



EMPLOYEE HANDBOOK  
FOR  
THE CITY OF REEDSBURG

City of Reedsburg  
134 South Locust Street  
Reedsburg, Wisconsin 53959

## Legal Disclaimer

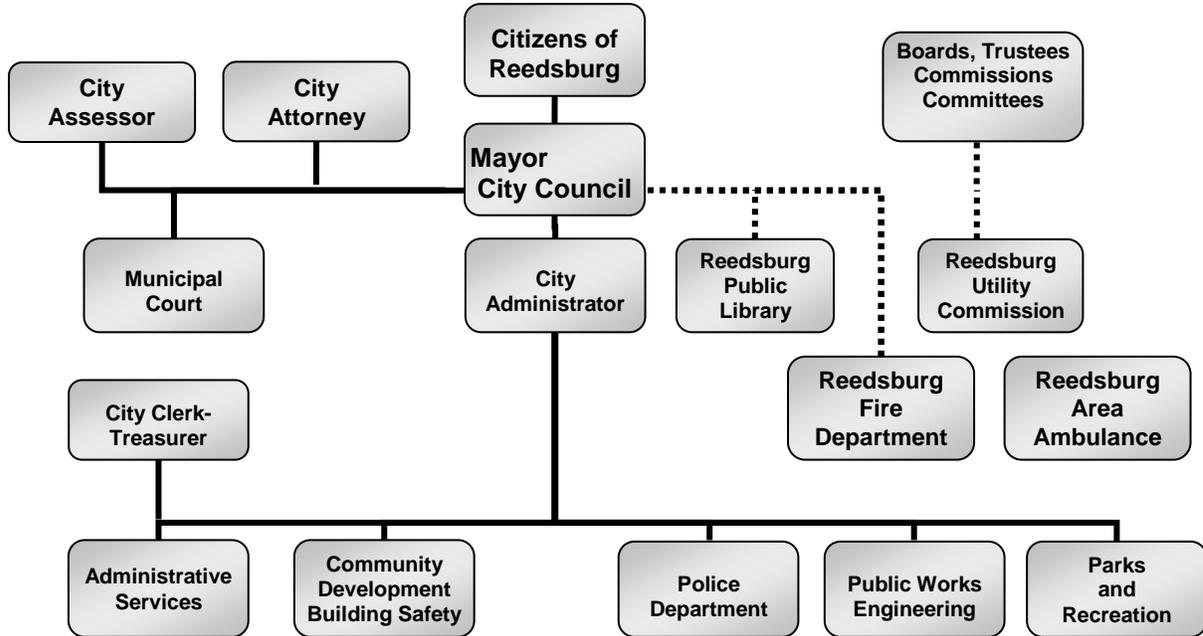
### For Employers Only

This Handbook has been prepared for informational purposes only. None of the statements, policies, procedures, rules, or regulations contained herein constitutes a guarantee of employment, guarantee of any other right or benefit, or a contract of employment, express or implied. The policies, procedures and practices set forth are subject to change at any time by the City and are reviewed and revised periodically. No employee handbook can anticipate every circumstance or question about employment policies, procedures or rules. The City reserves the right to add to, revise, supplement, or rescind any policies or portions of this Handbook from time to time as it deems appropriate, in its sole discretion. Where possible, employees will be notified in advance of any changes. This Handbook supersedes any and all previous handbooks, statements, policies, procedures, rules or regulations given to employees, whether verbal or written.

### Handbook Adjustments

Approved by Common Council	12/12/2011
Amended	01/23/2012
Amended	10/22/2012
Amended	03/11/2013
Amended	06/10/2013
Amended	02/10/2014
Amended – Job Descriptions, August, September and December	12/30/2015
-Employee Merit and Recognition Program	02/13/2017
-Sick Leave Payout	03/13/2017
-Sick Leave Donations	03/13/2017
2018 Personnel Committee: Updated Chapters 1, 2, and 3	2/5/2018
2018 Personnel Committee: Updated Chapters 4, 5, 6, and Appendix	7/4/2018
2018 City Council Action	8/27/2018
2020 Personnel Committee: Updated Chapters 2 & 5	1/6/2020
2020 City Council Approval	1/13/2020

## ORGANIZATIONAL STRUCTURE - FY 2018



The functional organization chart below demonstrates the line of administrative authority leading to the City Administrator. Dashed lines indicate advisory powers. The City of Reedsburg (“City”) is a Municipal Corporation, with corporate authority vested in the City Council and the Mayor, who is the Chief Executive Officer of the City.

The City also has as part of its management team structure the position of City Administrator.

The City Administrator serves as chief personnel officer for the City. The City Administrator is responsible for the administrative direction and coordination of all employees of the City according to organizational procedures established by the City Council. The City Administrator recommends to the City Council the appointment, supervision, promotion, suspension or termination of department heads. The City Administrator, in consultation with the appropriate department heads, is responsible for the appointment, supervision, promotion, suspension or termination of employees below the department head level. The City Administrator also assists in labor contract negotiations and collective bargaining contract administration issues.

The Police and Fire Commission (PFC) addresses hiring, disciplinary action, and termination of the Police and Fire Chiefs and disciplinary action of all Police and Fire Department employees. Library employees, while classified as City employees, report to the Library Board and are governed by its policies.

SECTION 1. EMPLOYMENT

100 Employee Relations Philosophy ..... 1

101 Organization Description ..... 1

102 Scope ..... 1

103 Equal Employment Opportunity ..... 2

104 Classification of Employees ..... 3

105 Job Descriptions ..... 3

106 Hiring ..... 3

107 Application Information ..... 4

108 Pre-employment Physicals and Testing ..... 5

109 Orientation Period ..... 5

110 Performance Evaluations ..... 5

111 Reduction In Force ..... 5

112 Outside Employment ..... 5

113 Personnel Records ..... 6

114 Employment of Relatives ..... 7

115 Residency ..... 7

116 Reference Checks ..... 7

SECTION 2 PAID TIME

201 Hours of Work ..... 8

202 Base Wage Rates ..... 8

203 Payday ..... 8

204 Payroll Deduction ..... 8

205 Overtime or Compensation Time (Fair Labor Standards Act) ..... 8

206 Call-in ..... 10

207 Working out of Classification ..... 10

208 Working on Holidays ..... 11

209 Vacation ..... 11

210 Sick Leave ..... 13

211 Bereavement Leave ..... 15

212 Jury Duty ..... 15

213 Military Leave ..... 16

214 Workers Compensation ..... 16

215 Family Medical Leave (Appendix A) ..... 16

216 Leave of Absence ..... 16

217 Inclement Weather ..... 17

218 Travel Policy ..... 17

219 City-owned vehicles ..... 20

220 Uniform Allowance ..... 20

221 Employee Merit Plan and Employee Service Awards ..... 20

SECTION 3 BENEFITS

301 Health Insurance ..... 22

302 Vision Insurance ..... 22

303 Dental Insurance ..... 22

304 Life Insurance ..... 22

## TABLE OF CONTENTS

## PAGE

305 Retirement.....	23
306 Cafeteria Plan.....	23
307 Education Assistance Program .....	23
308 Licenses.....	24
309 Disability Insurance .....	24

### SECTION 4 GENERAL POLICIES

401 Code of Ethics.....	25
402 Sexual Harassment.....	26
403 Violence Free Workplace .....	29
404 Alcohol and Controlled Substances .....	30
405 Employee Assistance Program .....	31
406 Solicitation .....	32
407 Electronic Communications And Access to Information .....	32
408 Purchasing Policy, Credit Cards / Fleet Card Use .....	39
409 Chain of Command .....	41
410 Light Duty.....	42

### SECTION 5 WORK RULES

501 Personal Appearance.....	43
502 Tobacco.....	43
503 Safety .....	43
504 Housekeeping.....	44
505 Tools and Equipment .....	44
506 First Aid or Injury .....	44
507 Attendance and Punctuality .....	44
508 Personal Appointments .....	45
509 Personal Communications .....	45
510 Work Performance .....	46
511 Use of City-Owned Property .....	46
512 Personal Actions and Appearances .....	47
513 Outside Activities and Employment .....	48
514 Political Activities.....	48

### SECTION 6 DISCIPLINARY AND TERMINATION PROCEDURES

601 Discipline .....	50
602 Separation from Service.....	53
603 Grievance Process .....	54

APPENDIX A – Family Medical Leave Act.....	58
--	----

## Preamble

None of the statements, policies, procedures, rules, or regulations contained in this Handbook constitutes a guarantee of employment, a guarantee of any other right or benefit, or a contract of employment, express or implied.

The City of Reedsburg ("the City") reserves the right to modify, revoke, suspend or terminate any or all of the plans, policies and procedures described in this Handbook at any time, in its sole discretion and without prior notice. This Handbook supersedes any and all previous labor agreements, handbooks, statements, policies, procedures, rules, or regulations whether verbal or written.

City employees are employee's at-will. This means that either the City or the employee may terminate the employee's employment at any time for any reason, with or without cause and with or without notice, so long it is not for an illegal purpose. Only the City Administrator ("Administrator") and the Common Council have the authority to make any employment agreement. The Administrator is responsible for the administration of the policies described in this Handbook. Final interpretation of any of the policies in this Handbook is vested solely with the City. Any employee who has a question regarding its application and interpretation should contact the Administrator. Throughout this document, duties and decisions assigned to the Administrator may be performed by other officials designated by the Administrator.

## ACKNOWLEDGMENT AND RECEIPT OF EMPLOYEE HANDBOOK

The undersigned hereby acknowledges receipt of a copy of the City Employee Handbook. The employee is responsible for knowing and complying with these policies. The undersigned acknowledges that nothing contained in this Handbook, including policies, practices, and benefits, are intended to create any contractual right, express or implied, to employment or to any particular term or condition of employment. The undersigned also acknowledges that the City reserves the right to revise, amend or terminate any policy unilaterally without notice at any time.

\_\_\_\_\_  
Employee Name – Printed

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

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

SIGN and DATE: Copy and provide to the City Administrator or City Clerk-Treasurer.

## SECTION 1 EMPLOYMENT

### 100 Employee Relations Philosophy

The City of Reedsburg ("the City") is a service organization and its employees are one of its most important resources in providing services to the community. The City operates in a manner to deliver services to City taxpayers at the highest rate of efficiency and at the lowest possible cost while ensuring that the City's workforce is treated in a fair and equitable manner.

### 101 Organization Description

The City is governed by a Mayor/Council form of government. The Administrator is responsible to and under the general direction and policies of the Mayor and Common Council and shall be responsible for the proper administration of all City activities. The Administrator shall have administrative powers and responsibilities over all departments, department heads and employees of the City except for the following: sworn law enforcement officers, fire fighters, Reedsburg Utility Commission employees and employees of the Reedsburg Public Library. The Police and Fire Commissions have jurisdiction over discipline, hiring and firing of sworn law enforcement officers and the Reedsburg Volunteer Fire Department in compliance with Sec, 62.13(5), Wis. Stats. Utility employees are supervised by the Utility Manager or as directed by the Utility Commission. Library employees are responsible to the Library Board. The Reedsburg Library funding level is independently set by the Common Council and Sauk County Board, and the Library Board has oversight on how the funds are expended and have complete control, within set parameters, on hiring, firing, and discipline of Library employees.

The Common Council of the City of Reedsburg is made up of the Mayor, elected at large to a two-year term, and nine (9) Alderpersons two elected from each of four (4) aldermanic districts and one at-large, all to three-year terms. The following Commissions are appointed by the Mayor with confirmation by the Common Council. The Utility Commission consists of five members, two are officers of the City, three (3) are citizens, to serve five-year terms and have semi-autonomous oversight and management of the City's four utilities (water, telecom, electric and cable). The Police and Fire Commission is created pursuant to Wis. Stat. Sec. 62.13, made up of five (5) civilians to staggered terms of five (5) years. The Library Board is created pursuant to Wis. Stat. Sec 43.52. The Library Board has seven (7) members, one of which is a member of the Common Council appointed annually, six (6) members shall be appointed to serve staggered terms of three years.

### 102 Scope

City employees are employee's at-will. This means that either the City or the employee may terminate the employee's employment at any time for any reason, with or without cause and with or without notice, so long it is not for an illegal purpose. Employees may be disciplined or terminated from employment in the City's discretion subject to the grievance policies adopted by the City.

#### A. Employees subject to this Policy

As used in these policies, "employee" shall mean any person employed on a full-time or part-time basis by the City, whether such employment is temporary or permanent. These policies also apply to:

1. Employees of the Reedsburg Utility Commission are employees covered by these policies provided the Utility has by resolution adopted these policies. In such case the term "City" shall be deemed to mean the "Utility."
2. Employees of the Reedsburg Police and Fire Departments. To the extent that the provisions of sec. 62.13, Wis. Stats., apply to such employees, the provisions of that statute take precedence over this Chapter; and,
3. Employees of the City Library. To the extent that the provisions of §43.58(4), Wis. Stats. apply, the provisions of that statute take precedence over these policies. To the extent the Library Board adopts policies different than these policies; the Library Board's policies take precedence for library employees.

#### **B. Persons not subject to this Policy**

These policies shall not apply to any of the following:

1. City officers and officials elected by popular vote;
2. City officers or officials elected to a term of office of fixed duration by the Common Council;
3. City officers or officials appointed to a term of office of fixed duration by the Mayor, including officers and officials who are subject to reappointment at the annual organizational meeting of the Common Council.

#### **C. Union Employees**

To the extent that provisions of this Handbook are not in conflict with the provisions of any collective bargaining agreement covering City employees, these policies shall apply to union employees. In any case where there is a conflict between these policies and a collective bargaining agreement, the terms of the collective bargaining agreement shall supersede the provisions of these policies.

#### **D. Department Rules and Policies**

City departments may enact their own rules and policies governing practices within those departments so long as they are not in conflict with the provisions of these policies. All department rules and policies shall be provided to the City Administrator and Personnel Committee.

### **103 Equal Employment Opportunity**

The City shall not discriminate against any employee or applicant for employment on the basis of age, race, religion, color, sex, national origin, ancestry, handicap, physical condition, disability, arrest or conviction record, sexual orientation, marital status, military participation, or any other characteristic protected by law in any personnel action.

City employees shall fully support this non-discrimination policy through leadership and personal example. In addition, it is every City employee's duty to help create a job environment that is conducive to effective equal employment opportunity.

#### **104 Classification of Employees**

- A. Employees shall be classed as full-time, part-time or temporary employees.
- B. Full-time employees are those employees who are normally scheduled to work a regular work week of forty (40) hours, fifty-two (52) weeks per year less holidays and vacations.
- C. Part-time employees are those employees who are normally scheduled to work less than a regular forty (40) hour week fifty-two (52) weeks per year less holidays and vacations. Except as otherwise provided, part-time employees do not receive benefits.
- D. Temporary employees are those employees normally working an irregular, occasional schedule depending upon the City's needs, employees hired for a limited time such as for summer work or employees who report for work only when called. Except as otherwise provided, temporary employees shall not be entitled to receive or participate in employee benefits.
- E. A temporary change in the number of hours per week that an employee works shall not be deemed to change the employee's status.

#### **105 Job Descriptions**

The Administrator shall develop and maintain position descriptions and job specifications for all regular full-time and part-time positions. The position descriptions should include the position title, the reporting relationship, a specific statement of job responsibilities, minimum qualifications, special requirements, exempt or non-exempt status, and the physical characteristics needed to perform in the position.

Notwithstanding the job description, employees are subject to assignment to such tasks as are necessary for the City to provide services to the public. This may include working in emergency response operations, which may require irregular work hours, work at locations other than the normal work location, and may include duties other than those specified in the employee's official job description.

A position description shall be reviewed each time there is a vacancy in a position to determine the accuracy of the job description and at a minimum every three (3) years. Any substantive change in the job description must be submitted to the Common Council, through the Personnel Committee, for adoption.

#### **106 Hiring**

When a vacancy occurs with respect to an authorized City position or if the City authorizes a new position, the following procedures will be followed:

A. General City position

1. A vacated position must be authorized to be filled by the Administrator.
2. The job opening will not be filled until the position has been posted or advertised for a period of ten (10) working days.
3. The selection of any applicant to fill the position will be accomplished by review of applications. The City may also conduct oral interviews and appropriate testing as part of the hiring process.
4. The selection of any applicant to fill a job opening shall be made on the basis of relative ability to perform the position's job duties, experience and qualifications as determined by the City. The final hiring decision will be made by the Administrator, or for Department Head positions the Common Council upon recommendation from the Personnel Committee. The City reserves all rights to establish job requirements, to determine an applicant's qualifications, and to select an applicant based on these considerations who the City determines to be the best qualified applicant for employment.
5. The City may temporarily fill a position while processing the filling of the permanent vacancy.

B. Police and Fire Departments

1. A vacated position must be authorized to be filled by the Administrator.
2. For sworn police officers and fire fighters the position will be filled by the Police and Fire Commissions pursuant to procedures adopted by the Police and Fire Commissions under §62.13(5), Stats.

C. Library

The job opening will be filled by the Library Board with respect to the Head Librarian position or by the Librarian for any other position pursuant to §43.17, Stats.

D. Reedsburg Utility Commission

The job opening will be filled by the Utility Commission as recommended by the General Manager for any other position pursuant to City Ordinance 1.103(6),(b).

## **107 Application Information**

The City relies on the information supplied during the application and hiring process and assumes that such information is correct. Any applicant who omits or provides incomplete material data or misrepresents information may be excluded from consideration or, if already employed, may be subject to disciplinary action, including termination of employment.

## **108 Pre-employment Physicals and Testing**

As part of the City's employment procedures, all applicants are required to undergo a post-offer, pre-employment, medical examination and alcohol and drug screen conducted by a physician designated by the City and at the City's expense.

Any offer of employment that an applicant receives from the City is contingent upon, among other things, satisfactory completion of this examination and screening and a determination by the City and its examining physicians that the applicant is capable of performing the essential functions of the position that has been offered, with or without a reasonable accommodation.

Questions about medical examinations or alcohol and drug screenings should be directed to the Administrator.

## **109 Orientation Period**

An employee who begins employment in a new position or moves into an existing position shall serve an introductory period. This period gives the employee the opportunity to complete training and orientation to the new position. The length of the introductory period shall be six months unless specified differently at the time of the offer of employment. During the introductory period, the employee's pay rate may be established at a lower rate than the position's regular wage rate. Upon satisfactory completion of the introductory period, the employee's wage rate will increase to the regular wage rate. If a newly hired city employee is terminated during their orientation period, the employee shall not be entitled to payout for accumulated sick leave.

## **110 Performance Evaluations**

An employee may receive a written evaluation during the orientation period and annually after that. The City has adopted an evaluation and merit pay program. Factors addressed in the evaluation may include the employee's quality of work, quantity of work, dependability, adaptability, job knowledge, judgment, initiative, ability to get along with others, attitude and attendance. A performance review may or may not be accompanied by a change in salary or duties.

## **111 Reduction in Force**

If the City decides to permanently or temporarily reduce the workforce, the determination of which positions will be subject to layoffs or furloughs, and the parameters of such, shall be within the City's discretion. Employees who are separated because of a reduction in force shall be given at least ten (10) working days' notice of the anticipated action.

## **112 Outside Employment**

The City does not preclude outside employment as long as it does not interfere with City work. The City shall be the employee's primary employer and each employee is expected to fully perform the employee's duties with the City. An employee shall give written notice of all outside employment to the employee's supervisor prior to the commencement of such employment.

## 113 Personnel Records

This policy sets forth the personnel records for the City of Reedsburg. The Employee is responsible for notifying the immediate supervisor or the City Administration of any change in name, home address, telephone number, immigration status, or any other pertinent information. Notifying the City of such changes, will avoid problems with payroll documents and benefit eligibility.

Maintenance of an employee's personnel file begins with accurate and complete personnel records from the date of hire. Important documents to be included in an employee's personnel file consist of: job description, offer of employment letter, job application, resume, W-4 Form, signed acknowledgement of receipt of employee handbook, emergency contact information, review of the City's code of conduct, an employee orientation checklist, [I-9 forms should be retained in a separate file], and other signed acknowledgement receipts of important policies.

1. A confidential personnel file shall be maintained for each employee in the office of the City Clerk, except that the personnel files of employees of the Police Department shall be maintained in the office of the Chief of Police. Utility employees' personnel files shall be maintained in the Utility offices Each file shall contain the following:

- Any applications for employment.
- Record of accidents and injuries involving the employee.
- Copies of employee's discipline record, letters etc.
- Record of employee's pay adjustments.
- Employee's performance evaluations.

Employee medical information will be maintained in separate medical files and will be treated confidentially to the extent required by law.

2. Each employee shall notify the City Clerk of any changes in the employee's name, address, telephone number, dependents, marital status, or any other data which may affect the employee's benefit status.
3. Employees may inspect their own personnel records two (2) times per year pursuant to Section 103.13, Wisconsin Statutes. Employees must make such request in writing to the City Clerk. The City shall respond within seven (7) working days of the request and arrange for the inspection or copying of the records. The City may charge a reasonable fee, not to exceed the actual cost to the City, for records copied for the employee. If the employee believes a correction should be made to the employee's employment record, the City and employee may agree to such a change. If not, the employee may submit a written statement identifying the basis for the employee's disagreement with that provision in the employment record.
4. Employee personnel records are subject to Wisconsin's Open Records Law. The City Clerk shall be the official custodian of employee personnel records and responsible for the maintenance of the official personnel files for all employees and the disclosure of such information. If the City Legal Authority determines it must release personnel records pursuant to a request under the open records law, personal identification information in copies of such documents will be redacted in the records prior to the release as allowed by law and a copy presented to the employee. The employee may have a right to circuit court review of the

City's decision to release the records due to the privacy interests and/or reputation concerns of the employee.

#### **114 Employment of Relatives**

Members of an employee's immediate family will be considered for employment on solely the basis of qualifications and pursuant to the hiring processes applicable to all potential applicants for a City job. Immediate family members of current employees may not be hired if that employment would:

- A. Create a supervisor/subordinate relationship with that family member;
- B. Create the potential for an adverse impact on work performance; or
- C. Create either an actual conflict of interest or the appearance of a conflict of interest.

This policy also applies to assigning, transferring, or promoting an employee.

No employee may use the employee's position to bring about the employment or promotion of a member of the employee's family.

No employee may participate in any final decision in any employment matter involving an employee who is a family member.

For purposes of this policy, immediate family members are defined as: spouse; child by blood or adoption; spouse's child; sibling; parent or parent-in-law; brother- or sister-in-law; uncle, aunt, niece, nephew, or spouse thereof; grandparent or grandparent-in-law; and fiancé or fiancée.

This section shall not apply to temporary employees who are employed for a limited term not exceeding sixteen (16) weeks duration in any 12 month period.

#### **115 Residency**

Emergency department heads (City Administrator, Police Chief and Director of DPW) shall live within a twenty (20) mile radius of the City limits. The Common Council may grant exceptions to this regulation in order to secure the services of the most qualified applicant and is in the City's best interest. Police Department employees must reside within a twenty (20) mile radius of the City Limits.

#### **116 Reference Checks**

The City attempts to secure as much information about prospective employees as it possibly can from former employers. Therefore, the City will reciprocate with respect to providing accurate and factual information to prospective employers concerning former City employees. Any employee receiving a reference check with respect to a former employee shall forward that request to the Administrator for response.

## SECTION 2 PAID TIME

### 201 Hours of Work

The normal work day for full-time employees shall be eight (8) hours. The normal work week for full-time employees shall be forty (40) hours. The hours of operation each day and week will be determined by the City.

### 202 Base Wage Rates

The Administrator shall make an analysis of the duties and responsibilities of all positions and shall annually recommend to the Common Council a compensation level for each job classification and employees within that classification.

The Administrator, supervisors and designated employees' compensation shall be on a salary basis.

### 203 Payday

The City's pay period is bi-weekly. Payment shall be made by means of electronic transfer into an account accessible by the employee normally deposited every other Wednesday. Under certain circumstances, such as a conflict with a holiday, paychecks will be available the workday after the holiday.

### 204 Payroll Deduction

Only deductions required or authorized by law and those authorized in writing by the employee will be deducted from an employee's paycheck. All deductions will be itemized on the employee's paycheck stub. Any payroll questions should be directed to the Deputy Clerk Treasurer.

### 205 Overtime or Compensation time: (Fair Labor Standards Act)

#### Overtime Pay

**Non-Exempt:** Employees who are not exempt from minimum wage and overtime provisions of the Fair Labor Standards Act, as amended. Non-exempt employees by law receive overtime pay for work performed over forty (40) hours per week.

**Exempt:** Employees who are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, as amended. Exempt employees are not entitled by law to receive overtime pay.

The City may require any FLSA non-exempt employee to work overtime when the City deems such overtime necessary. Overtime hours shall be compensated at one and one-half times the employee's normal hourly rate for hours actually worked (not paid) in excess of forty (40) hours in a work week.

#### Compensatory Time

## **1. Non-Exempt Employees**

Non-exempt-employees under the Fair Labor Standards Act may receive compensatory time off in lieu of overtime pay. Compensatory time allowance is subject to the following:

- a. An employee may elect to accumulate compensatory time rather than be paid overtime. Compensatory time shall be earned at the rate of one and one-half (1.5) hours for every hour of overtime worked. For example, four hours of overtime work will result in six hours of compensatory time.
- b. An employee who elects to accumulate compensatory time rather than be paid overtime must make an election to designate overtime hours as compensatory time on the employee's weekly time sheet. Once the time sheet is submitted, the designation cannot be changed.
- c. Compensatory time shall not be accumulated beyond forty (40) hours. An employee who reaches this limit and subsequently uses compensatory time may thereafter accumulate additional compensatory time to bring the employee's accumulated balance back to the forty hour limit.
- d. Use of compensatory time must be scheduled with the prior approval of the employee's Department Head or designee. Compensatory time may be granted by the Department Head as requested by the employee, provided the final determination of the number of employees who may use compensatory time at any given time is vested in the Department Head to insure the orderly and efficient operation of the City. Failure of the employee to secure prior approval shall constitute leaving the work place without permission and may result in discipline, up to and including termination

## **2. Exempt Employees**

Exempt employees under the Fair Labor Standards Act are not eligible for overtime. In recognition for time worked necessitated by circumstances above and beyond expectation of the job or for time worked which is unusually more than normal, exempt employees may request time off from the City Administrator This time off is not intended to be accumulated, paid out or used to supplement vacation or sick leave.

When possible, time off under this provision should be taken in the week or pay period in which the amount of hours worked justifies the request (flex time). All other requests for compensatory time off is non-flex time.

### **206 Call-in**

Non-Exempt Employees shall be paid a minimum of two (2) hours at a rate of one and one-half (1 ½) times their hourly rate when an employee are called-in to work outside of their normal schedule of hours. Call out pay for emergency work on a Holiday will be at two (2) times the hourly rate.

### **207 Working out of Classification**

An employee performing work in a higher classification resulting from a temporary vacancy created by resignation, termination, or other severance of employment by a higher-ranked individual, or from the incapacity of the incumbent in a higher-ranked position may, upon authorization by the Personnel Committee and Common Council, be paid the rate of the higher-ranked position for the period during which the employee performs that work.

## **208 Holidays**

### **A. Holidays**

All regular full-time City employees shall receive their regular straight time rate of pay for the following designated holidays.

#### **All General Employees**

New Year's Day, Memorial Day, Independence Day, Spring Holiday (Friday before Easter), Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, Christmas Day and one floating holiday. Veteran's Day is a recognized holiday for all active and honorably discharged veterans of the United States Armed Forces, as documented through a submitted DD-214.

#### **Police Department**

New Year's Day, Memorial Day, Spring Holiday (Friday before Easter), Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, Christmas Day and two Floating Holidays. Veteran's Day is a recognized holiday for all active and honorably discharged veterans of the United States Armed Forces, as documented through a submitted DD-214.

Holidays falling on Sunday shall be observed on Monday. Holidays falling on Saturday shall be observed on Friday. In the event Christmas falls on a Saturday, it shall be observed on Friday and Christmas Eve shall be observed on Thursday. In the event Christmas falls on Monday, Christmas Eve Day shall be observed on the previous Friday.

Except as provided above, when a holiday is observed on a day which an employee is not scheduled to work, the employee shall be paid one (1) day at his or her basic wage rate for the holiday.

Employees on a leave of absence (whether paid or unpaid) or on layoff are not eligible for holiday pay. Absence attributable to paid vacations, paid jury duty or funeral leave shall not affect an employee's eligibility for holiday pay provided that the employee otherwise works the employee's scheduled work hours on the preceding and following days.

### **B. Work on Holidays**

## **Police Department**

1. If the employee works on the holiday, the employee may:
  - a. Receive pay for the time worked up to eight (8) at time and one-half (1.5) of the employee's regular straight time pay; or
  - b. Elect to take a different day off as a vacation day, subject to approval of the Chief of Police, with pay.
2. If the employee does not work on the holiday, the employee may:
  - a. Receive pay for the holiday up to eight (8) hours at straight time pay.
  - b. Elect to take a different day off as a vacation day, subject to approval of the Chief of Police, with pay.

## **Other General Employees**

Time worked on Holidays shall be compensated a minimum for call-in as indicated in Section 206 above when called in to work on holidays, in addition to holiday pay.

## **C. Personal Day**

### **City Hall Non-Represented and Police Non Represented**

Employees are allowed to take one (1) day per year for personal leave at the discretion of the employee but with prior approval of their supervisor. This day will be subtracted from the employee's sick leave.

## **209 Vacation**

The City grants regular full-time employees vacation with pay at their regular, straight-time rate. Part-time employees are not eligible for paid vacation.

Employees shall earn vacation upon the following length of service:

### **All Non-Sworn General Employees**

40 hours following 12 months of employment

80 hours following 24 months of employment

120 hours following 8 years of employment

160 hours following 15 years of employment

200 hours following 25 years of employment

## **Dispatchers**

After 1 year of employment	5 days
After 2 years of employment	10 days
After 5 years of employment	13 days
After 9 years of employment	16 days
After 10 years of employment	17 days
After 11 years of employment	18 days
After 12 years of employment	19 days
After 13 years of employment	20 days
After 14 years of employment	21 days
After 15 years of employment	22 days
After 16 years of employment	23 days

## **Police Officers**

Per Union Contract

### **Police Officers Non-Represented**

5 days following 12 months of employment  
10 days following 24 months of employment  
13 days following 5 years of employment  
15 days following 8 years of employment  
16 days following 9 years of employment

And shall be granted an additional day of vacation with pay for each additional completed year of employment until the maximum of 25 days (200 hours) are accredited after the 18th year.

Vacation cannot be taken until earned.

Upon termination of employment, an employee shall receive pay, less payroll deductions, for the unused portion of the vacation time earned during the previous year plus any vacation time earned in the year of termination.

The number of employees on vacation at any given time shall be determined by the Department Head. Each department head shall schedule and approve vacation usage, giving due consideration to length of service, City needs, and the staff required to perform on-going City activities.

Employees may carry over 40 hours of vacation. All other accrued vacation must be taken prior to the anniversary day following its accrual or lost forever. The City Administrator may approve a short extension of additional carryover hours for usage under extenuating circumstances.

### **210 Sick Leave**

All full-time employees shall be entitled to sick leave with pay.

A. Full-time employees shall accrue unused sick leave as set forth:

## All Employees

1. Fulltime employees shall earn one sick-leave credit at the rate of one (1) day per month and may accrue unused sick leave to a total of 130 days.
  2. Sick leave shall be granted for the following reasons: illness or disability of the employee; illness requiring the employee's personal care and/or attention; to keep a doctor or dentist appointment; or in conjunction with leave used in the death of the employee's family.
- B. Sick leave may be used for:
1. An employee's sickness or injury;
  2. An employee's medical or dental appointment;
  3. The sickness or injury of an employee's parent, spouse or child or step-child; or,
  4. A medical or dental appointment of an employee's parent, spouse or child or step-child.
  5. Under the sick leave payout program
  6. Under the donated sick leave program
- C. In order to be granted sick leave with pay, the employee must:
1. Report the reason for absence from work promptly to the Supervisor.
  2. Keep the City informed of the employee's condition.
  3. Permit the City to make such medical inquiry or visits as may be determined necessary. A medical certificate certifying the inability to work may be required by the City for any sick leave in excess of three (3) consecutive workdays.
- D. Sick leave shall be accumulated during the orientation period and can be used beginning with the first month of employment.
- E. When an insufficient sick leave balance remains to cover an employee's absence, the uncovered days may be charged either to accumulated vacation or personal leave. Sick leave cannot be advanced.
- F. While an employee is on paid sick leave, the accrual of sick leave and vacation leave benefits shall continue during the period of convalescence.
- G. An employee receiving sick leave with pay and simultaneously receiving compensation

under Worker's Compensation laws shall receive only that portion of the employee's regular salary which will, together with the Worker's Compensation payments, equal the employee's regular net salary. The employee's sick leave balance shall be charged accordingly. An employee shall not accrue sick leave while on Worker's Compensation or other forms of paid or unpaid leave.

- H. Sick Leave Accrual Pay Out:  
Employee who has reached 900 hours of accumulated sick leave can request a payout of up to 50 or less hours which will be paid at 50% of the total requested. Employees shall make a request through the Department Head to the City Administrator.

Upon retirement under WRS guidelines, employees will receive payout of accumulated sick leave per the following terms.

- I. Non-Represented

Upon retirement and ten (10) years of service the following shall apply:

Employees are entitled to 50% of accumulated unused sick leave up to sixty-five (65) days payout as retirement pay at the time of retirement. The age at which one may retire shall be that which is set forth in the Wisconsin Statutes. Employees may elect to use benefit toward health insurance premiums instead of taking a cash payout.

**2. Represented**

Upon retirement and ten (10) years of service the following shall apply:

Employees are entitled to 50% of accumulated unused sick leave up to twenty-five (25) days payout as retirement pay at the time of retirement. The age at which one may retire shall be that which is set forth in the Wisconsin Statutes. Employees may elect to use benefit toward health insurance premiums instead of taking a cash payout.

**3. Police Department Represented**

Police Department: As agreed to for employee provided for in the WPPA union contract.

- J. Serious Injury - Sick Leave Donation Program:

- A. Sick Leave Donation Program:

The Sick Leave Donation Program has been established to assist employees faced with a serious medical illness or injury to themselves or an immediate family member. The Leave Donation Program allows employees to voluntarily transfer accrued sick time hours to another eligible employee within the City.

1. Donating Employee

To qualify as a donating employee, an employee must be a probationary or regular status employee of the City with accrued sick leave to cover donated time.

2. Requesting Employee

The requesting employee must be on an approved leave under the Federal Family and Medical Leave Act. The employee must also demonstrate a need of at least 40 hours of donated leave.

The period in which an employee may receive donated leave is the period of Family and Medical qualified leave which would otherwise be unpaid because leave balances have been reduced to zero. Employees may not receive workers compensation benefits prior to, or while receiving donated leave.

### 3. Qualifying Event

To receive donated leave, an employee must apply for and receive approval for leave under the Family and Medical Leave Policy. Employees may request leave for a serious health condition affecting themselves, their spouse, parent, child, stepchild or someone with whom the employee has an "In Loco Parentis" relationship. Donated leave may not be used for parental leave following the birth or placement of a child for adoption or foster care

### 4. Sick Leave Accruals

Donating employees may donate accrued sick leave which will be converted on a straight hour for hour basis to the recipient employee's sick leave account. Donated hours can only be credited for subsequent use. Any hours donated after the payroll cut off shall not be retroactively applied.

The donated leave, when converted, will be treated and utilized as sick leave for all authorized purposes. If the donated sick leave is unused when the employee returns to work, the recipient employee may retain the sick leave hours or return them to the original donating employee.

Employees, while using donated leave on an approved Family Medical Leave, will continue to be eligible for City paid health benefits.

## **211 Bereavement Leave**

Employees may take up to three (3) consecutive working days of paid Bereavement leave with pay for the death of a parent, spouse, brother, sister, children/step children, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild.

Employees may take one (1) day of paid Bereavement leave for the death of aunt, uncle, niece, nephew or any other relative in the employee's household or spousal equivalents.

In addition, time off without pay may be allowed by the City Administrator upon request.

## **212 Jury Duty**

Employees shall be granted time off with pay, less jury duty pay, for reporting for jury duty. If the employee is not chosen for the jury or if the employee is chosen and released, the employee must report back to work and complete the regular work day if reasonable and practical. The employee shall provide the City with proof of jury service.

## **213 Military Leave**

An employee will be granted a military leave of absence without pay to serve in the United States Armed Forces, in accordance with federal and state regulations. An employee may elect to use available vacation time while on a military leave but is not required to do so for that purpose.

## **214 Workers Compensation**

The City shall maintain Worker's Compensation insurance coverage of all employees in the manner provided by Wisconsin Statutes covering injuries incurred in the course of their City employment.

Any employee who sustains an injury while engaged in City employment shall immediately report the injury to the employee's department head or immediate supervisor. As soon as possible the employee shall in addition report the injury to the City Clerk, and shall complete any documents required by the Clerk in regard to the injury to complete the claim. Where the employee is hospitalized or otherwise incapacitated so as to be unable to report the injury to the Clerk, the employee's spouse or other agent may make the report.

The department head or immediate supervisor of any City employee shall, upon receiving report of an injury on the job, assist the injured employee in securing medical attention for the injury where it seems reasonably indicated.

An employee shall not accrue sick, holiday or vacation time while on workers compensation leave.

## **215 Family Medical Leave**

See Appendix A.

## **216 Leave of Absence**

A leave that does not involve paid time off or Family Medical Leave is categorized as an unpaid leave of absence.

Employees may request an unpaid personal leave of absence in writing to the Administrator. Such request must set forth the period of leave and the reason for such leave. Approval of requests are in the City's sole discretion. No leave will be granted for the purpose of seeking other employment. If medically related, the employee shall provide medical documentation stating the nature of and verifying the necessity for the leave.

No benefits shall accrue during an unpaid leave of absence. At the employee's expenses, an employee may continue the employee's health insurance during an approved leave of absence in accordance with applicable state and federal continuation requirements.

An employee on unpaid leave of absence shall give at least one week's written notice before returning to work. If the leave was medically related, the City may require medical documentation that the employee is fit to return to work. An employee returning from an approved leave of absence shall be reinstated into the employee's former position subject to operational considerations.

Failure to report back to work at the expiration of any leave shall be considered a voluntary resignation.

## **217 Inclement Weather**

On rare occasions, weather or other conditions may cause interruption of the normal work schedule such that the Administrator determines that employees should be sent home.

In the event an emergency, weather or other, situation exists at the start of the work day or continues from a previous day, non-exempt employees who do not report for work shall not be paid. However, at the employee's request, the day or days may be counted as vacation time or compensatory time, if available, rather than have their pay reduced because of the missed time. Any employee who chooses to go home will not be paid for the balance of the day, but will be given the opportunity to make up the lost hours during the balance of the work week, if possible.

## **218 Travel Policy**

The purpose of this policy is to establish the rules governing travel expenses and to detail procedural matters concerning travel authorization, documentation and accounting. This policy is applicable for all travel expenses incurred on behalf of the City by employees, elected officials and Board and Commission members.

**A. Policy.** The City recognizes that business travel is necessary at times to conduct City business, and to attend out of town professional conferences, training sessions and meetings to enhance an employee's skill base. The following provisions address the types of reimbursement available to employees, as well as procedures for obtaining travel advances and submitting expenses for reimbursement.

### **1. Transportation**

Commercial carrier fares shall be limited to "coach" or "economy" fares. Travel to and from train stations and airports may be by bus, hotel limousine, taxi or private vehicle. In which case, mileage will be paid. Receipts for transportation costs are required.

Utilization of City vehicles are encouraged for business travel. Prior approval must be obtained by the appropriate Department Head. Any expenses (i.e. gasoline or repairs) attributed to City vehicles, as well as expenses for tolls, parking and garage charges, will be reimbursed upon submittal of receipts.

Private vehicles may be utilized for business travel when City vehicles are not available. Prior approval must be obtained by the City Administrator. Mileage will be reimbursed per the current rate of the Internal Revenue Code, plus tolls, parking and garage charges, upon submittal of receipts and reimbursement request form.

No employee may use any automobile for City business of any nature unless the automobile is insured in the amount mandated by State law.

When driving on City business, the use or possession of alcohol or controlled substances before driving or while driving is prohibited. Employees shall not use electronic devices while driving unless utilizing hands-free devices unless otherwise exempted by state law or local ordinance. This does not prohibit the use of mobile or portable radios.

The City will not be responsible for damage to employees' cars while on City business.

Employees should not drive to meetings, training or conferences when the travel time requires more than eight-hours, unless the employee is utilizing holiday or vacation time. In such instances, no reimbursement will be made for lodging, meals or other incurred expenses.

## **2. Lodging**

Employees are expected to stay at mid-priced and economy hotels unless a conference discount is available at more expensive facilities. Receipts for lodging are required. Personal telephone calls, internet access, movie rentals and other similar charges will not be reimbursed.

City employees are exempt from paying sales tax in Wisconsin and should avoid so by furnishing retailers with tax exempt certificate.

Lodging reimbursement shall be limited to the minimum number of nights required to conduct the assigned City business. Employees choosing to arrive early or stay later will not be reimbursed for additional lodging or related expenses.

Lodging expenses shall *not* be reimbursed for meetings or conferences held within thirty (30) miles of the City, unless prior written approval is obtained from the City Administrator.

## **3. Meal, Entertainment & Miscellaneous Expenses**

Employees will be reimbursed for meals, tips and other miscellaneous expenses, upon submittal of itemized receipts. Meal expenses will be limited to the federal per diem per day/meal, for purchases outside Sauk County. Reimbursement for alcoholic beverages is not permitted.

Entertainment, amusement or recreation expenses for employees will be reimbursed only if the activity is directly related to the conduct of the City's business. The business purpose of the entertainment, the names of the persons involved and the business relationship must be disclosed on the reimbursement request.

## **4. Hours Worked**

Non-exempt employees covered by the Fair Labor Standards Act (FLSA) will be compensated for all hours worked during travel and attendance at training programs when:

- Attendance is during the employee's regular working hours;
- Attendance is mandatory;
- The training is directly related to the employee's job; and
- The employee is performing productive work while attending the training program.

Out of town travel is covered by two sets of rules, depending on whether the assignment is for one day or requires an overnight stay:

- Travel time to a one-day program in another city: All hours spent traveling are considered hours worked.
- Travel time to a program involving an overnight stay: Time spent traveling is counted as hours worked if it coincides with the employee's regular work hours. This is true even if it falls on a day that is normally a non-working day for the employee (i.e. Saturday or Sunday travel time during regular work hours will be counted as hours worked).

## **5. Registration and/or Tuition Fees**

Registration and tuition fees for professional and technical meetings and conferences are reimbursable, upon submittal of receipts, or may be paid directly by the City.

## **6. Travel with Spouse and/or Family**

If a spouse and/or other family member travel on an official trip, reimbursement shall be limited to the single rate for the room occupied.

## **7. Code of Conduct**

While traveling, employees are representing the City and are expected to conduct themselves in a professional manner that promotes a positive image to instructors, business persons and the general public.

# **B. PROCEDURES FOR AUTHORIZATION**

## **1. Travel Authorization**

Employees must receive written authorization to travel before any business travel is undertaken. Employees should submit their travel request at least 15 days prior to departure and obtain the supervisors written authorization for the trip. The travel request must contain the following information:

- a. Employee's name
- b. Destination
- c. Purpose of the trip
- d. Dates of departure and return
- e. Type of transportation requested
- f. Supervisor's written approval

When possible, travel arrangements should be charged or billed directly to the City.

## **2. Expense Report**

A reimbursement request should be filled out upon the completion of the business travel, and turned into the Clerk's Department. Itemized receipts must be attached to the report to receive reimbursement for:

- commercial carrier travel costs (including bus, limousine or taxi);
- gas, repairs and vehicle expenses;
- tolls, parking and garage charges;
- lodging;
- meals;
- registration and tuition fees;
- miscellaneous expenses (i.e. entertainment). Receipts for entertainment must include a note that indicates the business purpose of the entertainment, the names of the persons involved and the business relationship.

## **219 City-owned vehicles**

The City may assign vehicles for use by employees in their daily duties and to respond to call-outs, emergencies and other after hour tasks that are necessary for the maintenance of service to the citizens of Reedsburg. Vehicles may be assigned by department heads for the respective department, subject to review by the Administrator. All employees must show proof of insurance and obtain/maintain a valid Wisconsin Driver's License.

The City maintains several vehicles available for use by all departments which should be used for traveling to and from training sessions and meetings outside the City. Employees using these vehicles must complete a usage log.

City vehicles shall not be used for personal reasons except in limited circumstances.

## **220 Uniform Allowance**

Uniforms or uniform allowance will be provided to employees of certain departments as authorized by the Department Director and City Council. Employees who are provided uniforms or uniform allowance shall wear such uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure what constitutes appropriate attire, then the employee should check with his/her Supervisor or Department Director.

### General and Non-Sworn Employees:

Each year at the annual budget time the amount of Uniform Allowance is established upon recommendation from Department Heads. The Budget contains the approved amounts. No carry-over of Uniform Allowance is permitted.

### Sworn Represented Employees:

Each employee shall be allowed the amount negotiated in the Wisconsin Professional Police Association with no yearly carry-over.

## **221 Employee Merit and Recognition Program**

### **Employee Merit Pay Plan:**

Merit pay is one of the most frequently used methods to pay an employee based on individual performance. The essential goal of a merit pay program is to link pay to performance in a manner that is consistent with the mission of the organization. There are generally two conditions required to make the system work.

1. variations in employee performance must be measurable and measured
2. managers must be provided with the necessary tools to determine the appropriate rewards

### **Employee Service Award Program:**

Mayors/City Administrator Awards: The Mayor's or City Administrators Awards are presented to the City Departments or employees who have demonstrated success in reducing or eliminating workplace injuries and have reached their target or made significant gains towards a safe workplace.

### **Employee Recognition Program: (Merit Pay/Bonus Plan)**

Salary/wage grade changes (Driven by Employment Market Conditions), cost of living adjustment are separate from the Employee Recognitions Program.

## **SECTION 3 BENEFITS**

### **301 Health Insurance**

Full-time employees and their eligible dependents shall be eligible to participate in the City's group health insurance program during the period of their employment, upon the following terms:

- A. Application must be made for coverage at the time of hiring. Any employee who later applies for coverage may be required to furnish evidence of insurability as a condition of participation, and may be rejected if uninsurable or may have limitations imposed on the employee's coverage due to preexisting conditions.
- B. The City shall have the exclusive right to determine the identity of the insurer or insurers (which may include the City should it opt to be partially or totally self-insuring), the nature and extent of the coverage, and the premium amounts, deductible or co-pay amounts, if any, provided that during the term of their employment all full-time employees of the City, whether union or non-union, shall be included under the same program.
- C. Employee contributions and premiums for health insurance are set annually by the Common Council.

The City shall continue to pay the City's portion of the employee's premium during the time the employee is on approved sick leave or worker's compensation provided the employee remains employed by the City. Continuation during other types of leave must be approved by the Common Council or continued at the employee's expense.

Health insurance benefits are non-duplicable, that is, family members employed by the City are entitled to a maximum of one-family coverage.

### **302 Vision Insurance**

Full-time City employees are eligible for Vision Insurance made available by the City. The employees shall pay the entire premium cost.

### **303 Dental Insurance**

Full-time City employees are eligible for Dental Insurance made available by the City. The employees shall pay 50% of the premium cost.

### **304 Life Insurance**

The City will offer life insurance coverage under the State of Wisconsin Group Life Plan to employees after six months of employment. The Plan provides basic coverage as well as optional coverage, including up to three units of additional coverage and spouse and dependent coverage. The City will pay the premium for the basic coverage. The employee will pay the premium for any optional coverage for which the employee enrolls.

The City shall pay the City's portion of the employee's premium during the time the employee is on approved sick leave or worker's compensation so long as the person remains a City employee. Except as otherwise required by law, continuation during other types of leave must be approved by the City Council and must be paid by the employee.

### **305 Retirement**

The City will participate in the Wisconsin Retirement System. Employee eligibility and City employee premium amounts of payments are established as required by state law.

### **306 Cafeteria Plan**

The City maintains a Cafeteria Plan (Section 125) that allows employees to make pre-tax contributions for their health and dental insurance premiums. In order to participate in the Plan, employees must make the appropriate election. Questions about the Cafeteria Plan, qualifying expenses and applicant limits can be answered by the Deputy Clerk Treasurer.

### **307 Education Assistance Program**

A. The City is committed to giving each employee an opportunity for growth and development. The educational assistance program provides the financial assistance to individuals endeavoring to increase their knowledge and improve job skills.

All full-time, regular employees are eligible for participation. New full-time employees are eligible after successfully completing the probation period.

Employees who wish to pursue a degree program must have the approval of the Administrator.

Courses taken must meet one of the following criteria:

1. Job-related or within employee's current field of specialization
2. Aid in preparing employee for future opportunities as part of employee's overall developmental program.
3. Required as part of undergraduate or graduate degree program in City-related degree.

An employee must submit a detailed written narrative of the course outline and reasons the courses would benefit the Employee/City to the Department Head who will review and forward to the City to the Administrator.

The City Administrator will approve or deny the request. Denied request may be reviewed by the Personnel Committee.

B. Approval of requests is the sole discretion of the City, including the number of courses taken in each semester. An employee's course load should not unduly interfere with the employee's position responsibilities or work schedule.

- C. Courses must be taken at an accredited institution.
- D. When an employee is required by the employee's supervisor to enroll in a class or specific program, this is considered “training”, not educational assistance.
- E. Reimbursement will be made upon successful completion of an approved course defined as:
  - 1. A letter Grade of “A” = 100%, “B” = 95% AND “C” = 90%
  - 2. Completion of the course within time limit set by the institution.

The Employee must submit verification of final grade and proof of payment for eligible expenses to the Department Head and City Administrator for payment.

Reimbursement for tuition will be paid at a maximum of \$2,500 per calendar year.

Reimbursement for course related expenses will cover up to \$50 per course for books, lab/registration fees, thesis typing/bindings, etc.

If employee is unable to complete a course due to a job-related commitment caused by the City, full reimbursement will be made.

If an employee resigns or is terminated for just cause before completion of the course, the employee will not be reimbursed by the City.

### **308 Licenses**

The City will pay the cost of licenses required of the job.

### **309 Disability Insurance**

The City will provide a long-term disability insurance coverage for non-represented sworn police department employees similar to represented sworn employees. This coverage will go into effect 120 days after the employee becomes disabled under the terms of the plan.

## SECTION 4 GENERAL POLICIES

### 401 Code of Ethics / Gifts and Gratuity's

An employee may not use or attempt to use the employee's position to obtain financial gain, anything of value or any advantage, privilege or treatment for the employee or member of the employee's immediate family's private benefit or for an organization with which the employee is associated other than which the employee is entitled arising from Utility employment.

No employee or member of the employee's immediate family may, directly or indirectly, solicit or accept from any person or entity, directly or indirectly, anything of value if it could reasonably be expected to influence the employee's job performance or could reasonably be considered as a reward for the employee's action or inaction.

No employee may:

- Take any employment action affecting, directly or indirectly, a matter in which the employee, a member of her or his immediate family, or an organization with which the employee is associated has a financial or personal interest;
- Use the employee's position in a way that produces or assists in the production of a benefit, direct or indirect, for the employee, a member of the employee's immediate family either separately or together, or an organization with which the employee or the employee's immediate family member is associated.

This does not prohibit an employee from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses.

No employee shall grant any privilege, anything of value, special consideration, treatment or advantage to any person beyond that which is available to every other person except as may be specifically provided for by law. “

“The Municipal Code of Ethics is codified in the Reedsburg General Ordinances in Section 1.20 which outlines in detail the Code of Ethics governing City employees.”

### 402 Anti-Harassment and Anti-Retaliation Policy

#### PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment, discrimination and retaliation.

#### POLICY

The City is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, it is the policy of City to ensure a workplace free of discrimination or harassment based upon age, race, religion, color, sex, national origin, ancestry, handicap, physical condition, disability, arrest or conviction

record, sexual orientation, marital status, military participation, or any other characteristic protected by law ("protected status"). Harassment or discrimination of any such kind will not be tolerated.

This policy applies to all employees regardless of position in the organization, as well as vendors, customers and others. Conduct prohibited by this policy is unacceptable in the workplace or in any work related setting outside the workplace, such as during business trips, business meetings or business related social events.

Discrimination: State and federal law prohibits employment decisions to be made, in whole or in part, on the basis of protected status. Discrimination of this kind is in direct violation of this policy and will not be tolerated.

Harassment: For purposes of this policy, harassment is defined as any verbal or physical conduct that is designed to threaten, intimidate, coerce or denigrate an individual because of his/her protected status and has the purpose or effect of:

- A. Creating an intimidating, hostile, or offensive work environment;
- B. Unreasonably interfering with an individual's work performance; or
- C. Otherwise adversely affecting an individual's employment opportunities.

Examples of harassing behavior include, but are not limited to:

- A. Comments regarding a person's protected status; or
- B. Distribution, display or discussion of any written or graphic material that ridicules, denigrates insults, belittles, or otherwise shows hostility toward an individual or group because of protected status.

Sexual Harassment: Sexual harassment is a form of harassment and is illegal under state and federal law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

- A. Is made explicitly or implicitly a term or condition of employment;
- B. Is used as the basis for an employment decision; or
- C. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive work environment.
- D. Examples of sexual harassment may include, but are not limited to:
  - 1. Unwanted sexual advances or requests for sexual favors;
  - 2. Sexual jokes and innuendoes;
  - 3. Verbal abuse of a sexual nature;

4. Commentary about an individual's body, sexual process or sexual deficiencies;
5. Leering, whistling, or touching;
6. Insulting or obscene comments or gestures;
7. Display in the workplace of sexually suggestive objects or pictures (whether print or electronic); or
8. Any other physical, verbal or visual conduct of a sexual nature.

**Reporting Harassment, Discrimination or Retaliation:** The City encourages reporting all perceived incidents of discrimination or harassment, regardless of the offender's identity. The City will investigate all such reports. Individuals, who believe they have been a victim of, or have witnessed such conduct, should relay their concern to their immediate supervisor. Should the individual not feel comfortable discussing the situation with their immediate supervisor, they should talk with the Mayor, City Administrator, or any other supervisor within the organization.

The City also prohibits retaliation against any individual who reports discrimination or harassment or participates in the investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation is itself a violation of this Policy and will be subject to disciplinary action, up to and including termination. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

An employee who makes a false or malicious complaint of harassment, discrimination or retaliation may be subject to appropriate disciplinary action, up to and including termination.

Results of an investigation indicating harassment, discrimination or retaliation will be dealt with appropriately. An employee who violates this policy may be referred for counseling or training or be subject to disciplinary action, up to and including termination.”

**HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM**

Name of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name of Witnesses to the Incident [Include email / telephone number if known]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Details of the Incident [Attach additional pages if necessary]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you reported this or similar behavior before [If so, please indicate to whom and date reported]?

\_\_\_\_\_  
\_\_\_\_\_

Have you discussed this complaint with anyone else [If so, please indicate to whom and date discussed]?

\_\_\_\_\_  
\_\_\_\_\_

Do you know of any documents that may be relevant to this matter [Please attach]?

\_\_\_\_\_  
\_\_\_\_\_

How would you like this matter resolved? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The foregoing information is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Intake Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 403 Violence Free Workplace

The City strives to maintain a workplace for employees free from any form of violence. The City is committed to preventing workplace violence and to maintain a safe work environment. Engaging in any workplace violence or threats of violence may result in immediate termination of employment.

It is up to each employee to help make the City a safe workplace for all employees. The expectation is that each employee will treat all other employees, as well as customers and potential customers of the City with dignity and respect. Employees can and should expect management to care about their safety and to provide as safe a working environment as possible by having preventive measures in place and, if necessary, by dealing immediately with threatening or potentially violent situations which occur.

Prohibited conduct includes, but is not limited to:

1. Injuring another person physically;
2. Engaging in behavior that creates a reasonable fear of injury to another person;
3. Engaging in behavior that subjects another individual to extreme emotional distress;
4. Possessing, brandishing, or using a weapon of any kind during work hours except for storage in a vehicle consistent with Wisconsin law;
5. Intentionally damaging property;
6. Threatening to injure an individual or to damage property
7. Committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
8. Retaliating against any employee who, in good faith, reports a violation of this policy.

All threats of or actual acts of violence either direct or indirect, should be reported as soon as possible to an employee's immediate department head or supervisor. This includes threats by employees as well as threats by domestic partners, citizens, vendors, solicitors, or any other member of the public. When reporting a threat or actual acts of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to the department head. An employee should not place him or herself in real or perceived danger. If an employee sees or hears a commotion or disturbance near their workstation, the employee shall not attempt to intercede. The department head or supervisor should be contacted, and, if appropriate, 911 called.

The department head or designee will promptly investigate all reports of threats or actual acts of violence and suspicious individuals or activities. The identity of the individual making the report will be kept confidential to the extent possible. In order to maintain workplace safety and maintain the integrity of the investigation, the City may suspend employees, either with or without pay, pending the outcome of the investigation.

Employees found to be responsible for threats of, or actual acts of violence or other conduct that is in violation of this policy will be subject to immediate disciplinary action, up to, and including termination of employment. If a person other than a City employee is found to be responsible for threats or actual acts of violence or other conduct that is in violation of this policy, the City will prohibit such person from entering onto City property.

#### 404 Alcohol and Controlled Substances

The City is committed to providing employees with a safe, healthy and efficient workplace. To maintain the safety and health of its employees and those people to whom the City provides service, the City establishes the following rules:

- The use, possession, distribution, sale, manufacture, or being under the influence of illegal drugs during working hours, including lunch or other break periods, or while on the City's property is prohibited. Illegal drugs include non-prescription controlled substances.
- Employees are prohibited from being under the influence of, using, possessing, distributing, or selling alcohol during working hours, including lunch or other break periods, or while on the City's property, unless on a licensed premise.
- The use of drugs prescribed by a physician or dentist licensed to prescribe drugs which affect an employee's job performance is prohibited. Employees shall promptly inform their supervisor that they are taking a prescription medication which may affect their job performance. In doing so employees do not have to identify the medication or the medical condition for which the medication is prescribed, but rather may provide a physician's certificate of safety to work and of any work restrictions caused by use of the medication. Employees have a duty to ask the employee's physician whether any medication may create a work safety issue.

Any employee who is involved in a material work-place accident or incurs a work-place injury will be required to follow DOT testing requirements if they hold a CDL licenses and are performing a safety-sensitive function at the time of the accident or injury.

A positive test for illegal drugs or a positive alcohol test will be considered a violation of this rule and may be grounds for discipline, up to and including termination.

If an employee's supervisor has reasonable suspicion to believe that an employee is either using or under the influence of alcohol and/or illegal drugs during working hours, the employee may be required to submit to a reasonable medical evaluation which may include urinalysis, a blood test, or breath-screening test.

Any employee who refuses to submit to a reasonable medical examination shall be considered insubordinate and subject to disciplinary action, up to and including termination.

The City encourages employees who have alcohol/drug dependency to seek counseling or treatment. The City operates an Employee Assistance Program for regular employees.

Employees are required to notify the Administrator within five (5) calendar days following filing of charges and/or conviction of a criminal drug or driving under the influence of alcohol statute. The City may be required to advise Federal/State granting agencies of any convictions, as a condition of receiving assistance.

Employees who are required to possess a Commercial Driver's License (CDL) or those who directly supervise employees who must possess a CDL must comply with the City's drug and alcohol testing policies and federal and state licensing laws governing CDL's.

#### **405 Employee Assistance Program**

The City shall operate an Employee Assistance Program (EAP). This program is available for full-time or part-time employees only and is not available to seasonal or limited term employees. The EAP shall offer confidential assessment and counseling services for employees and dependents.

Employees may be requested to attend the EAP as part of a positive program toward improving the employee's performance. Employees are encouraged to enter the program on a voluntary basis. The City recognizes that personal, behavioral and medical circumstances can affect a person's health, safety and/or job performance. Employees may also be affected if their family members experience these circumstances. For these reasons, the City encourages employees and their dependents to use the EAP as a source for good information about many life circumstances and problem solving.

Reports from the agency, firm or person designated to operate the EAP for the City shall only provide the Administrator with summary reports indicating the amount of program usage.

Nothing in this policy shall obligate the City to assume any financial responsibility for the services provided to an employee or a dependent.

- A. The City will provide assistance for employees and their dependents facing life circumstance issues to find and access informational, diagnostic, counseling, treatment and support resources.
- B. The City of Reedsburg contracts with a Employee Assistance Program (EAP) provider for the City, employees and dependents. The EAP provides up to two hours of assistance each year for assessments, problem solving, resource identification, etc., for each employee and eligible dependent. Employees and eligible dependents that require treatment, additional services or support will be referred to suggested resources that can best meet their needs. The employee or dependents are responsible for all diagnostic and treatment services provided to the employee or dependent.
- C. The City will not discriminate against any employee in areas of job security or promotional opportunity due to their use of the EAP. An individual's voluntary participation in the EAP is confidential and will not be made part of the individual's personnel record. An individual participating in the EAP retains all benefits otherwise available.
- D. Employees are encouraged to contact the EAP voluntarily for a confidential assessment for any life circumstance issue for which they need good information.
- E. It shall be the employee's option to accept or reject a referral to the EAP or any subsequent referral to other resources.
- F. When job performance is affected, the supervisor may offer referral to the EAP at the written warning and suspension stage of discipline. A supervisor or co-worker may remind employees

of the availability of EAP services at any time. Acceptance or non-acceptance of a referral to the EAP will not affect the application of discipline. The offer of EAP services should be documented.

- G. There is no cost to the employee or dependent for using the EAP (up to two hours). If an employee or dependent is referred for additional services (treatment, legal, counseling, financial, etc.) the cost of such services is the employee's or dependent's responsibility. City employee benefits, such as health insurance, may defray some of the cost. Employees may not abuse the opportunity to use the EAP.

Employees and dependents may contact the City Administrator for the phone number for the EAP to schedule an assessment. Appointments will be scheduled at locations or in a manner convenient to the employee or eligible dependent at mutually agreed upon times. Employees and dependents may also contact the City's EAP Coordinator or the Administrator for information about the EAP or assistance in scheduling.

Supervisors should contact the EAP Coordinator or the Administrator for consultation and support in any employee performance problem situation. It is the supervisor's job to monitor employee job performance, not to diagnose or counsel employees about personal problems.

If requested, either the EAP Coordinator or Administrator will meet with any employee or dependent to facilitate a referral to the EAP for a professional assessment.

#### **406 Solicitation**

In the interest of maintaining a proper business environment and preventing interference with City work and inconvenience to its customers, the City establishes the following rules related to solicitations and distribution of literature on City property, except as authorized by the Administrator:

- Employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions or solicit for any other cause during work time.
- Employees may not distribute literature at any time in working areas.
- Non-employees may not solicit or distribute literature in or on any City buildings at any time for any purpose.

"Work time" includes the working time of both the employee doing the soliciting and/or distributing and the employee to whom the soliciting and/or distributing is directed. "Work time" does not include break periods, meals periods or any other specified periods during the work day when employees are not, with the permission of their supervisor, engaged in performing their work tasks.

"Working areas" includes all areas of City premises which it owns or has control in which work time activities are taking place and also includes the public areas of the premises.

#### **407 Electronic Communications and Access to Information**

This policy governs the use of the City's computers and information systems ("computer networks") by its employees.

**Privacy.** Any use of the City's computer networks by an employee constitutes a waiver of any right to privacy concerning such use. This includes personal communications. The City reserves the right and may exercise the right to review, audit, intercept, and disclose all communications on City networks at any time without prior notice to employees.

**Software.** The City has the exclusive right to install all software used on the City's computer networks. The installation of any software on the City's computer networks and work stations during work time or personal time without the City's express approval is prohibited. The City will remove all unauthorized software from its servers or work stations. The City will monitor software use by City employees for licensing purposes and to protect against viruses and unauthorized use of the City's servers or workstations by third parties. All software downloaded must be registered to and becomes the property of the City. Any software or files downloaded via the Internet into the City's network becomes City property.

All software must be used only in ways that is consistent with its license or copyright. No employee may use the City's Internet or e-mail facilities to knowingly download or distribute pirated software or data. Violation of any software license agreements or information services contracts by the unauthorized duplication of software, files, operating instructions or reference manuals is strictly prohibited.

**Data.** All data, whether on a server or on a workstation, is the City's property. Employees shall not purposefully delete or modify the work product of another City employee, a City member, or customer without the City's consent.

Some data in the City's computer networks is highly confidential; particularly, the City's customer information database ("CID") and all related data of the City members' retail customers and related analyses. The release of such City data to third parties shall be governed by applicable law and City policies concerning the release of retail customer data and related analyses, and the release of data from its CID.

**Security and Remote Access.** The City may provide employees with a unique user identification (UserID) to gain access to the City computer networks. Authorized users of the City networks will also be required to enter a password to gain access to their individual and shared areas on the network servers and other information resources located on the networks.

The City will provide each City employee or consultant requiring remote access with a unique identification (UserID) to gain access to the City remote communications servers. Remote access is provided to employees needing to access City computer equipment, software, and data from a location other than City offices or member locations. To avoid long distance charges, employees should use the City designated no-charge mode of access. City supervisors are responsible for determining the need for access by City employees.

City employees will be responsible for maintaining the confidentiality of their UserID's and passwords. City employees are required to change their passwords as directed. City employees shall

notify the City if they believe that unauthorized users have obtained UserID or password information to gain access to their user area or the City's networks.

The City will change consultant passwords or remove UserID's as frequently as necessary to maintain security on City computer networks.

If the City believes that the security of the City computer networks has been compromised by an unauthorized user or otherwise, the City shall take appropriate action to disable the UserID and passwords of users, work stations, or other access points to the system that may be involved. The City shall revoke an employee's UserID access to the City computer networks upon termination of City employment at the City or at any time based on information indicating the employee has engaged in conduct that could disrupt, interfere, or expose the networks to damage or to unauthorized use.

The City may install filters to block access to inappropriate Internet sites. However, the fact that access to a particular site is not blocked does not necessarily mean that it is an appropriate site.

Computers that use modems to create independent data connections may interfere with the City's network security mechanisms and can potentially be used by a third party to compromise the City's network security. Any computer used for independent dial-up or leased-line connections to any City computer or network must be approved by the City and must be isolated from the City's internal networks.

**Prevention of Computer Viruses.** Computer viruses and other debilitating programs present a major threat to the integrity of the City's information systems. Viruses are programs that infiltrate a computer environment and disrupt or damage computers, networks, program applications, and data. To prevent such problems from occurring on the City's computer networks, authorized persons will install anti-virus software on servers and workstations. Servers and workstations will be scanned for viruses on a regular basis.

All disks and work station hard drives will be presumed to have viruses. Authorized users on the City's computer networks will, therefore, be responsible for scanning every disk before each use to prevent the propagation of viruses on workstation hard drives, to prevent any potential disruption to the networks, or any disruption that may occur by the transmission of data or material containing a virus to third parties.

**Monitoring Communications and Software Use.** All communications and data on the City computer networks may be public records subject to disclosure under the state open records law, with certain exceptions. All communications on and uses of the City's networks or applications of any licensed software program installed in a work station or server during work or personal time may be monitored from time-to-time. City employees should be aware that any such communications and other uses of the networks are not private and that the City reserves the right and may exercise the right to access and disclose all messages on the City networks at any time with or without prior notice to the employee.

**Data Storage.** The City shall be responsible for organizing all data on the City computer networks in a manner that will allow users to readily access files and other information on the networks.

The City shall further establish procedures or protocols governing the deletion and retention of all data on the networks, including the development of record retention schedules.

While the City is responsible for disaster recovery and backup of all data on City servers, City authorized users on the computer networks are responsible for protecting data or information maintained locally at their workstation. This includes backing up data on individual work stations to ensure that data saved on individual work stations conforms to established record retention schedules and that such data is available to authorized users during the appropriate retention periods.

**E-Mail.** The content and maintenance of the City's electronic mail and shared file storage areas are the user's responsibility. Authorized users should follow standard business etiquette in using this medium.

Like all other communications on the City computer networks, City employees should be aware that electronic mail messages sent within the City networks or on the Internet using the City's computer equipment are not private communications and that all e-mail messages are the property of the City. The City reserves the right to access, review, and disclose all e-mail messages. The City staff should regard all e-mail messages as non-private communications that may be viewed by others.

Employees using e-mail should delete unwanted messages or files immediately in order to preserve disk storage space. Alternatively, users should transfer to disks or hard drives any e-mail messages or files the user wants to save.

**Internet Access.** The Internet provides access to a wide variety of resources that can assist City employees in the performance of their jobs. The City may monitor Internet usage at work stations and remote sites and maintain a record of employee time on the Internet and sites accessed.

The services available on the Internet are provided on a fee basis or free of charge. Each system has its own rules and limitations. City employees must be aware of computer security and privacy concerns associated with the use of various systems on the Internet. Employees must also guard against computer viruses. Employees must be aware of the costs involved in conducting research or communications on the Internet and must not incur charges for Internet usage without the Administrator's consent.

**Personal Use of Networks and Computers.** The City recognizes that employee computer use and the information resources available on the City computer networks can enhance employee knowledge of electronic information resources and can sharpen their information technology skills. Personal use of computers during non-working hours is permitted in order to enhance those skills so long as such use does not interfere with the employee's job responsibilities, the work of other City employees or members, or is used to the benefit of third parties. At no time, however, shall the City's computer networks, work stations, or laptops be used by employees for non-City business related purposes by an employee or on behalf of a third party. The City also reserves the right to limit personal use on a case-by-case basis, where more than incidental personal use or abuse becomes apparent to the City.

Personal use of Internet access and e-mail services is permitted during personal time provided that the accessed sites are at no cost to the City and as long as the employee agrees that any messages received or sent may be accessed, reviewed, and disclosed by the City at its discretion. An employee using City equipment on personal time must follow all guidelines set forth in this policy.

Personal time includes breaks, lunchtime, and time outside of established work hours. Employees using the resources to fulfill job responsibilities always shall have a priority over those desiring access for personal use.

All costs associated with personal use of the City's computer networks for printing information must be paid for by the employee. Employees shall reimburse the City for such costs by submitting a Personal Use form to the City Manager.

The use of storage space on servers for personal data is prohibited. Personal data may be stored on an employee's hard drive at individual workstations provided that space is available.

**Social Networking.** The City recognizes that employees may access and use internet or other social media sites, including LinkedIn, Facebook, My Space, Twitter, Instant Messaging, chat rooms, web sites etc. (collectively referred to for purposes below as "social network").

The City recognizes that there may be legitimate business reasons to access and use social networks for work purposes. If an employee has a legitimate business need to use social networks during working time, the employee should obtain advance approval from the employee's supervisor. Whether or not such usage is approved by the City, the following standards apply to employees' use of social networks:

- A. The City reserves the right to monitor social network use whether during work time, and outside of work hours if such use impacts the City.
- B. Any social networking performed on City property or using City networks is City property and employees do not have any expectation of privacy with respect to any communications utilizing them. The City reserves the right to access and review such usage at any time.
- C. Employees shall not use social networks to disclose trade secrets and confidential information or engage in unauthorized disclosure of City activities through such usage.
- D. Employees shall not display City logos and trademarks on social network sites without the City's permission.
- E. Use of social networks during working time is prohibited except with supervisory approval. Social networks may be used for personal purposes during non-working time (breaks or lunch) and then only in such a fashion as to not impact any employee's performance of City duties and in a manner not prohibited by this policy.
- F. Employees shall not use of the City's email address for registration on social networking sites.
- G. Employees shall not post false or defamatory information regarding the City or any of its employees on social networks.

- H. Employees shall not use of social networking sites in a manner which violates the City's harassment policy or other portions of this Electronic Communications policy.
- I. If an employee participates in social networking activities in such a manner that the employee's affiliation with the City is evident, the employee shall designate that the views expressed by the employee are the employee's private views and not the City's.
- J. An employee shall not represent, either expressly or implicitly, that the employee is a spokesperson for the City, unless authorized to do so by the City.
- K. If an employee expresses an opinion about the City's product or services or those of a City's client, the employee shall disclose that the employee is employed by the City.
- L. Non-exempt employees may not use social networking sites for approved work-related tasks during non-working hours.

Nothing in this policy shall be construed to limit an employee's exercise of §111.70(2), Stats., rights.

Any violations of these provisions may be grounds for discipline, up to and including termination.

**Prohibited Activities.** City employees shall not interfere with or disrupt the City's computer networks, other networks users, services, programs, software, or equipment.

Interference or disruption with the City networks, other network users, services, software, or equipment may include, but are not limited to the following:

- the use of the City system and/or networks to gain unauthorized access to remote systems;
- the use of the City system to copy unauthorized system files or copyrighted material, such as third-party software;
- intentional attempts to “crash” the City network systems or programs;
- attempting to secure unauthorized higher level privileges on the networked systems;
- the willful or negligent introduction of computer viruses or destructive programs that could adversely affect the City networks;
- sharing password and password information with any other person. If a City employee does share the employee's UserID with another person, the employee shall be solely responsible for the actions that other person has appropriated;
- deleting, examining, or modifying files or work product belonging to other employees without their prior consent; or
- using the network or any of its authorized software for personal gain or solicitation, to harass or threaten others, to send junk mail or “for-profit” messages.

Employees are also prohibited from engaging in the following conduct on the City networks:

- accessing sites or displaying items that may be regarded as offensive, indecent, or obscene by other employees or visitors;
- using abusive or obscene language in any messages transmitted on the networks, including any internal or external e-mail messages and Internet communications;
- engaging in behavior on the networks that is prohibited by the City's policy on harassment;
- engaging in any other conduct that could cause congestion and disruption of the City's networks and systems;
- disseminating political advocacy information;
- engaging in use that interferes with the employee's or another employee's performance of the employee's duties or which otherwise disrupts the operations of the City;
- posting commercial notices or other solicitations;
- engaging in use which is illegal, including the violation of copyright, gambling and pornography laws; or,
- accessing or attempting to access confidential information, including personnel records, medical records and financial information pertaining to the City or any of its employees.

**Compliance with Laws.** City employees will be responsible for adhering to local, state, and federal laws in conducting their work on the City's computer networks. Any attempt to break those laws through the use of the networks may result in litigation against the offender by the proper authorities. If such an event should occur, the City will fully cooperate with the appropriate authorities to provide any information necessary to assist the relevant law enforcement authorities during the investigation process.

## 408 Purchasing Policy, Credit Cards and Fleet Card Use

### A. Purchasing

The City has a purchasing policy for use by the City Employees. Department heads manage city budgets as approved by the City Council. Adherence to City, State and Federal bidding for equipment and services purchases must be followed in accordance with City Municipal Ordinance and state law

#### Purchasing Procedure

<b>Department of Purchase Under \$500</b> →	Department Places Order Vendor Fills Order Department Head may approve budgeted contracts.
<b>Between \$500 and \$10,000</b> →	<u>Prior Approval Is Needed:</u> Department Head Obtains 3 quotes Completes Purchase request Verifies that Item is budgeted/requests transfer. Forwards to City Clerk-Treasurer Cit Clerk-Treasurer may approve budgeted contracts
<b>Between \$10,001 and \$50,000</b> →	<u>Prior Approval Is Needed:</u> Department Head Obtains 3 quotes Completes Purchase request Verifies that Item is budgeted/ requests transfer Forwards to City Clerk-Treasurer City Clerk-Treasurer forwards to City Admin. Administrator may approve budgeted contracts
<b>Over \$50,000</b> →	<u>Prior Approval Is Needed:</u> Department Head Obtains 3 quotes Completes Purchase requests Verifies that Item is budgeted/ requests transfer Forwards to City Clerk-Treasurer City Clerk-Treasurer forwards to Finance Committee Administrator may approve budgeted contracts
<b>Unbudgeted or Under-budgeted Purchases</b> →	<u>Prior Approval Is Needed:</u> Department Head Obtains 3 quotes Completes Purchase request Identifies Revenue Source and requests amendment Forwards to City Clerk-Treasurer City Clerk-Treasurer forwards to Finance Committee and Common Council Mayor or Administrator approves all contracts.

### B. Credit Cards

The City maintains corporate credit accounts and cards to facilitate purchases. The City Administrator will designate which employees will be authorized to use City-issued credit cards. No one other than

the authorized individual is allowed to use a City-issued credit card. City-issued credit cards may only be used for authorized expenditures.

The use of a City credit card requires adherence to any and all City policies and procedures currently in effect, including, but not limited to, authorizations, processing and budgetary issues, in particular the provisions of this Handbook that pertain to attendance at conferences, training and seminars and expenditure of City funds. Any employee not following such policies will be responsible for the cost of the item charged and will have the privilege of using a city credit card withdrawn.

Any employee using a City-issued credit card must also use the City’s tax-exempt status whenever applicable to ensure that no unnecessary charges are incurred through the use of a City- issued credit card.

Credit cards will be limited to no more than \$2,000 for authorized expenditures at any one time, unless specifically authorized by the Administrator or City Clerk-Treasurer, in writing.

When using a city issued credit card, employees must submit the receipt for the items charged, or they will not be processed and will become the responsibility of the employee.

Each month, the department head must review all of the expenditures made with the credit cards, ensure that the expenditures are in conformance with City policies and that all receipts are attached to the monthly credit card statement, prior to submitting the statement for payment. In the event the department head determines that an unauthorized expenditure has occurred, the Administrator and City Clerk-Treasurer must immediately be notified.

Any employee abusing the privilege of using a City of Reedsburg credit card may be subject to disciplinary action, up to and including discharge.

### **C. Fleet Fuel Cards**

All fuel for City owned vehicles and equipment are issued fleet charge card or by signing for gasoline at the vendor location.

The following department’s vehicles have been issued a fleet card for each City owned vehicle or equipment:

Administration, City Clerk-Treasurer	Public Works Department
Community Development: - Planning/Zoning/ Building Inspector	Engineering Streets Department
Public Safety: - Police Department and - Fire Department	Waste Water Department
Parks Department	Library Department

The Department Head in each area will be responsible for reporting and managing authorized users for their department to the City Clerk-Treasurer.

### **409 Chain of Command**

Operation of any government agency depends on an effective chain of command. The ultimate decision concerning policy in the City of Reedsburg resides by law with the Common Council under the leadership of the Mayor and City Administrator. The Administrator, as chief administrative officer of the City of Reedsburg, is the primary professional advisor to the City of Reedsburg and head of the management team. The Directors of Departments of the City are part of the management team, and report to the Administrator. Supervisors subordinate to the Directors are also members of the management team. This management team concept is the process by which a recommendation for action is developed and the decision implemented. This system represents a means of establishing orderly lines of organization and communication as management personnel unite to promote effective services for the community.

The Administrator is responsible for the development, supervision, and operation of the City and its personnel and facilities. The Administrator is given the latitude to determine the best method of implementing the policy decisions of the City Council.

All staff members and supervisors shall be responsible to the City Council and the Mayor through the City Administrator. Each shall refer matters requiring administrative attention to his or her supervisor, who shall refer such matters to the next higher authority, when necessary, and through the Administrator to the City Council. Each employee is to keep the person that the employee reports to informed of the employee's activities by whatever means the supervisor deems appropriate. If an employee has any questions, opinions or suggestions about the information contained in this Manual or about any other aspect of his or her job, then those questions, opinions or suggestions must be directed through the chain of command.

The Administrator and those Department leaders, supervisors, and employees directed by the Administrator shall attend meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation – as distinct from deliberation, debate and voting of the Council members.

Any employee who receives directives or requests from any individual citizen, business representative or elected or appointed official are to immediately report such directive or request to the employee's supervisor. No specific directives or requests from such persons are to be fulfilled unless permission to do so is given by the employee's supervisor.

Generally, if an employee has a problem with an individual, then the employee is encouraged to approach that person first and attempt to resolve the conflict. If that does not resolve the problem, then the employee must address the problem through the employee's immediate supervisor and onward through the chain of command. In some cases, the employee's supervisor may decide to refer the problem through the chain of command where it can be addressed by another supervisor or the City Administrator. If an employee feels harassed by another person based on one's protected status, then the employee is directed to follow the harassment reporting Policy in this Manual.

## **410 Light Duty**

### **A. PURPOSE**

The City provides light duty assignments only for conditions which are governed under Wisconsin's Worker's Compensation law and then on a case-by-case basis taking into account the nature of the condition and the availability of work.

## **SECTION 5 WORK RULES**

### **501 Personal Appearance**

City employees are expected to dress and act in a manner consistent with the position they hold and the degree to which they contact the public. City employees are expected to present a personal appearance that projects a positive image of the City.

An employee's supervisor is required to discuss the subject of personal appearance with the employee if it does not positively reflect the image of the City. Employees who are inappropriately dressed in the supervisor's opinion may be sent home and required to return to work in acceptable attire. Under these circumstances the employee shall not be paid for time away from the work site. Employees who do not comply with this policy may be subject to discipline, up to and including termination.

### **502 Tobacco**

The use of tobacco or electronic smoking device (as defined in §315-9(C)(2)) products is not allowed in City buildings, facilities or vehicles.

### **503 Safety**

The City attempts to balance City-wide control of some safety and risk management functions with departmental responsibility for the implementation of most functions. Each and every employee should be involved in contributing to a safe environment. Continual emphasis on safety and loss prevention techniques and the refinement of work procedures have been shown to significantly reduce injuries, property damage, and work interruptions. The City has designated the City Administrator as Safety Director and all employees are required to follow direction given by him/her in the area of Risk Management or safety issues. The Safety Director, or designee, will also keep and maintain incidence logs and keep adequate records as required by the state or federal government.

As a condition of employment, all employees are expected to adopt a concept that the safe way to perform a task is the most efficient and the only acceptable way to perform that task. Supervisors have been charged with the responsibility of maintaining a safe work environment and establishing safety rules and adequate training for all under their jurisdiction. Employees are responsible for following the safety rules, wearing the required protective equipment, promptly reporting all unsafe actions, practices and conditions that they observe, reporting all accidents and injuries occurring within the course of their employment, and cooperating and assisting in the investigation of accidents to identify causes and corrective measures to prevent their occurrence. Employees found not to be wearing required protective equipment will be required to leave the job site until properly attired without pay for the first offense, second offense will be a day off without pay. Subsequent offenses will be subject to discipline.

### **504 Housekeeping**

Good housekeeping throughout all buildings is essential to safety, efficiency, and satisfactory working conditions. Every reasonable effort is made to provide facilities necessary to maintain a high standard of neatness and cleanliness. Good housekeeping is the responsibility of every employee. Employees shall know the housekeeping requirements of any job to which they are assigned and are required to carry them out.

### **505 Tools and Equipment**

City employees shall take pride in their work and in the supplies and equipment that they use in their work. The City makes a large investment in the equipment and supplies necessary for employees to do their jobs. The City must pre-approve the purchase of any equipment or furniture. The City will replace equipment that becomes worn or defective through normal use. Replaced equipment must be returned to the City.

The City shall furnish all necessary gloves, belts, hand tools, and all necessary safety equipment for the protection of employees. Employees shall wear and/or utilize safety equipment that is provided by the City. The City will be responsible for cost of cleaning and maintaining the provided equipment, however, employees are responsible for the care necessary to ensure the longest possible life of the issued equipment.

City employees shall not use City tools, equipment or facilities for personal use.

Supervisors must be notified within one working day if any equipment, machines, tools, or vehicles appear to be missing, damaged, defective, or in need of repair

### **506 First Aid or Injury**

The City is required to maintain accurate and complete records concerning work-related injuries and illnesses and expects each employee to cooperate in this duty. Therefore, an employee who becomes ill or sustains an injury while at work, no matter how slight, must report it immediately to a supervisor. Failure to report any work-related accident or injury is a violation of City policy and may result in discipline, up to and including discharge.

Employees who require medical assistance will be sent/taken for emergency treatment.

### **507 Attendance and Punctuality**

The City expects prompt and regular attendance from all employees. This means that all employees must be at their appointed work stations on time and fully ready and able to work at their starting time. Proper attendance and punctuality are important in order to maintain a good performance record.

Accurately recording of time worked is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Employees shall sign their time records to certify the accuracy of all time recorded. Supervisors shall review and initial the time records before submitting them to payroll for processing. In addition, if corrections or modifications are made to the time record, both the employee and the

supervisor must verify the accuracy of the changes by initialing the time record. Exempt employees are required to turn in bi-weekly time sheets to the Deputy Clerk/Treasurer.

Unnecessary tardiness and absenteeism has a disruptive impact on City operations and may result in discipline and ultimately termination of employment.

Employees are required to call in and report absences or tardiness to their supervisor before the start of the work day unless circumstances prevent the employees from calling in. If an emergency situation exists, the employee must notify the supervisor at the earliest reasonable time.

An employee who fails to report for work for three (3) consecutive workdays without notice will be deemed to have voluntarily terminated City employment.

The following acts shall be violations of work rules and may be grounds for disciplinary action:

- A. Failure to report promptly at the starting time of a shift; leaving before the scheduled quitting time of a shift; or failure to notify the proper authority of impending absence or tardiness;
- B. Unexcused or excessive absenteeism or failure to report to work;
- C. Frolic or detour for personal business or pleasure while on City time or on City business;
- D. Abuse of sick leave privileges, including but not limited to claiming inability to work due to illness or injury when in fact no such illness or injury exists which prevents working; and
- E. Failure to observe or break time periods.

### **508 Personal Appointments**

Employees are encouraged not to schedule personal appointments during regularly scheduled hours of work. If it is necessary to be absent or to leave for a personal appointment, an employee must notify the supervisor as soon as possible, but no later than the day before such an appointment.

The time absent must be recorded and employees will not be paid for the time missed from work unless sick leave or other paid leave is permitted and available for use.

### **509 Personal Communications**

Employees should take care of personal business outside of work. The City recognizes that there may be times when this is not possible. To minimize the disruption to the work day and other employees, the City expects that employees will make prudent use of City telephones and personal cell phones or other electronic communication devices for personal use. Personal communications should be made during lunch or break periods to minimize disruption of the workday, whenever possible. Misuse or abuse of this personal communication privilege may result in disciplinary action, up to and including termination.

Employees should request that friends and relatives call at work only in emergencies.

Personal use of City telephones for long distance calling, fax machines and copiers is not permitted without prior City approval and may be cause for disciplinary action, up to and including discharge.

### **510 Work Performance**

Violations of work rules include, but are not limited to, the following and may be grounds for disciplinary action:

- A. Insubordination, disobedience, failure or refusal to follow the written or oral instructions of supervisory authority, or failure to carry out work assignments;
- B. Sleeping on the job, temporarily ceasing to work, wasting production time or some other form of neglecting job duties and responsibilities;
- C. Disclosure of confidential information and records to unauthorized persons, when the employee has been informed that the matter is confidential;
- D. Intentionally falsifying records or giving false information relating to any matters relevant to City affairs to other City, State or Federal officers or employees responsible for record keeping or for enforcement of City, State or Federal law;
- E. Failure to observe all safety rules and practices on the job, including failure to use protective equipment and clothing;
- F. Failure to observe all safety rules and practices in the operation of City vehicles and equipment;
- G. Attempting to keep secret or unavailable information or records which are public records or which rightfully should be furnished to other government employees, including unauthorized destruction of records; and,
- H. Failure by a department head or other supervisory person to take appropriate action to enforce or to deal with infractions of these work rules by employees under his/her supervision;

### **511 Use of City-Owned Property**

Violations of work rules include, but are not limited to, the following and may be grounds for disciplinary action:

- A. Abuse or misuse of City property, materials or equipment including motor vehicles;
- B. Stealing or unauthorized possession of City property, equipment, or materials;
- C. Unauthorized use of City property or equipment including but not limited to vehicles, telephones, computers, copy machines, or mail service; and,
- D. Selling, giving away or otherwise transferring City property or the use of City property to any person unless specifically authorized to do so by the Common Council or by a Committee of the Common Council.

## 512 Personal Actions and Appearances

Violations of work rules include, but are not limited to, the following and may be grounds for disciplinary action:

- A. Commission of a Federal or State crime during hours of employment as a City employee or involving the use of any City property or facility;
- B. Threatening, attempting to inflict, or inflicting bodily harm upon fellow employees, representatives of other agencies, or members of the public while working as a City employee, except when exercising a privilege conferred by law, and then only to the extent that such activity is legally privileged;
- C. Threatening, intimidating, interfering with, or using abusive language toward fellow employees or members of the public while working as a City employee, including slurs based upon race, reed, gender, or place of national origin;
- D. Sexual or other harassment of any other employee;
- E. Unauthorized possession of weapons on the job site or during working hours;
- F. Making or disseminating false, defamatory or malicious statements concerning other employees, supervisors or officers of the City;
- G. Unauthorized possession or use of alcoholic beverages or controlled substances during work hours, while on City time or property, or while engaging in City business;
- H. Reporting to work under the influence of alcohol or controlled substances;
- I. Manifesting evidence of abuse of alcohol or controlled substances when such abuse affects the employee's performance of his/her employment functions;
- J. Reporting to work in a condition reasonably likely to be unsafe to the employee, other employees, members of the public or to physical property due to the influence of medication or due to illness;
- K. Eating or drinking in unauthorized areas or at times when not authorized by supervisory personnel;
- L. Selling commercial or private products or services on City time or on City premises without written authorization;
- M. Unauthorized solicitation of funds or donations for any purpose on working time;
- N. Unauthorized distribution of printed matter on working time;

- O. Unauthorized possession, lending, borrowing, or duplication of City keys or credit cards; careless or improper use of City keys or credit cards; or failure to report promptly the loss of City keys or credit cards;
- P. When City employment requires wearing of a uniform, unauthorized or improper use of the uniform or failure to wear the uniform property;
- Q. Soliciting or accepting any unauthorized compensation, reward, kickback, gratuity or gift of any kind or value for performing any service related to the employee's job as an employee of the City;
- R. Intentionally, carelessly or negligently damaging or destroying property owned by members of the public while performing duties as an employee;
- S. Conducting lotteries, playing cards for money, booking bets, or any other form of gambling by employees or outsiders on City time or premises is not permitted.

### **513 Outside Activities and Employment**

Violations of work rules include, but are not limited to, the following and may be grounds for disciplinary action:

- A. Transacting business as a City employee with any business entity in which the employee has an interest except as authorized by law. This paragraph shall not prohibit such transactions if approved by the Common Council after disclosure of the employee's interest in such business entity; and
- B. Engaging in any outside activities or employment which may impair the employee's independence of judgment or the employee's ability to perform job.

### **514 Political Activities**

- A. Employees may participate in political activities, but only to the extent that such activities do not interfere with the employee's job duties or which use or create the appearance that the employee is using City employment for political purposes
- B. Permitted Political Activities. The following types of political activities by City employees are permitted:
  1. Membership in a political party.
  2. Participation in political party or campaign activities during non-working hours.
  3. Making voluntary contributions for political purposes.
  4. Management of a political campaign for a candidate during non-working hours.
  5. Display of political signs or other campaign materials at the employee's home.

6. Running for a non-partisan office, if the holding of such office would not be incompatible with the employee's status as a City employee.

C. Prohibited Political Activities. The following types of political activity by City employees are prohibited, and shall constitute violations of work rules and may be grounds for disciplinary action:

1. Using the employee's authority, influence or status as a City employee to interfere with or affect a nomination or election.
2. Using the employee's authority, influence or status as a City employee to intimidate, threaten or coerce any person to vote contrary to his/her free choice.
3. Using the employee's authority, influence or status as a City employee to directly or indirectly intimidate, threaten or coerce any person to pay, lend or contribute anything of value, including services to any political party, organization or candidate for Political purposes.
4. Using the employee's authority, influence or status as a City employee to threaten or to confer benefits or effect reprisals to secure desired political action or inaction.
5. Engaging in political activities while engaged in City employment duties, such as wearing political identification or campaign materials while on duty, parking a vehicle with a car-top political advertisement on City-owned property, passing out campaign materials on City time, placing political stickers or advertising on City vehicles, or similar activities in which the employee's political activities are intertwined with the duties of the employee's City employment.
6. Running for full-time partisan political office while employed by the City. The filing of nomination papers shall constitute running for such an office. Immediately upon such filing, an employee shall take an unpaid leave of absence from the employee's City employment, which shall last until the day after the election in which the employee is a candidate. An employee may use any of the employee's unused vacation time during the period of leave of absence, but may not use sick days during such leave. Failure by an employee to take such a leave of absence shall constitute grounds for termination of the employee's employment by the City.
7. Participating in the solicitation of funds to be used in any manner for a political campaign or political purpose while on duty as a City employee.

## SECTION 6

### Disciplinary and Termination Procedures

#### 601 Discipline

City employees are at-will employees. This means that either the City or the employee may terminate the employee's employment at any time for any reason, with or without cause and with or without notice, so long it is not for an illegal purpose. The following corrective actions are available for supervisors to use. The City is not required to follow a progression of discipline, but may impose such corrective action as it deems appropriate for the circumstances. These procedures are not all inclusive and therefore departments may pursue other discipline methods appropriate to a situation, subject to approval by the Personnel Committee.

##### A. Available Corrective Activity

###### 1. Oral Reprimand:

This involves a face-to-face meeting between the first line supervisor and the employee to discuss the unsatisfactory areas of the employee's work performance or conduct and suggestions for improvements. The employee should be warned of future disciplinary action if the situation is not corrected. The occurrence of such discussion should be documented by the supervisor, and a copy of such documentation placed in the employee's permanent record. Oral reprimands can be given by the supervisor without approval from the Administrator.

###### 2. Written Reprimand:

This involves a written statement outlining the causes of the reprimand and indicating that disciplinary action will result if not corrected. Where applicable, references to previous oral reprimands should be noted. The written reprimand should be discussed with the employee at the time it is given and placed in the employee's personnel file. Written reprimands can be given by the supervisor without approval from the Administrator.

###### 3. Suspension Without Pay:

This involves a removal from work without pay for a varying length of time, up to five (5) days. Notice of the suspension must be in writing with copies going to the employee, the Personnel Committee and the employee's personnel record. The written notice of suspension shall state the reason for the suspension and the length and dates of the suspension and shall bear the department head's signature. The written notice shall be delivered personally to the employee unless the employee is on vacation or sick leave, in which case it may be mailed to the employee's current or last-known home address as shown in the City's employment records. A suspension without pay must be approved by the Administrator.

###### 4. Alternatives to Suspension:

a. Reassignment: Under some circumstances, reassignment of an employee to another job situation may be appropriate either as a disciplinary action or as a means of assisting the employee in avoiding disciplinary actions in the future. Where appropriate, the Administrator may offer the employee reassignment in lieu of other disciplinary actions, if another position is available. If the employee declines reassignment, other disciplinary actions appropriate the employee's conduct may be imposed.

b. Demotion: In some circumstances, the Administrator may offer demotion or transfer-demotions within a department as a disciplinary action. However, disciplinary demotions should only be made if there is reasonable belief that the action will improve the employee's conduct.

5. Discharge: This involves the employee's termination as a City employee. Discharge may be initiated by a suspension "pending discharge" to provide adequate time for additional investigation. If the facts continue to warrant discharge, the notice of discharge shall be issued in order to effectuate the discharge. All discharges shall be formalized in writing and signed by the department head or designee. Discharges of regular full time employees must be approved by the Personnel Committee.

# Disciplinary Warning Notice

Employee's Name \_\_\_\_\_

Job Title \_\_\_\_\_

Date of Incident \_\_\_\_\_

Incident \_\_\_\_\_

Reason for Notice:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Action Taken On This Notice

\_\_\_\_ Oral warning

\_\_\_\_ Written warning

\_\_\_\_ Suspension for \_\_\_\_ days

\_\_\_\_ Termination

\_\_\_\_ Other (specify) \_\_\_\_\_

Next Step If Infraction Is Repeated

\_\_\_\_\_

Supervisor Comments:

\_\_\_\_\_  
\_\_\_\_\_

Employee Comments:

\_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_ Signed \_\_\_\_\_  
(Supervisor) (Employee)

Date \_\_\_\_\_ Date \_\_\_\_\_

Original to be forwarded to City Administrator or Human Resources for employee's file

## 602 Separation from Service

All separations from City service shall be designated as one of the following: resignation/retirement, layoff, disability or dismissal. The termination date is recognized as the last day on the payroll.

### A. Resignation/Retirement

Resignation or Retirements are voluntary, permanent separation initiated by the employee. It is expected that employees will give as much notice as possible in order to facilitate recruitment and orientation of new employees. Employees are asked to submit their resignation in writing at least two (2) weeks in advance of their planned departure and retirement notices as soon as possible.

### B. Layoff

A layoff is the termination of employment due to a shortage or stoppage of work or funds, functional reorganization, abolishment of a position, or other similar reasons.

### C. Disability

An employee may be separated from City service when the employee is unable to perform the required duties due to physical or mental illness, injury or disease with a reasonable accommodation, if such accommodation provides an undue hardship, or the employee poses a direct threat to the employee's self or others.

### D. Automatic Termination/Dismissal

Any employee absent from work for three (3) consecutive workdays without notifying the City will be considered to have voluntarily resigned from employment with the City. Workdays are deemed to be consecutive notwithstanding their separation by scheduled days off or by approved leaves of absence.

**"Employee discipline"** means an employment action which results in disciplinary suspension, with or without pay, disciplinary termination, or disciplinary demotion. "Employee discipline" does not include oral reprimands or warnings, written reprimands or warnings, performance improvement plans, performance evaluations or reviews, documentation of employee acts or omissions, administrative leave or suspension with pay, non-disciplinary wage, benefit or salary adjustments, changes in assignment, action taken pursuant to an ordinance created under §19.59(1m), Stats., or other non-material employment actions.

**"Employee"** shall not include employees subject to a collective bargaining agreement addressing employee discipline, termination and workplace safety, statutorily appointed individuals identified specifically in statute as serving at the pleasure of an appointing authority, elected officials, and independent contractors, and those employees or officials whose employment status is regulated by the charter ordinance.

**"Workplace safety"** shall be narrowly construed and not construed to include basic conditions of employment unrelated to physical health and safety. "Workplace Safety" means conditions of employment related to the physical health and safety of employees, as long as such conditions are not enforceable under state or federal law, and includes safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk. "Workplace safety" does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, sick, family or medical leave, work schedules, breaks, termination, vacation, performance reviews, and compensation.

C. Grievance Process

1. Written Grievance Submission. The employee must file a Grievance within seven (7) calendar days of the termination, employee discipline or actual or reasonable knowledge of the workplace safety issue. The Grievance must be in writing and must be filed with the City Administrator. The Grievance shall contain:
  - a. a clear and concise statement of the relevant facts and dates;
  - b. the identities of people with material knowledge;
  - c. relevant documentation;
  - d. steps taken to informally resolve the dispute and the results of those discussions;
  - e. rationale supporting the Grievance; and,
  - f. the remedy that should be issued.

A Grievance alleging a workplace safety issue shall also identify the workplace rules allegedly violated, if applicable.
2. Administrative Response. The City Administrator shall review the grievance and provide Grievant with a written response within fourteen (14) calendar days of receipt of the written Grievance. The written response shall contain a statement of the basis for the decision to sustain or deny the Grievance, and, if denied, the deadline for the Grievant to appeal the Grievance to an Impartial Hearing Officer. The City Administrator is encouraged to meet with the Grievant to discuss the Grievance.
3. Impartial Hearing. The City Administrator's decision shall be final unless the Grievant files a written appeal requesting a hearing before an Impartial Hearing Officer. The written appeal shall be filed with the City Administrator within seven (7) calendar days of receipt of the Administrative Response. The hearing shall take place within a reasonable time, but in no case more than twenty-eight (28) calendar days from the filing of the written appeal. The Impartial Hearing Officer shall file a written decision within fourteen (14) calendar days of the close of the hearing.
4. Appeal for Review. The non-prevailing party may file a written request for review by the City Council within seven (7) calendar days of receipt of the Impartial Hearing Officer's written response.

6. Time Deadlines. No grievance shall be advanced if not filed or appealed within the Policy's time deadlines. The parties may mutually agree to extend any time deadline, which extension shall not be precedential.
7. Meetings/Hearings. Any meeting or hearing held under this Policy ~~System~~ shall be during off-duty hours unless specifically agreed to by the City.

D. Hearing

1. Selection of Hearing Officer. Following receipt of the Appeal for Review, the City shall select an Impartial Hearing Officer, who shall not be a City employee.
2. Representation. The Grievant shall have the right to representation during the Grievance Procedure at the Grievant expense. The representative shall not be a material witness to the dispute.
3. Nature of the Hearing. The Impartial Hearing Examiner will determine the scope of the hearing based upon the nature of the Grievance so as to provide the Grievant with an appropriate level of procedural due process. Thus:
  - a. The hearing may consist of testimony (not under oath) from witnesses with the opportunity for questioning by all parties and the Impartial Hearing Examiner, informal presentation by the City and the Grievant, or submission on paper record. The Impartial Hearing Examiner shall advise the parties of the manner in which the hearing will be held within seven (7) calendar days of appointment;
  - b. The Grievant shall have the burden of proof;
  - c. The hearing shall not be subject to the rules of evidence, however, depending on the nature of the hearing, a material fact may not be supported solely by hearsay evidence;
  - d. The parties are not entitled to discovery; and,
  - e. The Impartial Hearing Examiner may compel witnesses as permitted under §788.06(2), Stats.
4. Record of Proceedings. The Impartial Hearing Officer shall conduct the proceedings and make a record of the proceedings. Following the issuance of the decision, the record shall be provided to the City Clerk for preservation for a period of at least seven (7) years. The record shall consist of the Grievance, the Administrative Response, a recording (written or audio) of any testimony or statements from the parties and witnesses, and any documents received into the record by the Impartial Hearing Examiner.
5. Hearing Costs. Costs involved in the hearing, included any fees charged by the Impartial Hearing Examiner, shall be borne by the City with the exception that the City is not responsible for any costs incurred by the Grievant for representation or

consultation and production of evidence at the Impartial Hearing (including fees to compel witnesses and photocopying expenses).

6. Written Decision. After the close of the hearing, the Impartial Hearing Officer shall issue a written decision containing findings of fact, analysis and an answer to the following question: "Based on the preponderance of the evidence presented, has the Grievant proven the decision of the City was arbitrary or capricious?" The Impartial Hearing Officer shall only overturn it if the administrative decision is arbitrary and capricious.
7. Powers of the Hearing Officer. The Impartial Hearing Officer shall have the power to issue a Written Response to the Grievance as set forth on Paragraph 6. The Impartial Hearing Officer shall have no power to issue any remedy, but the Impartial Hearing Officer may recommend a remedy. Remedial authority shall be subject to the determination and approval of the City Council, and shall be addressed by the City Council in the event the Grievance is sustained.

#### E. Appeal

1. Written Appeal. The Notice of Appeal shall be in writing and contain a statement explaining the reasons for the appeal and a copy of the Grievance, the City's response to the Grievance, the record of the hearing as defined in paragraph 4(4), above, and the Impartial Hearing Officer's Written Decision. The Notice of Appeal may not include information that was not presented at the hearing. The request shall be filed with the City Clerk and with a copy to the prevailing party.
2. Review. The City Council shall review the materials submitted under paragraph 5(1) and determine whether a rational basis exists for the Impartial Hearing Officer's decision. The findings of fact of the Impartial Hearing Officer shall not be overturned unless clearly erroneous.

In the event the City Council sustains the Grievance, the City Council shall determine an appropriate remedy for the Grievant.

In the event the City Council does not sustain the Impartial Hearing Officer's decision, the City Council may render a new decision and remedy or request the Impartial Hearing Officer to take further evidence and issue a revised decision and recommendation.

Any review by the City Council shall be subject to Wisconsin's Open Meetings Law, in particular the Council's review and deliberation shall be in closed session pursuant to §19.85(1)(a), Stats. The Council vote on the grievance shall be in open session.

Decision. All decisions of the City Council involving the Grievance shall be by simple majority vote of those members present and voting, reduced to writing and filed with the City Clerk within seven (7) calendar days of the date of the final decision. A copy of the final decision shall be delivered to the Grievant. The City Council's decision is final and is not subject to appeal.

## APPENDIX A

### FAMILY MEDICAL LEAVE POLICY

#### I. PURPOSE

This policy outlines the provisions of the federal and Wisconsin Family and Medical Leave Acts and the rights and obligations of employees and employers under both laws.

#### II. POLICY

The City will comply with all applicable state and federal laws concerning family and medical leave (collectively referred to as "FMLA"). This policy describes the state and federal FMLA laws and addresses certain differences between the two laws. When both laws apply, the leaves under state and federal law will run concurrently and the provisions more beneficial to the employee will apply. Medical leaves that qualify under the FMLA will also run concurrently with leaves under worker's compensation, short term disability and other laws, as applicable and as allowed by law.

To qualify for federal FMLA leave, employees must be employed by the City for a total of at least twelve (12) months and have at least 1,250 actual hours worked in the preceding 12-month period. [If City has locations where there are less than 50 employees employed within a 75 mile radius of the location, include the following: "and be employed at a location where at least 50 employees are employed by the City within a 75 mile radius."] To qualify for Wisconsin FMLA ("WFMLA"), employees must have been employed for more than 52 consecutive weeks and have worked or been paid at least 1,000 hours in the preceding 52 weeks. Employees on FMLA leave may not engage in any other employment that is inconsistent with the reason for the employee's FMLA leave.

The City will not use the taking of FMLA leave in compliance with the law as a basis for any adverse employment decision. Employees should direct any questions regarding FMLA leave to Human Resources.

#### GENERAL LEAVE RIGHTS

Federal FMLA. Under the federal FMLA, eligible employees are allowed up to 12 workweeks of unpaid leave per 12-month period for the following reasons (see also Military family leave below):

- The employee's own serious health condition that makes the employee unable to perform the functions of his or her position
- To care for the employee's spouse, child, or parent with a serious health condition
- For the birth of the employee's child, or placement of a child for adoption or foster care with the employee
- For incapacity due to pregnancy, prenatal medical care, or child birth

Wisconsin FMLA. The Wisconsin FMLA permits eligible employees to take unpaid leave for the following reasons:

- 2 weeks for the employee's own serious health condition
- 2 weeks to care for the employee's spouse, child, domestic partner, parent, or parent of a

- spouse or domestic partner with a serious health condition
- 6 weeks to care for the employee's child after birth or adoption

The City will calculate the federal FMLA 12-month period as [Select one: the calendar year; a fiscal year from \_\_\_\_\_ to \_\_\_\_\_; a rolling 12-month period measured backward from the date an employee uses any leave under this policy; a 12-month period measured forward from the first date an employee takes FMLA]. Under federal FMLA, leave for birth, adoption, or foster care placement must be concluded within 12 months of the birth or placement for adoption or foster care. If both parents work for the City, the employees will share one 12 week leave for the birth or placement of a child.

The Wisconsin FMLA entitlement will run on a calendar year basis. Any leave for the birth or adoption of a child taken under WFMLA must start within 16 weeks of the birth or adoption of the child.

Military Family Leave. The federal FMLA provides for military family leave. Several provisions of this FMLA policy (including employee notice provisions and certification requirements) apply to military family leave as well.

There are two types of military family leave:

Qualifying Exigency Leave. Eligible employees with a spouse, son, daughter, or parent on covered active duty or called to covered active duty status may use their 12-week FMLA entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare or parental care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The 12 weeks of leave afforded for a qualifying exigency is not in addition to the general 12 weeks afforded under the federal FMLA. An employee is entitled to no more than 12 total weeks of leave for any combination of personal, family or qualifying exigency military FMLA.

Service member Care Leave. Eligible employees may take up to 26 weeks of leave during a single 12-month period to care for an ill or injured service member who is the employee's spouse, parent, child, or "next of kin" who is a covered service member. A covered service member is a current member of the Armed Forces (including National Guard or Reserves) or a covered veteran who is undergoing medical treatment, recuperation, or therapy (or, for current members, is otherwise in outpatient status or on the temporary disability retired list) for a serious injury or illness. In the case of a current member, a "serious injury or illness" means an injury or illness that was incurred in the line of duty on active duty in the Armed forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty and that may render the service member medically unfit to perform his or her duties. In the case of a covered veteran, a "serious injury or illness" is the same as for a current member except that it must also meet any one of the following requirements: it must be (1) an injury that forms the basis for the veteran's enrollment in the VA's program of Comprehensive Assistance for Family Caregivers, (2) a physical or mental condition that substantially impairs the veteran's ability to work because of disability or disabilities related to military service, or would do so absent treatment, (3) a physical or mental condition for which the veteran has received a VASRD of 50 percent or greater, and the need for military caregiver leave is related to that condition; or (4) a

continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating. The 26 weeks of leave afforded for service member care is not in addition to the general 12 weeks afforded under the federal FMLA.

Married Employees. Married employees who both work for the City are limited to no more than an aggregate of 26 weeks of leave between them for military family leave.

## **DEFINITIONS OF "CHILD" AND "PARENT"**

Under both state and federal FMLA laws, "child" means a biological, adopted or foster child, step child, or legal ward. Under federal FMLA law, "child" also includes a child for whom the employee provides day to day care and financial support. Under both state and federal FMLA laws, a "child" must either be under age 18, or be 18 years or older and unable to care for him/herself because of a mental or physical disability (federal FMLA) or serious health condition (Wisconsin FMLA). Under both state and federal laws, "parent" means biological parent, foster parent, adoptive parent, or step parent. Under federal FMLA law, "parent" includes an individual who was responsible for the day-to-day care and financial support of the employee when the employee was a child, but does not include parents of an employee's spouse or domestic partner. Under state FMLA law, "parent" includes parents of an employee's spouse or domestic partner.

## **SERIOUS HEALTH CONDITION**

A serious health condition is an injury, illness, impairment or physical or mental condition that involves:

- Inpatient care in a medical care facility; or
- Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents a qualified family member from participating in school or other daily activities. Continuing treatment by a health care provider includes:
  1. A period of incapacity of more than three (3) consecutive full calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen or continuing treatment under the supervision of a health care provider (time limits apply to health care provider visits) (Under the Wisconsin FMLA, the requirement for more than three (3) consecutive calendar days of incapacity does not apply.);
  2. Any period of incapacity due to pregnancy or prenatal care;
  3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
  5. Any period of absence to receive multiple treatments by a health care provider or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

## **NOTIFICATION AND CERTIFICATION**

Whenever possible, employees must give at least 30 days' written notice of the need for FMLA leave. **When 30 days' notice is not possible, employees are expected to give as much written notice as is practical.** Please see Human Resources for FMLA request forms. Normal call-in procedures must also be followed for all FMLA absences.

When requesting FMLA, employees must give sufficient information to allow the City to determine if the leave 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, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

The City may require an employee who is requesting FMLA leave to provide medical certification for the leave. Employees will have 15 days in which to provide the completed certification, except in extenuating circumstances. If an employee fails to provide adequate certification in a timely manner, the employee's leave request or continuation of leave may be delayed or denied altogether. The City may directly contact the employee's health care provider for authentication or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City may also require clarification of an incomplete or insufficient certification. Before the City makes direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification as required by law.

The City may require a second medical opinion at its expense regarding a serious health condition from a health care provider of its choice. If the first two opinions differ, the City may obtain a third opinion at its expense from a mutually agreed upon health care provider. The third opinion shall be binding on the parties. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion. Recertification and periodic reports regarding the employee's status and intent to return to work may also be required as allowed by law.

The City will inform employees who have requested leave whether they are eligible for leave, specify any additional information needed, and inform the employee of his/her rights and responsibilities. If the employee is not eligible for leave, the City will provide a reason for the ineligibility. The City will also inform eligible employees whether requested leave will or will not be designated as FMLA leave and the amount of leave that will be counted against the employee's leave entitlement.

#### Recertification

The City may request recertification for the serious health condition of the employee or the employee's family member as allowed by law. In seeking recertification, the City may provide the employee's health care provider with the employee's attendance records and to confirm whether the employee's absences are consistent with the employee's serious health condition.

### **INTERMITTENT LEAVE**

An employee may take any leave covered by WFMLA as intermittent leave, provided the

employee provides notice as required by the law. The last increment of intermittent leave for the birth or adoption of a child under WFMLA must begin within 16 weeks after the birth or placement for adoption of the child.

For leaves covered only by federal FMLA, an employee may take "intermittent" or "reduced schedule" leave, if medically necessary, for the employee's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, and to care for a covered service member with a serious injury or illness. Employees must make reasonable efforts to schedule leave for planned medical treatment so as to not unduly disrupt the City's operations. To the extent an employee has control, medical appointments and treatments related to a serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work. For medically necessary intermittent or reduced schedule leave that is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the City may temporarily transfer an employee taking such leave to a position with equivalent pay and benefits if the new position better accommodates the leave. Military leave due to qualifying exigencies may also be taken on an intermittent basis. Employees may not take intermittent FMLA leave for the birth, adoption, or foster placement of a child during the federal-only portion of their FMLA leave.

## **SUBSTITUTING PAID TIME OFF**

### Use Of Paid Leave

FMLA leave is unpaid leave. However, employees have the right or employers may require in certain cases, that the employee use accrued paid leave during FMLA leave. During any portion of leave covered by the WFMLA, the employee may elect to or not to use paid leave. When paid benefits are substituted for the otherwise unpaid time, the employee is using the benefits concurrently with FMLA leave, and those benefits will not be available to the employee later. When paid benefits are substituted, the employee may be required to satisfy any procedural requirements of the City's paid leave policy (for example, advance notice to use paid leave, use of paid leave in established increments, etc.). If an employee does not meet qualifications to use paid leave that will not affect the employee's ability to use FMLA leave if the leave qualifies as FMLA leave.

During any portion of leave that is covered by the federal FMLA only, the City may restrict the use of paid time as allowed by law.

In cases where substitution of a paid benefit is not possible, the employee will generally receive reduced compensation consistent with the number of hours the person actually works.

## **BENEFITS DURING LEAVE**

An employee's coverage under group health plans (i.e., group health and dental coverage) will be maintained during the period of an FMLA leave as required by the Wisconsin and federal FMLA laws and in accordance with the applicable terms of the plans.

Employees who normally pay a portion of the premium for insurance coverage must continue to do so during the period of FMLA leave. If paid leave is substituted for unpaid leave, the employee's portion of the premium will be deducted from the employee's paycheck. For those

employees on unpaid leave, payment arrangements must be made prior to the start of the leave, or as soon as practicable. Premium payments must be received by the 30<sup>th</sup> of each month. A 30-day grace period will apply to premium payments. If payment is not made, the employee's group health/dental insurance may be terminated retroactive to the date coverage was last paid for. The City will provide 15 days' notification prior to the employee's loss of coverage.

If the City maintains an employee's insurance during an FMLA leave, and the employee does not return from FMLA leave, under certain circumstances the City will have the right to recover the total cost of the insurance premiums paid during the employee's leave, as allowed by law.

#### Benefit Accruals

If an employee substitutes accrued paid leave for unpaid FMLA leave in order to remain fully compensated, the employee will continue to accrue paid time off at the rate at which the employee accrued such time prior to leave. If the leave is partially paid, the employee will accrue paid time off at a prorated rate. Once the employee stops receiving pay, the employee will no longer accrue paid time off during an FMLA leave. Use of FMLA cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Other benefit accruals may be suspended during the period of the leave and will resume upon return to active employment. Check with Human Resources regarding other benefit continuation provisions.

#### Worker's Compensation Absences

When an employee is absent due to a work-related illness or injury which meets the definition of a serious health condition, the absence will be counted against the employee's allotment of FMLA leave under federal law. In other words, the employee is using federal FMLA leave concurrently with the worker's compensation absence.

#### Early Return From Leave

An employee who wishes to return to work earlier than originally anticipated should provide at least two days' notice of such request. A fitness for duty certification may be required.

### **RETURNING TO WORK AT THE END OF LEAVE**

Employees who return to work from FMLA leave within the timeframes protected by the FMLA laws will be returned to their former position or, if that position is no longer available, then to an equivalent position with equivalent pay, benefits and other employment terms. If an employee wishes to return to work before his/her leave is to end, and work is available, the employee must notify Human Resources at least 2 days prior to the desired return date. If an employee took FMLA leave for his/her own serious health condition, a fitness for duty certification will be required before the employee may return to work. In such cases, an employee's return will be delayed until such a certification is received.

### **FAILURE TO RETURN TO WORK AT END OF FMLA-PROTECTED LEAVE**

If an employee fails to return to work after the expiration of an FMLA-protected leave, the employee's rights under state and federal FMLA laws will no longer be in effect and the employee will be subject to immediate termination. If the employee's inability to return to work is due to the continuation, recurrence or onset of the employee's own serious health condition, or of the serious health condition of the employee's spouse, child or parent, the

City will consider a request for a further unpaid leave. However, the employee must submit a written request for consideration of a further leave as soon as the employee realizes that he/she will not be able to return at the expiration of the FMLA-protected leave period. The City will consider each such request on a case by case basis. There is no guarantee that a further leave will be granted.

#### **FAILURE TO MEET POLICY REQUIREMENTS**

If the employee fails to meet the requirements of this policy for family or medical leave, the request for leave will be denied until the requirements are met.

#### **Extension of Leave**

You may submit requests for additional unpaid extensions of leave to Human Resources. The City reserves the right to accept or deny these requests as well as the right to request a doctor's certificate prior to granting any extension.

#### **"Key Employees"**

Certain "key employees" as defined by law may not be eligible for reinstatement to their jobs or equivalent positions following a leave if reinstatement would cause the City hardship.