

Employee Services

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-6035 Fax (262) 691-6009

EMPLOYEE SERVICES COMMITTEE MEETING NOTICE AND AGENDA Tuesday, December 10, 2019 10:30 AM

Bonnie Blair Conference Room ~ Pewaukee City Hall
W240 N3065 Pewaukee Road, Pewaukee, WI 53072

-
1. Call to Order and Pledge of Allegiance
 2. Public Comment - Please limit your comments to 2 minutes, if further time for discussion is needed please contact your local Alderperson prior to the meeting.
 3. Approval of meeting minutes from October 14, 2019.
 4. Discussion and possible action to recommend to the Common Council to approve the proposed Employee Handbook Revision.
 5. Closed Session – You are hereby notified that the Common Council and staff of the City of Pewaukee will convene into closed session after all regular scheduled business has been concluded and upon motion duly made and seconded and acted upon by roll-call vote as required under §19.85(1)(a), Stats. The purpose of the closed session is for the following:
 - §19.85(1)(c): Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility specifically related to the Public Works Director.

You are further notified that at the conclusion of the Closed Session, the Employee Services Committee may convene into open session pursuant to 19.85(2), Stats., for possible additional discussion and action concerning any matters discussed in closed session and for adjournment.

6. Adjournment

Kelley Woldanski, aPHR
Director of People & Culture

12/4/2019

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days prior to the meeting so

that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
EMPLOYEE SERVICES COMMITTEE AGENDA ITEM 3.**

DATE: December 10, 2019

DEPARTMENT: Employee Services

PROVIDED BY:

SUBJECT:

Approval of meeting minutes from October 14, 2019.

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

October Minutes

MEETING MINUTES
Monday, October 14, 2019

10:00 AM

Bonnie Blair Conference Room ~ Pewaukee City Hall
W240 N3065 Pewaukee Road, Pewaukee, WI, 53072
VIDEO

In attendance:

Aldermen J. Kara, R. Grosch, Director of People & Culture K. Woldanski.

Also in Attendance:

Administrator S. Klein, DPW Director J. Weigel, Assistant City Engineer M. Wagner and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance
2. Public Comment
3. Approval of meeting minutes from July 9, 2019.

A motion was made and seconded, (Ray Grosch, Jeff Kara) to approve as written. Motion Passed: 2-For, 0-Against.

4. Discussion and possible action regarding proposed re-organization of the Public Works Department including revisions to job descriptions for the Civil Engineer, City Engineer and Public Works Director.

A motion was made and seconded, (Ray Grosch, Jeff Kara) to recommend it goes to Common Council for review with additional information including future impact on the budget. Motion Passed: 2-For, 0-Against.

5. Discussion and possible action to revisit the current adopted practice of issuing pay raises off of the control point of a salary range.

A motion was made and seconded, (Jeff Kara, Ray Grosch) to approve issuing pay for performance raises off employee base pay instead of the control point as currently practiced. Motion Passed: 2-For, 0-Against.

6. Adjournment

A motion was made and seconded, (Jeff Kara, Ray Grosch) to adjourn. Motion Passed: 2-For, 0-Against.

Respectfully Submitted,

Kelley Woldanski, aPHR
Director of People & Culture

10/9/2019

**CITY OF PEWAUKEE
EMPLOYEE SERVICES COMMITTEE AGENDA ITEM 4.**

DATE: December 10, 2019

DEPARTMENT: Employee Services

PROVIDED BY: Kelley Woldanski

SUBJECT:

Discussion and possible action to recommend to the Common Council to approve the proposed Employee Handbook Revision.

BACKGROUND:

The Employee Handbook revision was started in January of this year. Input on the current Handbook was gathered from employees on three different occasions. The Handbook was then reviewed by legal counsel for any necessary updates. The revised version was sent back out to employees for comments or concerns on the proposed changes. At this time the Handbook is ready for review by the Employee Services Committee and will move on to the Common Council for approval and adoption.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Memo to employees about changes

2019 Handbook with redline revisions



Employee Services Department

W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-6028
Fax (262) 691-6009

ES Memorandum

TO: All Employees

DATE: November 13, 2019

RE: 2019 Employee Handbook Revision

Attached is a red-lined version of the 2019 proposed Employee Handbook, we are looking for any feedback or concerns by **December 2nd**. I thought it was best to outline what the proposed major changes are as the redlining is a bit overwhelming. Below is a summary of the changes:

- Section III – Equal Opportunity Employment has been reorganized to follow a certain order and minor language changes were made to be legally compliant.
- Section IV – Hours of Work, Attendance and Pay Policies
 - Part A: combines language of office hours to include Fire Department rather than having it separately stated.
 - Part D: change of the doctor's excuse requirement when missing work for 3 days unless deemed necessary by the Director of People & Culture to ensure you can safely return to work and/or if accommodations are needed.
 - Part E: clarification of overtime calculation to be per week within the pay period and clarification of drive time as hours worked when called back into work.
 - Part G: **Removal of the ability to carry-over 40 hours of compensatory time from year to year.** All comp time unused at the end of the year will be paid out at the straight time rate for that year. This is due to a reporting requirement of WRS which states that per the 2011 Wisconsin Act 32, effective July 1, 2011, comp time is reportable for WRS and if it is NOT reported within the same year it is accrued, **both** the employee and employer are liable for back contribution and interest payments. To save the employee and the City on these back contribution and interest payments, it was advised to remove this policy. Employees can still accrue up to 80 hours of comp time in one year however they will no longer be allowed to carry over 40 of those hours into future years.
- Section V – Time Off and Leave of Absence Policies
 - Part A: removal of requirement to work the scheduled workday immediately preceding and following the holiday and change of language about working on a holiday in that the holiday time must be used within the same year instead of used within 6 months.



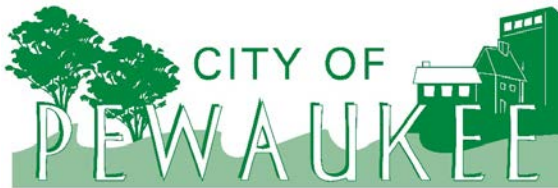
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- Part D: updated language under the FMLA policy for legal compliance; removal of “Conditions of Payment of Sick Leave”.
- Part E: removal of donated sick leave may not be used to supplement short term disability or long term disability and removal of upon termination you are paid one half of any donated sick leave (this has not been the practice).
- Part G: change of jury duty leave being granted by Director of People & Culture rather than City Administrator.
- Part H: removal of requirements for funeral leave (evidence of your relative’s passing) and removal of funeral leave pay not being granted during periods when you use sick or vacation (this has not been the practice).
- Section VI – Employee Benefits
 - Parts B, C & D: benefits to start the 1st of the month after your start date (removal of 30 day waiting period) and updated to allow for payroll deductions to occur before benefits start to ease payroll deductions mid-pay period.
 - Part O: addition of pre-approved locations for lodging such as VRBO or Airbnb.
 - Part Q: addition of allowance for employees to rollover boot reimbursements to be used in a different year if not needed in current year.
 - Part R: addition of Supervisor and Employee requirements in cases of worker’s compensation injuries (reporting).
- Section VII – Employment Policies
 - Part E: examples of misconduct were updated/combined to shorten the list and add clarifying language.
 - Part F: Ethics Code is being shortened to a summary since it is a stand-alone policy that employees must adhere to and is on The Loop in its entirety.
 - Part S: Medical Privacy Policy is a **NEW** policy that has been added and outlines how we strive to protect personal and medical information of our employees.
- Overall Document
 - Highlighted page number referrals throughout the document will be updated to the appropriate page reference once changes are adopted.
 - Language clean-up for legal compliance as well as updated reflection of the Department name (Human Resources vs. Employee Services).

The revisions will be going before the Employee Services Committee in early December with a Common Council approval and adoption target date of Monday, December 16, 2019.

Lastly, the handbook will be upgraded to a color version that will be created into a bookmarked PDF document for ease of finding policies. This will likely occur by the end of January.



CITY OF PEWAUKEE
EMPLOYEE HANDBOOK

ADOPTED JANUARY 1, 1998
REVISION ISSUED SEPTEMBER 1, 2010
REVISION ISSUED DECEMBER 1, 2014
AMENDMENT MADE JULY 15, 2019 (VACATION POLICY)
REVISION ISSUED DECEMBER 16, 2019

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SECTION I – INTRODUCTION

A. WELCOME

1. We are pleased to present you with this employee handbook containing information in summary form about our workplace, the major benefits available to you, and your obligations as an employee of the City of Pewaukee.
2. The City of Pewaukee, formerly Town, became a third-class city in 1999. The City encompasses approximately 24 square miles with a current population of ~~13,728~~14,772 and an estimated daytime population as high as 70,000.
3. The City of Pewaukee is a full-service municipality. The City is governed by a part-time Mayor elected at large and a six-member Common Council, two each elected from among three aldermanic districts. The Mayor serves as the City's Chief Executive Officer, providing leadership and direction to the City's management staff. The City employs a full-time Administrator to oversee the day-to-day affairs of the City. Other City departments include Parks/Recreation, Clerk/Treasurer, Police Services, Fire, Public Works, Building Services, Assessor, City Planning, Information Technology and ~~Human Resources~~Employee Services. The City also has a Municipal Court.
4. ~~Where this handbook refers to "the City," this term refers to the City of Pewaukee as the "employer."~~

B. PURPOSE STATEMENT

~~It is our purpose to sustain a safe, fiscally sound, and thriving community for City of Pewaukee residents, businesses, property owners and visitors.~~

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B. MISSION STATEMENT

~~It is the City's mission to create a safe community that is environmentally and fiscally sound, while anticipating community needs, creating partnerships, embracing diversity, and fostering sustainability and quality development.~~ A complete copy of the City's Strategic Plan is found on the City's website www.cityofpewaukee.us.

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C. THE LOOP

The Loop is an employee-only Intranet based portal. It can be accessed by visiting the City's website, www.cityofpewaukee.us, and clicking on the "Intranet" tab at the bottom of the home page. You will be assigned login credentials at the time of hire.

The Loop gives you access to all pertinent employee information, including staff contacts, calendars, employee benefit information and forms, the Healthy Steps Wellness Program, the latest version of this handbook, safety, training, and much more.

You will be sent email notifications when new information is posted. It will be your responsibility to check The Loop on a regular basis. Paper copies of forms and other documents can be printed or downloaded to your computer from The Loop.

D. PURPOSE OF HANDBOOK AND YOUR RESPONSIBILITIES

1. This employee handbook has been prepared for informational purposes only. None of the statements, regulations, policies, or procedures contained herein constitutes a guarantee of employment, a guarantee of any right or benefit, or a contract of employment, expressed or implied, nor does this handbook in any way eliminate or modify the employment-at-will status of the relationship between you and the City. The regulations, policies and procedures of the City will be applied to a particular situation and interpreted by the City as it, in its sole discretion, deems appropriate. This handbook supersedes any and all previous handbooks, decisions, statements, expired collective bargaining agreements, regulations, policies, or procedures given to employees, whether verbal or written, as well as any previous versions of any policy, practice,

ordinance, resolution, Common Council or Committee action pertaining to any matters addressed herein.

2. The City, at its option, may change, delete, suspend or discontinue any part or parts of the policies in this handbook at any time without prior notice. No one other than the Common Council may alter or modify any of the policies in this handbook. Any such alteration or modification must be in writing. No statement or promise by an elected official, supervisor, or department head may be interpreted as a change in policy, nor will any such statement or promise constitute an agreement with any employee. You will be notified of such changes to the handbook as they occur.
3. It is your responsibility to read and become familiar with the information in the handbook and to follow the regulations, policies and procedures contained herein. Most of your questions should be answered in this handbook. If you have questions regarding the handbook or matters that are not covered, please discuss them either with your Department Head, the ~~Human Resources Director~~Director of People & Culture, or the City Administrator.
4. Scope of City Policies. This handbook cannot address every conceivable circumstance that may arise between you and the City. We consider all of our employees to be professionals, and you are expected to exercise responsible judgment. The City has sole discretion to determine when certain behaviors, conduct, decisions, etc. are inappropriate, even if they are not expressly prohibited or addressed in this handbook. The consequences for the same will depend on all relevant circumstances and may include discipline or termination as the City determines ~~is in its best interest and in the best interest of all employees.~~
5. Conflicts with Statutes, Laws, Regulations or Collective Bargaining Agreements. Should any provision of this handbook conflict with any statute, law, regulation, or a valid collective bargaining agreement to which the City is a party, the provisions of the statute, law, regulation or collective bargaining agreement shall control. Nothing in this handbook shall restrict employees from engaging in any concerted or other activity protected by Wisconsin or federal law.

SECTION II - EMPLOYMENT STATUS

A. NATURE OF EMPLOYMENT

~~With the exception of employees represented by a labor organization and subject to~~ Except as specified in a valid collective bargaining agreement, or as otherwise provided by law, employment with the City of Pewaukee is not governed by any written or oral contract and is considered an “at will” arrangement. This means that you or the City are able to terminate the employment relationship at any time, for any reason, so long as there is no violation of applicable federal or Wisconsin law.

B. EMPLOYEE CLASSIFICATIONS

An employee is defined as a person who works for the City for compensation in the form of wages and excludes elected ~~and appointed~~ officials. The following classifications are maintained as part of your personnel record and determine your employee benefits. For the purpose of these classifications and this handbook, the following definitions will apply:

1. **Benefited Full-Time** – an employee who is regularly scheduled to work a 40 hour work week throughout the year. A benefited full-time employee is eligible for those benefits described in this handbook as well as any benefits that are required by law, ~~or voluntary benefits for which they may be eligible.~~
2. **Benefited Part-Time** - an employee who is regularly scheduled to work ~~30-32~~ or more hours each work week throughout the year, excepting paid-on-premises staff. A benefited part-time employee is eligible for time off and benefits described in this handbook on a pro-rated basis, as well as any benefits that are required by law, ~~or voluntary benefits for which they may be eligible.~~
3. **Non-benefited Part-Time** - an employee who is generally scheduled to work less than ~~30-32~~ hours per week throughout the year and all paid-on-premises staff. Non-benefited part-time employees are only eligible for benefits required by law, ~~or voluntary benefits for which they may be eligible.~~
4. **Temporary/Seasonal/Casual** - an employee who works full-time or part-time hours on a temporary, sporadic, varying, seasonal, or as-needed basis. These employees are only eligible for benefits required by law.
5. **Exempt** - an employee whose position meets the overtime exemption tests established by the Fair Labor Standards Act (FLSA) ~~and Wisconsin law.~~ These employees are paid on a salary basis and exempt from overtime pay requirements.
6. **Non-Exempt** – an employee whose position does not meet FLSA ~~and Wisconsin law~~ overtime exemption tests. Non-exempt employees are paid on an hourly basis and are eligible for overtime pay.
7. **Represented** – individuals who are represented by a labor association and covered under a collective bargaining agreement with the City.
8. **Non-Represented** – individuals not covered by a collective bargaining agreement.

SECTION III – EQUAL OPPORTUNITY EMPLOYMENT

A. HARASSMENT POLICY

1. **Introduction.** The City of Pewaukee is committed to providing a professional work environment that maintains employee equality, dignity and respect. In keeping with this commitment, the City of Pewaukee strictly prohibits and will not tolerate discriminatory practices or harassment against its employees based on their protected class status by anyone, including any elected official, supervisor, co-worker, visitor, vendor, citizen or other person. Any ~~protected class~~ harassment based on an employee's protected class, whether verbal, physical or environmental, is unacceptable and will not be tolerated. Conduct need not be directed at a particular individual to be considered a violation of this policy. All employees must comply with this policy. Anyone who is found to violate the harassment policy will be disciplined or terminated, depending on the circumstances.

2. **Harassment.** Harassment ~~consists of~~includes any unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, including sex, color, race, ancestry, creed, religion, national origin, age, physical or mental disability, marital status, military or veteran status, citizenship status, sexual orientation, arrest or conviction record, or on the basis of any other status or characteristic protected by Wisconsin or federal law.

Harassment can take many forms, and may include, but not be limited to, epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; verbal abuse; written or graphic material that denigrates or shows hostility or aversion toward a protected class; nonverbal conduct, such as staring, or making denigrating gestures; physical conduct, such as stalking, assault, unwanted touching, and other types of verbal, physical, visual or environmentally intimidating conduct.

~~The City will not tolerate any harassing conduct that is based on a person's protected class, including that which affects tangible job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.~~

3. **Sexual Harassment.** Both male and female employees are protected from sexual harassment. The City's policy prohibits ~~unwelcome sexual advances, requests for sexual favors, and other~~ all conduct whether physical, verbal, non-verbal, or visual ~~conduct that is~~ based on sex, including but not limited to:

- a. Unwelcome sexual flirtations, compliments, advances, requests, or propositions.
- b. ~~Derogatory, vulgar, obscene or foul written/oral~~ Any statements of a sexual nature or referencing one's sexuality, gender, or sexual experience, sexual gestures, innuendoes, suggestions, "kidding", "teasing" or jokes.
- c. Unwelcome touching, patting, pinching, brushing against another's body or attention to an individual's body and physical assault.
- ~~d. Physical assault.~~
- ~~e. Unwanted sexual compliments, innuendoes, suggestions or jokes.~~
- ~~f.d.~~ The display of sexually related or suggestive pictures or objects including emails or other computer images.
- ~~g. Sexually oriented "kidding" or "teasing."~~
- ~~h.e.~~ Foul or obscene gestures.

4. ~~**Complaint Procedure.** The City of Pewaukee is committed to maintaining a workplace free of illegal discrimination and harassment. To meet this obligation, the City will take seriously any complaints or reports of harassing or discriminatory conduct by or against any of its employees, supervisors, elected officials, visitors, vendors, citizens, or any other third parties.~~

~~The City cannot prevent or stop harassment of which it is unaware. Therefore, the timely reporting and prompt, effective resolution of complaints is crucial to preventing and ending harassment.~~

~~Anyone who has a harassment or discrimination complaint against a supervisor, co-worker, elected official, visitor, vendor, citizen or other person must bring the problem to the attention of the City of Pewaukee. Therefore, if you believe that you have experienced or witnessed conduct that violates this policy, you are responsible to report the matter immediately to your supervisor or Department Head, the Human Resources Director, the City Administrator, the Mayor, or any other member of management with whom you feel comfortable. You need not bring your complaint to your immediate supervisor first if your supervisor is the problem, or if you feel more comfortable bringing the matter to the attention of one of the other designated representatives identified. The complaint will be promptly and thoroughly investigated.~~

~~If the investigation substantiates the complaint, the City will take appropriate corrective action designed to end the harassment and prevent it from recurring. Such action may include the imposition of discipline or termination, training, referral to counseling, monitoring, demotion or reassignment, or any other action the City deems appropriate under the circumstances. The City will make follow-up inquiries in an attempt to ensure that the harassment has not resumed.~~

~~The City recognizes that the question of whether a particular action or incident is harassment contrary to the provisions of this policy requires a determination based upon all facts in each case. Given the nature of this type of discrimination, the City also recognizes that false accusations can have serious effects on innocent employees. Making intentional and knowingly false accusations of harassment will result in disciplinary action or termination.~~

- ~~5. **Confidentiality.** The City understands that matters of harassment and discrimination can be extremely sensitive, and so far as possible, will keep all employee complaints and related information in strict confidence. Disclosure will be made only when necessary to investigate and resolve the matter, and when required by law.~~

- ~~6.4. **Retaliation.** Any employee who reports an instance of harassment or discrimination, or participates in an investigation, shall be protected from any retaliatory action. Any retaliation must be reported immediately in accordance with the complaint process outlined in this policy. Any person found to have violated this retaliation prohibition will be disciplined or terminated.~~

B. EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION/REASONABLE ACCOMMODATION

1. **Equal Employment and Non-Discrimination:** The City of Pewaukee is an equal employment opportunity employer. All employment decisions, including, but not limited to, recruitment, hiring, compensation, benefits, promotions, transfers, layoffs, discipline, termination, or any other employment decision are made without regard to an individual's sex, color, race, ancestry, creed, religion, national origin, age, physical or mental disability, marital status, military or veteran status, citizenship status, sexual orientation, arrest or conviction record, or any other characteristic protected by Wisconsin or federal law.
2. Supervisors and managers shall ensure that the provisions of this section are met. It is also the duty of every employee to help create a job environment that promotes equal opportunity. Any incident or situation that you believe violates this policy should be reported using the Complaint Procedure outlined in ~~the Section A above~~, Harassment Policy, **page 7 of the handbook**.
3. Anyone found to have engaged in any type of unlawful discrimination will be subject to disciplinary action or termination. Retaliation for reporting discrimination or cooperating with an investigation will not be tolerated. Anyone found to have engaged in retaliation will be disciplined or terminated.

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4. **Workplace Accommodation for Disabilities:** The City is committed to full compliance with applicable Wisconsin and federal disability laws. ~~The City will provide reasonable accommodation to persons with known disabilities, unless to do so would cause an undue hardship on the City, within the meaning of applicable law. An employee who is a qualified individual as defined by state or federal law will be provided a reasonable accommodation if one exists that allows the employee to perform the functions of the employee's job unless such accommodation creates an undue burden or poses a direct threat to the safety of the employee or others.~~

a. All requests for workplace accommodations should be ~~sent~~ provided to the ~~Human Resources~~ Director of People & Culture. Any supervisor or Department Head who receives a request for a workplace accommodation must forward that request to the ~~Human Resources~~ Director of People & Culture immediately. After receipt of the request, the ~~Human Resources~~ Director of People & Culture will meet with the employee to discuss all of the facts and circumstances necessary to make an accommodation determination.

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C. Complaint Procedure. ~~The City of Pewaukee is committed to maintaining a workplace free of illegal discrimination and harassment. To meet this obligation, the City will take seriously any complaints or reports of harassing or discriminatory conduct by or against any of its employees, supervisors, elected officials, visitors, vendors, citizens, or any other third parties.~~

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~~The City cannot prevent or stop harassment of which it is unaware. Therefore, the timely reporting and prompt, effective resolution of complaints is crucial to preventing and ending harassment.~~

~~Anyone who has a harassment or discrimination complaint against a supervisor, co-worker, elected official, visitor, vendor, citizen or other person must bring the problem to the attention of the City of Pewaukee. Therefore, if you believe that you have experienced or witnessed conduct that violates this policy, you are responsible to report the matter immediately to your supervisor or Department Head, the Human Resources Director, the City Administrator, the Mayor, or any other member of management with whom you feel comfortable. You need not bring your complaint to your immediate supervisor first if your supervisor is the problem, or if you feel more comfortable bringing the matter to the attention of one of the other designated representatives identified. The complaint will be promptly and thoroughly investigated.~~

~~If the investigation substantiates the complaint, the City will take appropriate corrective action designed to end the harassment and prevent it from recurring. Such action may include the imposition of discipline or termination, training, referral to counseling, monitoring, demotion or reassignment, or any other action the City deems appropriate under the circumstances. The City will make follow-up inquiries in an attempt to ensure that the harassment has not resumed.~~

~~The City recognizes that the question of whether a particular action or incident is harassment contrary to the provisions of this policy requires a determination based upon all facts in each case. Given the nature of this type of discrimination, the City also recognizes that false accusations can have serious effects on innocent employees. Making intentional and knowingly false accusations of harassment will result in disciplinary action or termination.~~

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Confidentiality. ~~The City understands that matters of harassment and discrimination can be extremely sensitive, and so far as possible, will keep all employee complaints and related information in strict confidence. Disclosure will be made only when necessary to investigate and resolve the matter, and when required by law.~~

a. **D. Retaliation.** Any employee who reports an instance of harassment or discrimination, or participates in an investigation, shall be protected from any retaliatory action. Any retaliation must be

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reported immediately in accordance with the complaint process outlined in this policy. Any person found to have violated this retaliation prohibition will be disciplined or terminated.

SECTION IV - HOURS OF WORK, ATTENDANCE AND PAY POLICIES

A. OFFICE HOURS

1. The City administrative offices shall be open and adequately staffed as determined by the Common Council, consistent with the City's function as a public agency. Regular office hours are from 8:00 AM to 4:30 PM. This 8.5 hour day includes a one-half hour unpaid lunch period. Department Heads may vary your hours of work or meal periods, but should strive to keep the administrative offices of their departments staffed during the work day. You will be notified of your regular hours of work and starting and ending times upon hire and thereafter as they may change from time to time. The City Administrator must be notified of any on-going variance in an employee's hours. The Fire Department operates on a 24 hour / 7 day per week schedule and sets the schedule of staff as necessary.
2. ~~The Office of the Fire Department shall be required to be open during the same periods as the City administrative offices, however, such offices may also be required to be open at other times and for periods substantially different than the City administrative offices.~~

B. WORK HOURS

1. ~~For most full-time staff. Generally,~~ the regular work week ~~for full-time City employees~~ will be 40 hours, excluding meal periods, performed in five, eight-hour work days from Monday through Friday. Specific hours of work shall be as decided by the Department Head. Department Heads may authorize temporary variations in your work schedule to accommodate your or departmental needs, or to eliminate or reduce overtime. Hourly employees may choose to take their lunch at their work stations, with Department Head permission, but may not perform any work during their lunch period. Employees in the Fire Department may have different hours, and the hours for represented employees are set forth in the applicable collective bargaining agreement.
2. **Expectations of Exempt Employees.** Exempt employees are expected to work a normal full-time 40 hour work week and any additional hours that are required by their work load, which can include special and regular meetings and events outside of normal hours. In return, you may occasionally take time off without claiming time from your accrued leave banks when the work load of your office permits, provided that you let your Department Head know, ~~or in the case of Department Heads, you advise the City Administrator.~~ This benefit does not accrue and does not constitute compensatory time; use of personal time on an hour for hour basis for time worked in excess of a 40 hour work week is not permitted.

C. TIME-KEEPING

1. Non-Exempt Employees

- a. You shall maintain a daily attendance record in the format provided by the City. This record shall reflect, on a daily basis, your start and end times, overtime hours worked, and all absences, including sick leave, holidays, vacation, other types of leaves permitted as set forth in this handbook, time missed due to worker's compensation, compensatory time, and so forth. You are responsible for keeping an accurate record of your time. You must certify the accuracy of your time report by signing it, or by forwarding it by email for approval to your supervisor. If any corrections or modifications are to be made to the time record, both you and your supervisor must verify the accuracy of the changes by initialing the record or otherwise recording approval of the change/modification at the time that you are aware a change is needed.
- b. Employees must completely and accurately record all time worked. This includes any work performed out of the office, or outside of normal work hours, including, but not limited to, checking email or doing other job-related computer work or phone calls. ~~No member of management Supervisors and Department Heads are not is~~ allowed to knowingly permit an employee to perform work without recording the time worked. A failure to record actual

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time worked is a violation of wage and hour laws and of City policy. ~~Please be reminded that you are to~~You must obtain permission from your supervisor before working any overtime. ~~The failure to obtain advanced approval for overtime may results in discipline, up to and including termination.~~

- c. Accrued paid leave must be used if you are absent from work during your normal work hours. Employees may only take time off on an unpaid basis with approval from the City Administrator; you generally will not be allowed an unpaid absence for the purpose of avoiding the use of accrued paid leave.
- d. Altering, falsifying, tampering with time records, or recording time on behalf of another without authorization from a supervisor to do so, is prohibited ~~and subject to discipline or termination.~~
2. **Exempt Employees.** Exempt employees must report use of accrued time off using an exception report form, including vacation, holiday, and sick time. The exception forms must be submitted to the ~~Human Resources~~ Director of People & Culture at the close of each pay period.
3. **Submission of Attendance Records.** You must submit your timesheet to your supervisor for approval at the conclusion of the payroll period. The Department Head shall be responsible for submission of daily attendance records, including exempt employee exception forms, to the ~~Human Resources~~ Employee Services Department by 10:00 a.m. of the first regular workday of the week of payday. Your pay is computed from the attendance records.

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D. **ATTENDANCE POLICY**

~~Your r~~Regular attendance is required. Excessive absenteeism and/or excessive tardiness ~~may lead to discipline or termination~~is prohibited.

1. **Reporting Absences/Tardiness.** If you will be absent from, or late for work, you must notify your immediate supervisor or the Department Head prior to the normal start of the workday. You must indicate an anticipated return to work date at that time. If the return to work date changes, you must immediately notify your supervisor or Department Head of the new date. Failure to notify your supervisor or Department Head of an absence or tardy may result in discipline, and/or the denial of accrued leave time for the day of absence or period of tardiness, or it may be charged against your vacation.
2. **Leaving During Work Hours.**
 - a. **Department Heads.** Department Heads should alert a staff member in their department, or someone in the front office, when leaving during the workday. The staff member should, when possible, be given a cell or other phone number at which the Department Head can be reached in the event an urgent matter needs to be addressed.
 - b. All other employees must obtain permission from their supervisor or Department Head prior to leaving during work hours, unless the need to leave is due to an emergency. Failure to notify a supervisor/Department Head in a non-emergency situation may result in disciplinary action and/or the denial of accrued time off to cover the absence, or it may be charged against your vacation.
- ~~3. If you are absent from work due to illness or injury for three or more consecutive work days, you may be required to submit a medical return to work authorization prior to being permitted to return to work. If your time off was a covered FMLA absence, then return to work provisions under the FMLA policy will apply.~~
- ~~4.3. In the case of suspected abuse of sick leave, or to determine fitness for duty, the City may request a doctor's excuse or fitness for duty certification. The Director of People & Culture may require that a work release from your doctor is needed to ensure your ability to safely return to your job should you be absent from work due to illness or injury, or if there is reason to believe that your return to work will include certain restrictions that may require accommodation.~~
- ~~5.4.~~ Seniority and the employment relationship shall be broken and terminated if you:

- a. Are absent from work without notification to your supervisor or Department Head, unless unable to notify the City for a valid reason;
- b. Fail to report to work within 10 days after having been recalled from layoff;
- or
- c. Fail to report for work at the termination of an authorized leave of absence.

~~6-5.~~ FMLA (Family and Medical Leave Act) absences are considered approved time off and are not counted against you. This attendance policy will be enforced consistent with the Wisconsin and federal FMLA laws, and as set forth in the City's FMLA policy.

E. **OVERTIME**

1. Overtime **shall only** be worked with the prior authorization of the Department Head or City Administrator. If you work any overtime hours without such pre-authorization, you may be subject to discipline or termination depending on the circumstances.
2. It shall be the responsibility of every Department Head to assign overtime work only when emergencies or other compelling circumstances prevent the reasonable accommodation of additional work through the reassignment of work priorities or through the rescheduling of hours within the same work week.
3. Non-exempt employees shall receive overtime pay only for any hours worked in excess of 40 hours in a given work week. For purposes of computing overtime, vacation, holiday and sick time within a given work week shall be considered hours worked. Compensatory and standby time shall not be considered hours worked. Overtime will be calculated separately in each work week of the two week pay period.
4. Unless otherwise specified in this handbook, ~~the hourly pay rate for authorized overtime worked by a non-exempt employee shall be~~ overtime for non-exempt staff will be paid at 1.5 times your ~~hourly wage rate~~ regular rate of pay.
5. All Public Works, Utility, and Parks Maintenance employees are subject to call outside of your normal work hours to handle emergencies. If you are called to return to work after your scheduled shift, you will be compensated for two hours of work, or for actual work time, whichever is greater. Whenever called to return to work or if called to begin your workday early, travel time from home to work will be considered hours worked and will need to be noted on your timecard as such. If you are called in to begin your workday early, you will be compensated for all hours actually worked.
6. A refusal to work overtime when assigned can cause critical service delivery problems, and may result in discipline or termination when the circumstances warrant.

F. **STANDBY PAY FOR WATER & SEWER UTILITY EMPLOYEES**

Water & Sewer Utility operators shall be required to rotate after-hours/weekend/holiday standby responsibilities. You shall receive standby pay at the rate of one hour of straight-time pay for each working day/night on standby (Monday through Friday); 1.5 hours for each weekend day/night (Saturday and Sunday); and 2.0 hours for each holiday (non-additive). Compensation for time spent on a computer or telephone at home or other offsite location will be paid at the appropriate rate to the nearest one-quarter hour. ~~Employees-You~~ Employees-You must keep accurate records of all time worked. ~~The employee~~ You ~~has~~ have the option of requesting pay for standby time or adding the time to ~~his-your~~ your bank of compensatory time bank on a straight-time basis, if available. Standby time will not be considered as hours worked in the calculation of overtime.

G. **COMPENSATORY TIME**

1. Non-exempt full-time employees may elect compensatory time in lieu of overtime pay subject to the provisions of this section.
2. You will be credited with compensatory time at the rate of 1.5 hours for each 1 hour of overtime worked. No more than 80 hours of compensatory time may be accumulated in your

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compensatory time bank per calendar year; amounts carried over from the previous year are included in the accumulated hours calculation for the current year. Any overtime hours worked beyond the 80 hour maximum compensatory time accumulation will be paid as overtime compensation. Further, you may not use more than 80 hours of compensatory time in a calendar year.

3. ~~You may carry over compensatory time to the next calendar year equal to 40 hours of straight-time pay; any hours over 40 will be paid out. Any hours not taken at the end of the year will be paid out at the straight time rate for that year.~~
4. ~~A Department Head may opt to pay out all or any portion of compensatory time owed at the Department Head's discretion. You may also be paid in full or in part for any compensatory time accumulated upon request.~~
- 5.4. You must seek permission to use compensatory time from your supervisor or Department Head. You will be permitted to use such time within a reasonable period after making the request if use of the time does not unduly disrupt the operations of the department. Likewise, supervisors may require you to use compensatory time within a reasonable period after receiving notice to do so.
- 6.5. ~~Accrued compensatory time will be cashed out when you leave employment at your final rate of pay.~~

H. **PAY POLICIES**

1. You shall be compensated at the rate established by the Common Council and shall be paid on a bi-weekly basis. Payday is the Friday following the completion of the two-week pay period. When the normal Friday payday is a designated non-work day, you will receive your paystub on the work day preceding the regular payday.
2. For hourly employees, such paychecks shall include all compensation due the employee for all hours worked during the pay period up to midnight of the Saturday preceding the regular payday. Salaried employees will be paid a proportionate amount of their annual salary based on the number of paydays in the calendar year (usually 26 pay periods).
3. **Direct Deposit.** Wages will be paid pursuant to the City's direct deposit program at no cost to you. Employees will be able to designate up to three checking accounts and two savings accounts for receipt of direct deposit wages.
4. **Exempt Employees.**
 - a. **Salary Basis.** Exempt employees are paid on a "salary basis," meaning you regularly receive a pre-determined amount of compensation each pay period. By law, the pre-determined amount cannot be reduced because of variations in the quality or quantity of your work. Subject to limited exceptions listed below, you will receive your full salary for any work week in which you perform any work, regardless of the number of days or hours worked.
 - b. **Deductions.** Deductions from exempt employees' salaries may occur under the following circumstances:
 - i. ~~Unpaid family and medical leave for FMLA time greater than one day~~Absences of one work day or more where you elect not to substitute any accrued leave time or you do not have any accrued leave time available;
 - ii. Any work week in which no work is performed, and no deductions from an accrued leave bank are made;
 - iii. Disciplinary suspensions;
 - iv. As otherwise permitted by law.
 - c. If you believe that an improper deduction has been made to your salary, you should immediately report this information to the ~~Human Resources~~Employee Services

Department. If it is determined that an improper deduction has occurred, you will be reimbursed at the next pay date.

I. RESIGNATION/RETIREMENT/FINAL PAY

1. **Notice and Return of City Property.** Should you decide to leave City employment, please provide your supervisor with at least 2 weeks' notice prior to your final day on the job. If you are retiring, please notify your supervisor at least 30 days prior to retirement or as far in advance as possible. You must turn in all City property prior to your last day on the job.
2. **Vacation Not An Offset.** Your notice to terminate your employment cannot include accumulated vacation to offset your remaining time with the City.
3. **Pay at Termination.** You will be paid all earned wages and compensatory time when you leave City employment. If you leave City employment without providing at least 2 weeks' notice of your intent to resign or retire, or you do not remain in active employment during the 14 days after notice of resignation or retirement, unless due to an emergency, or you are terminated for misconduct as determined by the City, you will forfeit any accrued but unused vacation and sick leave.

Unless forfeited as stated above, you will be paid out all accumulated vacation time. Unless forfeited, you will be paid out 50% of all accumulated sick leave if your years of service were greater than 5; you will be paid 25% if your years of service were 5 or less. In calculating years of service for part-time employment, the FTE formula set forth in the Vacation section shall apply.

The cost of any City property that you failed to return, or any other outstanding balance owed by you to the City, will be deducted from your final pay to the extent allowed by law.

SECTION V – TIME OFF AND LEAVE OF ABSENCE POLICIES

A. HOLIDAYS

1. The following paid holidays will be granted all benefited employees and the City Hall offices will be officially closed on such days.
 - a. New Year's Day
 - b. Afternoon of Good Friday
 - c. Memorial Day
 - d. Independence Day
 - e. Labor Day
 - f. Thanksgiving Day
 - g. Day after Thanksgiving
 - h. Christmas Eve
 - i. Christmas Day
 - j. Afternoon of New Year's Eve
2. Benefited part-time employees shall be paid for each of the above listed holidays on a pro-rated basis.
3. ~~You are required to work the scheduled workday immediately preceding the holiday and the scheduled workday immediately following the holiday in order to be eligible for compensation for the holidays listed above, unless you have received prior permission from your supervisor to be off for the scheduled day.~~
4. Whenever one of the above-designated full-day holidays occurs on a Saturday, the Friday immediately preceding shall become the official holiday for the purpose of this benefit. Whenever a designated full-day holiday occurs on a Sunday, the Monday immediately following shall become the official holiday.

As illustrated below, if Christmas Day or New Year's Day falls on a Saturday, the Christmas Eve/Christmas Day or New Year's Eve/New Year Day holidays will be observed on Thursday and Friday.

If Christmas Day or New Year's Day falls on a Sunday, the ~~Christmas Eve/Christmas Day and New Year's Eve/New Year Day "Eve"~~ holidays will be observed on Friday and Monday.

If Christmas Day or New Year's Day falls on a Monday, the Christmas Eve/Christmas Day and New Year's Eve/New Year's Day holidays will be observed on Monday and Tuesday.

HOLIDAY	THU	FRI	SAT	SUN	MON	TUE
Actual		Eve	Day			
Observed	<i>Eve</i>	<i>Day</i>				
Actual			Eve	Day		
Observed		<i>Eve</i>			<i>Day</i>	
Actual				Eve	Day	
Observed					<i>Eve</i>	<i>Day</i>

5. Whenever it is necessary, as determined by the Department Head or City Administrator, for a non-exempt employee who is eligible for paid holidays to work on any paid holiday in order to continue essential services, compensation for the actual hours worked shall be at the rate of 2.0 times your regular rate of pay. All time off that is accrued because you were required to work during a designated holiday must be used ~~during the subsequent 6 months or forfeited within that same year or forfeited.~~
6. In addition to the listed holidays, benefited employees shall be entitled to a 1 day paid "floating holiday" during each calendar year. Such "floating holiday" must be used during the calendar year and scheduled for a time approved by your supervisor or Department Head. Any unused floating holiday on the last day of the calendar year shall be forfeited. New employees will be

entitled to the floating holiday benefit after one year of employment. Benefited part-time employees will be paid on a pro-rated basis.

B. VACATION – Amended by Common Council approval July 15, 2019

1. Benefited employees shall be entitled to paid vacation. Benefited part-time employees shall be paid vacation on a pro-rated basis. The vacation schedule is as follows –
 - a. First 5 years of employment – 2 weeks (80 hours)
 - b. 6 through 11 years – 3 weeks (120 hours)
 - c. 12 through 18 years – 4 weeks (160 hours)
 - d. 19 or more years – 5 weeks (200 hours)

Vacation is earned bi-weekly on the following hourly basis:

<u>Years of Service</u>	<u>Full-Time</u>	<u>Part-Time</u>		
		<u>85%</u>	<u>80%</u>	<u>75%</u>
<u>First Five</u>	3.08	2.62	2.46	2.31
<u>Six to Eleven</u>	4.62	3.93	3.69	3.46
<u>Twelve to Eighteen</u>	6.15	5.23	4.92	4.62
<u>Nineteen</u>	7.69	6.54	6.15	5.77

2. Effective January 1, 2019, as a recruitment technique, new hires can be started at the 3 week accrual rate should they have 10 years or more of directly related experience for the position they seek to hold within the City. However, the same number of service years within the City will need to be reached before getting to the next level of accrual rate (i.e., a new hire starting at 3 weeks will move to the 4 week accrual rate at day 1 of year 12 and the 5 week accrual rate at day 1 of year 19).
3. Vacation may not be taken until earned nor shall vacation be advanced. If you leave the employ of the City, and at a later date return to the employ of the City, you will forfeit all prior years of service toward accumulation of vacation.
4. Regular non-benefited part-time employees who become full-time benefited shall be credited for hours worked as a part-time employee in calculating years of service. Conversion will be based on dividing total hours worked as a part-time employee by 174 to arrive at the number of months that will be credited to years of employment.
5. For employees hired prior to January 1, 2015, unused vacation, at any time during the calendar year, may not be accumulated beyond 150% percent of the vacation to which an employee is entitled to earn in a single calendar year. For employees hired on January 1, 2015 or after, unused vacation, at any time during the calendar year, may not be accumulated beyond 100% percent of the vacation to which an employee is entitled to earn in a single calendar year. Any such vacation accumulated in excess of the days set forth in this subsection shall be forfeited by you and shall not be compensated for in any other manner.

The maximum number of accumulated hours of vacation to be carried over to the next calendar year is as follows for employees hired prior to 1/1/2015:

<u>Years of Service</u>	<u>Full-Time</u>	<u>Part-Time</u>	
		<u>85%</u>	<u>80%</u>
<u>First Five</u>	120	102	96
<u>Six to Eleven</u>	180	153	144
<u>Twelve to Eighteen</u>	240	204	192
<u>Nineteen</u>	300	255	240

The maximum number of accumulated hours of vacation to be carried over to the next calendar year is as follows for employees hired on or after 1/1/2015:

<u>Years of Service</u>	<u>Full-Time</u>	<u>Part-Time</u>	
		<u>85%</u>	<u>80%</u>
<u>First Five</u>	80	68	64
<u>Six to Eleven</u>	120	102	96
<u>Twelve to Eighteen</u>	160	136	128
<u>Nineteen</u>	200	170	160

6. All vacation shall be requested by you and granted at the discretion of the Department Head or City Administrator at times they deem would not interfere with the efficient operations of the Department and City offices. Department Heads will keep track of all individual vacation within their department and report vacation use to the Human Resources Department with the submission of payroll.

C. FAMILY AND MEDICAL LEAVE

1. **Statement of Policy.** This policy outlines the provisions of the federal and Wisconsin Family and Medical Leave Acts (FMLA) and the rights and obligations of employees and the City. Should this policy conflict in any way with the applicable Wisconsin or federal law, the provisions of the applicable law shall control. As required by federal law, the Department of Labor's summary of the federal law follows the City's FMLA policy.
 - a. The City administers this FMLA policy on a calendar year basis, except for military caregiver leave.
 - b. Definitions of terms, such as "serious health condition," "child," "parent," "spouse," and "domestic partner," are applied pursuant to the applicable Wisconsin or federal law.
 - c. Both Wisconsin and federal family and medical leave will run concurrently with each other and concurrently with any other leave which is available to you under the City's policies or collective bargaining agreements, as well as under federal or Wisconsin law, including worker's compensation to the extent such leave qualifies for federal or Wisconsin FMLA.
 - d. Leave taken under this FMLA Policy will not be used against you in any employment decision, including attendance assessment, the determination of wage increases, promotions or disciplinary action.
2. **Eligibility for Leave.**
 - a. Wisconsin - You are eligible for Wisconsin family or medical leave if you have worked -at least 52 consecutive weeks and have worked at least 1,000 hours (paid leave counts) in the 12-month52 week period prior to the time leave begins.
 - b. Federal - You will be eligible for federal family and medical leave if you have worked for at least 12 months (not necessarily consecutive) and have worked 1,250 hours (only actual hours worked counts) in the 12 month period immediately prior to the time leave begins.
3. **Amount of Leave Available.**
 - a. Wisconsin FMLA.
 - i. Up to 6 weeks for the birth or adoption of a child, to begin within 16 weeks of the birth or placement (no more than one 6 week period per child).
 - ii. Up to 2 weeks to care for a child, spouse, domestic partner, or parent (including parents of your spouse or domestic partner) with a serious health condition.
 - iii. Up to 2 weeks for your own serious health condition.
 - b. Wisconsin Bone Marrow and Organ Donation Leave Act
 - i. Employees who give written verification they are going to be bone marrow and/or an organ donor will receive up to 6 weeks leave for the purpose of serving as that donor.

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~~b,c.~~ Federal FMLA.

i. Up to 12 weeks of leave for:

- 1) The birth of a child and to care for the newborn within one year of birth (no more than one 12 week period per child).
- 2) The placement of a child for adoption or foster care and to care for the newly placed child within one year of placement (no more than one 12-week period per child);
- 3) To care for your spouse, child, or parent who has a serious health condition;
- 4) A serious health condition that makes you unable to perform the essential functions of your job.

ii. Military Caregiver Leave. Unpaid leave of up to 26 weeks under federal law may be taken by you to care for your parent, spouse, child or next of kin who is a covered service member and who sustains a serious illness or injury while on active military duty. This injury or illness must render the service member medically unfit to perform his or her military duties and for which the service member is undergoing medical treatment, recuperation or therapy, whether inpatient or outpatient, or has been assigned to the temporary disability retired list. The maximum 26 weeks of Federal FMLA leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, you may not take more than a total of 26 weeks of FMLA during a single 12-month period for any qualifying reason under the FMLA.

iii. Qualifying Exigency. Unpaid leave of up to 12 weeks under federal law may be taken by you for any “qualifying exigency” that arises as a result of your spouse, child or parent serving on active duty, or being notified of an impending call to active duty status, in support of a contingency operation. The federal FMLA regulations define a “qualifying exigency” to include such activities as attending certain military events, arranging for alternative childcare or school activities, addressing certain financial and legal arrangements, attending certain counseling sessions, time for the military member’s rest and recuperation, and attending post-deployment briefings. You may be required to provide documentation to verify eligibility for leave, including providing a copy of active duty orders.

4. **Intermittent Leave**

You may take FMLA leave on an intermittent or reduced schedule basis within the parameters set by Wisconsin and federal law. Only the amount of leave actually taken will count against leave entitlements. Please contact the ~~Human Resources~~ Director of People & Culture to discuss the parameters of intermittent or a reduced schedule leave.

5. **Pay During FMLA Leave.**

- a. In general, both Wisconsin and federal FMLA leaves are unpaid. The City may require you, or you may choose, to substitute paid leave (such as vacation days, sick leave, holidays, or compensatory time) for unpaid leave available under the federal FMLA; or, you may choose to substitute any available accrued leave for unpaid Wisconsin FMLA.

~~b. As with all leaves of absence, you may not pursue or engage in employment when on FMLA leave.~~

6. **Notifying the City of Your Need for FMLA Leave.**

- a. You must timely notify the City of your need for FMLA leave. Whenever possible, you should request FMLA leave in writing on forms provided by the ~~Human Resources~~ Employee Services Department. The information provided by you must be sufficient to allow the City to determine that the leave qualifies for FMLA. ~~Calling in to report an unscheduled absence without providing the reasons for the needed leave will not be considered sufficient notice for FMLA leave.~~

- b. You must respond to the City's inquiries to determine if an absence potentially qualifies as FMLA. If you do not provide sufficient information to support an FMLA determination, the leave may be denied or delayed.
- c. You need to provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. If that is not possible, or the leave is not foreseeable, you must provide the City notice of the need for leave as soon as practicable. If you fail to give 30 days' advance notice for foreseeable leave, without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, your FMLA leave may be delayed or denied.

7. Medical Certification.

- a. ~~If leave~~If leave is for your own serious health condition, or the serious health condition of a covered family member, ~~you or a qualifying exigency arising as a result of the employee's spouse, child or parent being on covered active duty in the Armed Forces or being notified of an impending call or order to covered active duty in the Armed Forces, you~~ may be required to provide the City with a medical certification form completed by the health care provider. The certification form must be submitted to the City within 15 calendar days of ~~the request for leave, or in cases of medical emergency or unforeseen circumstances, the certification form must be provided as soon as possible~~the City's request. If you make a diligent good faith effort but are unable to meet the 15 calendar day deadline, you will be given additional time to provide the certification. You may be required to provide the City with updated medical certification forms on a periodic basis to the extent permitted by law. Medical certification forms are available on The Loop or in the Human Resources-Employee Services Department.
- b. If you fail to provide the medical certification form as requested, your ~~leave~~ leave (or the continuation of your leave) may be denied or delayed until the required certification is provided. If you never produce a requested certification, the leave is not FMLA leave and your ~~job position leave~~ will not be protected by FMLA laws.
- c. Genetic Information Nondiscrimination Act (GINA) Notice. GINA prohibits employers and other covered entities from requesting or requiring your genetic information, except as allowed by the law. Please do not provide any genetic information when responding to a request for a medical certification. GINA defines genetic information to include your family medical history, the results of your or a family member's genetic tests, the fact that you or a family member sought or received genetic services, and genetic information of a fetus carried by you or a family member or an embryo held by you for a family member receiving reproductive services.

8. Insurance and Benefits.

- a. You may continue to receive health, ~~and dental~~ and vision insurance coverage while on FMLA on the same terms as if you continued to work. You must continue to pay your share of the premiums through payroll deduction or by direct payment on the first of the month. You must notify the City of your intent to continue insurance coverage while on leave.
- b. Subject to COBRA, FMLA, and any other applicable laws, the City's obligation to maintain health, ~~and dental~~ and vision benefits will stop if and when you inform the City of your intent not to return to work at the end of the leave period, if you fail to return to work when your leave entitlement is exhausted, or if you fail to make required payments while on leave.
- c. You will continue to earn accrued benefits during the period that paid leave is substituted for unpaid FMLA time off.

9. Return to Employment.

- a. When you return from FMLA for your own serious health condition, you must provide a return to work release signed by your treating physician indicating that you can return to duty with or without work restrictions. If this is not received, your return to work will be delayed until it is received.

- b. At the end of your FMLA leave, you will be returned to the position you held at the commencement of leave or, if the position is filled, to an equivalent position. The return to work entitlement will be no greater than if you had continued in employment without the taking of leave.
- c. Under federal FMLA, the return to work entitlement does not apply to "key" employees. You will be notified regarding key employee status and its possible implications on job restoration at the time leave is requested.
- d. You must notify your immediate supervisor if your return to work date changes. If you want to return to work before leave is scheduled to end, and work is available, you must notify the City at least 2 work days prior to the desired return date.
- e. If you do not return to work from an FMLA leave at the designated time, you will be considered to have voluntarily terminated your employment, unless you were unable, due to an emergency, to notify the City.
- f. If your FMLA leave expires, and you remain unable to perform the essential functions of your position, your right under the FMLA to your job will end with the expiration of the FMLA leave period. You should contact the ~~Human Resources~~ Director of People & Culture to discuss available options, which will take into consideration the circumstances of your particular situation and any obligation the City may have to reasonably accommodate a disability if one exists as defined by applicable state and federal laws.

See U. S. Department of Labor Wage and Hour Division Notice on the following page for additional information:

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



WH11420 REV 04/16

D. SICK LEAVE

1. Basic Sick Leave

- a. Benefited employees shall be allowed to take paid leave due to illness or injury as set forth herein. Regular full-time employees earn one sick day for each completed full calendar month of service. Benefited part-time employees shall accrue paid sick leave on a pro-rated basis. Unused sick leave may be accumulated to a total of 1,040 hours for both benefited full-time and benefited part-time employees and thereafter, will be forfeited. Division Chiefs assigned to work 2,912 hours annually may accumulate unused sick leave to a total of 1,456 hours and thereafter, will be forfeited.

Sick leave is earned as follows:

Total Hours Earned Per Year -

	Percent of Full-Time Status		
Full-Time	85%	80%	75%
96.00	81.60	76.80	72.00

Total Hours Earned Per Biweekly Pay Period -

	Percent of Full-Time Status		
Full-Time	85%	80%	75%
3.69	3.14	2.95	2.77

- b. You may use sick leave as it is earned. Sick leave may not be taken until earned, nor shall sick leave be advanced.

2. Conditions For Use of Sick Leave

- a. Sick leave shall be allowed only if you provide notice of the need for such sick leave prior to the start of regular working hours; or, in the case of an emergency, as soon as is reasonably possible under the circumstances.
- b. Sick leave is available for the following reasons:
- Your own illness, injury, physical incapacity; or that of your spouse, child, parent, or person within your personal care. This includes adoptive, step and foster relationships as well as blood and marital relationships encompassed by those categories;
 - Exposure to a contagious or communicable disease;
 - Preventative medical services performed by a licensed physician, dentist, therapist, or other medical professional;
 - Psychological or psychiatric treatment for you, your spouse or child; or
 - As permitted by Wisconsin or federal Family and Medical Leave Laws.
- c. Absence from work for other than the foregoing reasons may be charged against accrued vacation, holiday or compensatory time. If there is no such leave available, time away from work, with permission of the City Administrator, will be unpaid.
- d. The Department Head will keep track of all individual sick leave within the department and report such information to the ~~Human Resources~~ Employee Services Department at each payroll period.

~~3. Conditions for Payment of Sick Leave~~

- ~~a. As a matter of policy, the Common Council wishes to emphasize that sick leave shall be construed as a form of insurance against the loss of income during illness or injury and is not a form of additional paid time off. Sick leave does not vest in you the right to a certain number of days off each year with pay. The City reserves the right to investigate all sick leave and to take necessary action to insure that sick leave is not used in a fraudulent or abusive~~

~~manner. Substantiated abuse of sick leave privileges may, in the City's sole discretion, result in loss of sick pay for the absence and/or discipline or termination.~~

~~b. Requests for sick leave of 3 or more consecutive working days, or 3 days in a calendar month, may require a doctor's certification. In the event the absences qualify as FMLA time, the City's FMLA policy will apply. The Department Head will forward the doctor's certification to Human Resources to be maintained in your confidential medical file.~~

~~c. The doctor's certification will attest:~~

~~i. to the illness or injury; and~~

~~ii. to the fact that you are fit to return to duty, with or without work restrictions.~~

E. SICK LEAVE DONATION POLICY

1. The purpose of this policy is to establish procedures for qualified employees who have exhausted all paid time off to receive donated paid sick time from fellow City employees, for continued salary during your extended illness or other medical condition, or that of your child, spouse or parent.
2. Only benefited employees who have exhausted their accumulated leave time, including sick, vacation, compensatory and holiday, are eligible for donated sick leave.
3. **Qualifications/Requirements**
 - a. **Donating Employee:** Donors may contribute up to 10 days (80 hours) of sick time during any calendar year provided the donor maintains a minimum sick leave balance of 30 days, and understands the following stipulations:
 - i. Donations are voluntary and irrevocable.
 - ii. Should the recipient not utilize all of the donated paid sick leave prior to returning to work with the City, the paid sick leave will not be returned to the donor, but will remain with the receiving employee.
 - iii. No donating employees shall receive remuneration of any kind for paid sick leave donated.
 - b. **Receiving Employee:**
 - i. Donated sick leave can be used only to care for your own serious health condition, or for your child, spouse or parent who has a serious health condition, as that term is defined in federal and Wisconsin FMLA statutes. Donated sick leave may not be used for family leave following a birth or placement of a child, unless it is for the purpose of caring for a newborn or newly placed child with a serious health condition.
 - ii. ~~You may not be receiving workers compensation benefits prior to, or while, receiving donated leave. Donated sick leave may not be used to supplement your approved short term or long term disability benefits.~~
 - iii. General Eligibility Criteria.
 - 1) Only employees who have exhausted all paid time off are eligible to request donated sick leave.
 - 2) To receive donated sick leave, you must apply for and receive approval for leave under the Family and Medical Leave Policy.
 - 3) The maximum amount of leave you may receive through donations of paid sick leave is 12 weeks per calendar year.
 - 4) While using donated sick leave, you will continue to earn sick leave and vacation leave. Any donated sick time remaining at the time you return to work will be retained by you as sick leave.

~~5) Upon termination, if you are entitled to payout of one-half of your accumulated sick leave, donated sick leave will not be included in calculating the total accumulation of sick time.~~

F. MILITARY LEAVE

1. Employees requiring leave due to voluntary or involuntary service in the uniformed services shall be granted time off, reinstatement and health insurance continuation and any other rights or benefits, in accordance with applicable federal and Wisconsin law. Notification of leave needed for military service must be provided to the ~~Human Resources~~Employee Services Department.
2. If you are a full-time employee of the City and are a reserve member of any branch of the armed services, you shall be paid by the City the difference in pay between your military pay during time of attendance and your regular pay during the same period up to a maximum of 15 days per calendar year.

G. JURY OR WITNESS DUTY

1. Benefited employees who are directed by a court of law, or compelled by subpoena, to perform jury duty or to appear as a witness in a legal proceeding on a scheduled work day shall be granted a leave of absence without loss of pay during the employee's regular work hours. You will be considered to be a witness only in cases in which you are not a party and are compelled to attend by subpoena.
2. Should you be required by subpoena to appear as a witness in any legal proceeding that arose out of or is related to your job duties at the City, you will be paid for such time, even if that time is outside of your normal work hours.
3. Jury or witness duty leave shall be granted by the ~~City Administrator~~Director of People & Culture upon presentation of satisfactory evidence that your appearance is required. ~~If you are released from jury duty or subpoenaed appearance prior to the end of your work day, you must contact your supervisor/Department Head regarding return to work.~~
4. Any stipends that you receive for attendance at jury or witness duty shall be ~~given to the City~~submitted to the Clerk/Treasurer's office at the time of such payment while you are receiving regular pay. This does not include any reimbursements that you may receive for parking or mileage. Your status for the purpose of determining seniority, status, responsibility, and salary shall be unaffected by such jury duty or witness leave.

H. FUNERAL LEAVE

1. Benefited employees are entitled to funeral leave as provided herein. Leave will not be paid for days when benefited part-time employees are not scheduled to work.
2. In the event of the death of your spouse, child, grandchild, parent, grandparent, sibling, or a sibling's child or spouse, a leave of absence of up to 3 days may be taken by you for the funeral or service and related activities, without loss of pay. The foregoing categories include adoptive, step and foster relationships as well as blood and marital relationships encompassed by those categories.
- ~~3. The City reserves the right to require evidence of your relative's passing.~~
- ~~4. Leave related to a death of a covered family member beyond the time provided herein may be granted by permission from the Department Head or City Administrator. Pay for such additional time off shall be deducted from your accumulated vacation, compensatory, or sick time. If no such leave is available, the time off will be unpaid.~~

~~5.3. Funeral leave pay will not be granted during periods when you are on sick leave, vacation, or holiday.~~

I. PERSONAL LEAVE

Benefited employees who require leave time for personal reasons must make a written request to the City Administrator, who will make a decision on whether or not to grant the request. All accumulated vacation, holiday and compensatory time must be used before unpaid personal leave is approved. To the extent permitted by law, your benefits will be terminated if an approved unpaid personal leave extends longer than 30 days. In that event, you will be provided a COBRA notice explaining options for continuing health insurance coverage at your expense.

J. LACTATION POLICY

Reasonable unpaid break times will be granted to employees who are nursing mothers and who desire to express milk while at work. The space provided will meet all of the privacy requirements of the law, and will not be located in a restroom. Please contact the ~~Human Resources~~ Director of People & Culture to make appropriate arrangements concerning times and locations.

K. VOTING LEAVE

If you are eligible to vote, you may take up to 3 consecutive hours of leave on Election Day for the purpose of voting. This leave is unpaid and will be required to be supplemented by vacation, holiday or compensatory time, or remain unpaid. You must notify your supervisor of such request for time off prior to Election Day.

SECTION VI – EMPLOYEE BENEFITS

A. **ELIGIBILITY**

Benefited employees are eligible for the benefits as described in this section. Benefits for eligible part-time employees are provided on a pro-rated basis. Premium contribution levels will be determined by the Common Council on an annual basis and shall be paid via payroll deduction.

B. **HEALTH INSURANCE**

1. The City will provide group health insurance to eligible employees. Such health insurance shall become effective on the first day of the calendar month following ~~the successful completion of 1 full calendar month of employment~~ your start date. ~~Applicable deductibles and co-insurance are as set forth in the Summary Plan Descriptions available on The Loop or from the Human Resources Department. To ensure that all contributions are made for the year, your premium contribution deductions may begin the pay period prior to the commencement of your insurance coverage. Applicable deductibles and co-insurance are as set forth in the Summary Plan Descriptions available on The Loop or from the Employee Services Department.~~

2. **Health Insurance Buyout Program**

Employees who are eligible for participation in the health insurance program can receive a payment of 25 percent of the monthly health insurance premium currently paid by the City should you elect to waive health insurance coverage because you are covered under a different plan or have other coverage available. Interested employees are to contact the ~~Human Resources~~ Director of People & Culture.

C. **DENTAL INSURANCE**

Eligible employees shall be entitled to the benefits of group dental coverage. Such dental coverage shall become effective on the first day of the calendar month following ~~the successful completion of 1 full calendar month of employment~~ your start date. ~~To ensure that all contributions are made for the year, your premium contribution deductions may begin the pay period prior to the commencement of your insurance coverage.~~ Applicable coverage is as set forth in the Summary Plan Description available on The Loop or from the ~~Human Resources~~ Employee Services Department.

D. **OPTICAL INSURANCE**

Eligible employees shall be entitled to the benefits of group optical coverage as described in the Summary Plan document. Such optical coverage shall become effective on the first day of the calendar month following ~~the successful completion of 1 full calendar month of employment~~ your start date. ~~To ensure that all contributions are made for the year, your premium contribution deductions may begin the pay period prior to the commencement of your insurance coverage.~~ The Summary Plan document is available on The Loop or from the ~~Human Resources~~ Employee Services Department.

E. **HEALTH REIMBURSEMENT ARRANGEMENT (HRA)**

Benefited employees who are enrolled in the City's health coverage shall be entitled to benefits of an HRA. Through the HRA, you will be reimbursed for qualified in-network out-of-pocket medical expenditures (except for prescription drugs) that exceed your deductible. The City shall determine the reimbursement levels for the HRA annually. The Summary Plan document is available on The Loop or from the ~~Human Resources~~ Employee Services Department.

F. **FLEXIBLE SPENDING PLAN/SECTION 125 PLAN**

Eligible employees can elect to participate in the Flexible Spending plan, which allows you to pay for health care and dependent care expenses with pre-tax dollars, thereby reducing the amount you pay in payroll taxes. You must enroll every year for this benefit; the ~~Human Resources~~ Employee

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~~Services~~ Department will distribute enrollment materials each year. The City also has an IRS Section 125 Plan to allow for pre-tax payment of your share of health, dental, ~~and vision and disability~~ insurance premiums. The Summary Plan document is available on The Loop or from the ~~Human Resources~~~~Employee Services~~ Department.

G. LIFE INSURANCE

The City provides life insurance for eligible employees at the rate of \$1,000 of life insurance for each \$1,000 of annual wages, rounded up to the nearest \$1,000, plus an additional \$15,000. The premiums are paid in full by the City and are effective on the 91st day of employment.

H. SHORT-TERM DISABILITY INSURANCE

Eligible employees can choose to voluntarily participate in a group short-term disability insurance program paid entirely by the employee. ~~Each employee choosing to participate~~~~If you choose to participate, you~~ shall authorize the City to deduct the amount of the premium from ~~their~~~~your~~ pay checks.

I. LONG-TERM DISABILITY INSURANCE

The City shall provide long-term disability insurance for ~~non-bargaining unit~~ eligible employees and the premiums will be paid in full by the City and coverage shall become effective on the ninety-first (91st) day of employment. ~~Represented employees will be offered LTD coverage at their own expense via payroll deduction,~~

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J. RETIREMENT PLAN

Eligible employees shall be covered under the State of Wisconsin Retirement System (WRS). The City will pay its contribution as set by the Department of Employee Trust Funds, and you shall pay your contribution as set by the Department of Employee Trust Funds via payroll deduction. Information regarding WRS is found on The Loop or at www.etf.wi.gov.

K. DEFERRED COMPENSATION

The City may choose to sponsor one or more deferred compensation plans. Deferred compensation is fully funded by you using bi-weekly payroll deductions. Information on the plans offered can be found on The Loop or from the ~~Human Resources~~~~Employee Services~~ Department.

L. WELLNESS

The City of Pewaukee is committed to the health and well-being of its employees. As part of its benefits package, the City offers the Healthy Steps Wellness Program. This annual program will provide you a snapshot of your overall health, give you access to coaches who will help you establish your goals, and will offer many opportunities for education and participation in fun, healthy activities. In addition, if you complete the CORE wellness steps, you are eligible for a discount on your health insurance premium contribution. Details are set forth in the Healthy Steps Wellness Plan, a complete copy of which is located on The Loop.

M. COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue insurance coverage under the City's plans when a "qualifying event" would normally result in the loss of coverage. Under COBRA, you or your dependents pay the full cost of coverage at the City's group rates plus an administration fee. Written notice of COBRA rights and obligations is provided to employees. Contact the ~~Human Resources~~~~Employee Services~~ Department for additional information.

N. MILEAGE

When you must use your ~~personal vehicle~~ to travel as a part of your duties ~~from the work place to a destination, other than home~~, you will be reimbursed for such authorized travel at the current rate established by the IRS. Reimbursements will be paid on a monthly basis upon submission of a Travel

Expense form to the Clerk/Treasurer at the end of the calendar month in which the authorized travel occurred. Late submissions may result in the denial of reimbursement. When two or more employees take part in the same work activity or meeting, employees should, where possible, travel in the same vehicle to keep travel expenses to a minimum.

O. TRAVEL REIMBURSEMENT

1. Meals and Lodging.

- a. If you are required by your duties to travel outside the City, with prior approval from your Department Head or the City Administrator, you will be entitled to reimbursement for meals and necessary overnight lodging. Reimbursement will be made on a monthly basis upon submission of such expenses on a Travel Expense Form along with receipts for such meals and lodging and any out-of-pocket expenditures at the end of the calendar month in which the authorized travel occurred. A failure to submit a reimbursement request within 30 days of the date the expense was incurred may result in denial of the reimbursement.
- b. Reimbursement for lodging shall be limited to the rate for a single room/single person at a licensed hotel or motel or other pre-approved location such as VRBO or Airbnb. When possible, advance reservations for such lodging will be made. Contact the Clerk/Treasurer for advance payment of lodging to insure proper tax exemption.
- c. Reimbursement for meals shall be set at the levels used by the State of Wisconsin. Current reimbursement rates are posted on The Loop. An *itemized* copy of your meal bill(s) must be submitted. A credit card receipt is insufficient for reimbursement.
- d. No alcoholic beverages, smoking materials or drugs may be included in travel reimbursements. Meal expenses are reimbursed only for City employees.

2. Other Travel Expenses and Requirements.

Other expenditures that qualify for travel reimbursement include parking, tolls, local or long-distance calls regarding work assignments, baggage handling, or necessary equipment rental. Receipts for such fees must be attached to the Travel Expense Form. Tickets for driving infractions, unauthorized parking or other violations will not be paid or reimbursed by the City.

P. EDUCATION/TRAINING

1. You may be permitted to attend, with pay, work-related technical, scientific, and professional meetings, conferences, trainings, institutes, and seminars, and appropriate State of Wisconsin courses or examinations for continued certification in a technical or professional capacity that is related to your position and is approved by your Department Head. You will be paid for this time in accordance with applicable State and Federal laws.
2. Travel costs related to such functions may be reimbursed upon submittal of a completed Travel Expense Form, along with the receipts for all travel expenses to the Clerk/Treasurer, as set forth under Travel Reimbursements. All travel costs for out-of-state travel shall be pre-approved by the City Administrator.
3. All or part of the cost of registration fees or charges for meetings or conferences may also be reimbursed upon subsequent submittal to the Clerk/Treasurer of a receipt or invoice for such expenses. Employees who, under Wisconsin or City requirements, must obtain annual or periodic certification in order to legally carry out their job shall be reimbursed for the full cost of those seminars, classes or tests necessary to obtain such certification.
4. If you are a benefited employee and wish to further your education and the Department Head and City Administrator believe that such education would enhance your job-related knowledge and/or skills, the cost of such education may be reimbursed to a maximum of \$600 per year by the City to you under the following conditions -
 - a. The course, class, seminar or training shall be recommended-approved by your Department Head or the Administrator ~~and shall~~, prior to enrollment, ~~be approved by the Common~~

~~Council~~ for potential and subsequent reimbursement of related fees, books and materials cost.

~~To receive full reimbursement of all such costs to the maximum allowed, you must obtain a grade of "A", or a grade of 93 or above on a 100 maximum scale or equivalent; and, to receive 67 percent reimbursement of all such costs, you must receive a grade of "B", or a grade of 85-92 on a 100 maximum scale, or equivalent; and to receive 33 percent reimbursement of all such costs, you must receive a grade of "C", or a grade of 77-84 on a 100 maximum scale, or equivalent. If you receive a grade of less than "C", or less than 77, or equivalent, you shall not be entitled to reimbursement. Reimbursements will follow the schedule below:~~

<u>Grade</u>	<u>Percentage Reimbursed</u>
<u>"A" or 93-100%</u>	<u>Maximum allowed</u>
<u>"B" or 85-92%</u>	<u>67%</u>
<u>"C" or 77-84%</u>	<u>33%</u>

~~b.~~

~~c.~~ You must show evidence of final grades as provided by an authorized representative of the institution or agency offering such courses, classes, seminars or training.

Q. **SAFETY EQUIPMENT**

1. **Safety Shoes/Boots.** The City will reimburse employees who are required to wear safety shoes/boots as a part of their job up to \$125 every year as needed. You must present a dated receipt to the Clerk/Treasurer with a written request for reimbursement. *Employees that receive this reimbursement are allowed to 'bank' it from one year to the next if replacement shoes/boots are not needed in that current year. Those funds can be added to the next year for purchasing more than one pair however the reimbursement remains \$125 per pair. This 'bank' will be managed by the Clerk/Treasurer's office and reimbursement requests should be submitted directly to the Clerk/Treasurer.
2. **Prescription Safety Glasses.** The City will reimburse you for prescription safety glasses when they are required to perform your duties in an amount not to exceed \$300 upon initial hire and when your prescription changes. The City will also pay for replacement prescription safety glasses at a cost not to exceed \$300 per year if the original safety glasses are lost or damaged during the course of City employment. The City will not pay for replacement prescription safety glasses if the loss or damage ~~occurs while~~ occurs while you are off-duty. If you seek reimbursement under this provision, you must present a receipt verifying the cost of the prescription safety glasses.

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R. **WORKER'S COMPENSATION**

If you should become ill or injured as a result of your job, you may be covered by worker's compensation benefits. You must notify your supervisor or Department Head immediately of any accidents, injuries or illnesses, and secure any necessary medical attention right away.

Supervisor and Employee Obligations for Worker's Compensation Cases:

- Injured employee shall complete the Employee Report of Incident;
- Supervisor shall complete the Supervisor Incident Investigation Report;
- Employees who require medical attention shall take the Worker's Compensation Claim Reporting Kit with them to be completed by the physician who treats them. Packets are available in the Employee Services office and/or from your Supervisor. Instructions are in the packet of what needs to be returned to Employee Services.
- All documentation shall be turned into Employee Services by the end of the injured employee's shift.

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SECTION VII – EMPLOYMENT POLICIES

A. CONFIDENTIAL AND PUBLIC INFORMATION

Through your employment with the City, you may have access to confidential City, resident, personnel or other sensitive information. The protection of confidential information is vital to the interests of the City, its employees and citizens. You shall not disclose any confidential information to any City personnel who does not have a legitimate business need to know such information, or to any persons outside the City, without the authorization of your Department Head or the City Administrator. If you receive a request for information that you know or should know is confidential, whether you are on or off duty, you will direct the person asking for the information to your Department Head or the City Administrator. Should you improperly use or disclose confidential information, you will be subject to discipline or termination.

The protection of confidential information must be balanced with the public's right to know pursuant to open records reporting as required by Wisconsin statute. Only the City's designated records custodian(s) are authorized to respond to a public record request.

B. DRIVING REQUIREMENTS AND PRACTICES

1. The following policies covering the operation of City vehicles, and personal vehicles used for City business, are of a general nature. The City reserves the right to make specific decisions regarding your use of City vehicles, unacceptable driving records, suspension of driving privileges, etc. based on the particular circumstances of any given situation.
2. Employees assigned City-owned vehicles are to use those vehicles for official City business only; personal use of City vehicles is not permitted, with the only exception being your normal commute to and from work. City vehicles cannot be taken to any business location outside of the City (such as conventions, trainings, etc.) if you plan to extend your stay for personal reasons or you plan on taking non-City employees with you.
3. Employees operating City vehicles with Commercial Driver's Licenses (CDL) must follow the City's policy for CDL's in addition to this policy. Should any provision of this policy conflict with the CDL policy for covered employees, the CDL policy supersedes the provisions of this policy.
4. All employees operating vehicles as a part of their job duties will follow safe driving practices and will comply with all federal, state and local laws governing the operation of motor vehicles and rules of the road. This includes taking all steps to ensure your total concentration and safe operation of vehicles. In addition, the following rules apply ~

~~a. You must determine clear directions before departure.~~

~~b.a. You will not smoke in any City vehicle~~ Smoking is strictly prohibited in any City vehicle; there are no exceptions to this policy.

~~c.b.~~ You will not manipulate radios, telephones, tablets, or other equipment while the vehicle is moving.

~~d.c.~~ You will not talk on cell phones while the vehicle is moving, unless using a hands-free device or an emergency situation renders the use of such device impractical.

~~e.d.~~ You will not reach for objects when to do so requires you to take your eyes off the road.

~~f.e.~~ You will not operate a vehicle when your ability to react is impaired in any way.

~~g.f.~~ You will not text in any manner on a cell phone, smart phone, tablet, or other device.

~~h.g.~~ You will have no measurable alcohol concentration or any detected presence of alcohol while operating a vehicle or piece of equipment; you shall in no way be under the influence of alcohol, illegal drugs, ~~prescription drugs~~, or any chemical substance or other substance that can impair your ability to operate a motor vehicle or piece of equipment.

~~h.~~ You may not use any alcohol within 8 hours following an accident.

~~i.~~ You may not use or possess illegal drugs.

~~j.~~ You must keep headlights and seat belts on at all times while operating the vehicle.

5. If you are required to drive in order to perform any of your job duties, you must maintain an acceptable driving record. A record that suggests your driving poses a risk to the City will result in your being placed on a driving probation, the revocation of authorization to drive on City business, and/or issuance of discipline or termination of employment.
6. You must report all infractions or violations incurred while driving, whether incurred during work time or on personal time, to the ~~Human Resources~~ Director of People & Culture. The City will also check driving abstracts through the Department of Motor Vehicles.
7. You must obtain permission from your Department Head or the City Administrator to use your personal vehicle to travel for your job. If you use your personal vehicle to perform any of your job functions, you must carry insurance coverage as required by Wisconsin law. You must submit a copy of your insurance card to the ~~Human Resources~~ Employee Services Department on an annual basis or when your insurance coverage changes.
8. When a City vehicle cannot be operated, is unsafe for use, or has been damaged, you must notify a supervisor immediately.
9. You are responsible for all City vehicles that you operate, and you shall not permit any non-employee to drive any City vehicles.
10. If you are involved in an accident, you must:
 - a. Stay at the scene and turn on the four-way flashers.
 - b. Immediately contact law enforcement and your supervisor, Department Head, the ~~Human Resources~~ Director of People & Culture or the City Administrator.
 - c. When requested, give your name, address, City affiliation and show your driver's license and proof of insurance to the other party and law enforcement personnel.
 - d. Upon return to work, obtain and complete all necessary worker's compensation and incident report forms from your supervisor or ~~Human Resources~~ Employee Services.

C. WORKPLACE VIOLENCE & WEAPONS PROHIBITION

1. Introduction

The City prohibits weapons and all threats to use weapons, intimidation or violence, in the workplace. For purposes of this policy, a weapon is considered to be any firearm, loaded or unloaded, any electric weapon as defined in Wis. Stats. 941.295, or any other device or instrumentality which is calculated, intended to, or likely to produce death or bodily harm.

2. Policy

- a. This policy does not apply to law enforcement personnel, Fire/EMS personnel, those engaged in official military activities sponsored by the federal or state government, or employees who use knives or other objects that could potentially be used as weapons, when the activity of these personnel are performed, or objects are used, within the scope of their official job duties.
- b. City employees shall not possess firearms or any other weapons as defined in Section 1 in the workplace. This prohibition applies even though you may be licensed in your private capacity to carry a concealed weapon. This prohibition also applies to locations where you may be conducting City business outside of your normal workplace.
- c. City employees are prohibited from engaging in any violent behavior towards others. Any physical, verbal or visual act (with or without a weapon) that harms, threatens, harasses, bullies, attempts to intimidate, creates fear, has the purpose of unreasonably interfering with an individual's work performance, or creates an intimidating, hostile or offensive work

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environment, is prohibited. This includes aggressive or hostile behavior, intentionally damaging property, committing acts motivated by, or related to, workplace harassment or domestic violence.

d. Non-exclusive examples of conduct which is prohibited:

- i. Causing physical injury to another person;
- ii. Making threatening remarks;
- iii. Acting aggressively or hostilely, creating reasonable fear of injury for another person or subjecting another individual to emotional distress;
- iv. Damaging employer or employee property;
- v. Possessing a firearm or dangerous weapon while in the workplace or while on City business;
- vi. Committing hostile acts motivated by, or related to, workplace harassment or domestic violence;
- vii. Conducting harassing surveillance, i.e. stalking;
- viii. Other conduct of a similar nature.

3. **Procedure**

- a. You must report any weapon, threat or violent behavior to your supervisor, Department Head, the ~~Human Resources~~-Director of People & Culture or the City Administrator.
- b. Appropriate disciplinary action or termination will result for violations of this policy.
- c. Retaliation against any person who, in good faith, reports a potential violation of this policy is strictly forbidden. Any acts of retaliation must be reported immediately to the appropriate Department Head, ~~Human Resources~~-Director of People & Culture, or City Administrator.

4. **Additional Employee Obligations**

- a. If you have reason to believe a person outside the workplace may harm you or another employee in any way in the workplace, you are required to report those concerns to your supervisor, Department Head, the ~~Human Resources~~-Director of People & Culture or City Administrator.
- b. If you have obtained any legal protection order, such as a "No Contact," "Anti-Harassment," or restraining order against any other individual, you are required to report that order to the ~~Human Resources~~-Director of People & Culture. Such information will be kept confidential to the extent possible, but may be provided to appropriate personnel on a "need to know" basis.
- c. You should immediately report any concerns not specifically mentioned herein about your personal safety to your Department Head, ~~Human Resources~~-Director of People & Culture or City Administrator.

D. **DRUG AND ALCOHOL POLICY**

1. **Introduction**

~~a.~~—The City of Pewaukee intends to maintain a drug and alcohol-free workplace. Accidents, injuries, absenteeism, decreased productivity and property damage can all be the result of being under the influence of drugs or alcohol at work. It is the responsibility of both employees and the City to maintain a safe, healthful, and efficient working environment. ~~This policy is intended to be consistent with the requirements of the Drug Free Workplace Act of 1988. The contact person for any questions regarding this policy is:~~

~~— Human Resources Director~~
~~— City of Pewaukee~~
~~— W240 N3065 Pewaukee Road~~

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a. ~~—Pewaukee, WI 53072~~

~~bergerson@pewaukee.wi.uswoldanski@pewaukee.wi.us~~
~~262-691-6035~~

~~b.~~ This policy applies to all City employees. Should this policy directly conflict with the DOT Drug and Alcohol Policy covering employees who are required to have a Commercial Driver's License (CDL), the DOT Drug and Alcohol Policy provisions shall apply to those employees.

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2. Conduct and Discipline. ~~As required by the Drug Free Workplace Act, you must abide by the following rules.~~ A violation of ~~these the following~~ rules may result in disciplinary action or termination.

- a. You are prohibited from using, possessing, manufacturing, distributing, purchasing or dispensing alcohol or controlled substances/illegal drugs or drug paraphernalia while on City property, while performing your job duties or engaged in a City-sponsored activity, or while on City business.
- b. You are prohibited from reporting for or remaining on duty or performing assigned job duties while under the influence of alcohol or a controlled substance/illegal drug, or having the prohibited level of alcohol or an illegal drug/controlled substance in your system as indicated by a positive test result.
- c. No prescription drugs may be brought onto or consumed on City property by any person other than the person for whom they were prescribed. Prescription medications may be possessed and used during work hours if they are prescribed for you, are kept in their original container and are used in strict accordance with the prescription. You must notify your immediate supervisor before engaging in any work if there is a likelihood that any prescription medication you are taking could affect job performance and/or safety.
- d. Criminal convictions for manufacturing, distributing, dispensing, possessing or using controlled substances/illegal drugs in the workplace must be reported **in writing** to the ~~Human Resources~~ Director of People & Culture no later than 5 calendar days after such conviction. Appropriate action will be taken, ~~including possible termination.~~
- e. If you refuse to submit to a drug and/or alcohol test when directed to do so under circumstances consistent with this policy, you will be immediately placed on suspension pending investigation.
- f. You may not engage in any conduct that prevents the completion of a test, or provide false information in connection with a test, or attempt to falsify a test result in any way.
- g. You may not use any alcohol within 8 hours following an accident.
- h. You must comply with the City's requirements for treatment, after care, and return to duty.

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3. Employee Assistance Program (EAP)

Employees are encouraged to voluntarily seek professional, confidential assistance for alcohol and drug problems. The City has an EAP to assist you and your family with a full range of issues, including alcohol and drug problems. Contact and other information for the EAP provider is located on The Loop or from the ~~Human Resources~~Employee Services Department. You are also encouraged to utilize any programs offered by the City's insurance programs.

4. Testing.

- a. Pre-Employment: Drug testing is part of the evaluative procedure for new and returning employees and will be conducted in conjunction with a conditional offer of employment.
- b. Reasonable Suspicion: You will be required to be tested for drugs or alcohol if there is a reasonable suspicion that you are impaired, under the influence of, or have drugs or alcohol in your system. "Reasonable suspicion" means observations of objective facts sufficient to

lead a prudent person to conclude that you ~~are~~may be under the influence or have a prohibited substance in your system.

- c. Post-Accident/Work Related Incident: Drug or alcohol testing may be required following a work-related incident resulting in personal injury requiring treatment beyond simple first aid, actions or omissions that result in near-misses, that result in property damage, or where the reason for the incident is not evident or reasonably explained.
- d. Random: Drug testing may be required on a random basis for those in any safety-sensitive positions.
- e. Return-to-Duty: Any employee found to have violated this policy will be required to test prior to returning to duty, and then randomly thereafter, for a one year period.
- f. Procedures:
 - i. The City will provide transportation for you to the testing facility in cases of reasonable suspicion and post-accident work-related incidents.
 - ii. All drug and alcohol testing will be performed by a laboratory selected by the City and certified by the state for drug and alcohol testing.
 - iii. All testing will be conducted according to DHHS/SAMHSA guidelines where applicable and will include a screening test, a confirmation test, and review by a Medical Review Officer (MRO) in the event of a positive test.
 - iv. If you test positive, you will be given the opportunity to provide a legitimate medical explanation for the positive result.
- g. Positive Test Result/Self-Reporting. The following procedures may be utilized, depending on all relevant circumstances, if you test positive for drugs or alcohol, or if you voluntarily come forward to report an alcohol or drug problem. This procedure shall not apply to applicants who test positive during pre-employment screens.
 - i. If you test positive or self-report having a problem with drugs or alcohol, you will be placed on family and medical leave (FMLA) for the purpose of seeking treatment if you meet the eligibility provisions of the Wisconsin and/or federal FMLA laws.
 - ii. Referral to a substance abuse professional for assessment and recommendation will be mandatory.
 - iii. You will be required to successfully complete any recommended treatment or rehabilitation, including continuing care. Treatment and rehabilitation will be at your expense, and you should check for coverage under the City's health plan.
 - iv. Assuming that you successfully complete the recommended treatment and rehabilitation and cooperate with continuing care, you will be required to pass a return-to-duty test and sign a return-to-work agreement.
 - v. You will be subject to random drug testing for a period of one year, or longer when necessary, and may be terminated if you test positive a second time or otherwise violate the return-to-work agreement.
 - vi. All or some of the foregoing provisions of this section may not be applied or may be modified depending on the particular circumstances of any given situation.

E. EMPLOYEE CONDUCT AND WORK RULES

- 1. To ensure orderly operations and provide the best possible work environment, the City expects you to follow rules of conduct that will protect the interests and safety of all employees and the organization.
- 2. It is not possible to list all of the forms of behavior that are considered unacceptable in the workplace. The listing provided below is illustrative and not intended to be all-inclusive. The following are examples of infractions that may result in disciplinary action or termination:
 - a. Any form of Theft, dishonesty or inappropriate removal, use or possession of property.

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- b. Falsification of timekeeping or other City records or documents.
 - c. ~~Fighting or threatening~~Any form of violence in the workplace.
 - d. Verbal or physical abuse; discourteous, insulting or inflammatory language or conduct, ~~or any other form of behavior that could be deemed "bullying"~~-towards another person.
 - e. ~~Boisterous or disruptive activity in the workplace.~~
 - f. Negligence or improper conduct leading to damage of City-owned property or property belonging to others ~~or injury to an employee or others.~~
 - g. Insubordination or other ~~failure to follow directives or instructions~~disrespectful conduct.
 - h. Violation of safety or health rules.
 - i. Smoking in prohibited areas or City-owned ~~buildings,~~ equipment or vehicles.
 - j. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
 - k. Excessive absenteeism.
 - l. Unauthorized use of telephones, mail system, or other City-owned equipment.
 - m. Unsatisfactory ~~or inappropriate~~ performance or conduct ~~that discredits the City as determined by the City.~~
 - ~~n. Gambling on City property.~~
 - ~~o. Taking any fee, reward, gift, gratuity, or other form of remuneration in addition to regular City compensation from any source for the performance of duties in the capacity of an employee of the City.~~
 - ~~p. Improper political activities during work hours.~~
 - ~~q. Conduct that brings discredit to the City.~~
 - ~~r. Dishonesty.~~
 - ~~s. n. Sleeping during work hours.~~
 - ~~t. o. Leaving the job work~~ without permission ~~unless due to an emergency.~~
 - ~~u. p. Violation of any other policies/rules contained in this handbook, including, but not limited to, attendance, discrimination, harassment, workplace violence, technology policy, ethics code, drugs and alcohol, driving, or cell phones, etc.~~
3. **Disciplinary Action:** The purpose of discipline is to correct inappropriate conduct, violation of personnel policies, improper behavior or performance problems. Disciplinary action may include, but is not limited to, oral or written warnings, suspensions without pay, work restrictions, job transfers, termination or any other form of discipline, ~~counseling or correction~~ deemed necessary under the circumstances. The ~~specific measures taken by the City nature of the discipline~~ will depend upon the nature and severity of the ~~violation~~conduct, and the surrounding circumstances, as determined by the City.

F. **ETHICS CODE**

A complete copy of the City Ethics Code can be found on The Loop. ~~Employees are required to acknowledge this policy separate from other policies of this handbook. For purposes of this handbook, the sections that pertain to the creation and operation of the Ethics Board and the content of the statement of interest have been removed. You may read these sections by going to The Loop, or requesting a copy from Human Resources.~~

1. **Statement of Purpose.** The proper operation of a democratic and representative government requires that public officials be independent, impartial and responsible to the people; that decisions and policy be made in proper channels of the governmental structure; that public office and public employment not be used for personal gain; and that the public has confidence in the integrity of its government. Public officials are agents of the public purpose, should hold their position as a public trust and should exercise their judgments for the benefit of the public.

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Their conduct or action in the performance of official duties should be above reproach and in a manner that avoids any conflict or reasonable appearance of conflict so as to foster respect for government.

2. Declaration of Policy.

- a. In recognition of these goals there is hereby established a code of ethics which shall apply to all candidates for city office, and public officials, including elected and appointed Department Heads, employees and members of City boards and commissions. This code of ethics establishes guidelines for ethical standards of conduct to assist public officials in avoiding those acts or actions which are incompatible with the best interests of city government by directing disclosure of private interests in matters affecting the City of Pewaukee.
- b. It is intended that this code shall apply to all persons whose functions require the exercise of discretion and judgment. Nothing contained herein is intended to deny, to any individual, rights granted by the United States Constitution, the constitution of this state, the laws of this state or by labor agreements negotiated with bargaining representatives.

~~3. Definitions. The following definitions shall be applicable in this Code:~~

- ~~a. **Advisory Opinion** – Means an interpretation requested by a public official and issued by the Ethics Board regarding the propriety of any matter to which the public official is or may become a party.~~
- ~~b. **Anything of Value** – Means any money or property, favor, gift, service, payment, advance, forbearance, loan, or promise of future employment, including, without restriction by enumeration, tickets, passes, lodging, travel, recreational expenses, and admission offered and provided by persons doing business, or interested in doing business, with the city. "Anything of value" does not include compensation and expenses paid by the city; political contributions which are reported under Chapter 11, Wisconsin Statutes; occasional meals and beverages, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of nominal value; or hospitality of nominal value, or extended for a purpose unrelated to city business; or business related seminars, trade shows or other training related activities.~~
- ~~c. **Associated** – Means [includes], when used with reference to a person, any organization in which a public official or his/her spouse is a director, officer or trustee, or owner, or controls, directly or indirectly and severally or in the aggregate at least twenty percent (20%) of the outstanding equity.~~
- ~~d. **Board** – Means the Ethics Board created by this code of ethics ordinance.~~
- ~~e. **Business** – Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self employed individual or any other legal entity which engages in profit-making activities.~~
- ~~f. **Candidate for Elective Office of the City of Pewaukee** – Means any person who files nomination papers and a declaration under §8.10, Wisconsin Statutes, for the purpose of appearing on the ballot for election to an office of the City of Pewaukee or any person nominated for a City office in an election through the write-in process and who files a declaration pursuant to §8.10, Wisconsin Statutes.~~
- ~~g. **Conflict of Interest** – Means a public official's action or failure to act in the discharge of his/her official duties which could reasonably be expected to produce or assist in producing a substantial economic or personal benefit for such official, his/her family or an organization with which he/she is associated.~~
- ~~h. **Confidential Information** – Means written material or oral information related to city government which is not otherwise subject to the open records law and which is designated by statute, ordinance, court decision, lawful order, or custom as confidential.~~

- i. ~~Contract~~ Means all agreements executed between the city or a sub-unit thereof and another party or parties for the provision of goods, materials, supplies, construction, or services in exchange for valuable and sufficient consideration.
- j. ~~Economic Interest~~ Means any interest that will yield directly or indirectly a monetary or other material benefit to the public official or to any person employing or retaining the services of the public official, or any member of the family of said public official, except as permitted by §946.13 of the Wisconsin Statutes.
- k. ~~Family~~ Means any individual related to a public official as spouse, parent, child, sibling, grandparent, grandchild, parent-in-law, sibling-in-law, son-in-law, daughter-in-law, and step relations of the above, or as a legal dependent of the public official for tax purposes.
- l. ~~Financial Interest~~ Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the public official or his/her spouse or to any person employing or retaining the services of the public official or his/her spouse.
- m. ~~Gift~~ Means the payment or receipt of anything of value without valuable and sufficient consideration.
- n. ~~Immediate Family~~ Means any individual related to a public official as spouse or legal dependent for Federal income tax purposes.
- o. ~~Income~~ Means the meaning given under the Federal internal revenue code.
- p. ~~Incompatibility~~ Means a conflict between one's official responsibilities and personal or economic interests which would prevent the public official from the complete and proper discharge of his/her official city duties.
- q. ~~Ministerial Action~~ Means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.
- r. ~~Nominal Value~~ Means a value of twenty-five dollars (\$25.00) or less received by a public official from any one (1) person, company or vendor within one (1) calendar month, not to exceed one hundred dollars (\$100.00) in a calendar year.
- s. ~~Organization~~ Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual, body politic, or charitable entity.
- t. ~~Person~~ Means any natural person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, joint venture, trust, or other legal entity recognized as such by the laws of the state.
- u. ~~Personal Interest~~ Means any interest arising from a blood, marriage or adoptive relationship.
- v. ~~Principal Income~~ Means earnings which constitute at least one-half (1/2) of total annual earnings.
- w. ~~Private Business~~ Means those activities related to non-city government employment in which the public official has an economic interest.
- x. ~~Privileged Information~~ Means information obtained under government authority which has not become a part of the body of public information.
- y. ~~Public Official~~ Means any person holding an elected city office and candidates for elected city office, or any person holding an appointed city office, including all city Department Heads, all city employees, and all citizens appointed by the Mayor or Common Council to advisory boards, or commissions, and elected officials, and appointed members of committees and panels who are not elected.
- z. ~~Resources~~ Means city supplies, services, property or facilities not available to all citizens.
- aa. ~~Significant Fiduciary Relationship~~ Means owning or controlling, directly or indirectly:

- ~~i. At least twenty percent (20%) of the outstanding stock or stock of any business corporation having a cost or market values of at least five thousand dollars (\$5,000.00), or~~
- ~~ii. An interest of at least twenty percent (20%) or five thousand dollars (\$5,000.00) of any business.~~
- ~~bb. Significant Interest Means owning or controlling, directly or indirectly, at least twenty percent (20%) or five thousand dollars (\$5,000.00) of the outstanding stock of any business.~~
 - ~~i. Statement of Interests Means the factual statement filed pursuant to the provisions of this subsection which contains the information set forth in Section 9(e).~~
- ~~cc. Valuable and Sufficient Consideration Means payment or compensation of an amount equivalent to the actual value of any item or service received. If the actual value cannot be determined, payment or compensation of a reasonable value is acceptable.~~

4. Prohibited Conduct/Standards of Conduct.

- ~~a. Use of Office or Position. No public official may use or attempt to use his/her position or office to obtain financial gain or anything of more than nominal value or any advantage, privilege or treatment for the private benefit of himself/herself or his/her family, or for any business or organization with which he/she is associated.~~
- ~~b. Influence and Reward. No person or entity may offer or give to a public official or member of his/her family, directly or indirectly, and no public official may solicit or accept from any person or entity, directly or indirectly, anything more than nominal value if it could reasonably be expected to influence the public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on his/her part.~~
- ~~c. Limitations on Actions. Except as otherwise provided in paragraph (d), no public official may:~~
 - ~~i. Take any official action affecting, directly or indirectly, a matter in which he/she, a member of his/her family, or an organization with which he/she is associated, or has a substantial financial or personal interest.~~
 - ~~ii. Use his/her office or position in a way that produces or assists in the production of a benefit, direct or indirect, for him/her, a member of his/her family either separately or together, or an organization with which the public official or his/her spouse is associated.~~
 - ~~iii. A public official who has or whose spouse has a financial or personal interest in any matter coming before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest. This provision shall not apply if the public official disqualifies himself/herself from participating in discussion of the matter and from voting on it. A public official shall disqualify himself/herself from discussing and voting if the matter under consideration involves his/her or his/her spouse's financial or personal interests to the extent that such interests conflict or appear to conflict with her/his official duties or would impair or reasonably be expected to impair her/his independence of judgment or actions.~~
 - ~~iv. Nothing in this section prohibits a public official from making decisions concerning reimbursement of expenses, salaries, or salary related benefits of city council members.~~
- ~~d. Paragraph (c) does not prohibit a public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a public official from taking official action with respect to any proposal to create, modify, or repeal a City ordinance, resolution or matter benefiting the public.~~
- ~~e. Privilege and Advantage.~~

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- ~~i. No public official shall request or be permitted the use of City-owned vehicles, equipment, materials, property or access to records for personal convenience or profit, or for that of another, except when the same are available to the public generally or except where otherwise authorized by the Common Council as prescribed in the employee handbook.~~
- ~~ii. No public official shall grant any privilege, 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.~~
- ~~iii. No public official may solicit, demand, accept or agree to accept anything of value if it is in relation to a particular contract, solicitation, or proposal, or if it could reasonably be expected to influence his/her independence of judgment, action or inaction in the performance of his/her official duties. In addition, the acceptance of a gift offered in relation to any proceedings such as a decision, approval, disapproval, recommendation, rendering of advice, investigation, auditing or any other advisory capacity is also prohibited.~~
- ~~f. **Misuse of City Property.** City public officials may not use City property in any manner that is prohibited by policy, causes unnecessary costs, congestion, disruption, or damage to City property, or in a manner that demeans other staff, groups, individuals and organizations. Examples of inappropriate activities include, but are not limited to, the following:~~
 - ~~i. Intentionally or unintentionally permitting the use of City office equipment by unauthorized persons, e.g., friends, family or others.~~
 - ~~ii. Using City logos or titles to misrepresent materials as official or misrepresenting, either implicitly or explicitly, personal views or comments as an official City policy or position.~~
 - ~~iii. Using City-owned property to maintain or support a private business.~~
 - ~~iv. Any computer related issue as outlined in the City's "Information Technology" Policy.~~
- ~~g. **Outside Employment.** No public official shall engage in or accept employment or render service, whether compensated or uncompensated, when such employment or service would conflict or reasonably appear to conflict his/her independence of judgment or action in the performance of official duties.~~
- ~~h. **Disclosure of Information.** No public official may intentionally use or disclose privileged information gained in the course of, or by reason of his/her official position or activities, in any way that could result in the receipt of anything more than nominal value for himself/herself, for a member of his/her family, or for any other person or entity if the information has not been communicated to the public or is not a public record.~~
- ~~i. **Contracts or Leases.** No public official, member of his/her immediate family, nor any organization in which the public official or a member of his/her immediate family owns or controls at least twenty percent (20%) of the outstanding equity, or indebtedness, or voting rights may enter into any contract or lease with derived from funds administered by the City, unless the public official has first made written disclosure of the nature and extent of such relationship or interest to the Common Council and to the department acting for the City in regard to such contract or lease. The Common Council, upon request, may waive this subsection when it is in the best interests of the City. Any contract or lease entered into in violation of this provision may be voided by the City in an action commenced within three (3) years of the date on which the Common Council, or the department or public official acting for the City in regard to the allocation of City funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. Nothing in this provision affects the application of §946.13, Wisconsin Statutes or subsequent amendments of that section relating to a public official's activity concerning a direct or indirect financial interest in a proposed City contract.~~

j. ~~Related Wisconsin Statutes.~~ There are certain provisions of the Wisconsin Statutes which must, while not set forth herein, be considered an integral part of any governmental Code of Ethics. Accordingly, the provisions of applicable sections of the Wisconsin Statutes, and any amendments there to, are made a part of this Code of Ethics and shall apply to public officials whenever applicable, including but not limited to the following:

i. ~~§ 946.10. Bribery of Public Officers and Employees.~~

ii. ~~§ 946.12. Misconduct in Public Office.~~

iii. ~~§ 946.13. Private Interest in Public Contract Prohibited~~

This paragraph does not prohibit a public official from using the title or prestige of his/her office to obtain campaign contributions that are permitted and reported as required by Chapter 11, Wisconsin Statutes.

k. ~~Lobbying After Term or Employment.~~ No former public official, for twelve (12) months following the date on which he/she ceases to be a City public official, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before or try to settle or arrange a matter by calling, writing, or conferring with, any public official of the department with which he/she was associated as a City public official.

l. ~~Economic and personal interest.~~ No public official shall engage in any business or transaction or shall act in regard to economic or personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties or which would impair his/her independence of judgment or action in the performance of his/her official duties. This section is not intended to interfere with public officials having duties or employment in addition to those related to the city, provided those duties or employment do not cause violations of this Code of Ethics and are disclosed to his/her supervisor.

5. ~~Action Upon Conflict.~~

a. ~~Any public official who, in the discharge of his/her official duties, is involved in or is about to be involved in any matter that could result in a breach of this Code of Ethics on his/her part, shall prepare a written statement describing such matter and the nature of the possible breach. This statement shall be delivered to the city clerk for transmittal to the Ethics Board chairman for the Ethics Board review and recommendation. In the case of employees, this statement shall be delivered to their Department Head and in the case of Department Heads, to the city administrator. The public official is to withdraw from further participation in the potential breach involved until such discussion or determination is made.~~

b. ~~Non city government employment which may be related to the public official's city duties and membership in social, political, fraternal, charitable, or religious organizations is not prohibited. However, it is the responsibility of the public official to ensure that non city government employment or membership does not conflict or interfere with the complete and proper discharge of his/her duties for the city. Any non city government employment or membership which could potentially lead to a conflict situation should be discussed with the public official's immediate supervisor or with the Ethics Board to determine the best means of preventing conflict situations from developing.~~

c. ~~If the conflict of interest matter reported by the public official in writing to the Department Head cannot be resolved at a departmental level through reassignment of specific duties or other means and/or further clarification is needed, the matter shall be referred on behalf of the public official by the Department Head to the Ethics Board for an advisory opinion.~~

d. ~~It is prima facie evidence of intent to comply with the code of ethics when a public official seeks advice from supervisory personnel and/or from the Ethics Board on how to resolve a real or potential conflict situation and abides by that advice~~

6. Penalties. If after investigation and a hearing, the Ethics Board determines that a violation of the Code of Ethics has occurred, it shall refer its findings and a recommendation for sanction to the appropriate supervising authority. In the case of a city employee, the referral shall be made to the employee's Department Head, and in the case of a Department Head, the referral shall be made to the City Administrator and in the case of an elected official, the referral shall be made to the Common Council. The recommendation may be as follows:

- a. In the case of an elected official, the Common Council may consider sanctions up to and including public censure of the elected official;
- b. In the case of a member of a board, committee or commission, that the Mayor or other appointing authority consider removing the member from the board, committee or commission;
- c. In the case of an employee, that the employee's appointing authority consider denial of merit increase, suspension without pay, fine, or discharging the employee;
- d. As an alternative or in addition to the sanctions imposed herein, that any person or entity found in violation of this ordinance not be awarded any City contract, grant, loan or any other thing of value for a period of twelve (12) months from the date of finding of the violation or that any such contract, grant, loan or things of value be terminated, repaid, forfeited or called in.

7. Political Activity.

- a. No public official while on duty or on official City business shall, for the apparent purpose of influencing the outcome of any referendum, or improving the chance of election of a person seeking elective office:
 - i. Wear or display any campaign material.
 - ii. Distribute any campaign literature.
 - iii. Solicit, receive or give subscriptions, contributions or service for any candidate or referendum position.
 - iv. Actively campaign for any candidate or any referendum position.
- b. No public official while on duty or other official City business or off duty shall in any way coerce or attempt to coerce subscriptions, contributions or service from subordinate employees in support of a political party or a candidate for elective office or for or against a referendum position, or retaliate against or reward an employee for refraining from participating in any political activity. No employee on or off duty shall use her or his title or position or indicia thereof in any elective political activity.
- c. This subsection does not apply to a response by a legal custodian or subordinate of the custodian to a request to locate, reproduce or inspect a record under §19.35, Wisconsin Statutes, if the request is processed in the same manner as the custodian or subordinate response to other requests to locate, reproduce or inspect a record under such section or to an employee providing other information within the knowledge of the employee by virtue of his/her City position if such information is made equally available upon request to any other person.
- d. Police officers and firefighters shall observe the applicable rules of the Police and Fire Departments relating to political activity.
- e. No public official shall promise an appointment to any municipal position as an apparent reward for any political activity.

8. Disclosure.

- a. All public officials whose duties and responsibilities include the evaluating, awarding and executing of contracts for the purchase of supplies, services, materials, and equipment for or on behalf of the city or any board or commission thereof, or for the construction of public

~~works, or for the sale or lease of real estate, are required to file statements of economic interest as set forth in this section.~~

~~b. Each public official required to file a statement under this section shall do so during the month of May of each year, commencing in the first full calendar year following adoption of this Code of Ethics. Public officials required to file who are hired, and/or assume responsibilities requiring them to file, after April 30 of the calendar year, shall file within thirty (30) workdays of assuming such responsibilities. These statements shall be filed with the City Clerk. Failure to file this form with the Ethics Board in a timely manner may result in forfeitures, reprimand, or, in the case of a candidate, exclusion from ballot.~~

~~c. The statements of economic interest are considered public record and shall be open to public inspection. Requests for examination of these statements shall be made in writing to the City Clerk. The public official shall be notified of the request for examination of his/her statement of economic interest and shall be supplied with the identity of the requester.~~

~~d.a. Use of a fictitious name or address or failure to identify the person on whose behalf the request for a copy of Statement of Economic Interest is made, is a violation of law. Any person who intentionally violates this section is subject to a fine as determined by the Common Council from time to time and imprisonment for up to one year. §19.59(1), Wisconsin Statutes. [Content of the Statement is found in the complete statement of the Ethics Policy; see introduction above].~~

G. GRIEVANCE PROCEDURE

1. Purpose and Scope.

- a. The grievance procedure is designed to implement the provisions required by Section 66.0509(1m) of the Wisconsin Statutes. Nothing in this policy is intended to create a legally binding contract or to change the at-will nature of employment with the City.
- b. This grievance procedure applies to all employees of the City only and does not apply to any elected official. Nor does it apply to employees of the Fire Department who are subject to Section 62.13 (5) of the Wisconsin Statutes, or to employees covered by a collective bargaining agreement containing a grievance procedure.
- c. This grievance procedure applies only to issues concerning workplace safety, discipline and termination.
 - i. For purposes of this policy, "workplace safety" means conditions of employment affecting an employee's physical health or safety, safe operation of workplace equipment and tools, personal protective equipment, and workplace violence. "Workplace safety" does not include conditions of employment related to general working conditions unrelated to physical health and safety, such as hours, overtime, leaves of absence, work schedules, breaks, vacation, performance reviews, compensation, etc.
 - ii. For purposes of this policy, "termination" includes actions taken by the City to terminate an employee's employment for rule violations, performance issues, lack of qualifications, license or certification, or other inability to perform job duties, acts that are detrimental to the City or acts of misconduct, or end of employment due to disability; it shall not include layoffs, failure to be recalled from layoff, any activity related to workforce reductions, voluntary terminations, resignations, or retirements, job abandonment, end of employment and/or completion of assignment of a temporary, seasonal, contract or volunteer relationship.
 - iii. For purposes of this policy, "employee discipline" shall include any employment action that results in disciplinary suspension with loss of pay, disciplinary reduction in pay or benefits, or disciplinary demotion; it further includes verbal and written warnings. It shall not include plans of correction or performance improvement, performance evaluations or reviews, documentation of employee acts and/or omissions in an

employment file, counseling, meetings, or other pre-disciplinary action, administrative suspension with pay, administrative suspension without pay pending investigation of alleged misconduct or nonperformance, non-disciplinary wage, benefit or salary adjustments, or any other action taken by the City for non-disciplinary reasons.

2. **Procedure.**

- a. Every reasonable effort should be made by supervisors and employees to resolve questions, problems and complaints together. Thus, you should first discuss any issues concerning the subjects covered by this grievance procedure with your immediate supervisor.
- b. If the complaint cannot be resolved by your immediate supervisor, you may file a written grievance with the Department Head no later than 7 work days from the date that you first knew, or should have known, of the condition or circumstance giving rise to your grievance. If the complaint involves the Department Head, the complaint should be submitted to the Director of People & Culture. The written grievance must include your name, job title, a statement of the grievance, the date of the event or circumstances giving rise to your grievance, identification of the policy/procedure/rule that is being challenged, your signature and date; grievance forms are available from Human Resources/Employee Services. The Department Head may schedule a meeting with you and other relevant parties, but this meeting must occur within 10 work days of the Department Head's receipt of the grievance. The Department Head will provide a written response within 10 work days of receiving the grievance or within 10 work days of the meeting. In the event the Department Head is the immediate supervisor, you shall file your grievance with the Human Resources Director of People & Culture and the same time periods apply.
- c. The written decision referenced in subparagraph b. above shall be final unless you file a written request for review with the Human Resources Director of People & Culture no later than 5 work days of the date of the written decision. The Human Resources Director of People & Culture may schedule a meeting with you and other relevant parties, but this meeting must occur within 10 work days of receiving the request for review. The Human Resources Director of People & Culture will provide a written response within 10 work days of either receipt of the request for review or the date of the meeting, whichever is later. If the Human Resources Director of People & Culture has already reviewed the matter as set forth in paragraph subparagraph b. above, the provisions of this paragraph do not apply and the next step is before an impartial hearing officer.
- d. The written decision of the Human Resources Director of People & Culture shall be final unless you file a written request with the Human Resources Director of People & Culture no later than 5 work days after the date of the written decision referenced in subparagraph c. above requesting a hearing before an impartial hearing officer (HO) selected by the City. The HO shall not be a City employee. The hearing shall be held as soon as practicable. It shall be transcribed only if one or both parties agree to bear the cost of transcription. Witnesses may provide oral information if they are present, but written witness statements in lieu of a personal appearance are prohibited. Written documents may be submitted. The HO will determine which witnesses may speak and which documents will be accepted. The hearing is to be informal and the rules of evidence do not apply; however, no factual finding can be based solely on hearsay. There shall be no discovery. The HO may request oral or written arguments. The HO may also decide that a hearing is not necessary, and that he or she can make a decision solely on submission of written documents. The sole question to be answered by the HO is whether the City's decision was arbitrary and capricious. The grievant shall bear the burden of proof. The HO must sustain or deny the City's decision; the HO does not have the authority to modify the City's decision, nor to grant, in whole or part, the specific request of the grievant. The HO shall provide a written decision within 30 calendar days of the hearing date or final submission of written documents.

- e. The decision of the HO shall be final unless you or the City files with the Clerk's office a written request for review by the City's Common Council no later than 5 work days of the date of the HO's written decision. The Council shall review the matter as soon as practicable. Only the issues raised before the HO may be appealed and considered by the Council. The Council shall not hear from any witnesses or take any additional documents or any other evidence, but rather will limit its review based on the written record before the HO. The Council is not to substitute its judgment for that of the HO, but rather will limit its determination to whether a rational basis exists for the HO's decision. A simple majority vote of the Council shall decide the appeal. The Council's decision shall be final and not subject to any further review.
- f. Your failure to process a grievance within the time limits set forth herein, or pursuant to agreed upon written extensions, shall constitute a termination of the grievance; it shall not be processed any further and cannot be re-filed. Failure of the City to meet the time lines shall cause the grievance to automatically move to the next step.
- g. All expenses incurred by either party in investigating, preparing or presenting a grievance shall be borne by the party incurring the expense. The cost of the HO shall be borne by the City.

H. BULLETIN BOARDS

Bulletin boards are provided to inform you of important developments and legal rights. Bulletin boards are to be used only for official notices or announcements that have been approved by the Administrator. You are responsible to know the information communicated on the bulletin boards and, therefore, must check the bulletin boards regularly. You are permitted to post appropriate notices and information on The Loop by submitting a request to ~~Human Resources~~Employee Services.

I. CELLULAR TELEPHONE POLICY

1. **Policy.** City-issued cellular telephones are provided for conducting official City business. Personal use is only permitted if such use is infrequent, unavoidable, and fully reimbursed to the City.
2. **Procedure.**
 - a. Cellular Telephone Usage.
 - i. If you are assigned a cellular telephone, it may be taken away at any time at the discretion of the City Administrator, Department Head, or supervisor. All City issued cell phones are City property.
 - ii. Your communications using City cell phones, including voice mails, emails, texts and other communications are not private and may be accessed at any time by City management when it deems necessary, and further may be subject to disclosure under Wisconsin's open records laws.
 - iii. Your use of City cell phones must be in compliance with all other City policies, including but not limited to, the anti-harassment, anti-discrimination, social media, and technology policies.
 - b. Personal Use of Cellular Telephones.
 - i. All personal use of cellular telephones is strongly discouraged.
 - ii. You will be required to review your bill for your phone and must highlight those charges that are personal. You will in turn be billed for all personal calls in the amount identified on the activity/billing statement.
 - iii. Reimbursement for personal calls must be made no later than 30 days following the date the department receives the statements for review. Failure to reimburse the City for personal calls may result in discipline or termination.

- iv. The use of cellular telephones while driving or operating moving vehicles and equipment is strictly prohibited as set forth in the City's Driving Requirements and Practices policy, found on [page 30 of the handbook](#).

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J. COMMUNITY RELATIONS

It is vital that you treat the public in a courteous, patient and respectful manner at all times. The public should not be treated in a condescending or impolite manner and should never be kept waiting an unreasonable amount of time.

K. COMPENSATION

Salaries and wage increases are as set by the Common Council. Additional parameters are set forth in the City's Classification, Compensation and Pay-for-Performance Plan, a copy of which can be found on The Loop or from the [Human ResourcesEmployee Services](#) Department.

Appointment of employees to a higher classification on a temporary basis in order to fill a vacancy is considered an "acting appointment." Should you be appointed to such a temporary position, you may receive a temporary pay increase if authorized by the City. Whether such a pay increase is given will be at the City's discretion and will depend upon all relevant factors, including length of appointment, nature of the position, and differential in pay between your regular position and the temporary appointment.

L. CREDIT CARD USE

Credit card use is governed by the City's Credit Card Policy, a copy of which is found on The Loop. Any violation of that policy may, depending on the circumstances, result in discipline or termination.

M. EMERGENCY CLOSINGS

When an emergency, such as severe weather, fires, power failures, etc., requires the closing of a City facility, you may elect to use accrued leave time to cover lost hours. If you choose not to use accrued leave time, or if you do not have any accrued leave time, the hours missed will be unpaid. If you are not able to report to work due to weather conditions, you may substitute vacation pay, holiday, or compensatory time to compensate for hours not worked, otherwise, the time off will be unpaid. Employees in essential operations may be asked to work on a day when operations are officially closed.

N. EMPLOYEE INFORMATION

It is important that you immediately notify the [Human ResourcesEmployee Services](#) Department in the event of any change in any of the information contained in your personnel file. This assists the City in keeping all information in personnel files and your benefit coverages current. You must report, as soon as possible, any changes in name, mailing address, phone number, marital status, number of dependents, beneficiary designations, and emergency contact information.

O. EMPLOYMENT OF FAMILY MEMBERS

City departments can employ relatives or domestic partners but not when an employee would directly supervise a relative or domestic partner, or where such employment would otherwise create potential problems, safety or security concerns, a conflict of interest or is otherwise not deemed by the City to be in the best interests of the department.

P. FINANCIAL POLICIES AND PROCEDURES

Purchasing policies and requirements are as outlined in the City's Financial Policy/Procedure Manual. This Manual can be found on The Loop.

Q. ID BADGES

All employees will be issued and must wear and visibly display photo identification badges as provided by the City. Identification badges must be worn in a manner that allows the badge to be

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clearly visible. This badge may also provide location access to buildings or work areas through keyless entry.

R. MEDIA RELATIONS

The City tries to cooperate with the media (radio, television, and newspapers) whenever possible. If you are contacted by the media while at work, you must refer them to the City Administrator who will answer any of their questions or provide any requested information. Failure to forward media contacts to the City Administrator could cause unnecessary confusion and delay in accurately communicating the City's position or information.

S. MEDICAL PRIVACY POLICY

The City strives to protect personal and medical information of the employees with the following practices:

- Medical information is kept in separate employee medical folders on a medical only network drive.
- Access is limited to Employee Services staff who are committed to taking all measures to ensure confidentiality and have been trained how to do so.
- Medical records are not to be retained in any other location and are not to be kept by individual managers. All medical documentation is to be sent to Employee Services, no copies are to be retained in paper or electronic formats.
- Disclosure is narrowly limited to legitimate business purposes, such as administration of benefits, reasonable accommodations and medical leave determinations, and any purpose mandated by law.
 - a) Disclosure to supervisors is limited to a need to know basis when necessary to disclose need for time off, work restrictions or needed accommodations.
- Under Wis. Stat. sec 103.13, employees can request to see their medical records in accordance with the provisions outlined there.

Under this same policy, employees who are prescribed to take over-the-counter or prescription drugs that can cause impairment while on the job, such as dizziness, loss of coordination, sleepiness, or otherwise impact an employee's attitude, performance or safety, or the safety of others, need to notify Employee Services PRIOR to reporting for work or working with medication in his or her system.

T. OPEN DOOR POLICY

Your opinions, suggestions and questions are important to us. Feel free to talk with your immediate supervisor about issues at work that concern you or conflicts that you are having with a co-worker. We will attempt to provide straightforward responses to your questions and comments. If you are unable to resolve your issues, please contact the Human Resources Director of People & Culture or City Administrator. Suggestions can also be submitted anonymously on The Loop.

U. OUTSIDE EMPLOYMENT

1. All full-time and regular part-time employees are expected to place the responsibilities and obligation of their positions with the City first. You shall be permitted to engage in outside, non-City employment, subject to the following conditions:
 - a. There shall be no possible conflict of interest or activity between the secondary employment and your City work and/or work of the City.
 - b. The City may request you to cease any outside work, or terminate your employment in the event of a refusal to surrender the secondary employment, if, in the City's opinion, such work is affecting the efficiency, quality, and effectiveness of your work with the City or a potential conflict of interest develops.

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- c. There shall be no professional consulting work of any kind carried on by any of the professional members of the City staff anywhere within the limits of the City where such work would be in conflict with the staff member's duties at the City.
- d. No such outside employment or consulting work shall be carried on during your work hours for the City, or in the City offices, buildings, or on City land, nor shall City vehicles, equipment, supplies, machines, or other City property be used for such work.
- e. All employees will be required to provide the City with a listing of their outside employment annually on the proper form.

U.V. PERFORMANCE EVALUATIONS

Periodic evaluations are an important opportunity to let you know how you are performing, how performance can be improved and to receive input from you concerning training, supervision, job difficulties and other valuable feedback. In addition, performance is directly related to the City's pay-for-performance compensation plan. A complete copy of that plan can be found on The Loop.

V.W. PERSONAL APPEARANCE

As a City employee, your appearance reflects upon the City. You are expected to present yourself for work in a professional, presentable, modest, well-groomed manner at all times, in attire authorized by your Department Head or City Administrator. All clothing must be clean, neat and in good repair. Athletic shoes are permissible if they have a clean appearance. Sandals that are of a professional appearance may be worn. You are required to adhere to the guidelines of the Safety Policy to the extent they are applicable to your position. Depending on considerations of individual departments, as set by the Department Head, certain employees may have to meet special dress, grooming, and hygiene standards that may be required for health or safety reasons, customer and public contact, or other professional/service considerations. These restrictions may include such things as tattoos, body piercings, facial hair, hairstyles and similar considerations.

W.X. PERSONAL PROPERTY

The City reserves the right to conduct searches and inspections of employees, their personal items, and City-provided property when a business need, probable cause or reasonable suspicion exists in the City's opinion. Searches and inspections may be conducted without notice.

X.Y. PERSONNEL RECORDS AND EMPLOYMENT REFERENCES

Personnel records are the property of the City and access to the information they contain is restricted. Access to your personnel records is governed by the provisions of Wisconsin Statute § 103.13. Should you want to review your personnel record, you must contact Human Resources/Employee Services. All requests from sources outside the City for personnel information or employment references concerning applicants, current employees, and former employees shall be forwarded to the Human Resource/Employee Services Department.

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Y.Z. RECYCLING

The City of Pewaukee supports conservation of scarce resources by encouraging recycling and waste reduction in its business practices and operating procedures. This commitment and support includes the purchase, use and disposal of products and materials in a manner that will appropriately utilize natural resources and minimize any adverse impact on the natural environment.

Z-AA. SAFETY POLICY

1. Job safety is very important to you and the City. The City requires safe work practices of all employees and expects you to conduct yourself carefully and in a safe manner at all times.
2. You must work in a safe manner, observe good safety procedures, use required personal protective equipment (PPE) and follow all safety rules. All work areas must be kept clean and

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free from debris and clutter. Tools and equipment must be kept clean and in good repair. Any accident, hazard, or unsafe condition or equipment is to be immediately corrected and reported to a supervisor. If you are involved in or witness an accident while working, you must report it immediately to a supervisor. Supervisors are responsible for maintaining a safe work environment, establishing safety rules, and adequately training all their staff.

3. A copy of the City's safety handbook is distributed separately from this handbook to each employee. If you do not have a copy, please contact ~~Human Resources~~Employee Services. You must familiarize yourself with these rules and abide by them. If you have any questions about one or more of the rules, you should contact your supervisor or the ~~Human Resources~~Director of People & Culture.

AA.BB. SMOKING POLICY

Smoking, including electronic cigarettes, and use of tobacco products, is prohibited in any City buildings, City vehicles, while operating any equipment, or inside any roofed, permanent structures in City parks. Smoking will be permitted only outside of City buildings in designated areas and in accordance with Wisconsin law.

BB.CC. SOCIAL MEDIA

1. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate. City of Pewaukee departments may utilize social media and networking sites to conduct City business on behalf of the department, provided that the policies of such use as stated herein are followed.
2. **Parameters of Acceptable Use**
 - a. All City of Pewaukee social media sites must be approved by the City Administrator and the Mayor prior to implementation.
 - b. Unless specifically approved otherwise by the City Administrator and the Mayor, departmental use of social media will be for one-way communication only.
 - c. The City's website and citizen portal shall remain the City's primary and predominant Internet presence. Social media may be used as channels for disseminating time-sensitive information as quickly as possible, and as marketing/promotional channels that are designed to increase the City's ability to communicate with the widest possible audience.
 - i. Where possible, the content posted on the City's social media sites should contain links directing users back to the City's official website/citizen portal for in-depth information, forms, documents or online services necessary to conduct business with the City.
 - ii. Where possible, content posted to the City's social media sites will be available on the City's website/citizen portal.
 - d. All City social media sites shall comply with all other applicable City policies and standards, including but not limited to, the Technology Policy, Ethics Code, Anti-Harassment and Discrimination Policy, Workplace Violence Prohibition, and Confidential Information Policy.
 - e. Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication of City business. All sites shall clearly indicate that they are maintained by the City of Pewaukee and shall have the City of Pewaukee logo and contact information clearly and prominently displayed. All sites shall contain a notification that all comments and written communications are monitored and that the City reserves the right to remove any content that violates this policy.
 - f. Departments will use proper grammar and professional communication, avoiding jargon and abbreviations. While social media sites are casual, you must still professionally represent the City at all times.
 - g. Articles, comments, or other communication on such sites containing any of the following content are strictly prohibited:

- i. Comments not topically related to the particular social medium material being addressed;
 - ii. Political statements or information;
 - iii. Profanity;
 - iv. Content that promotes, fosters, references, or perpetuates discrimination or harassment on the basis of classes protected by State or Federal anti-discrimination laws, and as set forth in the City's Harassment policy, including but not limited to, race, creed, color, age, sex, religion, national origin, disability or sexual orientation;
 - v. Sexual content or links to sexual content;
 - vi. Conduct, comments or references to illegal activity;
 - vii. References or information that could compromise another's safety or security;
 - viii. Content that violates the legal ownership interest of any other party.
- h. City social media sites are subject to the State of Wisconsin open records laws. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communications, is a public record. Content related to City business shall be maintained in an accessible format so that it can be produced in response to a request. City social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure. Wisconsin state law and City of Pewaukee ordinances regarding records retention shall apply to social media formats and social media content. All requests for public records must be forwarded to the City Clerk's office for response.
3. The City reserves the right to restrict or remove any content at its discretion except to the extent prohibited by law.
 4. The IT Director shall maintain and keep current a list of all social media tools that are available for use and are approved for use by the City Administrator and the Mayor. The Director shall also ensure that the City can immediately edit or remove content from City social media sites.
 5. **Personal Use.** Your personal use of social media sites is prohibited during work hours. You should have no expectation of privacy in your use of any social media accessed at work and/or via City-owned technology resources.
 6. **Violation of Policy.** Every user is responsible for the integrity of these resources. Violations of this policy will result in disciplinary action, including possible termination and/or appropriate legal action. If you need help understanding this policy or discover a violation of this policy, please notify the ~~Human Resources~~ Director of People & Culture.
 7. **Facebook.**
 - a. When a Department determines that it has a business need for a Facebook account, it will submit a written request to the City Administrator. No Facebook account shall be established without the approval of the City Administrator and the Mayor. Each Department will have only one Facebook account.
 - b. The City will create "pages" in Facebook, not "groups." Page names should be descriptive of the Department and the names must be approved prior to creation by the City Administrator. Each Department using an approved Facebook account must designate an individual who will be responsible for regular monitoring of the site.
 - c. A link to the www.cityofpewaukee.us will be included on the Info page.
 - d. Comments will be turned off but may be allowed on a case-by-case basis with approval from the City Administrator and Mayor. Discussion boards will be turned off.
 - e. There are thousands of Facebook applications. While some may be useful to the page's mission, they can cause clutter and security risks. An application should not be used unless

it serves a business purpose, adds to the user experience, comes from a trusted source and is first approved by the IT Director.

8. Twitter.

- a. When a Department determines that it has a business need for a Twitter account, it will submit a written request to the City Administrator. No Twitter account shall be established without the approval of the City Administrator and the Mayor. Each Department will have only one Twitter account.
- b. Twitter usernames shall begin with "Pewaukee." In cases where the username is too many characters, they shall begin with "PWK."
- c. Twitter accounts shall be used only for one of the following reasons:
 - i. To get emergency information out quickly;
 - ii. To promote City-sponsored events; or
 - iii. To refer followers to content hosted at www.cityofpewaukee.us
- d. Personnel using an approved Twitter account must ensure that information is posted correctly the first time. Twitter does not allow for content editing.

CC.DD. TECHNOLOGY POLICY

1. Overview.

- a. The City of Pewaukee provides you and other authorized users with access to and the use of a variety of information technology resources. These resources are provided to you in an effort to allow you to be more efficient, productive, and to have access to information that is necessary to carry out your responsibilities on behalf of the City.
- b. You are expected and required to use these information technology resources in a manner consistent with your position and work responsibilities with the City. The City establishes policies and monitors operations to protect you from creating legal liabilities and negative publicity for yourself and the City, either knowingly or unknowingly. The City expects you to act responsibly, and always in the best interests of the City.
- c. Use of the City's Information Technology Resources contrary to the policies contained herein ~~may result in discipline or termination~~ is prohibited.

2. Definitions.

- a. User: Any employee or individual who has been authorized and granted access to and use of any Information Technology Resource by the City of Pewaukee.
- b. Information Technology Resources: For the purpose of this policy, the City of Pewaukee defines Information Technology Resources as any equipment, hardware, software or network account/access that is assigned and/or available for Users to use in the course of their employment. These resources include but are not limited to the following: security access cards and/or FOB's, telephones, mobile phones, iPads or tablets, printers, fax machines, software applications, Internet access, social media access, voice mail, email, computer workstations, laptop computers, storage media, digital cameras, radios, plotters, scanners, mobile data computers and copy machines. This policy also applies to access of national and statewide criminal information networks and databases intended for law enforcement purposes.
- c. Electronic Communications: For purposes of this policy, "electronic communications" includes, but is not limited to, the sending, receipt, and use of information through the City of Pewaukee's electronic information network (Intranet), the Internet, email, voice mail, telephones, cell phones, law enforcement related information networks and databases, or any other information technology resource.

3. General Provisions.

- a. The City's Information Technology Resources are designed for City business use only. The City recognizes that you may occasionally utilize Information Technology Resources for personal use. Such utilization must not interfere with the use of equipment for City purposes or an employee's job responsibilities. Further, such use can only be incidental in nature, meaning that it is to be occasional, casual, minor, or insignificant and does not interfere with job performance or impede business-use operations. Finally, the User must provide all non-incidentals consumables for such activity, i.e.... colored ink, diskettes, flash drives, CD's etc.
 - b. Your voice mail, texts, social media messages, or other electronic communications may be read or heard by someone other than the intended recipient, and may even have to be disclosed to outside parties pursuant to public records laws or as part of discovery in connection with litigation. Accordingly, you must ensure that your messages are appropriate, courteous, professional, and in compliance with all other policies, procedures, and ordinances in this Handbook or otherwise created or issued by the City.
4. **Systems Management and Privacy.**
- a. To protect the integrity of any of the City's Information Technology Resources, and protect legitimate users from the effects of unauthorized or improper use of these facilities, the City maintains the authority to take any of several steps. This includes the authority to limit or restrict your use of the resources; the authority to access, inspect, copy, remove or otherwise alter any data, file, system, or technology resource that may undermine the proper use of such resources; and any other steps deemed necessary to manage and protect the City's technology resources. This authority may be exercised with or without notice to you.
 - b. All work products created through the use of the City's Information Technology Resources are the property of the City of Pewaukee. All communications created, sent or retrieved through the City of Pewaukee information technology systems, including but not limited to, the Internet, are also the property of the City of Pewaukee.
 - c. Users shall have no expectations of privacy with respect to any electronic communication or any use of any City of Pewaukee Information Technology Resources, even those that are password-protected.
 - d. The City of Pewaukee reserves the right to monitor, access, review, copy, store, or delete any electronic communications, including personal messages, from the system for business purposes and to disclose them to supervisors or others as it deems appropriate, or as may be required by law. Accordingly, you should not utilize any Information Technology Resource to send, receive, or store any messages or information that you wish to keep private.
 - e. The City of Pewaukee shall not be liable for, assume any legal responsibility for, or bear any costs arising out of electronic communications or other information flowing in or out of the City's Information Technology Resources. The City of Pewaukee assumes no responsibility for any consequences resulting from any employee or other User who uses any of its Information Technology Resources for any fraudulent or other illicit purposes, or otherwise contrary to the provisions of this Policy.
5. **Prohibited Activity and Use of Good Judgment.** In addition to the policies set forth above, prohibited activities concerning the City's Information Technology Resources include but are not limited to the following:
- a. Users will not transmit confidential information unless it is part of the User's scope of City-related duties.
 - b. Users will not alter any technology resource without authorization from the Information Technology (IT) Director. This includes the installation, removal and/or modification of hardware, software or network equipment.

- c. Users will refrain from activity that wastes or overloads computing resources such as streaming audio and video, unless prior approval has been obtained from the IT Director.
- d. Users will not initiate, propagate or perpetuate electronic chain letters.
- e. Users will not knowingly or carelessly perform an act that will interfere with the normal operation of computers, terminals, peripherals, or networks.
- f. Users shall not use City computers or network facilities to gain unauthorized access to any computer systems.
- g. Users shall not make unauthorized attempts to circumvent data protection schemes or uncover security loopholes. This includes creating and/or running programs that are designed to identify security loopholes and/or decrypt intentionally secure data.
- h. Users will not violate terms of applicable software licensing agreements or copyright laws.
- i. Users will not use City resources for commercial activity, personal gain, religious or political causes or any other prohibited activity.
- j. Users will not use electronic communications or any other technology resource to harass, threaten or intimidate others or to send materials that might be deemed inappropriate, derogatory, prejudicial, or offensive. This includes sending repeated, unwanted or unsolicited electronic communications to another user.
- k. Users will not transmit or reproduce materials that are slanderous or defamatory in nature, or that otherwise violate existing laws, regulations, policies or which are considered to generally be inappropriate in a work place.
- l. Users will not intentionally display images or text that could be considered obscene, lewd, sexually explicit or harassing. Exceptions would include any images or text involved in a law enforcement investigation.
- m. Users will not create, send, store, or forward any messages or information that may reasonably be deemed to be intimidating, hostile or offensive in nature, and/or which are discriminatory on the basis of race, color, religion, age, sex, national origin, sexual orientation, disability, or any other protected class under Wisconsin or federal law; see Equal Employment Opportunity policy on **page 8 of the handbook**.
- n. Users will not forge the identity of a user or machine in an electronic communication or in any other manner.
- o. Users will not use someone else's identity and password for access to information technology resources without approval of the IT Director or Department Head.
- p. No email or other electronic communication may be sent which hides the identity of the sender or represents the sender as someone else. All messages communicated on City email and other electronic communications systems must contain the sending User's name.
- q. Users will not allow unauthorized individuals to access or use information technology resources.
- r. Users will not attempt to monitor or tamper with another user's electronic communications, or read, copy, change, or delete another user's files or software without written permission of the IT Director or City Administrator.
- s. Some of the messages or information sent, received or stored in the City's Information Technology Resources may be privileged communications between the City and its attorneys, or other entities. Upon receipt of any such message, do not forward or share it or its contents with any other person in the City without the authorization of the sender and the City Administrator. Never forward such messages or information to anyone outside of the City.

6. Intellectual Property and Licensing.

- a. The ease of copying through various electronic communications systems poses a serious risk of intellectual property infringement. Users will not violate copyright laws and their fair

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provisions through inappropriate reproduction and/or distribution of audio, video, still images or copyrighted text or software. Software that may be marked as "free," "public domain," and "public use" may be free for personal use, but not City use. Always obtain approval from the IT Director before using any publicly available software package.

- b. Do not copy software licensed to the City of Pewaukee unless you are authorized under the City of Pewaukee's license to do so. **Only software purchased by or licensed to the City may be installed on City computers.** The use of this software must be compliant with the manufacturer's license agreement and cannot be copied to multiple computers unless permitted by the license agreement. Shareware, freeware or User-owned software can only be installed on City computers with prior authorization of the IT Director and where not in conflict with copyright laws.
7. **Disposal of Obsolete Hardware and Software.** The IT Director is solely responsible for the proper disposal of all City-owned software and hardware.
8. **Reporting Misuse.** Any employee or User who becomes aware of misuse of any of the City of Pewaukee's Information Technology Resources must report it to the IT Director or City Administrator immediately.

DD.EE. TELEPHONE USE

Personal calls, whether using City telephones or your own cell phone, must be kept to a minimum. Every attempt should be made to make and receive personal calls during lunch or breaks. In the event a long distance call is made at work from a City phone, you must reimburse the City for the full cost of that phone call. You are to keep a log of any personal long distance calls made from work and submit them to the Clerk/Treasurer at the end of each month. You will be provided a bill for the amount of long distance calls.

EE.FF. UNAUTHORIZED USE OR POSSESSION OF CITY PROPERTY

Personal use of City resources, such as equipment, tools, physical spaces or buildings, and similar items for personal reasons not related to your job is prohibited. If you are contemplating the personal use of a City resource for a reason that you believe is justifiable, you must obtain the written permission of the City Administrator prior to using the City resource.

~ End of Handbook ~

EMPLOYEE HANDBOOK RECEIPT

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Name: _____
(Please Print)

Signature: _____

Date: _____

**CITY OF PEWAUKEE
EMPLOYEE SERVICES COMMITTEE AGENDA ITEM •**

DATE: December 10, 2019

DEPARTMENT: Employee Services

PROVIDED BY:

SUBJECT:

- §19.85(1)(c): Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility specifically related to the Public Works Director.

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION: