedures are followed.



BLACKHAWK TECHNICAL COLLEGE SECTION C – HUMAN RESOURCES POLICY

C-200 – RECRUITMENT AND HIRING

Authority	Executive Director of Human Resources/CHRO
Effective Date	July 7, 2021
Revision Date(s)	
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	C-290 – Faculty Qualifications E-220 – Equal Opportunity
In Compliance With	Americans with Disabilities Act of 1990; ADA Amendments Act of 2008 The Age Discrimination in Employment Act of 1964 Title VII of the Civil Rights Act Wisconsin Administrative Code Chapter TCS3 Wisconsin Fair Act

Hiring qualified individuals to fill college positions contributes to the overall success of the College and directly affects our students and community.

The College will develop recruitment and selection processes that follow all applicable state and federal laws, comply with the College's Equal Employment Opportunity Policy, and support the College's Equal Opportunity/Affirmative Action Five-Year Plan.

Faculty will meet the minimum qualifications requirements as defined by the Wisconsin Technical College System and the Higher Learning Commission. Non-instructional hires will meet the minimum qualifications as documented in the job description for their position.



**BLACKHAWK TECHNICAL COLLEGE
SECTION C – HUMAN RESOURCES
POLICY**

C-220 – PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

Authority	Executive Director of Human Resources/CHRO
Effective Date	November 27, 2006
Revision Date(s)	July 7, 2021; May 16, 2017; January 6, 2015; February 4, 2008
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	
In Compliance With	Fair Credit Reporting Act and 15 U.S. Code Sections 1681 et seq

The College has a long-standing commitment to maintaining the highest standards for both student and employee safety and health. In addition, employing high-quality staff is one of the most important goals of the College because of its impact on the quality of our services. Accordingly, the District Board has directed the President/District Director to enact procedures to ensure that the College recruits and employs the best available individuals for positions at the College.

The Human Resources Department is responsible for conducting pre-employment criminal background checks on all final candidates for employment. Pre-employment background checks will be completed on all full- and part-time employees of the College. Caregiver background checks will also be performed on all applicable staff (e.g., Health, Public Safety, and Child Care). The following process will be followed for pre-employment criminal background checks:

- All applicants will be advised that the final candidate(s) for, or individual offered, a position must successfully complete a criminal background check as a condition of being employed at the College.
 - All final candidates will be provided with necessary disclosures and will provide authorization to complete criminal background checks.
- The Human Resources Department will review, as may be appropriate, state, county, and federal criminal history information.
- Convictions or pending criminal charges will not be an absolute bar to employment. Pending criminal charges and convictions will affect an individual's employment as follows:
 - Pending Criminal Charge
An employee will not be employed because of a pending criminal charge only if there is a substantial relationship between the circumstances of the pending criminal charge and the circumstances of the particular job.
 - Conviction
An employee will not be employed because of a conviction only if they have been convicted of a felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular job.

C-220 – PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

- If employment is denied based on the findings of the background check, the College will follow the adverse action process as defined by the Fair Credit Reporting Act.
- Reasonable measures will be taken to ensure the security and confidentiality of information gathered as part of the criminal background check process. Except as authorized by the individual in writing or as required by law, information gathered will be disclosed only to college staff with a business need to know the information.

The Human Resources Department will administer and enforce this Policy at all college locations. Human Resources will also conduct periodic audits of this Policy to ensure its effectiveness. The College will pay the cost of all pre-employment criminal background checks requested by the College.



BLACKHAWK TECHNICAL COLLEGE SECTION C – HUMAN RESOURCES POLICY

C-250 – REIMBURSEMENT OF RELOCATION EXPENSES

Authority	Executive Director of Human Resources/CHRO
Effective Date	March 18, 2020
Revision Date(s)	November 16, 2022; October 21, 2020
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	
In Compliance With	

The purpose of this Policy is to provide a standard procedure for the relocation of newly hired full-time staff within the District boundaries of the College. Under the general provisions of this Policy, a written relocation and repayment agreement for relocations will be entered into with the newly hired employee. The provisions of this Policy will apply only to work assignments and relocations planned to exceed 12 months.

The College will reimburse reasonable amounts or provide advance assistance for expenses incurred because of the relocation of newly hired full-time staff for distances that exceed 50 miles from their current place of residence to the District boundaries of the College.

The College will audit expenses against relocation agreements, and employees must document receipted expenses claimed for reimbursement.

Any request to exceed the provisions of the standard relocation policy (outlined below) must be approved by the Executive Director of Human Resources/CHRO and the College President/District Director.

All relocation expenses must be incurred and submitted for reimbursement within 180 days of the date the written Relocation and Repayment Agreement is signed. Expenses incurred after this period will not be reimbursed. Some expenses will be paid directly by the College to the vendor. For all other reimbursement expenses, the employee must obtain receipts for incurred expenses and submit them along with college reimbursement request forms.

APPROVED EXPENSES – STANDARD AGREEMENT

- **Per Diem and Lodging:** The College will reimburse costs for per diem living expenses to include temporary lodging for eligible employees and dependents for a period not to exceed 30 days.
- **Site Visit:** An employee and spouse will be reimbursed for travel costs, per diem, and lodging costs to the planned relocation area to look for appropriate housing. The maximum site visit period permitted is three (3) days.

C-250 – REIMBURSEMENT OF RELOCATION EXPENSES

- **Transportation/Employee/Dependents:** Costs for relocation travel of the employee and dependents to the new location will be reimbursed. Travel noted above will be by means of the most cost-effective common transport carrier using coach fare; however, in many cases, personal vehicles may be the preferred means of travel. Mileage reimbursement will be reimbursed at the standard IRS mileage rate.
- **Household Goods:** The College will pay actual costs for the packing, movement, and insuring of household goods and personal effects for such goods up to a maximum of 14,000 pounds from point of departure to point of arrival. If storage of goods is required at either point, the College will pay for up to 30 days of storage.

Any property of special value, i.e., art objects, paintings, jewelry, firearms, precious metals, and antiques should be separately insured or transported by the employee.

The College will not pay for the transportation of boats, recreational vehicles, firearms, special machinery, outdoor playground equipment, hot tubs, and other specialty items of a similar nature.

The transportation and District Boarding of small domestic pets, dogs, cats, etc. is permitted. The College will reimburse costs associated with movement and the District Board of such pets for a period not to exceed 30 days.

- **Miscellaneous Household Fees:** The College will pay the cost of appliance installation, fees for utility installations, re-registration of personal vehicles, and driver's licenses to a maximum of \$1,000.

REPAYMENT PROVISION

If the employee resigns within 24 months of their employment start date due to circumstances within their control, as determined by the College, the employee agrees to and will be subject to repayment of their reimbursed relocation expenses.

TAX CONSIDERATIONS

Per the 2017 Tax Cuts and Jobs Act beginning tax year 2018 through 2025, moving expense reimbursements are not excludable from wages and are considered compensation for employment tax purposes. Any reimbursement received will be added to the employee's W-2 as taxable income.

REIMBURSEMENT MAXIMUMS

This Policy provides financial assistance to offset the expense of relocating for a new employment opportunity. The relocation reimbursement allowance is capped at 5% of the employee's first-year annual wage. The maximum reimbursable amount will be outlined in the written Relocation and Reimbursement Agreement.



BLACKHAWK TECHNICAL COLLEGE SECTION C – HUMAN RESOURCES POLICY

C-290 – FACULTY QUALIFICATIONS

Authority	Executive Director of Human Resources/CHRO
Effective Date	October 9, 2019
Revision Date(s)	July 7, 2021
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	
In Compliance With	Higher Learning Commission (HLC) Assumed Practices B.2.a (March 2016) Wisconsin Administrative Code Chapter TCS3: Certification of Personnel Requirements and Procedures (Register June 2015 No. 714)

Faculty hiring practices at the College abide by the minimum qualifications requirements established in the Assumed Practices of the Higher Learning Commission and Faculty Quality Assurance of the Wisconsin Technical College System as established by the Wisconsin State Legislature.



BLACKHAWK TECHNICAL COLLEGE SECTION C – HUMAN RESOURCES POLICY

C-300 – EMPLOYEE COMPENSATION

Authority	President/District Director
Effective Date	September 15, 2021
Revision Date(s)	
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	
In Compliance With	34 Code of Federal Regulations Part 668 2011 Wisconsin Code Chapter 109 Fair Labor Standards Act The Equal Pay Act

The College will compensate employees in accordance with all applicable state and federal laws and the College's wage and salary schedules.

The College shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.



BLACKHAWK TECHNICAL COLLEGE

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POLICY

C-350 – FLEXIBLE WORK

Authority	Executive Director of Human Resources/CHRO
Effective Date	September 29, 2021
Revision Date(s)	
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	
In Compliance With	Fair Labor Standards Act

Flexible work options allow college employees to balance their family, work, and personal commitments while supporting the College's mission and operational needs. Flexible work options are consistent with our college's value of empowerment. The College strives to build an inclusive, aligned, and supportive culture, allowing students and employees to develop, grow and succeed.

Flexible work requests are evaluated on a case-by-case basis and approved by college leadership. Examples of flexible work options include flexible schedules, compressed work weeks, open campus, and remote work.



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PROCEDURE

C-350.1 – FLEXIBLE WORK OPTIONS

Authority	Executive Director of Human Resources/CHRO
Effective Date	September 29, 2021
Revision Date(s)	
Reviewed Date(s)	
Related Forms	C-350.1F Flexible Work Request Form
Related Policies and/or Procedures	
In Compliance With	Fair Labor Standards Act

Flexible work options help the College to create a supportive and inclusive environment. Workplace flexibility allows our employees to balance their family, work, and personal commitments while supporting the mission and operational needs of the College. Flexible work options do not modify the College’s normal hours of operations or minimize a supervisor’s authority to schedule and establish work schedules that provide coverage within their department. Flexible work requests are evaluated on a case-by-case basis and approved by college leadership.

Flexible work options can include:

	Definitions	Examples
Flex Time	<p>Allows for flexibility with the start and end times of a workday, while providing ample coverage for the department.</p> <p>Does not modify the number of hours worked within a week.</p> <p>The College has established core operational hours for departments. As flexible schedules are established in departments, supervisors need to maintain coverage to remain open during hours of operation.</p>	<p>As a department, the core operational hours may be 8:00 – 5:00; an employee may have the choice to start their day between 7 and 9 a.m. and finish between 4 and 6 p.m.</p> <p>Individuals may also modify from a 60-minute lunch break to a 30-minute lunch break. Employees should have a scheduled lunch of at least 30 minutes.</p>

C-350.1 – FLEXIBLE WORK OPTIONS

	Definitions	Examples
Compressed Work Week	Allows employees to compress their hours into fewer working days. (Non-exempt employees can compress their work week from Sunday – Saturday, in accordance with the payroll week.)	An employee may work Monday – Thursday 10-hour days, with no scheduled work on Fridays.
Open Campus	Faculty are scheduled to be on campus for instruction, office hours, meetings, and other campus activities, while some job-related duties can be completed off campus.	Faculty members may have instructional/on-campus responsibilities on Monday, Wednesday, and Friday and work remotely on Tuesday or Thursday.
Remote Work (Ongoing)	An arrangement in which an employee works part of their workweek at a location other than their standard place of work (campus office). Employees should work no more than 50% of scheduled time remotely.	An employee works in the office Monday, Wednesday, and Friday and remotely on Tuesday and Thursday.
Remote Work (Occasional)	An employee typically works 40 hours per week in the workplace. The employee may occasionally request to work remotely.	Request to work remotely to have time uninterrupted to complete a major project.

Flexible work options should be equitable, clearly understood, and mutually beneficial for the department, employee, and college. An employee must be willing and able to alternate their work hours as requested by the supervisor to meet operational and customer needs.

Flexible work should not negatively affect the workload or productivity of coworkers by either shifting work or creating delays and/or additional steps within the workflow.

RESPONSIBILITIES

Remote work does not change the terms and conditions of employment or required compliance with college policies, procedures, and/or work rules.

Tax and other legal implications may be incurred by business use of the employee's home based on IRS and state local government restrictions. Responsibility for fulfilling all obligations in this area rests solely on the employee.

REMOTE WORK AND CHILD/ELDERCARE

Employees are required to maintain a professional work environment when working remotely. Workplace flexibility arrangements are not a substitute for dependent care (child or elder)

C-350.1 – FLEXIBLE WORK OPTIONS

during working hours. Although working schedules can be arranged to accommodate care, the focus of the arrangement should be on job performance and the needs of the College. When working remotely, it is important to minimize distractions such as pets, TV, radio, etc. The work environment must provide the ability to communicate with both internal and external customers in a professional manner.

At times employees need to take paid time off to allow them to focus on dependent care needs. When an employee cannot prioritize work assignments from a remote location, they should use paid time off such as sick time, personal time, or vacation time. Utilization of paid time off allows an employee to step away and focus on dependent care as necessary.

HOURS WORKED

Using the BTC Flexible Work Request Form, a work schedule is established between the employee and supervisor. Employees need to record all hours worked in a manner consistent with college policies. For hourly, non-exempt employees covered under the Fair Labor Standards Act (FLSA), hours worked in excess of those specified per day/week will require advance approval of the supervisor. If the standard work schedule is modified for any reason, changes need to be clearly communicated and approved by the supervisor prior to the modified schedule.

HOLIDAY PAY

Employees eligible for holiday pay (based on employee classification) are still eligible for the eight (8) hours of holiday pay regardless of whether the holiday falls on a regularly scheduled workday. Supervisors and employees should make necessary arrangements to modify the established work schedule prior to a holiday week to minimize overtime/comp time earned or the potential that an employee could be short hours within a week. Non-exempt employees are eligible for overtime/comp time for hours worked in excess of forty (40) within a given week. Exempt employees are not paid by the hour and are not eligible to earn overtime/comp time. Examples:

- A non-exempt employee works a compressed schedule Monday – Thursday resulting in four (4) workdays at ten (10) hours per day. When a holiday falls on a Monday, the employee would have eight (8) hours of holiday pay on Monday and then thirty (30) hours of regular work (Tuesday – Thursday), resulting in the employee being two (2) hours short. The employee could modify their schedule or take earned comp time to make up the additional hours. These situations should be reviewed, and arrangements made prior to the holiday week.
- A non-exempt employee is normally scheduled to work Monday, Tuesday, Thursday, and Friday. A holiday falls on Wednesday. Based on the normal schedule, the employee would work forty (40) hours and earn eight (8) hours of holiday pay. Supervisor and employee should adjust the employee's schedule to minimize hours over forty (40).
- An exempt employee works Tuesday – Saturday. When a holiday falls on Monday, the employee should make necessary arrangements to take an alternative day off to recognize the holiday. Since Monday is part of their "normal weekend", they may work Wednesday – Saturday that week, and observe their holiday on Tuesday.

INFORMATION SECURITY

Employees working remotely are required to ensure the protection of college property and confidential information such as student and/or employee information.

C-350.1 – FLEXIBLE WORK OPTIONS

EQUIPMENT NEEDS

The College will provide employees with a laptop (or the ability to check out a laptop from Information Technology) for use when working remotely. The College will not purchase or reimburse employees for the cost of their internet provider, internet use, or phone expense. The College will not reimburse for the purchase of office furniture, etc. to establish a home office. Remote work arrangements should create no additional cost to the College.

WORKERS' COMPENSATION

Injuries sustained by the employee while at their remote work location and in conjunction with regular work duties are normally covered by the College's workers' compensation policy. Remote workers are responsible for notifying the College of work-related injuries or illnesses in accordance with the workers' compensation procedure. In the event of an alleged work-related injury that results in an indemnity claim, the "home office" will be visited to conduct a claims investigation.

The College's liability insurance coverage does not extend to the employee's home or premises. The employee will need to obtain personal insurance to include coverage for the College-owned equipment (incidental business coverage endorsement). Employees should contact their insurance carrier to ensure ample coverage for business use of their home.

TRIAL PERIOD AND REVIEW

All flexible work options are set up with a 60-day trial period. This allows the employee and the College to evaluate the effectiveness of the work arrangement. During the 60-day trial period, employees and supervisors should have regular communications regarding the work arrangement to address any barriers to the success of the arrangement. In order for a flexible work option to continue past the initial trial period, supervisors must notify Human Resources that the work arrangement has been approved to continue on an ongoing basis.

Supervisors will review flexible work options at least annually. Human Resources will maintain Flexible Work Request Forms and review them periodically as needed.

TERMINATION OF FLEXIBLE WORK OPTIONS

The supervisor and/or the employee can discontinue the flexible work option at any time. Every effort will be made to provide advance notice of a change to the flexible work option. The supervisor has the right to immediately terminate the flexible work option in case of unanticipated circumstances regarding the employee's performance or college operational needs.

PROCEDURE

Submitting a Flexible Work Request

Employees requesting a flexible work option should complete the Flexible Work Request Form and submit it to their supervisor. Supervisors should review the request and the impact on college operations and approve or deny the request. For remote work requests, supervisors should complete the Evaluating a Position for Remote Work Determination Guide for Supervisors. The Flexible Work Request Form should be forwarded to additional supervisory levels and to Human Resources for approval, along with the Determination Guide, if applicable. Flexible work should not begin until the flexible work request has been approved by Human Resources.



BLACKHAWK TECHNICAL COLLEGE

SECTION C – HUMAN RESOURCES

POLICY

C-370 – EMPLOYEE CODE OF ETHICS

Authority	President/District Director
Effective Date	October 21, 1981
Revision Date(s)	September 15, 2021; November 21, 2006; September 15, 2004; November 14, 2001
Reviewed Date(s)	January 18, 2017; December 17, 2008
Related Forms	
Related Policies and/or Procedures	
In Compliance With	Wis. Stats. 19.41-19.59 (Ethics Code for State Public Officials) Wis. Stats. 19.59 (general)

It shall be the duty of all District employees to comply with Wisconsin Statutes with respect to the proper and appropriate conduct of their positions. In keeping with the District's mission, vision, values, and strategic plan, District employees:

- Shall perform all mandatory, nondiscretionary, and ministerial duties of their positions within the time and in the manner required by law.
- Shall devote full attention to their duties, uphold the law, and conduct District business with fairness, integrity, and professionalism.
- Shall never act in excess of lawful authority or college policy or commit an act forbidden by law within their official capacity.
- Shall not, by act of commission or omission, in their capacity as an employee exercise a discretionary power in a manner inconsistent with the duties of their position or the rights of others or with the intent to obtain a dishonest advantage for themselves or another.
- Shall not in their capacity as an employee make an entry in an account or record book or return, certificate, report, or statement which in a material respect they intentionally falsify.
- Shall not in their capacity as an employee intentionally solicit or accept for the performance of any service or duty anything of value including but not limited to any gift, loan, favor, or service given for the purpose of influencing them in the discharge of official duties.
- Shall not use District property, facilities, or resources for private or personal gain for themselves, family, or others.
- Shall not use their position to obtain personal or family financial gain or to benefit an organization with which they are associated.
- Shall not use confidential information for personal gain or benefit or that of their family or others.
- Shall endeavor to meet all the requirements of state and federal laws and regulations pertaining to education including the regulations of the Wisconsin Technical College System District Board.
- Shall observe all policies of the District Board.
- Shall act in what is, in their opinion, conceived to be the best interest of the citizens of the entire District. Similarly, shall grant no special considerations or treatment to any citizen

C-370 – EMPLOYEE CODE OF ETHICS

beyond that which is available to every other citizen.

- Shall utilize all due diligence in carrying out the directives of the District Board.
- Shall not participate either directly or indirectly in purchases for personal use for less than full value or utilizing discounts allowed to the District for personal gain.

Nothing in this Policy shall deny an employee the rights of a citizen under the Constitution of the United States of America, the Constitution of the State of Wisconsin, Wisconsin Statutes, or any other bona fide regulations of this State.

In the event an action is brought against any employee for violation of this Policy, the District Board may consider all appropriate discipline, including discharge.

Annually, upon request of the Wisconsin Ethics Commission, the President/District Director shall identify those positions subject to the submission of a statement of economic interests.

OUTSIDE EMPLOYMENT

- Employees may have other employment, or a financial pursuit provided they do not interfere or conflict with the full and faithful discharge of duties to the College. Employees must notify the President/District Director, or designee, prior to accepting outside employment to ensure no conflict of interest exists.
- The College must, by necessity, specifically prohibit those activities that will cause a conflict of interest. Therefore, employees may not accept employment with a business that is subject to direct or indirect control, review, audit, or enforcement by the College unless approved by the President/District Director, or designee.

POLITICAL ACTIVITIES

It is college policy to encourage faculty and staff, who wish to do so as a personal activity, to express their viewpoints on political issues, to participate in political campaigns, to offer themselves as candidates for non-partisan office, and to hold such an office. All college employees should feel free to engage in such political activities so far as they can do so consistent with their full obligations to the College and in accordance with applicable laws.

The only limitations the College imposes are those reasonably necessary to protect its independence in academic and business matters, and to ensure its adherence to its mission and its compliance with the laws under which it operates. More specifically, those limitations are:

- To preserve, in fact, and appearance, the College's non-partisan, independent, tax-exempt status.
- To preserve college resources of all sorts (including among others, faculty and staff time, facilities, equipment, supplies, and services) for the College's educational, research, and related functions.
- To protect against any conflicts of interest or time which may infringe on the ability of college personnel to perform their official duties and meet their responsibilities with maximum effectiveness and objectivity.

RESTRICTIONS

College employees may engage in lawful political activities. However, such activity, like any other personal, non-official undertaking, must be done on the employee's own time and should

C-370 – EMPLOYEE CODE OF ETHICS

not interfere with college duties. Accordingly, employees may not:

- Campaign during work hours.
- Use college supplies or equipment, including technology resources, computer equipment, and systems, for campaign purposes.
- Represent their political views or the views of any candidate as being those of the College unless there has been specific authorization by the administration to do so.
- Use employee mailing labels (either home or office addresses) produced by the College for distributing campaign materials. A candidate may obtain addresses from the College student, faculty, and staff directories, or other published addressed lists.
- Distribute campaign material through campus mail unless it has been received by a federal post office and is properly postmarked.
- Run for partisan political office without first taking a leave of absence from the College.

Questions regarding political activity may be directed to the President/District Director's office.



BLACKHAWK TECHNICAL COLLEGE

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POLICY

C-470 – CONSENSUAL RELATIONSHIPS

Authority	Executive Director of Human Resources/CHRO
Effective Date	May 19, 1993
Revision Date(s)	July 28, 2021; February 28, 2017; September 15, 2004; November 14, 2001
Reviewed Date(s)	December 17, 2008; October 18, 2006
Related Forms	
Related Policies and/or Procedures	E-220 – Equal Opportunity E-221 – Prohibition of Harassment
In Compliance With	Title VII of the Civil Rights Act of 1964 Title IX of the Education Amendments Act of 1972

The policy on consensual relationships is written to protect employees and students. It is designed to ensure that power is not abused and to maintain an environment that is free of sexual harassment, rather than to discourage constructive interpersonal relationships.

The College's educational mission is promoted by professionalism in relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Positive relationships between employees and students and between supervisors and their employees enrich the College environment and should be strongly encouraged. It is also natural that academic or employment-related interactions between some individuals may lead to personal friendships, which do not pose problems as long as they do not create a conflict of interest that could cloud academic or employment decisions. The policy on consensual relationships is in no way intended to inhibit the development of constructive relationships between individuals with whom there exists a power differential. However, romantic, or sexual relationships are fundamentally different and raise serious concerns.

A consensual romantic or sexual relationship between an employee and a subordinate student or subordinate employee may be exploitative in nature, leading to a conflict of interest for the person who is in the position of power and can affect the environment for other students and employees, or the manner in which they are treated. The sexual or romantic relationship, per se, is not the problem; rather the problem is the conflict of interest and the potential discriminatory or damaging impact of the relationship when a power differential is involved. In keeping with this philosophy, employees at the College are not prohibited from but are strongly discouraged from developing relationships of a romantic or sexual nature with a student or an employee. Any consensual, romantic, or sexual relationship shall be reported by the employee to the Title IX Officer and Human Resources.

In each situation involving an apparent consenting relationship, a determination about what measures are appropriate should be made on a case-by-case basis from the facts of the particular situation. As in all investigative procedures, confidentiality will be respected. The Title IX Officer, a Human Resources representative, and the employee will meet to:

C-470 – CONSENSUAL RELATIONSHIPS

- Determine to the extent possible whether the reported romantic or sexual relationship is consensual and determine whether a conflict of interest exists.
- Inform the employee of their responsibilities under District policy.
- Review any employment or academic decisions made by the employee about the subordinate employee or student before such decisions become final.
- Explore and assist with options which may include the transfer of responsibility for the subordinate student or employee or the assistance of a third party in decision making.
- Follow up to ensure that appropriate options and/or transfer of responsibility occurs.

Unwelcome romantic or sexual attention may lead to action under district **Policy E-221 – Prohibition of Harassment** and **Policy E-222 – Prohibition of Sexual Harassment Under Title IX**.



BLACKHAWK TECHNICAL COLLEGE SECTION C – HUMAN RESOURCES POLICY

C-550 – CONFIDENTIALITY OF PROTECTED HEALTH INFORMATION

Authority	Executive Director of Human Resources/CHRO
Effective Date	March 17, 2004
Revision Date(s)	December 1, 2021
Reviewed Date(s)	March 28, 2017; December 17, 2008; October 18, 2006
Related Forms	
Related Policies and/or Procedures	
In Compliance With	Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The College sponsors various group health plans that provide benefits to employees and their dependents. The College purchases insurance from the group health plans providing these benefits. These group health plans (the “Plans”) are subject to the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This Policy explains employees’ privacy obligations with respect to the Plans.

The privacy and confidentiality of protected health information (PHI) will be protected whenever it is used by college staff. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs. These authorized employees are required to keep PHI private in accordance with a Plan’s privacy policy. The College has also appointed a HIPAA Compliance Officer, the Benefits and Compensation Specialist, to assure compliance with all federal privacy laws and to answer questions regarding the use or disclosure of PHI.

Employees who have not been designated to use and disclose a Plan’s PHI do not have a “need to know” for Plan PHI. Any employee with a question regarding the use and disclosure of a Plan’s PHI should consult the Plan’s notice of privacy practices. Any remaining questions should be directed to the HIPAA Compliance Officer.

After the termination of an employee’s employment with the College for whatever reason, the employee will continue to be prohibited by law from directly or indirectly using or disclosing any Plan PHI. The only exceptions to this rule are where such use or disclosure is otherwise required by law or is expressly authorized in writing by the individual who is the subject of the PHI. Any authorization must comply with the specific requirements of HIPAA.

Employees who fail to comply with this Policy will be subject to discipline, up to and including termination.

C-550 – CONFIDENTIALITY OF PROTECTED HEALTH INFORMATION

DEFINITIONS

Protected Health Information or PHI – PHI means any written, verbal, or electronically preserved information concerning the medical condition or treatment of an individual and payment for that treatment, including any information that identifies or could be used to identify the individual, if that information is created or received by or for the Plans. PHI does not include medical records received by the College in its role as an employer and maintained in files other than the files of the Plans.

Use – Use means to share, utilize, examine, or analyze PHI.

Disclose – Disclose means to release, transfer, provide access to, or divulge in any other manner PHI to any person who is not a member of the College's workforce authorized to receive PHI from the Plans.



BLACKHAWK TECHNICAL COLLEGE SECTION C – HUMAN RESOURCES POLICY

C-580 – ALCOHOL AND DRUG TESTING

Authority	Executive Director of Human Resources/CHRO
Effective Date	August 3, 2016
Revision Date(s)	August 29, 2017
Reviewed Date(s)	
Related Forms	
Related Policies and/or Procedures	
In Compliance With	Drug-Free Workplace Act of 1988

PURPOSE

In Compliance with the Drug-Free Workplace Act of 1988, the College has a longstanding commitment to providing a safe, quality-oriented, and productive work environment consistent with the standards of the community in which the college operates. Alcohol and drug abuse poses a threat to the health and safety of college employees and to the security of the College's equipment and facilities. For these reasons, the College is committed to the elimination of drug and alcohol use and abuse in the workplace.

SCOPE

This Policy outlines the practice and procedure designed to correct instances of identified alcohol and drug use in the workplace.

This Policy applies to all college employees and applicants for a position where an offer of employment is made contingent on the successful completion of a drug screen. The Human Resources (HR) Department is responsible for policy administration.

SUBSTANCE ABUSE AWARENESS

Illegal drug use and alcohol misuse have many serious adverse health and safety consequences. Information about those consequences and sources of help for drug or alcohol problems is available from the HR department, which has been trained to make referrals and assist employees with drug or alcohol problems.

EMPLOYEE ASSISTANCE

The College will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other college policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this Policy previously. Once a drug test has been scheduled unless otherwise required

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by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and possible discipline, up to and including discharge, will be unavoidable.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This Policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to the College underlying medical conditions unless directed to do so.

WORK RULES

- Whenever employees are working, are operating any college vehicle, are present on the College premises, or are conducting college-related work offsite, they are prohibited from:
 - Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (including possession of drug paraphernalia).
 - Being under the influence of alcohol or an illegal drug as defined in this Policy.
 - Possessing alcohol.

*This Policy does not pertain to Culinary Arts/Food Service programs where alcohol is used in the preparation of food; nor does it apply to field sobriety testing conducted in the Police Science program, Police Recruit Training, and/or Police In-Service training.

- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing college business or while in a college facility, is prohibited.
- The College will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce it if asked.
- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

REQUIRED TESTING

Pre-Employment

- Candidates for positions that require a DOT Commercial Driver's License (CDL) must pass a drug test before beginning work, offers of employment are made contingent on the successful completion of a drug screen. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable Suspicion

- Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession, or impairment. The Executive Director of Human Resources/CHRO, or another Executive Council Leadership member, should be consulted before sending an employee for testing. All levels of supervision making this decision must use the Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. One or more checklist observations may constitute reasonable suspicion. If the results of the Observation Checklist indicate

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further action is justified, the manager or supervisor should confront the employee with the documentation along with another member of management. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

Post-Accident

- Employees are subject to testing when they cause or contribute to accidents that seriously damage a college vehicle, machinery, equipment, or property or result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a college forklift, pickup truck, shuttle bus, overhead cranes, and aerial/man-lifts) is found to be responsible for causing the accident. Employees are responsible for timely reporting of all accidents, failure to timely report will result in disciplinary action up to and including the termination of employment. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

Follow-Up

- Employees who have tested positive, or otherwise violated this Policy, are subject to discipline, up to and including discharge. Depending on the circumstances and the employee's work history/record, the College may offer an employee who violates this Policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the College for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

COLLECTION AND TESTING PROCEDURES

Employees subject to alcohol testing should be driven to a college-designated facility and directed to provide breath specimens. Breath specimens should be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen should be tested approximately 20 minutes later. The results of the second test should be determinative. Alcohol tests may, however, be a breath, blood, or saliva test, at the College's discretion. For purposes of this Policy, test results generated by law enforcement or medical providers may be considered by the College as work rule violations.

Candidates and employees subject to drug testing should report to a college-designated medical facility to provide a urine sample. Employees being sent for reasonable suspicion should not drive themselves, but a member of management should drive the employee to test and make arrangements for transportation back to their residence.

Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated, or substitute specimens. Collected specimens should be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates,

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amphetamines, PCP, benzodiazepines, methadone, methaqualone, and propoxyphane use (Where indicated, specimens may be tested for other illegal drugs). The laboratory should screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory should transmit all positive drug test results to a Medical Review Officer (MRO) retained by the College, who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the College until such time that the MRO has confirmed the test to be positive.

CONSEQUENCES

Candidates who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this Policy will be terminated. If the employee refuses to be tested, yet the College believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

The first time an employee tests positive for alcohol or illegal drug use under this Policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management/supervision, a union representative (if requested), and HR. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

CONFIDENTIALITY

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim, or other legal proceeding initiated by or on behalf of an employee or applicant.

INSPECTIONS

The College reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband; affected employees may have union representation involved in this process. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

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CRIMES INVOLVING DRUGS

The College prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on college premises or while conducting college business. College employees are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

The College does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the College reserves the right to take appropriate disciplinary action for drug use, sale, or distribution while off college premises. All employees who are convicted of, plead guilty to, or are sentenced for a crime involving an illegal drug are required to report the conviction, plea, or sentence to HR within three (3) days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's record with the College. Management will then determine the future employment status based on this review.

REASONABLE SUSPICION AND POST-ACCIDENT TESTING PROTOCOL

Step 1. The employee will be advised that the College believes that there is reasonable suspicion to believe that he or she is affected by illegal drugs and/or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.

Step 2. The employee will be transported to any one of the College's contracted testing facilities (e.g., health services, prompt care, or the emergency department). One (1) member of management or a designated attendant will accompany the employee. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

Step 3. Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform it that a staff member from the College will be arriving and will need a drug or alcohol test completed.

Step 4. The employee should be provided water to drink prior to leaving the College premises.

Step 5. The employee should be given a reasonable time—not to exceed 15 minutes—to secure a photo ID in the company of a college representative.

Step 6. The employee to be tested must present a photo ID (i.e., a driver's license or state ID card) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings the photo ID with him or her when leaving the college premises.

Step 7. The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the "Consequences" section of this document.

Step 8. A college representative must sign as a witness to the collection procedure, along with the tested employee.

Step 9. After returning to the College or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless testing results are immediate). Under no circumstances will the tested employee be allowed to drive himself or herself home.

ENFORCEMENT

The HR Department is responsible for policy interpretation, administration, and enforcement.

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DEFINITIONS

College Premises – College premises include all buildings, offices, facilities, grounds, parking lots, lockers, places, and vehicles owned, leased, or managed by the College or on any site on which the College is conducting business.

Illegal Drug – Illegal drug means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308).

Refuse To Cooperate – Refuse to cooperate means to obstruct the collection or testing process; to submit an altered, adulterated, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide a specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

Under The Influence of Alcohol – Under the influence of alcohol means an alcohol concentration equal to or greater than .04, or actions, appearance, speech, or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

Under The Influence of Drugs – Under the influence of drugs means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).



BLACKHAWK TECHNICAL COLLEGE SECTION C – HUMAN RESOURCES PROCEDURE

C-580.2 – ALCOHOL AND DRUG TESTING FOR EMPLOYEES REQUIRED TO HOLD A CDL

Authority	Executive Director of Human Resources/CHRO
Effective Date	September 3, 2014
Revision Date(s)	August 29, 2017
Reviewed Date(s)	
Related Forms	Form C-575, Acknowledgement of Receipt of Policy (Intranet)
Related Policies and/or Procedures	Appendix A, C-575 Adverse Medical Effects of Alcohol and Drug Use (Intranet)
In Compliance With	

PURPOSE OF POLICY

The College recognizes that the use of drugs and alcohol in its workplace creates health, safety, security, and production problems for its employees, customers, visitors, and business.

In addition, because the College employs employees who are required, by state or federal law, to possess commercial driver's licenses as a result of their job duties, the College is subject to state and federal laws, including rules promulgated by the federal Department of Transportation ("DOT"), which, among other things, requires the College to:

- Maintain a written substance abuse policy for its employees who are required to possess a commercial driver's license.
- Perform drug and alcohol testing on its employees with commercial driver's licenses as required by state and federal laws.
- Maintain safeguards to protect employees from, among other things, erroneous test results.
- Impose mandatory corrective action against employees who violate the policy.

This Alcohol and Drug Testing Policy (the "Policy") is designed to (a) provide a safe, healthy, productive, and drug-free workplace for all employees, (b) protect our college and its customers from losses arising out of or associated with alcohol and controlled substance, (c) provide an effective tool for deterrence of substance abuse, (d) provide an effective tool for detection of violators, (e) ensure efficient operations, (f) maintain a favorable college image, and (g) satisfy the state and federal (including the DOT) rules covering employees with commercial driver's licenses.

The Policy does not alter the at-will employment relationship between the College and its employees. It is not meant to create a contract or expectation of future employment between the College and its employees and is merely one condition of continued employment. The terms of the Policy may change in the future at the College's discretion or to comply with changes in federal or state law.

The College has discretion to impose corrective action against violators of this Policy in addition to that imposed by the DOT. Employees are advised to contact their Designated Employer

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Representatives (as defined below) with any questions concerning the Policy.

Compliance with this Policy is not optional. Failure to comply with any of the provisions of the Policy may subject an employee to discipline up to and including termination. The Policy replaces and supersedes all prior alcohol or substance abuse policies.

This Policy summarizes applicable federal law. To the extent that anything in this Policy is inconsistent with federal law, federal law shall supersede and supplement this, Policy. Employees are encouraged to review Title 49 of the Code of Federal Regulations, Parts 40, 382, and 391 for further detail on alcohol and drug testing procedures and requirements.

SCOPE OF POLICY

This Policy applies to employees as well as certain independent contractors (hereinafter referred to as the "drivers") who are required to possess a Commercial Driver's License ("CDL"). CDLs are generally required for all drivers operating a "Commercial Motor Vehicle", which includes any vehicle which:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
- Has a gross vehicle weight rating of 26,001 or more pounds.

Several provisions of this Policy govern a driver's conduct in relation to their performance of "Safety Sensitive Functions." A "Safety Sensitive Function" is all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work, including:

- All time inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle in operation.
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, or remaining in readiness to operate the commercial motor vehicle.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
- All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the testing required by part 382 when directed by school officials.

GENERAL PROHIBITIONS

All drivers are subject to the following prohibitions:

- **Alcohol:** Drivers are prohibited from the following actions relating to alcohol use:
 - From using alcohol within four hours of performing a safety-sensitive function.
 - From performing a safety-sensitive function while having an alcohol concentration of 0.02 or greater, or within 24 hours of being tested with an alcohol concentration of at least 0.02 but less than 0.04.
 - From operating a commercial motor vehicle while in possession of alcohol (unless it is manifested cargo).

From using alcohol for eight (8) hours following an accident, unless the driver undergoes a post-accident test and tests negative. There is zero tolerance for those drivers under the age of 21.

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- **Drugs/Controlled Substances:** All drivers are prohibited from the unlawful manufacture, distribution, possession, or use of controlled substances during working hours, in any college-owned or leased vehicle, or any college facility or workplace. For purposes of this Policy, the terms "drugs" or "controlled substances" include any illegal or illicit drugs, including the following: marijuana, cocaine, opiates, phencyclidine, or amphetamines.

Drivers are also prohibited from any other drug use that could affect the performance of a safety-sensitive function. The only exception is by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle. In the event that a driver has been prescribed a drug, which he or she has been advised will adversely affect their ability to safely operate a commercial motor vehicle, he or she shall immediately report that to their employer. Employees will not be able to drive until there are no longer on medication or the doctor releases indicating they are okay to drive. Individuals who are unable to drive will be granted leave without pay.

- **Compliance with Testing Requirements:** All drivers are required to completely comply with all testing requirements, as described below. "Compliance" is not satisfied if the employee refuses, interferes with, or alters a test in any manner.

TESTING REQUIREMENTS

- **Pre-Employment Testing:** All applicants for driver positions must submit to pre-employment testing for drugs, and the results must be obtained prior to the applicant being hired. Pre-employment drug testing will be at the expense of the College.
 - Positive Pre-Employment Test (or Refusal to Take Pre-Employment Test) During the interview process, the applicant will also be asked if they have ever tested positive at a pre-employment test, or ever refused to take a pre-employment test for any employer which the applicant applied for, but did not receive employment, within the prior two years. The applicant must answer the questions honestly. If there was a positive or refusal to test, the applicant will no longer be considered for the position.
- **Reasonable Suspicion Testing:** Drivers are also required to submit to a drug and/or alcohol test whenever the College has reasonable suspicion to believe that a driver is under the influence of or using alcohol (before, during, or just after performing a safety-sensitive function), or controlled substances anytime while at work.

College supervisors have been trained to make observations concerning potential alcohol and/or drug use, including, but not limited to, factors such as the driver's appearance, behavior, speech, and body odors. The supervisor will document the factors constituting reasonable suspicion at the time of the observation.

A college representative will escort the employee under suspicion to the collection site for specimen collection. Upon completion of the collection process, arrangements will be made for a spouse, family member, or friend to escort the employee home. If none are available, the College will arrange for a taxi to transport the employee to their home at the employee's expense, or make such other arrangements as deemed appropriate under the circumstances.

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Alcohol and drug tests based on reasonable suspicion will be conducted as soon as possible following the observations. If the alcohol test is not administered within two (2) hours, the College will be required to verify why the test was not administered. The alcohol test may not be taken after eight hours following the observed behavior, and the College will be required to verify its reasons for its failure to conduct the test within the eight (8) hours.

No driver shall be allowed to perform safety-sensitive duties until after the alcohol or the College receives drug test results.

- **Random Testing:** All drivers will be subject to random testing for both drugs and alcohol. The number of random tests will be based on the total number of drivers. The federal government sets the percentage of drivers required to be tested. Currently, at least 50% of the College's drivers (or the drivers of any consortium of which the College is a member) must be tested for drugs, and at least 10% of its drivers (or the drivers of any consortium which the College is a member of) must be tested for alcohol on an annual basis. (Because the College currently is part of a consortium the actual percentages of its drivers that are tested may vary.)

Random testing for alcohol must be completed just before, during, or immediately after performing safety-sensitive functions. A driver selected for a random test must proceed to the collection site immediately.

The random tests will not be announced in advance and will be conducted at randomly selected intervals throughout the calendar year. Every driver will have an equal chance of being selected for a test each time a selection is conducted.

- **Post-Accident Testing:** Drivers must also submit to post-accident testing for drugs and alcohol in the following instances:
 - When the driver is involved in an accident involving the loss of human life, regardless of who was at fault; or
 - When the driver is involved in an accident in which he or she is issued a citation for a moving traffic violation, and the accident involves an injury to any person or involves disabling damage to any vehicle.

If the driver is involved in an accident in which testing is required, the driver is prohibited from consuming any alcohol until he or she has been tested and must remain at the site and available to the College for testing (unless emergency medical treatment is required).

All efforts will be made to test for alcohol within two (2) hours after the accident. If that cannot be accomplished, the reasons for the failure must be documented, and further attempts must be made for the next six (6) hours. If testing cannot be completed within eight hours, the reason for the failure must be documented.

A drug test must also be conducted within 32 hours of the accident, or the College will be required to document the reasons for the failure. However, drivers are instructed to proceed immediately to a collection site for both tests. Post-accident testing will be at the expense of the College.

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- **Return to Duty Testing:** In the event that an employee who has refused a test or who has tested positive is not terminated and is allowed to complete the applicable treatment program described below, before he or she may return to work, he or she must be evaluated by a Substance Abuse Professional, participate in any required substance abuse assistance program, and be tested for drugs and/or alcohol. All results must be negative. Any expenses incurred as a result are the employee's responsibility.
- **Follow-Up Testing:** Any driver who is allowed to return to work following a positive test or a refusal and has satisfactorily passed the return-to-duty testing and has completed the required substance abuse assistance programs, will be subject to additional follow-up tests over and above the general random tests applied by the College. The employee will be subject to a minimum of six (6) tests during the first 12 months following the return, and further testing for up to five (5) years. The dates, times, and conditions of the testing will be established by the College, in conjunction with any written follow-up testing programs and input from the Substance Abuse Professional.

CONDUCT CONSTITUTING A "REFUSAL"

Any driver conduct that constitutes a "refusal" to participate in a required drug or alcohol test is considered a positive test result. The following summarizes some of the conduct, which can constitute a "refusal":

- **General Refusals** – The following are general examples of conduct that will be considered a "refusal":
 - Failure to proceed immediately to the collection site and submit to testing for a required test.
 - Failure to remain at the test site until completion of the testing process.
 - Failure to provide a urine, saliva, or breath specimen as required under this Policy.
 - Failure to permit a "monitored" or "observed" collection, when required under this Policy.
 - Failure to provide a sufficient urine or breath specimen without a valid medical reason.
 - Failure to submit to a medical examination to verify a valid medical reason for an inability to provide a sufficient specimen.
 - Failure to submit to a second test as directed by the College or a collector.
 - Failure to complete any required forms, including, but not limited to, certification forms, authorization and consent forms, or other forms.
 - Failure to otherwise cooperate with any part of the testing process.
- **Invalid Urine Tests:** Federal law requires procedures to be followed (called "Validity Testing") to ensure that no urine sample is subject to "tampering" or other conduct which might lead to an inaccurate test result. The following situations could lead to urine test results being classified as a "refusal":
 - **Diluted Specimens** – A urine sample that exhibits unexpectedly low amounts of creatinine and specific gravity value for human urine will be considered to be a "diluted specimen". A diluted specimen that tests positive is treated as a positive test. If a diluted specimen tests negative, the employee may be required to immediately submit to a second test. The failure to submit to a second test may be considered a "refusal".

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- **Substituted Specimen:** A urine specimen that exhibits such low levels of creatinine and specific gravity value that are deemed to be inconsistent with human urine will be considered to be a “substituted specimen”. A substituted specimen is treated as a “refusal”.
- **Adulterated Specimen:** A urine specimen that contains substances not expected in human urine, or a specimen containing expected substances, but in unexpectedly high concentrations will be considered to be an “adulterated specimen”. An adulterated specimen is treated as a “refusal”.
- **Invalid Specimen:** A urine specimen where there is an unexplained interfering substance will be considered to be an invalid specimen. An employee must provide a legitimate medical explanation for the result. If none exists, and if the employee denies tampering, he or she must immediately submit to a second test under “direct observation” procedures. If the employee admits to having adulterated or substituted the specimen, it is treated as a “refusal”. If the invalid test results from circumstances unrelated to employee conduct (such as spilled specimens, damaged specimens, or specimens improperly collected), the test will be disregarded, but the employee must immediately submit a new specimen, but not under direct observation procedures.
- **Insufficient Urine Specimen:** An employee who is unable to provide a sufficient urine specimen will be urged to drink up to 40 ounces of fluid over a three-hour period to aid in providing a sufficient urine sample. If no sufficient sample can be obtained within three hours of arriving at the test site, the College is notified, and the employee will be required to be examined by a licensed physician within five working days to determine whether there is a valid medical reason for the inability to provide a sufficient specimen. If no reason is verified, the test is treated as a “refusal”. (If there is a legitimate medical reason, the test is canceled.)
- **Insufficient Alcohol Breathalyzer Test:** An employee who is unable to provide a sufficient breathalyzer specimen after three attempts will be required to be examined by a licensed physician within five working days to determine whether there is a valid medical explanation for the failure. If the failure is not based on any legitimate medical reason, the test is treated as a “refusal”. (If there is a legitimate medical reason, the test is canceled.)

CONSEQUENCES OF VIOLATIONS OF THIS POLICY

Drivers who violate this Policy are subject to a number of overlapping adverse consequences, some imposed by federal law, and others imposed by the College. The College reserves the right to impose other corrective action, in addition to the consequences imposed by federal law, for any violations of this Policy, up to and including termination of the employee.

- **Refusals or Interference with Testing:** A refusal or interference with testing constitutes both a violation of this Policy and must be considered a positive test result under federal law. The consequences for positive test results are listed below.
- **Positive Drug/Alcohol Tests-Return to Duty:** Employee’s first violation with an alcohol concentration of less than .04:
 - Employee will be removed from safety sensitive functions until alcohol concentration is less than 0.02. Safety sensitive functions will not be resumed for a minimum of at least 24 hours after violation occurs.

Employee’s first violation with an alcohol concentration of .04 or greater and/or testing positive for drugs:

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- The employee will be removed from safety-sensitive functions until alcohol concentration is less than 0.02 or a negative drug test is produced (whichever applies), the employee is evaluated by a Substance Abuse Professional (SAP), and the recommended therapy is completed (this can include follow-up tests). Additionally, the employee must meet with the Executive Director/Chief Human Resources Officer and provide verification of compliance with Federal regulations and college disciplinary processes. Any expenses incurred as a result are the employee's responsibility.

The College reserves the right to initiate disciplinary action up to and including termination. There is zero tolerance for those drivers under the age of 21.

Employee's second violation (regardless of previous alcohol concentrations):

- The employee will be removed from safety-sensitive functions until alcohol concentration is less than 0.02 or a negative drug test is produced (whichever applies), the employee is evaluated by a Substance Abuse Professional, and the recommended therapy is completed (this can include follow-up tests). If the SAP determines that medical treatment for alcohol/substance abuse is indicated, the College will support employees who seek treatment. Additionally, before returning to safety-sensitive functions, employees are required to meet with Human Resources and provide verification of completion of therapy recommended by the SAP and compliance with Federal regulations and college disciplinary processes. Employees will be required to submit to alcohol and controlled substances testing on an unannounced basis for one year after completing treatment and additional testing may be extended for up to 60 months following return to duty. Any expenses incurred as a result are the employee's responsibility.

The College reserves the right to initiate disciplinary action up to and including termination. There is zero tolerance for those drivers under the age of 21.

IDENTITY OF PERSONS RESPONSIBLE FOR ADMINISTERING THIS POLICY

There are a number of individuals and professionals employed by or retained by the College to administer this Policy that will have contact with drivers regarding the above procedures.

- **College Representatives:** The primary college representative (known as the "Designated Employer Representative") responsible for administering this Policy and answering questions concerning the Policy is the Executive Director/Chief Human Resources Officer.
- **Medical Review Officers:** The College has retained qualified, licensed physicians to serve as "Medical Review Officers" ("MRO") under this Policy.

The Medical Review Officers perform key responsibilities under this Policy, including the following:

- Medical Review Officers receive the test results from the laboratories that test the urine samples, and then review and interpret the test results.
- In the case of a positive test result, the Medical Review Officer attempts to personally contact the driver prior to the College being informed of the positive test result.

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- If the Medical Review Officer can contact the driver, the positive test result will be discussed with the driver, and information may be shared and analyzed to provide possible explanations for the positive test result.
- The Medical Review Officers ultimately notify the College of any verified positive test results.
- The Medical Review Officers also provide general medical guidance to the College and, in some cases, to the drivers, with respect to the administration of this Policy.
- **Substance Abuse Professionals:** The College works with National Insurance Services to provide an Employee Assistance Program (EAP) to all employees. Individuals who have a positive test will be referred to EAP for Substance Abuse Counseling.

EAP services are available in two (2) ways:

1. Toll-Free Number: 866.451-5465
2. Online: niseap.com, the password is NISenhanced

Drivers who test positive (or are considered to have tested “positive” as a result of a “refusal”) will be referred to a Substance Abuse Professional who is properly qualified under DOT rules. Drivers will be required, before being reassigned to a safety-sensitive function (for this or any other college) to comply with all of the following procedures:

- Submit to an initial face-to-face assessment and evaluation by the Substance Abuse Professional.
- The Substance Abuse Professional will refer the driver to an appropriate education and/or treatment program based on the initial assessment and evaluation (This could include, but is not limited to, educational programs such as self-help groups (for example Alcoholics Anonymous), community lectures, drug and alcohol educational courses, outpatient counseling programs, aftercare programs, partial inpatient treatment programs or inpatient hospitalization).
- The driver must complete the education and/or treatment program assigned by the Substance Abuse Professional.
- The driver must submit to a follow-up face-to-face reevaluation with the Substance Abuse Professional after completing the education or treatment program assigned to them.
- The driver must comply with follow-up drug and/or alcohol testing, as well as possible continuing education and/or treatment, as directed by the College (with input from the Substance Abuse Professional).

The College is not required to pay for any services provided by the Substance Abuse Professionals under this Policy. Any costs associated with those services will be paid by the employee.

- **Breath Alcohol/Urine Collection Site Locations:** The designated employer representative on an annual basis will select testing sites. Employees may be sent to a designated location as identified under this Policy for testing.

PROCEDURES AND SAFEGUARDS USED IN CONDUCTING THE DRUG AND ALCOHOL TESTING

The College has adopted a multitude of procedures to safeguard the accuracy of testing procedures to protect employees from inaccurate results and inadvertent consequences.

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These safeguards include the College's retention of qualified, trained personnel to conduct the drug and alcohol testing, retention of trained, qualified, and federally certified laboratories to perform the analysis of urine samples, the retention of qualified and trained physicians to serve as Medical Review Officers, the internal training of the College's supervisors and other personnel charged with administering this Policy, and other measures.

The College complies with the federally regulated procedures for conducting the collection and testing of breath and urine samples under this Policy.

One important feature of the safeguards is the employee's right to test, at a second laboratory, at the employee's cost, the split sample of the urine specimen.

ADVERSE MEDICAL CONSEQUENCES OF DRUG AND ALCOHOL USE

The federal government also requires the College to provide information to drivers about the adverse consequences of drug and alcohol use. Attached, as Appendix "A" is a description of adverse consequences associated with drug and alcohol use. Further information may be obtained from the substance abuse professionals listed above.

ACKNOWLEDGEMENT

All employees who are impacted by this Policy must sign the Acknowledgment page attached at the end of this Policy and return it to the College.



**BLACKHAWK TECHNICAL COLLEGE
SECTION C – HUMAN RESOURCES
POLICY**

C-600 – GIFTS, GRATUITIES, HONORARIUMS, AND EXTERNAL COMPENSATION

Authority	Executive Director of Human Resources/CHRO
Effective Date	August 18, 1976
Revision Date(s)	August 4, 2021; December 12, 2017; February 18, 2009; May 16, 2001; August 31, 1982
Reviewed Date(s)	October 18, 2006; September 1, 2004
Related Forms	
Related Policies	C-370 – Employee Code of Ethics
In Compliance With	Wisconsin Statutes 946.10

It shall be unlawful for any employee of the College to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value, as defined in Wisconsin Statutes 946.10, which they are not authorized to receive from any person if such person:

- Has or is seeking to obtain contractual or other business or financial relationships with such public employee’s employer or the governmental body of the public official; or
- Conducts operations or activities which are regulated by such public employee’s employer or the governmental body of a public official; or
- Has interests which may be substantially affected by such public employee’s employer or the governmental body of the public official.

The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the policy of the College.

All other forms of gifts, gratuities, honorariums, or external compensation not subject to the considerations above shall be considered as follows:

HONORARIA

Employees may attend professional meetings, conferences, and conventions falling on workdays with authorization granted by the President/District Director, providing that no outside compensation is received by the employee so attending. An employee granted such travel authorization may receive full pay and may be reimbursed by the College for necessary expenses in accordance with the College’s travel policies. In the event compensation is received from another source, the employee shall be required to turn in the compensation “honorarium” to the Vice President of Finance and College Operations/CFO. The decision of the President/District Director shall be final as to the attending of such professional meetings, conferences, and conventions.

GIFTS

Employees who receive an unsolicited gift that they employee is prohibited from accepting may donate the benefit to the College and should report the receipt of the gift to their immediate supervisor, who in turn shall make a record of the receipt and distribution of the gift and report

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it to the Executive Director of Human Resources and Organizational Development/CHRO. Door prizes/items received at conferences or meetings attended by an employee for and/or on behalf of the College that are minimal in value (e.g., pens, notepads, coffee mugs, etc.) need not be reported or donated. Items with a specific monetary value such as gift cards, of any dollar amount, must not be accepted by an employee or must be donated to the College as described above.

EXTERNAL COMPENSATION

External compensation received by employees for work outside their scope of employment and without the use of college resources, other than resources that are available to the public or resources for which the employee has paid the requisite fee to utilize, belong to the employee and shall be reported as described above to determine if any conflict of interest exists.



BLACKHAWK TECHNICAL COLLEGE SECTION C – HUMAN RESOURCES POLICY

C-675 – NEPOTISM

Authority	District Board
Effective Date	July 28, 2021
Revision Date(s)	
Reviewed Date(s)	
Related Forms	
Related Policies	
In Compliance With	

The College does not prohibit the employment of relatives or domestic partners in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division, or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, work assignment, promotion, discipline, demotion, or salary of the relative or domestic partner.

Immediate family means spouse, domestic partner, parents, grandparents, siblings, children, stepchildren, grandchildren, in-laws, or any other relative living in the employee's home.

Employees are required to inform Human Resources when an immediate family member is hired by the College. Human Resources will review to ensure compliance with the policy.

The College will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the College retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place spouses and domestic partners in the same department, division, or facility. The College retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, morale, or other potential conflicts of interest.



**BLACKHAWK TECHNICAL COLLEGE
SECTION C – HUMAN RESOURCES
POLICY**

C-700 – WHISTLEBLOWER PROTECTION

Authority	District Board
Effective Date	October 19, 2022
Revision Date(s)	
Reviewed Date(s)	
Related Forms	
Related Policies	Blackhawk Technical College Student Handbook Blackhawk Technical College Employee Handbook
In Compliance With	Affordable Care Act (29 U.S. Code Section 218C)

The President/District Director shall establish procedures regarding the reporting and investigation of suspected unlawful activities by college employees, and the protection from retaliation of those who make such reports in good faith or assist in the investigation of such reports. For this Policy and any implementing procedures, unlawful activity refers to any activity — intentional or negligent — that violates state or federal law, local ordinances, or college policy.

The procedures shall provide that:

1. Individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation.
2. Such reports are investigated thoroughly and promptly.
3. Remedies are applied for any unlawful practices.
4. Protections are provided to those employees who, in good faith, report these activities or assist the College in its investigation.

Furthermore, college employees shall not:

1. Retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order.
2. Retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order.
3. Directly or indirectly use or attempt to use the official authority or influence of their position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the College.

The College will not tolerate retaliation and will take whatever action may be needed to prevent and correct activities that violate this Policy, including discipline of those who violate it up to and including termination.



**BLACKHAWK TECHNICAL COLLEGE
SECTION C – HUMAN RESOURCES
PROCEDURE**

C-700.1 – WHISTLEBLOWER PROTECTION

Authority	Executive Director of Human Resources/CHRO
Effective Date	September 7, 2022
Revision Date(s)	
Reviewed Date(s)	
Related Forms	
Related Policies	Blackhawk Technical College Student Handbook Blackhawk Technical College Employee Handbook
In Compliance With	Affordable Care Act (29 U.S. Code Section 218C)

Individuals are encouraged to report suspected incidents of unlawful activities by college employees in the performance of their duties. Reports will be investigated promptly, and appropriate remedies applied. Employees who, in good faith, report such activities or assist the College in the investigation will be protected from retaliation.

This Procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in **Policy C-700 – Whistleblower Protection** and addressing complaints of retaliation for making such reports.

FILING A REPORT OF SUSPECTED UNLAWFUL ACTIVITIES

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, applicants, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the College’s ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a college employee of allegations of a suspected unlawful activity should be made to the reporting employee’s immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to another college official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the College. When the alleged unlawful activity involves the President/District Director, the report should be made to the chair of the District Board. When the alleged unlawful activity involves the District Board or one of its members, the report should be made to the President/District Director who will confer with the chair of the District Board or legal counsel on how to proceed.

C-700.1 – WHISTLEBLOWER PROTECTION

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by their signature that it is accurate and complete.

Once the receiving supervisor or administrator has received or prepared a written report of the alleged unlawful activity, they must immediately forward it to the Executive Director – Human Resources or the President/District Director. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined above. The administrator or District Board member who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted or interviewed shall be advised of the College's no-retaliation policy. Each individual shall be a) warned that retaliation against the reporter(s) or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if they experience retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt and appropriate corrective action shall be taken.

PROTECTION FROM RETALIATION

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. College employees and applicants for employment who make a protected disclosure are protected from retaliation. A college employee or applicant whose family member makes a protected disclosure is also protected from retaliation.

Any employee who believes they have been subjected to or affected by retaliatory conduct 1) for reporting suspected unlawful activity, or 2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Executive Director of Human Resources/CHRO or the President/District Director. If the allegations of retaliation, or the underlying allegations of unlawful conduct involve the President/District Director, the supervisor shall report to the chair of the District Board.

All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a need-to-know basis. At the conclusion of an investigation, as appropriate, remedial, or disciplinary action will be taken where the allegations are verified or otherwise substantiated.

C-700.1 – WHISTLEBLOWER PROTECTION

OTHER REMEDIES AND APPROPRIATE AGENCIES

In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency.