



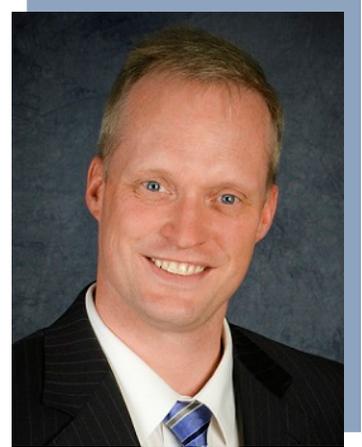
# EMPLOYEE HANDBOOK



JULY 1, 2014

Dear Colleague:

Thank you for your service to the college! Our employees are the best resource for serving our students and communities. At Southwest Tech we change lives through education and each of you are commended for your efforts to make a difference.



The Employee Handbook articulates our collective working environment. This is a “living document” that we will continually look to improve. If you have questions or comments regarding this document, please visit with your supervisor, someone from Human Resources, or someone on the Executive Team. I am also available to discuss your ideas.

Again, thank you for the good work you do to help our students be successful.

Best regards,

Jason Wood, PhD, President  
Southwest Wisconsin Technical College

## AN INTRODUCTION TO SOUTHWEST TECH

### College Mission

Southwest Wisconsin Technical College provides education and training opportunities responsive to students, employers, and communities.

### College Vision

Southwest Wisconsin Technical College will be a preferred provider of education, source of talent, and place of employment in the region. We at the College change lives by providing opportunities for success.

### College Values

The employees at Southwest Tech value

- **learning** for the diverse stakeholders that is provided through accessible, affordable, and caring delivery.
- **professionalism** that is based on respect and integrity, which create a healthy environment and promote open communication and commitment.
- **accountability** in terms of the human and fiscal resources entrusted to the institution, which will be used responsibly.
- **collaborative partnerships** with business, industry, labor, government, educational systems, and the surrounding communities.
- **innovation** that fosters creativity in solving problems and meeting future challenges unique to its rural setting.
- **continuous improvement** of the programs, services, and processes in a team-based culture.

### Strategic Directions/College Goals

The following elements comprise the Strategic Directions/ College Goals for Southwest Tech:

- Increase College access.
- Improve student completion and success.
- Strengthen partnerships.
- Create a cohesive culture.
- Prioritize customer service.
- Advance infrastructure (facilities and technology).
- Promote fiscal efficiency and sustainability.

### Administrative Policies and Procedures

Many of Southwest Tech's policies and procedures are referenced throughout this handbook. All administrative policies and procedures are located on the College intranet (SharePoint). It is each employee's responsibility to know and understand all policies and procedures that impact him/her, including, but not limited to, those referenced in this document.

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## **PURPOSE OF HANDBOOK**

Southwest Tech (the College) is pleased to provide its employees with this employee Handbook. This Handbook is intended to provide guidance regarding the College's policies and operating procedures, along with information pertaining to benefits offered to eligible employees. The College believes this Handbook will serve as a useful resource during employment.

No employee handbook is able to answer every question or anticipate every situation. For that reason, the College may interpret, change, supplement, or rescind any part of this Handbook or any of its other policies from time to time, as deemed appropriate. Should employees have questions or suggestions regarding the Handbook content, they should contact their supervisors, someone in Human Resources, or make use of the confidential suggestion box at [suggestionbox@swtc.edu](mailto:suggestionbox@swtc.edu). Note: All documents within identified with hyperlinks may be found on our intranet at [inside.swtc.edu](http://inside.swtc.edu) or you may contact [humanresources@swtc.edu](mailto:humanresources@swtc.edu) and request a copy.

## **EMPLOYMENT**

### **Equal Employment Opportunity and Affirmative Action Policy**

The College will provide equal employment opportunities in all of its employment practices in compliance with all federal, state, and local laws and in accordance with the College's policies and procedures. The College does not discriminate against employees or applicants for employment because of race, color, national origin, sexual orientation, creed, sex, marital status, veteran's status, disability, or age. The Equal Employment and Affirmative Action policy may be accessed through the Southwest Tech Web site at [www.swtc.edu](http://www.swtc.edu) and is located under the legal section. This policy applies to all employment practices and personnel actions.

It is also the duty of every employee to help create a job environment that promotes equal opportunity. Any incident or situation that an employee believes violates this policy should be brought to the immediate attention of a supervisor or other individual in management.

### **Employment Status**

This handbook is not intended to create a contract of employment—expressed or implied—or evidence of a contract of employment between the College and any one or all of its employees. Only the Board has the authority to enter into such contracts. Any such agreements must be in writing and signed by an authorized representative of the Board and the employee.

Except as required by the laws of the state of Wisconsin, every non-contractual employee of the College serves as an at-will employee. As such, the College cannot guarantee continued employment for any definite period of time. Any non-contractual employee has the right to terminate his or her employment at any time, for any reason, or for no reason; and the College retains the right to terminate employment at any time, as applicable by law.

## **Employment Applications**

The College relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the College's exclusion of the individual from further consideration for employment; or if the person has been hired, employment may be terminated.

Employees need to understand that, other than the President or designee, no one from Southwest Tech has the authority to enter into any agreement with anyone for employment for any specified period or to make any promises or commitments regarding employment. Any employment agreement entered into by the College is not enforceable unless it is in writing.

## **Position Descriptions**

A position description lists the overall purpose, duties, responsibilities, essential functions, and qualifications required to perform the work of a position. Additional duties or projects may be assigned on an interim or on-going basis. All position descriptions are subject to review and modification, as deemed necessary by the supervisor.

## **Filling Open Positions**

The College recruits, hires, and promotes quality employees. The College determines the position description and qualifications needed for any open position. The College determines if the position will be posted internally or externally. Open positions are posted internally on the Human Resources bulletin boards and sent via e-mail to all employees. Open positions are posted externally via the College Web site, advertisements in appropriate media, e-mails to all employees, bulletin boards, and other appropriate means. Internal applicants are encouraged to apply for positions posted internally and externally. External applications will only be accepted for positions posted externally. There is no guarantee that any applicant, internal or external, will be granted an interview, offered the position, or hired to fill the vacancy. The College may temporarily fill, transfer in, or promote employees into open positions at its discretion.

## **Harassment**

The College expressly prohibits any form of harassment or discrimination prohibited by law based on race, color, religion, sex, national origin, age, disability, sexual orientation, or any other status protected by law. The Harassment Policy can be accessed through the staff intranet ([Harassment Policy](#)) or by request from Human Resources.

## **Harassment Complaint Procedure**

1. Any employee who believes he or she is being harassed in violation of the College's harassment policy should immediately report any such incident to his or her supervisor, any member of the Administration, or the Director of Human Resources.
2. The College treats all claims of harassment and discrimination seriously. All complaints will be

promptly investigated, and information disclosed in the course of investigations will be shared on a “need-to-know basis.”

3. The College strictly prohibits any form of retaliation against any employee for filing a bona fide, good-faith complaint concerning prohibited harassment or discrimination or for assisting in a complaint investigation. Any employee who believes that he or she has been subjected to retaliation in violation of this policy should immediately report the retaliation to an Administrator or the Director of Human Resources.
4. Administrators and the Director of Human Resources are responsible for ensuring that the Harassment Policy is enforced. This responsibility includes ensuring that each employee is aware of the College policies on discrimination and harassment and maintaining a work area free from conduct that causes, or reasonably could be considered to cause, an intimidating or offensive work environment.
5. Any employee who is found to have violated the Harassment Policy will be subject to appropriate action, up to and including termination.

If further information, interpretation, or advice is needed regarding prohibited harassment or discrimination or the complaint process, an employee should contact the Human Resources office.

### **Disability Accommodation**

The College is committed to complying fully with the Americans With Disabilities Act (ADA) and all other applicable federal, state, and local laws by ensuring equal opportunity in employment for qualified persons with disabilities. The College is also committed to not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. The College will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

The College also provides reasonable accommodation for qualified individuals with disabilities in accordance with Americans With Disabilities Act. Qualified individuals with disabilities may make a request for reasonable accommodation to their supervisors or managers or to the Human Resources office. Cooperation is expected if any employee is asked to assist in the accommodation afforded another employee under this policy.

### **Reporting Relationships–Employment of Relatives**

The College allows the employment of qualified relatives as long as the employee is not directly involved in employment-related processes, supervision, or evaluation impacting a family member or domestic partner.

## **Orientation**

New employees will participate in an employee orientation program that is designed to provide them with the information, resources, and contacts needed to learn about their positions and College programs, processes, policies, and expectations. Orientation is an ongoing process, and employees are encouraged to take an active part in their orientation by reading informational materials, meeting with colleagues, and asking questions. Experienced employees are encouraged to participate in orientation as mentors and are expected to be helpful and supportive of newly hired colleagues.

## **Employee-Student Relationship**

The integrity of the employee-student relationship is at the heart of the College's educational mission. This relationship requires considerable trust in the employee, who, by virtue of his or her position, carries significant authority and accountability as an educator, evaluator, and mentor. The unequal power dynamic in this relationship requires the employee to maintain professional boundaries to avoid unprofessional or unethical behavior (or even the appearance of unprofessional or unethical behavior) and to limit the possibility for coercion. The relationship between employee and student must be free from influences or activities that can interfere with learning or the goals and principles of the College. Whenever an employee is responsible for academic or other supervision of a student, a personal relationship of a romantic or sexual nature, even if consensual, is entirely inappropriate and can lead to legal liability for the employee and the College. Other types of relationships, such as friendships or business partnerships that interfere with the objectivity of the employee, also threaten the integrity of the educational process.

## **Performance Evaluations**

Supervisors and employees are strongly encouraged to discuss job performance and goals on an ongoing basis. At the discretion of the President, Vice Presidents, Deans, Directors, and Supervisors, a formal documented process to evaluate performance, including student evaluations, may be conducted to provide both supervisors and employees with the opportunity to discuss job tasks; identify and correct weaknesses; encourage and recognize strengths; and discuss positive, purposeful approaches for meeting goals. Any staff member may request a formal evaluation at any time.

## **Reduction In Workforce**

Conditions may arise that necessitate the reduction of the College's workforce and may require the termination of employment, involuntary demotion, reassignment, or reduction in work hours.

Implementation of a reduction in workforce will be at the discretion of the College and may be based on the eliminated funding levels; the nature of the duties to be consolidated; the skills, abilities, and past performance of individual employees or other factors related to the cause of the workforce reduction or the employment, qualifications, and past performance of the individual employees involved.

The needs of the College shall be the prime consideration used in the determination of which employees shall be laid off. The rehiring of employees who have been laid off shall be determined based on the needs of the College.

## **Access to Personnel Files and Data Changes**

Southwest Tech maintains personnel, confidential, and certification files on each employee. These files contain documentation regarding various aspects of employment; namely, the employee's job application, education documentation (e.g., transcripts), performance appraisals, beneficiary designation forms, disciplinary notices, and other employment records.

Personnel files are the property of Southwest Tech, and access to the information they contain is restricted. Generally, only supervisors, Human Resources personnel, and management of the College who have a legitimate reason to review information in a file are allowed to do so. Employees may request to inspect or request a copy of their personnel files at any time, as provided under state law, by contacting the Human Resources office. An employee shall have the right to comment on any material placed in the file, and said comment shall be attached to the related material in the file.

Altering, removing, or destroying any personnel records pertaining to any current or former employee is prohibited, unless otherwise directed or allowed by law.

## **Management Roles and Responsibilities**

The Southwest Wisconsin Technical College Board of Trustees (the Board) and Administration, as delegated by the Board, possess the sole right and responsibility to manage all College operations that are subject to College policies, procedures, and applicable laws.

## **COMPENSATION**

### **Classifications of Employment**

It is the intent of the College to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Although the College hopes the relationship with employees is long-term and mutually rewarding, the College and employees have the right to terminate or end the employment relationship at any time, unless prohibited by applicable law or Southwest Tech policy.

Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws.

**Nonexempt employees** (hourly) are employees who are required to be paid overtime at the rate of time and one half (i.e., one and one-half times) their regular rate of pay for all hours worked beyond 40 hours in a workweek, in accordance with applicable federal and state wage and law hours.

**Exempt employees** (salaried) are employees who are not required to be paid overtime, in accordance with applicable federal and state wage and hour laws, for work performed beyond 40 hours in a workweek.

In addition to the above classifications, each employee will belong to one other employment category that designates the employee as regular full-time annual, regular full-time academic year, regular part-time, part-time, temporary, or seasonal.

**Regular full-time annual employees** are employees (hourly or salaried) who are hired to work the entire fiscal year (40 hour workweek) for an indefinite period on a regular basis. Regular full-time annual employees are eligible for benefits provided by Southwest Tech.

**Regular full-time academic year employees** are employees (hourly or salaried) who are hired to work the entire academic calendar year (90 percent or more work assignment) for an indefinite period on a regular basis. Regular full-time academic year employees are eligible for benefits provided by Southwest Tech.

**Regular part-time employees** are employees who are hired to work the entire fiscal year (20 hours or more, but less than a 40-hour workweek) or the entire academic calendar year (work assignment of 50 percent or more, but less than 90 percent) and who are hired for an indefinite period on a regular basis. Regular part-time employees are eligible for pro-rated benefits provided by Southwest Tech.

**Part-time employees** are employees who are hired to work less than twenty (20) hours per week during a fiscal year or have a work assignment of less than 50 percent during the entire academic calendar and who are hired for an indefinite period on a regular basis. Part-time employees are not eligible for benefits.

**Temporary or seasonal** employees are employees hired to work full-time or part-time either on the College's payroll or through a temporary agency with the understanding that their employment will be terminated no later than on completion of a specific assignment. Employees hired from temporary agencies for specific assignments are employees of the respective agency and not of the College. Temporary or seasonal employees are not eligible for benefits.

Employees should contact Human Resources with questions regarding their exemption status or employment classification.

### **Compensation Grade and Equity Adjustments**

All posted regular positions will have a correlating job description that will identify the position title, classification (exempt or non-exempt), and grade level. The grade level determines the salary range for the position. If a support staff or salaried professional employee has had a change in job duties/responsibilities and has been performing them for at least 6 months, they may request a grade level review via the following process. In the spring of each year, supervisors and employees may present a change in duties/responsibilities document to the Director of Human Resources who will present it to the Executive Team for consideration. If approved, implementation will take effect at the beginning of the next fiscal year.

All employees who are able to document a salary/wage inequity may request an equity adjustment review. An inequity exists if an employee's salary/wage is significantly less than that of other employees in substantially similar jobs at Southwest Tech (internal inequity) or at regional organizations (external inequity) and not the result of differences in performance, years of service,

institutional or regional salary/wage range differentials, or other rational causes. To initiate an equity adjustment review, the employee would present their written request to their supervisor in the spring. If the supervisor supports the request, the supervisor will forward it to the Director of Human Resources who will present it to the Executive Team for consideration. If approved, implementation will take effect at the beginning of the next fiscal year.

### **Work Hours and Working from Home**

The normal workweek for all regular full-time employees is 40 hours, with nonexempt (hourly) employees normally scheduled to work 8 ½ hours per day, including a ½-hour unpaid lunch.

Employees are free to leave the premises during their unpaid lunch periods and are encouraged to take two, 15-minute breaks—one in the a.m. and one in the p.m.—with supervisor knowledge. Unused breaks may not be accumulated or used to lengthen lunch breaks or to shorten a work day. The supervisors have the sole discretion to schedule all work hours, breaks, and lunch periods.

Other daily and weekly work schedules may be established, based on service needs, and may be changed from time to time (i.e., summer hours) at the discretion of the supervisors in order to meet the varying needs of the College. Changes in work schedules will be announced as far in advance as possible.

As with other types of authorized work, all approved time spent by nonexempt (hourly) employees utilizing electronic communications for work purposes will be considered hours worked, is compensable, and will count toward overtime eligibility.

In order to avoid incurring unnecessary expenses, electronic communications should not be used outside of regularly scheduled work hours, unless required by management. This includes all types of work-related communication.

Working from home may only be initiated and approved by a supervisor and will be on a case-by-case basis.

The College will not approve or acknowledge compensatory time.

### **Recording Work Hours Nonexempt (Hourly) Employees**

The College complies with applicable laws that require records to be maintained of the hours worked by nonexempt employees. To ensure that accurate records are kept of the hours actually worked (including overtime where applicable) and to ensure that nonexempt employees are paid in a timely manner, all nonexempt employees will be required to record their time worked and their absences according to the College's official time record form. This form must be completed, signed, and forwarded to the employee's supervisor on a bi-weekly basis.

Altering, falsifying, or tampering with time records or recording time on another employee's time record is a breach of College policy and is grounds for disciplinary action, up to and including termination.

## **Flexible Schedule**

Supervisors can approve flexible schedules on a case-by-case basis. A flexible schedule is a work schedule with time of arrival and departure that differs from the standard weekly schedule. Total hours would not total more than 40 hours in the pay week (Sunday to Saturday). The supervisor will approve or deny the flexible schedule request based on staffing needs, the employee's job duties, the employee's work record and the employee's ability to temporarily or permanently return to a standard work schedule when needed.

With or without flex time, hours worked over 40 in a work week (Sunday to Saturday) will be paid as overtime per the overtime pay policy. A flexible schedule arrangement may be suspended or cancelled at any time. Non-exempt employees may be asked to work overtime regardless of a flexible schedule.

## **Overtime Pay**

If a Flexible Schedule is not possible, then hourly employees will receive compensation for overtime work as follows:

1. Straight time (i.e., regular hourly rate of pay) for all hours worked through forty in any given workweek. Overtime must always be approved by a supervisor before it is performed. Working overtime without supervisory approval may result in disciplinary action up to and including dismissal. If a flexible schedule is not possible, then overtime is necessary and the employee will receive one and one-half times the regular hourly rate of pay for all hours worked beyond 40 hours in any given workweek.
2. When events or workload require working extra hours in a week, the employee must first discuss possible flexible schedule arrangements with his/her supervisor within the same week (Sunday to Saturday), working 40 total hours. The supervisor will approve or deny the request based on staffing needs, etc.
3. Only hours actually worked will be used to calculate overtime. Paid time off for vacations, holidays, sick days, leaves of absence, or other reasons will not be considered "hours worked" for overtime pay calculation purposes.
4. Supervisors will attempt to provide employees with reasonable notice when the need for overtime work arises. Advance notice may not always be possible.
5. Payment for overtime will normally be received in the pay period in which it is earned when it has been properly prepared, approved by a supervisor, and forwarded to payroll for processing in a timely manner.

Supervisors will sign for approval of overtime on the timesheet.

## **Compensatory Time**

Compensatory time off is paid time off from work that is earned at the same rate as overtime, and may be provided to eligible employees in lieu of overtime pay. Only non-exempt (hourly) employees are eligible to earn compensatory time. Compensatory time accrues at the rate of one and one-half (1½) hour for every hour worked more than 40 hours per week. Employees need to request the use of compensatory "comp" time and will be allowed to earn compensatory time subject to the following conditions:

- Overtime needs to have prior authorization from the employee's manager. Unapproved overtime will be paid per the overtime policy but could lead to disciplinary action. Exceptions may be granted due to emergency situations (power outages, weather related, etc).
- Compensatory time shall not be used without prior authorization of the employee's manager. Employees will identify compensatory time on the time sheet and managers shall verify on the time sheet if hours are earned as compensatory time off in lieu of overtime pay. The timesheets will track the compensatory time earned and taken accrual. Requests for compensatory time off will not be granted if the use of such time would unduly disrupt operations.
- Leave activity such as holidays, vacation, compensatory time off or jury duty will not be credited as time worked toward the normal workweek of 40 hours for overtime or compensatory time purposes.
- An employee can accumulate a maximum of 40 hours of compensatory time (26.67 hours of overtime). Once the employee's compensatory time bank contains 40 hours, any future overtime worked must be paid as overtime until some comp time is used. This is a rolling bank of time.
- Compensatory time can be used in 15 minute increments.
- Any employee who separates from the College will be paid for accrued, but unused, compensatory time as required by law.

The College may pay out accrued compensatory time at any time of the year, at its sole discretion, by providing the employee at least thirty (30) days notice of the intent to pay out the accumulated compensatory time. Compensatory time paid out is subject to all legally required tax withholdings.

### **Travel Time**

Hourly employees will receive compensation for prior approved travel time when the amount of time exceeds their regular commute time. The employee and supervisor should discuss travel time in advance and may flex time during the same pay period.

### **Holiday Pay**

1. If employees are requested or required to work on a holiday, they will receive double-time pay (two times the regular hourly rate of pay) for the hours worked or be allowed to receive regular pay for the holiday hours worked and take an additional pre-approved day off with pay at a later date.
2. If a holiday falls on a Saturday or Sunday, then the previous Friday or following Monday will usually be the observed holiday.

### **Recording Non-Working Hours – Exempt (Salaried) Employees**

The College complies with applicable laws that require records to be maintained of the hours worked by exempt employees. To ensure that accurate records are kept of the hours actually worked, exempt employees will be required to record their absences according to the College's official time record form. This form must be completed, signed, and forwarded to the employees' supervisors on a bi-weekly basis.

Employees are expected to have regular attendance on campus. Salaried employees sometimes work

additional hours to meet work demands and do not earn overtime or accrue compensatory time for hours worked beyond forty in one week.

Non-instructional salaried employees are expected to conduct their work from their campus offices or wherever their assignment may take them in the course of their College business. Non-instructional salaried employees are expected to inform their supervisors whenever they will be away from their primary work locations.

Instructional salaried employees work in an open campus environment. Expectations of instructional salaried employees include, but are not limited to, maintaining expertise and required certification in assigned content areas, demonstrating pedagogical mastery in all delivery modes, developing programs, and maintaining currency in course curricula.

Instructional staff will be assigned teaching and non-instructional activities with a minimum of 22 contact hours. They will also be required to be available a minimum of four (4) office hours over a minimum of three (3) days per week.

### **Paydays**

All employees (hourly and salaried) are paid on a fiscal year, bi-weekly basis through direct deposit and will be notified via their Southwest Tech e-mail when the pay advice is ready for viewing. Each paycheck will include earnings for all work performed through the end of the previous payroll period. If a scheduled payday falls on a College-observed holiday, employees will usually be paid on the day preceding the weekend or holiday. For payroll purposes, a regular workweek begins on Sunday and ends on the following Saturday.

All required deductions, such as federal and state taxes, and all authorized deductions will be withheld automatically from employees' paychecks. Questions concerning why deductions were made from a paycheck or how they were calculated should be addressed to the Payroll Supervisor in the Human Resources office.

## **Payroll Deductions**

The College makes every effort to ensure that paychecks are accurate. Normal deductions required by law or College policy or authorized by the employee will be taken from the gross amount of the payroll check. Employees should check their pay advices carefully to ensure that they are accurate and that all deductions are correct. Improper deductions are strictly prohibited. If a payroll error occurs that initiates an additional cost or fee to the employee, then the College will pay the fee or make the employee whole.

The College complies fully with both state and federal wage and hour laws and regulations. Any employee who believes that an improper deduction has been taken should contact the Payroll Supervisor or Human Resources Director immediately. The Payroll Supervisor will review the matter and inform the employee of the outcome of that review. If an improper deduction has occurred, the College will reimburse the employee on the next possible payroll date.

## **No Impermissible Deductions**

The College will not make deductions from the pay of exempt, salaried employees because of variations in the quality or quantity of their work, nor will the College make any other impermissible deductions from their pay under the federal or state wage and hour laws. An employee who believes that he or she has been subjected to an impermissible pay deduction **must promptly report** the pay deduction to his or her supervisor or the payroll supervisor. The College will promptly investigate the concern about the pay deduction. If the College determines that an impermissible deduction has been made from an exempt employee's pay, the College will reimburse that employee, in full, for the improper deduction, and the College will take all actions it deems necessary to ensure compliance with the salary basis test in the future.

## **Severe Weather, Emergency Closing, or Major Disaster**

The College is generally open for business, regardless of weather conditions. However, weather conditions may prevent employees from getting to work or cause them to arrive late. When severe weather conditions exist, it is the responsibility of each employee to find out if the College is closed.

If the College is officially closed, employees who were scheduled for work will receive regular compensation for that time. If the College closes early on a day of severe, inclement weather, only those employees who reported and were scheduled for work that day will be compensated for the time that the College is officially closed.

Employees are expected to make every reasonable effort to report to work when the College is open during inclement weather. Employees who are unable to get to work or expect to be late should contact their supervisors as soon as possible. Days or hours missed due to inclement weather when the College is open are without pay; however, vacation time or personal leave may be used.

When there is a major disaster that requires the school to close for more than five days, employees will receive compensation for no more than five consecutive school days.

## **Expense Reimbursement, Travel, Personal Protective Equipment, and Uniforms**

All employees will be reimbursed for approved expenses incurred in conjunction with the performance of job-related responsibilities and authorized College business. To be eligible for reimbursement, expenses must be claimed in accordance with established procedures. All expenses shall be planned with the principles of fiscal austerity, employee productivity, and energy conservation in mind.

Employees who are required to wear safety shoes and/or safety glasses in designated areas will be eligible for a \$100 reimbursement per item on an annual basis.

In some work areas and departments (i.e. maintenance), uniforms will be provided by the College.

The Expense Reimbursement Policy and Expense Reimbursement form can be accessed through the link located on the staff intranet or by requesting a copy from Human Resources.

[Expense Reimbursement Policy](#)

[Expense Reimbursement Form](#)

## **Employee Gifts and Gratuities**

Employees may not solicit or accept monetary gifts, gifts-in-kind, or other items of significant value for personal gain. Gifts may be accepted on behalf of the college in the course of doing business (for example, promotional items, meals, or samples), if doing so advances the purposes of the College and there is no explicit or implied obligation by the College to the organization or individual giving the gift. Monetary gifts or gifts-in-kind of significant value may be accepted by or on behalf of the Southwest Tech foundation, if those gifts are accepted in compliance with the policies and processes of the Foundation. Please contact your supervisor if you are unsure of how to manage gifts significant in value.

## **LEAVES OF ABSENCE AND OTHER TIME OFF BENEFITS**

### **Family and Medical Leave Policy**

It is the policy of the College to comply with the requirements of the Federal and Wisconsin Family and Medical Leave Acts (FMLA). Federal and Wisconsin FMLA leave will run concurrently with any disability, major medical, personal, or sick leave granted for that purpose to the extent provided by law.

### **Eligibility**

To be eligible for federal FMLA leave, the employee must (1) have been employed by the College for at least 12 months, (2) have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave, and (3) be employed at a work site where 50 or more employees are employed by the College within a 75-mile radius.

To be eligible for Wisconsin FMLA leave, the employee must have (1) been employed by the College for more than 52 consecutive weeks and (2) been compensated for 1,000 hours during the 52-week period immediately preceding the commencement of the leave.

The College will inform an employee who is requesting leave whether he or she meets the basic eligibility requirements for state and federal FMLA leave. At the same time, the Human Resources personnel will inform the employee of any additional information required to verify that the need for leave is for a FMLA-qualifying reason and of the employee's rights and responsibilities while taking FMLA leave.

### **Types of Leave and Amount of Leave Available**

Generally, federal law allows eligible employees to take up to 12 weeks of unpaid leave in a calendar year for one or any combination of the following reasons:

1. The birth of an employee's child or because of the placement of a child with the employee for adoption or foster care; such leave must generally be completed within 12 months of the birth or placement.
2. To care for a child, spouse, or parent who is suffering from a serious health condition; a "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

3. To care for his or her own serious health condition, and
4. To address a qualifying exigency arising out of the active duty or call to active duty of an employee's spouse, child, or parent in support of a contingency operation. However, the federal FMLA does not provide for a full 12 weeks of leave for all types of qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative child care, addressing certain counseling sessions, and attending post-deployment reintegration briefings.

Furthermore, employees are entitled to take up to 26 weeks of unpaid leave to care for the employee's spouse, child, parent, or next of kin who is a covered service member who incurs a serious illness or injury while in the line of duty on active duty. A covered service member includes current members of the armed forces. This leave is available only during a single 12-month period and is available on a per-covered service member, per-injury basis. In certain instances, this leave may be combined with all other FMLA leaves, limiting the employee's FMLA leave entitlement for all purposes to no more than a total of 26 weeks of leave during the single 12-month period.

In a calendar year, Wisconsin law allows employees to take

1. up to six weeks of family leave for the birth or adoption of a child; an employee must request family leave that commences no earlier than 16 weeks before the estimated

birth or placement for adoption or foster care and no later than 16 weeks after the actual birth or placement.

2. up to two weeks of family leave to care for a child, spouse, domestic partner, parent or parent-in-law (including a domestic partner's parent) suffering from a serious health condition.
3. up to two weeks of medical leave for an employee to care for his/her own serious health condition.

Employees should contact Human Resources to determine whether a request for leave qualifies under one of the above categories.

### **Notifying the College of the Need for Family or Medical Leave**

#### **Requesting Leave**

In all instances, the College will require an eligible employee to submit a completed Request for Family and Medical Leave Form to Human Resources. Forms are available in the College Human Resources office.

When asking for FMLA leave, an employee must provide sufficient information for the College to determine if the absence may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, a family member is unable to perform daily activities, or the employee or family member requires hospitalization or continuing treatment because of a serious health condition. Sufficient information may also include circumstances supporting the need for military family leave. The College may then collect other information from the employee to properly determine whether the absence will be treated as FMLA leave. If the employee is seeking leave for an FMLA-qualifying reason for which the College has previously provided FMLA-protected leave, the employee must specifically refer to the qualifying reason for leave or the need for FMLA leave that has been previously taken or certified. Failure to do so may result in the delay or denial of FMLA-approved leave.

## **Timing of Request for Leave**

Generally, if the need for FMLA is foreseeable, an employee's request for FMLA leave should be submitted as far in advance as possible, no later than 30 days before the leave is expected to commence. If the approximate timing of the need for leave is not foreseeable, employees should give notice of the need for leave as far in advance as possible. Notice of leave for a qualifying exigency must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

If the employee is capable of complying with the College's normal call-in and reporting procedures or arranging for the College to receive timely notice of the employee's absence and fails to do so, the College may deny or delay the FMLA leave.

## **Certification of the FMLA-Qualifying Need for Leave**

The College requires employees to submit a completed certification form, verifying the need for FMLA leave. The specific form required will depend upon the reason for the leave request; however, it will be one of the following forms, all of which are available in Human Resources.

- Certification of Health Care Provider for Employee's Serious Health Condition Form
- Certification of Health Care Provider for Family Member's Serious Health Condition Form
- Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave Form
- Certification of Qualifying Exigency for Military Family Leave Form
- Affidavit of Domestic Partner Status and required documentation

The applicable certification form must be completed by the appropriate individual: the treating health care provider for a serious health condition, an authorized health care provider in the case of a serious illness or injury of a service member, or the employee for a qualifying exigency.

Employees must return the certification form to Human Resources within 15 calendar days after the date of the College's request. If an employee cannot comply with this deadline, the employee must contact the Human Resources Director and request an extension prior to the date that the form is due. Failure to return the form and/or request an extension in a timely manner may result in the denial of the employee's FMLA leave request.

## **Additional Certifications of Serious Health Conditions**

If the College has a reason to question the validity of a medical certification of a serious health condition of the employee or the employee's family member, an employee may be required to provide a second certification from a health care provider who is selected and paid for by the College. If the second opinion differs from the first, a third opinion may be required. The health care provider for the third opinion must be mutually chosen by the employee and the College and paid by the College. The third opinion, by law, is binding on all parties.

Periodic recertification and annual certifications to verify that the serious health condition of an employee or employee's family member is ongoing may be required, as provided by the law. Failure to provide this certification within 15 days of a request will result in the delay or denial of the leave.

### **Designation of FMLA Leave**

The College will provide employees with a Designation Notice informing them of whether the leave will be designated as FMLA protected.

### **Use of Paid and Unpaid Leave**

Under Wisconsin's FMLA, an employee entitled to family or medical leave may substitute (use), for any leave requested under the Act, any other paid or unpaid leave which has accrued to the employee. The College will require substitution when an employee is taking leave under Wisconsin's FMLA.

Under federal law, the College requires that the employee substitute accrued vacation, disability, personal, or other College-provided paid leave during periods of federal FMLA leave. However, the College may prohibit the substitution of any accrued paid leave where the employee does not otherwise meet the conditions for use of such leave.

When paid benefits are substituted for the otherwise unpaid time, the employee is using the benefits concurrently with the FMLA leave, and those benefits will not be available to the employee later. Similarly, substitution or use of paid leave does not extend the amount of FMLA leave available to an employee; it only provides for pay.

As appropriate, an employee on medical leave (for the employee's own serious health condition) may simultaneously be eligible for and receive Disability or Workers' Compensation benefits. In such cases, Disability and Workers' Compensation leaves of absence will run concurrently with this family and medical leave.

### **Intermittent and Reduced Schedule Leave**

Intermittent leave or reduced-schedule leave will be permitted when it is medically necessary and in the case of qualified exigencies. If an employee wants to take family leave for the birth or placement of a child for adoption or foster care on an intermittent basis (as opposed to taking leave on a continuous basis), the employee must first discuss this with Human Resources. Such a request may not be granted in all instances.

Intermittent leave and reduced-schedule leave for planned medical treatment should be scheduled with minimal disruption to the College's operations. As practicable, medical appointments and treatment related to a serious health condition or a covered service member's serious illness or injury must be scheduled outside of working hours or at such times as allow for a minimal amount of time away from work.

If leave is taken on an intermittent or reduced-schedule basis, the employee may be temporarily transferred to another job with no reduction in pay and benefits if the new position will better accommodate recurring periods of leave than the employee's regular position.

## **Benefit Continuation During Leave**

Employees may elect to continue group health insurance coverage while on leave as if they had continued working. Employees will be required to continue to pay their portion of the premium as if they had continued working. Other employment benefits, such as group life insurance, will also be continued during the leave, as long as the employee continues to pay any required contribution. If an employee has pay substituted for otherwise unpaid FMLA leave or has appropriate pay available, the employee contribution toward the insurance premium will be deducted as part of a normal payroll deduction to the extent permitted by law. To the extent that a payroll deduction is not available to fully cover the employee contribution, the employee must make the appropriate premium payment no later than the payday to which coverage relates. If an employee does not make the appropriate employee contribution to the cost of group health plan coverage within thirty (30) days of the due date, the employee's group term health benefits will cease.

Use of FMLA leave will not result in the loss of any employment benefit that accrued to an employee prior to the start of an employee's FMLA leave.

## **Rights upon Return from Leave**

An employee who takes leave under FMLA will be reinstated to the same position or an equivalent position upon completion of the leave. However, the law provides that an employee has no greater rights upon a return from leave than the individual would have had if he or she had continued to work. Therefore, an employee may be affected by a layoff or other job change if the action would have occurred had the employee remained actively at work.

## **Fitness for Duty**

If leave has been taken due to the employee's own health condition, the employee must provide a Fitness for Duty Certificate to Human Resources before returning to work. Failure to provide a Fitness for Duty Certificate may result in the delay or denial of job restoration. Fitness for Duty Certificates are available in Human Resources.

## **Periodic Reports and Intent to Return to Work**

While on leave, an employee is requested to report periodically to the College regarding his or her status and intent to return to work. Any changes in status that would affect the employee's estimated return-to-work date should be reported immediately to the Human Resources Director and affected supervisors.

## **Extensions of Leave**

An employee is expected to return to work upon expiration of an approved leave. An employee needing an extension of an approved leave must notify the Human Resources Director and the employee's supervisor promptly after learning of the need for the extension. Extensions may be granted under other College policies and/or laws. If an employee fails to report to work promptly upon expiration of approved FMLA leave, any additional absences will be considered unexcused.

A request for an extension must be in writing and accompanied by any required forms prior to the expiration of the original leave. The College does not guarantee an extension will be granted; and the continuation of benefits, substitution of other paid leave, and employment status may change if an extension is granted.

### **Miscellaneous**

The Wage and Hour Division of the U.S. Department of Labor is the federal agency that regulates the federal FMLA. Federal law makes it unlawful for a College to interfere with, restrain, or deny the exercise of any right provided under the FMLA or to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for the involvement in any proceeding under or relating to the FMLA. Nothing in the FMLA affects any federal or state law prohibiting discrimination or supersedes any state or local law or collective bargaining agreement which provides greater family and medical leave rights. Employees have the right to file a complaint with the U.S. Department of Labor (DOL) or bring a private lawsuit if they feel the College has violated their rights under the FMLA. For more information, employees may contact the DOL at (866) 487-9243 or [www.wagehour.dol.gov](http://www.wagehour.dol.gov). However, it is the preference of the College that employees first bring any questions or concerns to the attention of the Human Resources office.

### **Bereavement Leave**

If a death occurs in the family of a full-time regular or part-time regular employee, that employee will be compensated for time lost from his or her regular work schedule in order to make arrangements for, travel to, and attend the funeral in accordance with the following guidelines:

1. The employee will be granted up to five days off from work with pay in the event of the death of a spouse, designated domestic partner, parent, child, grandchild, or sibling. Relationships include step, adopted, and foster status.
2. The employee will be granted up to three days off from work with pay in the event of the death of his or her grandparents, an aunt or uncle, mother- or father-in-law, son- or daughter-in-law, brother- or sister-in-law, or a niece or nephew.

The statements above are guidelines, and it is understood that there may be extenuating circumstances that will warrant approval. All requests and scheduling of Bereavement Leave should be made with the employee's immediate supervisor.

The College may request appropriate documentation before paying for the Bereavement Leave.

### **Jury and Witness Duty Leave**

Jury duty leave provides paid time off to employees who fulfill their civic responsibility when summoned for jury duty. If jury duty is cancelled or is adjourned in the morning, the employee is expected to return to work on the same day.

An employee on jury duty will receive a reimbursement from the court to cover extra expenses that may be incurred. The employee is not required to forward this reimbursement to the College.

To qualify for jury or witness duty leave and to allow for scheduling in the affected department, an employee must submit a copy of the summons to serve to his or her supervisor as soon as practicable after it is received. In addition, proof of service must be submitted to the supervisor when the period of jury or witness duty is completed.

Employees who are summoned to appear in court for personal reasons will be required to use paid time off.

### **Vacations**

Because of the importance of vacation time in providing the opportunity for rest, recreation, and personal activities, the College grants annual paid vacations to full-time regular annual staff that are based on the following schedule:

0 through 2 years of service	10 Days
More than 2 years through 5 years of service	12 Days
More than 5 years through 10 years of service	15 Days
10+ years of service	20 Days

New (less than one year of service) regular full-time, regular part-time and administrative employees will receive vacation on a pro-rata basis. The College has the discretion to allow for variations in the above schedule.

Vacations must be approved in advance by the employee's immediate supervisor.

Instructional staff may request unpaid time off for extenuating circumstances (not for health reasons). Approval will be at the supervisor's discretion, and requests must be made and approved prior to the date being requested. For example, if an instructional staff member's daughter plans to marry in November and the wedding is in Hawaii, the employee should request prior approval from his or her supervisor for the unpaid time off.

### **Vacation Carryover**

The maximum amount of vacation carryover into the next fiscal year is 10 days.

Vacation carryover example:

20 vacation days – 8 vacation days taken that fiscal year => 12 vacation days remaining;  
10 are carried over and 2 are forfeited

Employees who have a balance of unused vacation days in excess of ten as of June 30, 2013, will be required to use them by June 30, 2017, or the unused days will be forfeited.

**Note: Employees who were previously under contract and required to use and reduce their**

**vacation carryover to no more than three weeks by June 30, 2013, will not be required to meet that requirement. Instead, they will be required to have no more than ten days of carryover by June 30, 2017, and will forfeit vacation days in excess of ten after that date.**

### **Pay in Lieu of Vacation**

Employees are encouraged to take their earned vacation. No payments will be made in lieu of taking vacation, except for the payout of any accrued, unused vacation that exists at the time of termination.

### **Donation of Vacation**

If, as a result of serious illness or injury (self), an employee has depleted or will completely exhaust sick and vacation leave, another staff member may make a voluntary transfer of up to two (2) days of accrued vacation leave. The employee may not receive donated vacation time greater than the amount that he or she was allotted in the fiscal year in which the serious illness or injury first occurred. The donation process is voluntary, and the donor will remain anonymous. Employees who are interested in donating vacation time should contact Human Resources.

### **Vacation Pay for Terminating Employees**

If employment is terminated for any reason, the employee is entitled to payment for all accrued, unused vacation time. Any vacation used above the accrued amount available will be deducted from the employee's last paycheck.

### **Holidays**

The College provides paid time off to all full-time regular and part-time regular employees on the following holidays. Employees are paid for the holidays that fall during their normal work schedule.

Labor Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve Day  
Christmas Day  
New Year's Eve Day  
New Year's Day  
Martin Luther King Day  
Spring Holiday (Good Friday)  
Memorial Day  
Independence Day  
Winter break (see note below)

Note: Three (3) workdays between Christmas and New Year's will be paid time off (Holidays)

Holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday. Employees will be notified prior to the beginning of each calendar year of the actual dates on which these holidays are observed.

## **Personal Time**

The College permits all **regular full-time academic year employees** to take up to 16 hours of paid personal time each fiscal year for personal reasons. Personal time is approved by the supervisor.

## **Sick Days**

The College recognizes that the inability to work because of illness or injury may cause economic hardship. For this reason, the College provides ten (10) paid sick days to full-time regular employees. Part-time regular employees will receive pro-rated sick time. Sick days may be used for a child, spouse, domestic partner, parent or parent-in-law (including a domestic partner's parent) suffering from an illness. An employee must notify his or her supervisor on or before the first day of absence due to illness in order to be paid for sick leave. In cases of prolonged illness, employees are expected to keep their supervisors and/or Human Resources personnel informed at regular intervals of their conditions and the anticipated dates of return to work. Employees who are absent for more than five (5) consecutive days will be required to have a work release to return to work.

## **Community Fire and Rescue Squad Leave**

Employees will be allowed to participate without loss of pay for fulfilling voluntary service to the Fennimore Fire Department and Rescue Squad. Due to special demands and responsibilities of an employee's job, there may be times when the employee cannot be excused to respond to an emergency call. Therefore, employees should discuss their service and under what circumstances they may or may not respond to an emergency call with their supervisor in advance. Employees serving as volunteers in communities outside of Fennimore may also participate; however, they must work out a make-up schedule with their supervisor, use vacation time, or take the time off without pay. The difference in policy for volunteers in Fennimore vs. other communities is because Southwest Tech's campus is a part of the Fennimore community and receives service from the Fennimore Fire Department and Rescue Squads.

## **GROUP HEALTH AND RELATED BENEFITS**

### **Employee Benefits Program**

The College has established a variety of benefits and services that are designed to assist employees and their eligible dependents to meet the financial burdens that can result from illness, disability, and death, as well as help them plan for retirement and deal with job-related or personal issues. Qualifying employees are eligible for benefits, and that eligibility varies by employee classification. These benefits are designed to enhance the welfare and well-being of each individual and, in some cases, extend coverage to include the employees' families.

These benefits are subject to change from time to time at the sole discretion of the College, with or without notice. Complete details of the benefits are set forth in the actual plan documents. In the event of a conflict between the description of the benefits in this Handbook and the actual plan documents, the plan documents will prevail. At present, the College provides the following benefits:

[Benefit Information Hyperlink](#)

## **Medical Coverage**

All full-time regular and part-time regular employees and their eligible dependents are eligible to participate in the College's medical coverage plan. Coverage for eligible employees is effective on the first day of the month following employment. Any portion of the premium not covered by the College must be paid by the employee electing the insurance coverage.

Benefits under this plan terminate at midnight on the last day of the month in which employment with the College terminates. Interested employees should review the College's policy in this Handbook regarding continuing group health insurance benefits after termination of employment (Benefits Continuation [COBRA]).

Instructional staff members who complete their academic year and then retire will be allowed to remain on the College's medical insurance until the end of the same fiscal year.

For further details regarding the medical coverage plan, employees should consult the Summary Plan Description booklet or contact the Human Resources office.

Further information on the College's medical coverage can be accessed through the following link: [Benefit Information](#)

## **Dental Insurance**

All full-time regular and part-time regular employees and their eligible dependents are eligible to participate in the College's group dental insurance program. Coverage for eligible employees is effective on the first day of the month following employment. Any portion of the premium not covered by the College must be paid by the employee electing the insurance coverage.

Benefits under this plan terminate at the end of the month of the date in which employment with the College terminates. Interested employees should review the College's policy in this Handbook regarding continuing group health insurance benefits after termination of employment (Benefits Continuation [COBRA]).

Instructional staff members who complete their academic year and then retire will be allowed to remain on the College's dental insurance until the end of the same fiscal year.

Employees who are interested in obtaining further details regarding dental coverage should consult the Summary Plan Description booklet or contact the Human Resources office.

Further information on the College's Dental Plan can be accessed through the following link: [Benefit Information](#)

## **Vision Insurance**

The College offers vision insurance benefits to eligible employees. Employees may participate in the vision program at their own expense and are subject to the provisions of the plan and enrollment

requirements.

Further information on the College's Vision plan can be accessed through the following link: [Benefit Information](#)

### **Domestic Partners**

The College allows designated domestic partners to participate in the medical and dental insurance plans. Participants must be in a committed relationship and intend to remain in this relationship for the foreseeable future. Employees who would like more information should contact the Human Resources office.

To view additional information on the Domestic Partner Benefit Program, employees can follow the link located on the staff intranet or request a copy from the Human Resources office. [Domestic Partner Benefit](#)

### **Basic Group Life Insurance**

All full-time regular and part-time regular employees are provided with a basic group life insurance policy by the College. Coverage under this program is available for employees only and is effective on the first of the month following employment.

The amount of basic group life insurance coverage is based on the employee's base wages and is rounded to the next highest \$1000. Additional coverage for the same amount is provided in the event of accidental death or dismemberment. Life insurance benefits terminate on the date on which employment with the College terminates.

Employees may purchase additional life insurance through payroll deductions.

For further details regarding life insurance benefits, employees should consult the Summary Plan Description booklet or contact the Human Resources office.

Further information on the College's Basic Group Life Insurance can be accessed through the following link: [Benefit Information](#)

### **Long-term Disability Insurance**

The College provides all full-time regular and part-time regular employees with long-term disability insurance benefits. Coverage for eligible employees is effective on the first of the month following employment.

Under this program, employees who are disabled for more than 90 days because of injury or sickness (in accordance with the definition of *disability* specified in the Summary Plan Description booklet) are eligible to receive a benefit equivalent to 66 <sup>2</sup>/<sub>3</sub> percent of their basic monthly earnings, up to a maximum benefit of \$10,000 per month (less other income benefits). Benefits continue for as long as the qualifying disability continues in accordance with the maximum benefits periods specified in the Summary Plan Description booklet.

Coverage under this plan normally terminates on the date employment with the College terminates. Employees receiving long-term disability benefits at the time of termination will continue for as long as the qualifying disability continues, as previously noted.

For further details regarding long-term disability coverage, employees should consult the Summary Plan Description booklet or contact the Human Resources office

Further information on the College's Long-Term Disability Insurance can be accessed [Benefit Information](#)

### **Worker's Compensation Insurance**

The College provides a comprehensive Worker's Compensation Insurance program.. This program covers injuries or illnesses sustained in the course of employment that require medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance generally provides benefits after a short waiting period and will run concurrent (at the same time) with sick leave for all time or days away from work

Employees who sustain work-related injuries or illnesses must inform their supervisors or the Human Resources office immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an employee to qualify for coverage as quickly as possible.

Questions regarding worker's compensation should be directed to the Human Resources office. To access the form and report an incident for Worker's Compensation, employees should follow the link located on the staff intranet, or request a copy from Human Resources. [Worker's Compensation Form](#)

### **Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualifying beneficiaries the opportunity to continue health insurance coverage under the College's health plan when a "qualifying event" would normally result in the loss of benefit eligibility. Some common qualifying events include resignation, termination of employment, death of an employee, a reduction in an employee's hours, a leave of absence, an employee's divorce or legal separation, and a dependent child who no longer meets eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the College's group rates plus an administration fee. COBRA benefits are available to the employee or beneficiary for a specified amount of time. The College provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the College's health insurance plans. The notice contains important information about the employee's rights and obligations.

## **Wisconsin Retirement System of Department of Employee Trust Funds**

The College contributes to the Wisconsin Retirement System (WRS) to assist employees in their postemployment years. Employees are encouraged to begin planning for retirement early in their careers so that the WRS benefits, benefits from the federal government's social security program, and income from personal investments can grow together to provide future financial security.

The retirement plan, which is funded both by College and employee contributions, is designed to provide employees with monthly benefits when they retire. Each employee contributes one-half of the actuarially determined contribution to WRS. The amount of benefits that an employee receives when he or she retires depends on, among other things, years of credited service with the Wisconsin Retirement System and income.

Information about the WRS can be accessed through the following link or by contacting the Human Resources office. [Wisconsin Retirement](#).

### **Other Deferred Compensation Plans**

The College has established 403(b) and 457 plans that are available to all eligible employees. The purpose of these plans is to encourage eligible employees to save on a pre- and post-tax basis and to build a financial reserve for retirement.

Eligible employees may join the plan at any time and are subject to all terms and conditions of the plan.

These savings plans allow employees to elect how much salary they want to contribute and to direct the investment of the plan account to the identified vendors so that the employees can tailor their own retirement packages to meet their individual needs. Because contributions are automatically deducted from pay before federal and state tax withholdings are calculated, employees save tax dollars now by having their current taxable amount reduced. Employees may also make contributions post-tax, which means that they avoid paying the taxes on the contributions that they make after they retire.

Complete details of the savings plans are described in the Summary Plan Description provided to eligible employees. Interested employees should contact the College Human Resources office for more information about the 403(b) and 457 plans.

### **Flexible Spending and Health Savings Accounts**

The College offers all employees the opportunity to participate in an IRS Section 125 Flexible Spending Plan (FSA) or Health Savings Account (HSA). Employees contribute pre-tax dollars from their pay that can be used toward qualifying medical and/or dependent-care expenses.

### **Tuition Reimbursement**

The College advocates individual growth and development through appropriate training and education at accredited institutions. Full-time regular employees are eligible for additional training/education that may include the following:

- Training and education related to the employee’s current position
- Training and education not directly related to the employee’s current job assignment but consistent with the employee’s professional development plan and mutually beneficial to the employee and the College

The College will reimburse 50 percent of the actual tuition cost per credit, up to six credits per fiscal year, at the college or university that the employee is attending not to exceed 50 percent of the current tuition cost per credit at the undergraduate or graduate level (whichever is applicable) at the UW-Madison. Training and education should be provided through accredited institutions of higher education or approved manufacturer, vendor, and distributor workshops.

The employee must receive prior approval for the coursework/training from his or her immediate supervisor. Also, if the employee participates in a “for credit” professional development opportunity and at the same time the employee is being paid to participate in that opportunity, then the College will not reimburse the employee for the credits.

Enrollment in a degree program requires the written approval of the employee’s immediate supervisor and the president’s designee.

Employees interested in learning more about the College’s tuition reimbursement program should contact the Human Resources office.

### **Employee Assistance Program**

The Employee Assistance Program (EAP) is a service available to employees and their immediate families, offering confidential, professional help for issues such as grief, stress, personal help, drug addiction, and other life-changing events. The EAP provider for Southwest Tech employees is Life Matters. The telephone number is 1-800-634-6433 and the Web address is [www.mylifematters.com](http://www.mylifematters.com).

To view further information on the EAP Program, employees can follow the link located on the staff intranet or contact the Human Resources office. [EAP](#)

[Benefit Information Hyperlink](#)

### **Additional Benefits**

#### **Child Care Facility**

The beautiful, state-of-the-art child care facility is licensed through the State of Wisconsin, and the curriculum is based on the latest research in early childhood education. All employees are eligible to access the services of the child care facility. Payments can be made through payroll deduction.

#### **Fitness Center/Aerobics Room**

Students, staff, and immediate family members of staff currently have free access to the fitness center and aerobics room.

## **Wellness**

The College offers a variety of programs that concentrate on preventative health measures. Focusing on employee health not only helps employees improve or maintain their quality of life but also helps contain rising health care costs. Programs offered include health assessments, physical activity challenges, on-site fitness classes, blood pressure screenings, flu shot clinics, and a variety of educational programs.

The College also has an active Wellness Committee that encourages employees to participate in activities that integrate body, mind, and spirit.

## **Library**

Southwest Tech's library has a sizeable collection of materials and resources and is open to all students, staff, and residents of the Southwest Tech District.

## **Vehicle Repairs**

Students and staff may have their vehicles serviced onsite by the College's Automotive Technician students, provided that the requested service or repair is within the program's current curriculum. A fee is assessed for these services.

## **Salon & Spa**

Students and staff may visit the Creative Elements Salon and Spa for a full range of cosmetology services. A fee is assessed for these services.

## **EMPLOYEE CONDUCT**

### **Personal Appearance and Demeanor**

During hours of operation or during College programs and activities, employees are expected to present a clean and neat appearance and dress according to the requirements of their positions. When working either on or off-campus, employees are strongly encouraged to wear their name badges. This helps students and the public know whom they might ask for assistance. Employees who appear for work inappropriately dressed will be counseled by their supervisors and, if needed, will be sent home and directed to return to work in proper attire. Employees who are provided a uniform by the College will be required to report to work in the appropriate uniform.

Employees who have questions should consult their supervisors or the Human Resources office as to what constitutes appropriate attire.

## **Absenteeism and Tardiness**

To maintain a safe and productive work environment, the College expects all of its employees to be reliable and punctual about reporting for scheduled work. Employees who are unable to work should follow department guidelines for notification of those who need to know. Employees must notify their supervisors or department-designated person at least one hour before starting time on each day of absence, unless granted an authorized medical leave, in which case different notification procedures apply. (See the Family and Medical Leave policy section.)

Absenteeism or tardiness that is unexcused or excessive in the judgment of the employee's supervisor may result in discipline and may jeopardize the employee's continued employment with the College.

## Guidelines for Appropriate Conduct

As an integral member of the College team, each employee is expected to accept certain responsibilities, to adhere to acceptable business principles in matters of personal conduct, and to exhibit a high degree of personal integrity. Whether on or off duty, employee conduct reflects on the College. Employees are encouraged to observe the highest standards of professionalism and ethics.

Types of behavior and conduct that the College considers inappropriate include but are not limited to the following:

1. Acting dishonestly in any way, including falsifying a job application or other records
2. Violating the College's Anti-harassment and Nondiscrimination Policy
3. Being absent or tardy excessively or leaving work early without permission
4. Reporting to work under the influence of non-prescribed drugs or alcohol
5. Manufacturing, possessing, using, selling, distributing, or transporting drugs illegally
6. Possessing or using alcoholic beverages on or off College property while engaged in College business, except where authorized
7. Fighting or using obscene, abusive, or threatening language or gestures. Note: The College recognizes that some programs will be required to use inappropriate language for training purposes, and such language will not be considered inappropriate in that setting.
8. Stealing from the College or from coworkers, customers, or students.
9. Engaging in excessive, unnecessary, or unauthorized use of the College's equipment or supplies, particularly for personal purposes.
10. Having unauthorized firearms on the College premises or while on College business.
11. Disregarding safety or security regulations.
12. Using a camera or other photographic, video graphic, or tape-recording equipment inappropriately.
13. Loitering or sleeping during work hours.
14. Responding to supervisors with insubordination.
15. Failing to adhere to FERPA regulations and maintaining the confidentiality of the College, customer, or client information.
16. Destroying, defacing, or using College property or the property of others improperly or without authorization.
17. Acting in a way that is intentionally negligent or careless so as to endanger the employee's safety and the safety of others, damage property, or harm the College.
18. Gambling or other illegal activities at work.
19. Failing to report accidents or injuries in a timely manner.
20. Performing poorly.
21. Failing to cooperate in legitimate College investigations.
22. Violating or encouraging/assigning another employee to violate any policy set forth in this Handbook.
23. Violating confidential or proprietary information.
24. Communicating in an inappropriate, disparaging manner in any form with regard to the College, coworkers, customers, or students

If an employee's performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory in the judgment of the College, based on violations either of the above or of any other College policies,

rules, or regulations, he or she will be subject to disciplinary action, up to and including termination of employment. The severity of the discipline shall be determined by the College, in its sole discretion and in accordance with its disciplinary procedures.

### **Ethics, Conflicts of Interest, and Outside Employment**

Employees are expected to uphold the highest standards of ethical and professional behavior. Employees have an obligation to conduct business within guidelines that prohibit actual, potential, or perceived conflicts of interest. Outside employment is permissible if it does not interfere, compete, or conflict with College interests and does not hinder the employee's ability to meet the responsibilities and demands of his or her College-related work. To ensure that there is no conflict of interest, employees should consult with their supervisors and, if applicable, complete a non-disclosure/non-solicitation agreement.

Compliance with this policy is the responsibility of every College employee. Disregarding or failing to comply with this standard of ethics and conduct could lead to disciplinary action, up to and including termination.

### **Reference Check Disclosure Policy**

All requests for information on current or former employees must be referred to the Human Resources Department. Information given by phone will be limited to verification of employment dates, position title, and salary. In response to written requests (i.e., mortgage applications), information such as salary, dates of employment, and job position may be provided, only if an authorization signed by the employee is provided.

### **Workplace Searches and Investigations**

To safeguard the property of employees, students, and the College and to help prevent the possession of unauthorized weapons and the possession, sale, and use of illegal drugs on the College premises, the College reserves the right to search, with reason, any College phone; computer or equipment or any employee's office, desk, files, locker, vehicles; or any other area or article on the College premises. The College may utilize surveillance systems including cameras, throughout various locations to conduct internal investigations. Employees who refuse to cooperate in an investigation, as well as employees who are found to be in possession of stolen property, unauthorized weapons, or illegal drugs may be subject to disciplinary action.

### **Social Media**

The College respects the free speech rights of its employees. However, employees may be seen by others as representing official College views when participating in social media (blogs, chat rooms, and online social networks such as Facebook, LinkedIn, Twitter, etc.). As with all Internet and e-mail-related activity, it is the College's right to lawfully monitor employees' use of social media to protect the College's legitimate business interests. Employees have no expectation of privacy in any activity in which they engage on social media.

Employees are expected to use good judgment and discretion when using social media. Conduct that

would not be acceptable in the workplace is not acceptable online. The same College policies and practices that apply to employee activities in general apply to employee online activities.

The College has an established means to communicate with employees, students, customers, vendors, and the media, including social media. Only individuals officially designated by the College have the authorization to speak on behalf of the College to these audiences.

### **E-mail and Internet**

There should be no expectation of privacy in anything stored, sent, or received on the College e-mail system or while using the Internet. The College may monitor e-mail and Internet activity without prior notice; however, the College is not obligated to monitor these activities.

Information on the Internet and E-mail usage policy can be accessed by following the link that is located on the staff intranet or by contacting the Human Resources office.

[Internet Policy](#)

[Staff Email Policy](#)

### **Solicitations, Distribution of Literature and Political Activity**

The College prohibits the distribution of literature or the solicitation or sale of products or services for personal gain or profit on or in any premises owned, leased, rented, or occupied by the College, unless such solicitation or sale is authorized in writing by the Vice President of Administrative Services or his or her designee. This includes nonprofit organizations and community groups.

No employee shall engage in political activity upon any premises owned, leased, rented, or occupied by the College. The following activities and any other similar activities are specifically prohibited on college property and time: posting of political circulars or petitions, distributing of political circulars or petitions, collecting of and/or solicitation for campaign funds, and soliciting for campaign workers.

Information on the Solicitation Policy can be accessed by following the link that is located on the staff intranet or by contacting the Human Resources office.

[Solicitation Policy](#)

### **Bulletin Boards**

To maintain an effective avenue for communicating with employees, the College maintains bulletin boards. Bulletin boards are located throughout the campus facilities in areas that employees frequently visit in order to ensure that employees have constant access to posted information. Employees may post non-College materials only on bulletin boards designated by the College and with prior approval from Human Resources.

The bulletin boards located by the Human Resources office are used and limited to the communications of official government information on equal employment opportunity, wage and hour, health and safety, and other issues. They are also used to communicate information about the College's policies and its business announcements, such as job postings, safety rules, benefit programs, and notices announcing

special College events.

### **Tobacco (all forms) and E-Cigarette Policy**

The College has an established a policy that limits tobacco (in all forms) and e-cigarette use to designated areas on all College property. Locations assigned as “designated smoking areas” are clearly marked and have cigarette receptacles available. Tobacco, in all forms, and e-cigarette use is prohibited in or near buildings, while walking across campus, and in parking lots. Employees are expected to remind staff, students, or visitors who are using these products in non-designated areas and inform them of the location of the areas in which they are permitted.

Information on the Tobacco Policy can be accessed by following the link that is located on the staff intranet or by contacting the Human Resources office. [Tobacco Policy](#)

### **Drug and Alcohol Use**

Employees are required to report to work in appropriate mental and physical condition and perform their jobs in a satisfactory manner. If an employee is suspected of being under the influence of alcohol or an illegal drug, he or she may be requested to immediately submit to a drug and/or alcohol test. If the result of the test is positive, the employee may be subject to disciplinary action, up to and including termination.

The legal use of drugs currently prescribed for an employee is permitted on the job only if it does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner. Violations of this policy may lead to disciplinary action, up to and including termination and possible and have legal consequences.

Employees with drug or alcohol problems may seek assistance through the employee assistance program (EAP) or the College's health insurance benefit coverage.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should contact their supervisors or the Human Resources office.

Information on the EAP Program can be accessed by following the link that is located on the staff intranet or by contacting the Human Resources office. [EAP](#)

### **Safety and Health**

The College is committed to providing a safe and healthful work environment. The College makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

The College's policy is aimed at minimizing the exposure of students, employees, customers, and visitors to health or safety risks. To accomplish this objective, all employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures that are designed to prevent injuries and illnesses.

Each employee of the College holds the following responsibilities in regards to safety:

1. Exercise maximum care and good judgment at all times to prevent accidents and injuries.
2. Report the incident on the College Incident Report form and seek first aid for all injuries immediately, regardless of how minor.
3. Report unsafe conditions, equipment, or practices.
4. Use safety equipment provided by the College.
5. Observe conscientiously all safety rules and regulations.
6. Help students understand their responsibilities in maintaining a safe and healthful work environment.
7. Prepare and help students prepare for fire, tornado, crises, and other natural and unnatural disasters.

Employees may file a complaint or concern related to safety and health at any time by following the College's complaint procedure found at the end of this Handbook.

## **Weapons**

No person shall violate the College's Weapons Policy. Persons who have lost the legal right to possess a dangerous weapon by federal, state, or local statutes or federal, state, or local court order may not possess a dangerous weapon within the premises of any College-owned, leased, or operated location.

Information on the Weapons Policy can be accessed by following the link that is located on the staff intranet or by contacting the Human Resources office.

[Weapons Policy](#)   [Campus Security Policy](#)

## **Visitors in College Facilities and on College Property**

The College's facilities are authorized for public use in designated areas, according to the College Facilities Usage Policy.

Information on the College Facilities Usage Policy can be accessed by following the link located on the staff intranet or by contacting the Human Resources office. [College Facilities Usage Policy](#)

## **Workplace Violence and Bullying**

The College expressly prohibits any acts or threats of violence by any person in or about the College facilities or elsewhere at any time. The College also will not condone any acts or threats of violence against the students, employees, customers, or visitors who are on the College premises at any time or while they are working, either on or off the College premises.

In keeping with the spirit and intent of this policy and to ensure that the objectives of the College in this regard are attained, the College is committed to the following:

1. Provide a safe and healthy work environment in accordance with the College's safety and health

- policy.
2. Take prompt action, up to and including termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.
  3. Take appropriate action when dealing with any individual who engages in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
  4. Prohibit students, employees, former employees, customers, and visitors from bringing unauthorized firearms or other weapons onto the College premises.
  5. Establish viable security measures to ensure that the College facilities are safe and secure to the maximum extent possible and to properly handle access to College facilities by the public, off-duty employees, and former employees.

Employees have a duty to warn their supervisors, campus administrators, security personnel, or human resource representatives of any suspicious workplace activity or situations or incidents that they observe or that they are aware of, whether they involve other employees, former employees, vendors, or visitors. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and bullying.

The College defines bullying as “inappropriate behavior,” either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates the College’s Core Values, which convey that all individuals will be treated with dignity and respect.

Concerns about the behavior of anyone on campus should be sent to [concerns@swtc.edu](mailto:concerns@swtc.edu).

Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The College will not condone any form of retaliation against any employee for making a report or participating in an investigation under this policy.

Information on the Whistleblower and Non-Retaliation Policies can be accessed by following the link that is located on the staff intranet or by contacting the Human Resources office.

[Whistleblower and Non-Retaliation Policy](#)

[Harassment Policy](#)

## **Employee Discipline**

Discipline may take the form of a verbal warning, written warning, suspension (with or without pay), disciplinary demotion, or termination, depending upon the circumstances. The severity of the discipline shall be determined by the College in its sole discretion and in accordance with its Disciplinary Procedures.

The supervisor, in consultation with Human Resources, may place an employee on a performance improvement plan. The employee must demonstrate a willingness and ability to meet and maintain the conduct and work requirements as specified in the PIP.

When warranted, an employee may be suspended (with or without pay), during an investigation of an alleged violation. The employee will be informed of the alleged violation, resulting in suspension with pay.

### **Verbal Warning**

A verbal warning will involve a supervisor holding a conference with an employee. During the conference, the supervisor will verbally discuss concerns and what changes in job performance or behavior are necessary. The supervisor will document the concerns and expectations and inform the employee that future violations could lead to further discipline. The employee and supervisor will be asked to sign and date a document, indicating that its contents have been discussed. The employee may write a rebuttal, within 60 days of the issuance of the verbal warning, which will be attached to the document. A copy of the document(s) will be provided to the employee and filed in the employee's personnel file.

### **Written Warning**

Following an investigation, an employee may receive a written warning. A supervisor will hold a conference with the employee and present a written warning to the employee that specifies the violations, what changes in job performance or behavior are necessary, and the consequences for failure to improve. The employee and supervisor will be asked to sign and date the document, indicating that the written warning has been received. The employee may write a rebuttal within 60 days of the issuance of the written warning, which will be attached to the document. A copy of the document(s) will be provided to the employee and filed in the employee's personnel file.

### **Suspension**

During or following an investigation, an employee may be suspended with or without pay. Employee rights of appeal are outlined in the Addendum to this Handbook.

### **Disciplinary Demotion**

Following an investigation, an employee may receive a disciplinary demotion. Disciplinary demotion is the movement to a different position, which may result in a lower salary. Employee rights of appeal are outlined in the Addendum to this Handbook.

### **Termination**

Following an investigation, employment may be terminated. Termination is an involuntary separation of employment. The employee will receive written notice of termination. Whenever possible, a conference will be scheduled with the employee to inform him or her of the termination. A copy of the termination notice will be placed in the employee's personnel file. Employee rights of appeal are outlined in the addendum to this Handbook.

### **Complaint and Appeal Procedure for Discipline and Workplace Safety**

An employee who receives either a suspension without pay or a disciplinary demotion or who is terminated has the right to file a complaint and request an appeal. (See Addendum.)

### **Appeal Process for Discipline Not Covered by the Employee Complaint and Appeal Procedure for Discipline and Workplace Safety Issues**

### **Step 1**

The employee may submit a written request for review of the disciplinary action to the Vice President or designee within three (3) business days.

### **Step 2**

The Vice President or designee shall meet with the employee within seven (7) business days of receipt of the request for review. The Vice President or designee shall provide a final and binding written decision within five (5) business days after the meeting.

Copies of all relevant documents shall be submitted to Human Resources to be placed in the employee's personnel file. The foregoing timeline may be extended by the College because of extenuating circumstances.

### **Separation of Employment**

The College hopes that its relationships with employees are long-term and mutually rewarding; however, the College reserves the right to terminate the employment relationship at any time, unless prohibited by applicable law or College policy.

Exit interviews with the College Human Resources office are normally scheduled for outgoing employees after a supervisor receives notice of resignation or intent to retire. The purpose of these interviews is to review eligibility for benefit continuation and conversion, ensure that all necessary forms are completed, collect all the College property that may be in the possession of the employee, and provide the departing employees with an opportunity to discuss their job-related experiences.

**HANDBOOK RECEIPT AND ACKNOWLEDGEMENT**

I have received a copy of the Handbook dated \_\_\_\_\_  
(date on cover page of this Handbook)

I understand that the information in the Southwest Tech Employee Handbook represents guidelines only and does not supersede policies established by the Board. Unless otherwise provided by a collective bargaining agreement applicable to me, the College reserves the right to modify this Handbook or to amend or terminate any policies, procedures, or employee benefit programs (whether or not described in this Handbook at any time), or to require and/or to increase contributions toward those benefit programs. I understand that I am responsible for reading the Handbook and familiarizing myself with its contents.

I acknowledge that I understand that the College prohibits all forms of harassment and discrimination based on race, sex, age, religion, disability, marital status, national origin, and any other basis prohibited by law. I also understand that if I feel that I am being harassed or discriminated against, I have the right and responsibility to report this immediately as set forth in the College’s Anti-harassment and Nondiscrimination Policy.

I acknowledge that this guide supersedes any previous contracts, manuals, policies, procedures, or unwritten practices and may not be modified except by authorized College officials.

I acknowledge that nothing in this Handbook creates or is intended to create a promise or representation of continued employment and that employment at the College is “at will” to the extent allowed by applicable law. This means that the College cannot guarantee me or any employee continued employment for any definite period of time. I understand that I have the right to terminate my employment at any time, for any reason or no reason, to the extent allowed by applicable law; and the College retains the same right to terminate my employment at any time, as allowed by applicable law, unless I have a written agreement signed by me and an authorized representative of the College’s Board stating otherwise.

\_\_\_\_\_  
Name of Employee  
(Please print)

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

\_\_\_\_\_  
Today’s Date

## ADDENDUM

### **EMPLOYEE COMPLAINT AND APPEAL PROCEDURE FOR DISCIPLINE AND WORKPLACE SAFETY ISSUES – Pursuant to Wis. Stats. Sec. 66.0509**

#### **Purpose**

The purpose of this addendum is to establish an administrative complaint and appeal procedure with respect to discipline and workplace safety consistent with Sec. 66.0509 (1m) of the Wisconsin Statutes. This document applies when an employee (*complainant* as defined below) believes that he or she has been subjected to unfair or illegal discipline and/or unsafe working conditions (as defined below), provided that the alleged wrongful behavior had a significant connection to the employment of the complainant and the activities of the College.

To the extent that the provisions of Sec. 118.22, Wis. Stats are applicable, those statutory procedures shall be followed as required by law.

#### **Definition**

*Discipline* for the purposes of this procedure is defined as **disciplinary demotion, suspension without pay, or disciplinary termination.**

*Workplace safety* is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, and training.

*Complainant* is defined as any College employee, not to include student employees, on the payroll of Southwest Wisconsin Technical College who has a personal complaint as defined in this procedure.

*Complaint* is defined as any written allegation of impropriety regarding discipline or workplace safety as defined in this procedure. The written signed complaint shall include a clear and concise statement of the facts upon which the complaint is based, the specific policies alleged to have been violated (if any), and the relief sought. If mutually agreed upon by both parties, written complaints with the same or sufficiently similar underlying facts and policy issues may be combined at any time.

*Days* are defined as Monday through Friday when the College is open for business. Weekends, holidays, and days when the College is closed are excluded.

#### **Procedure**

##### **Step 1**

If an issue related to employee termination, employee discipline, or workplace safety, as defined in this procedure, has not been resolved informally with the complainant's immediate supervisor,

the complainant has the right to present a formal written complaint to the immediate supervisor within ten (10) days after the facts upon which the complaint is based first occurred. The supervisor will meet with the complainant within seven (7) days and provide his or her written response within ten (10) days of the meeting.

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## **Step 2**

The complainant may, within seven (7) days after receipt of the written response of the immediate supervisor, request a review of the decision of his or her supervisor in writing to their Vice President or designee.

### **A. Review of Complaint.**

The Vice President or designee, within ten (10) days of receipt of the request for review, shall review the complaint to determine whether the complaint is valid and notify the complainant. Validity is not a determination of whether the actions that gave rise to the complaint occurred, but whether the action underlying the complaint is within the scope of the complaint procedure. The Vice President or designee shall establish validity upon determining all of the following:

- That the complaint involves discipline or workplace safety as defined in this procedure.
- That the alleged conduct occurred on College-owned, College-leased, or College- controlled property or had a significant connection to the employment of the individual complainant and activities of the College.
- That the complainant is a College employee, as defined in this procedure.
- That the complainant was the party harmed by the activity or action set forth in the complaint.

If the Vice President or designee concludes that the complaint lacks validity, he or she shall dismiss the complaint.

### **B. In-Person Meeting Regarding Merits.**

If the Vice President or designee concludes the complaint is valid, he or she shall meet with the complainant within seven (7) days of the receipt of the request for review to evaluate the merits. The Vice President or designee shall provide a written decision on the merits of the complaint within seven (7) days after the meeting.

The written complaint may not be amended following this decision; however, the remedy requested may be modified at any time without prejudice to the complainant's position in the appeal.

## **Step 3**

The complainant may submit a written request for a hearing on the Vice President's or designee's decision with regard to merit within seven (7) days of the written response from the Vice President or designee. The written request for a hearing shall state the specific basis for disagreement and shall be submitted to the Director of Human Resources. Upon receipt of the request, the College shall retain the services of an Impartial Hearing Officer (IHO), and a hearing shall be scheduled within thirty (30) days after receipt of the request for hearing.

A record of the hearing shall be made. The complainant shall have the burden of proof that the complaint is meritorious, which must be shown by evidence that is clear, satisfactory, and convincing.

In his or her written decision, the IHO shall make relevant findings of fact, shall decide for or against the complainant, and state his or her reasons. The decision of the IHO shall be limited to the issues raised in the request for hearing. The IHO shall have no authority to add to, modify, or delete from the policies of the College. If the IHO rules in favor of the complainant, the IHO will determine the appropriate remedy. The IHO's decision will be provided in writing to the parties within thirty (30) days of the hearing.

#### **Step 4**

Within seven (7) days after receipt of the written decision of the IHO, either party may appeal the decision of the IHO to the Southwest Wisconsin Technical College Board of Trustees by filing a written appeal, specifically stating the basis for contesting the findings and/or decision of the IHO. The appeal shall be filed with the Executive Administrative Assistant to the President. Upon receipt of a request for an appeal, the College will provide a record of the IHO hearing for use by the Board. Upon receiving the record, the Board shall schedule the appeal within thirty (30) days. The deliberations will be conducted according to procedures established by the Board. The Board shall overturn the decision of the IHO if the decision was unreasonable, arbitrary, or capricious.

The Board shall issue its written decision within fifteen (15) days following the conclusion of the Board's deliberations. The decision shall be by simple majority vote and shall be limited to holding for or against the appealing party. The decision shall be limited to the precise issue raised in the appeal and shall be final and binding.

#### **Timeline Requirements**

If the College fails to give a written answer at Steps 1 or 2 within the designated time frame, the complainant may immediately proceed to the next step. Failure by the complainant to meet applicable deadlines may be the basis for dismissal of any complaint. If it is impossible to comply with the time limits specified because of extenuating circumstances, these time limits may be extended by mutual consent in writing by the complainant and the President or designee of the College.

#### **Representation**

Either party may utilize a designated representative at his or her own expense.

#### **Confidentiality**

All participants in all proceedings under this procedure shall observe confidentiality to the extent reasonably possible.

### **SOUTHWEST WISCONSIN TECHNICAL COLLEGE COMPLAINT AND APPEAL PROCEDURES FOR THE DISTRICT BOARD**

Per the Southwest Wisconsin Technical College Employee Complaint and Appeal Procedure for Discipline and Workplace Safety Issues Pursuant to Wis. Stats. Sec. 66.0509, within seven (7) days after receipt of the written decision of the Impartial Hearing Officer (IHO), either party may appeal the decision of the IHO to the Southwest Wisconsin Technical College District Board by filing a written appeal, specifically stating the basis for contesting the findings and/or decision of the IHO. The appeal shall be filed with the Executive Administrative Assistant to the President. This appeal procedure

relates only to a complaint submitted under the above Board Policy. Neither party in the appeal may engage in communication with any Board member(s) on any substantive issues. Board members must not discuss the complaint with any person prior to the meeting.

The Board may designate a person to handle all procedural issues and communications associated with this appeal. The procedures below may be modified at the option of the Board, as long as they are consistent with the Board Policy that is outlined above.

### **Procedures**

1. Upon receipt of a written request for an appeal of the decision of the IHO to the Board, the College will provide a record of the IHO hearing for use by the Board. Copies of all documents and the records from the proceedings before the IHO will be made available to the Board members at least ten (10) days prior to the meeting.
2. Upon receipt of the record, the Board Chair shall schedule the appeal within thirty (30) days. Board deliberations on the appeal will be conducted in closed session. Only Board members and the Board's legal counsel shall be present.
3. The Board must consider only evidence submitted during the hearing before the IHO.
4. At its sole discretion, the Board may request clarification of the IHO record in writing from either party prior to the scheduled deliberations.
5. The Board shall overturn the decision of the IHO if the decision was unreasonable, arbitrary, or capricious.
6. The decision shall be by simple majority vote of the Board and shall be limited to holding for or against the appealing party. The decision shall be limited to the precise issue raised in the appeal and shall be final and binding.
7. The Board shall issue a written decision within fifteen (15) days following the conclusion of the Board's deliberations.