THE CITY OF DE PERE EMPLOYEE POLICY MANUAL

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1. INTRODUCTION

Last revised: 07/01/2021

1.1 Purpose of Manual

This Manual contains information about working conditions, employee benefits, employee responsibilities, and City of De Pere (the "City") employment policies. This Manual sets forth employment policy guidelines which employees are expected to follow and informs employees about what employees may generally expect from the City. As a City employee, it is the employee's responsibility to read, understand, and comply with all provisions of this Manual. The City goal is to provide a work environment that is conducive to the personal and professional growth of all employees.

The City expects all employees to demonstrate professional, competent and reasonable behavior, and to continually serve, both on-duty and off-duty, as positive examples of the high-quality personnel affiliated with this organization and consistent with the high expectations of the public. Compliance with the policies, rules and general expectations of conduct is of paramount importance in order to fulfill these objectives and for the employee to have a successful career with the City. Failure to comply with the policies, rules and general expectations of conduct can undermine these objectives, and the trust and confidence that the public, businesses, employees and officers of the City must have in that employee. The City treats all violations of the policies, rules and general expectations of conduct very seriously. Violations of the policies, rules and general expectations of conduct can subject an employee to discipline, up to and including discharge.

This edition of the Manual cannot anticipate every possible circumstance or question about City employment policies. To meet the evolving needs of the organization, the City retains the right to revise, supplement or rescind such policies as may be deemed appropriate. The City reserves all of its rights, and final interpretation and implementation of any of the policies in this Manual are vested solely with the City Council through the City Administrator. Future Manual written revisions will be incorporated in the online edition of the Manual maintained on the City's website under Human Resources.

This Manual and the statements in this Manual are not, and should not be construed as, an employment contract, nor do they imply that the City is guaranteeing employment for anyone or changing the at-will employment relationship in any manner. Only the Common Council may enter into a contract with an employee, and that contract must be in writing and approved by vote of the Council at a duly-noticed meeting. No statement or promise by a supervisor, manager, department head, elected or appointed official, or an employee may be interpreted as a change in or constituting a contract with an employee or modification of the at-will employment relationship.

Many of the topics addressed in the Manual are also addressed in specific employee bargaining group labor agreements. The provisions of a specific employee group labor agreement supersede information or policy provisions of this Manual. Additionally, any wages, hours and working conditions referenced in this Manual that are subject to the mandatory duty to bargain between the City and a collective bargaining representative are

not binding on those parties, except for rules of conduct identified in this Manual that are made and revised from time to time under the City's managements rights authority.

The contents of this Manual are also not to be used as a substitute for any controlling ordinance, resolution, regulation, state or federal statute, code or regulation, common law or other legally binding authority as updated from time to time. Applicable ordinances, resolutions, regulations, state or federal statutes, codes or regulations and common law shall supersede this Manual.

1.2 Employee Acknowledgement of Manual

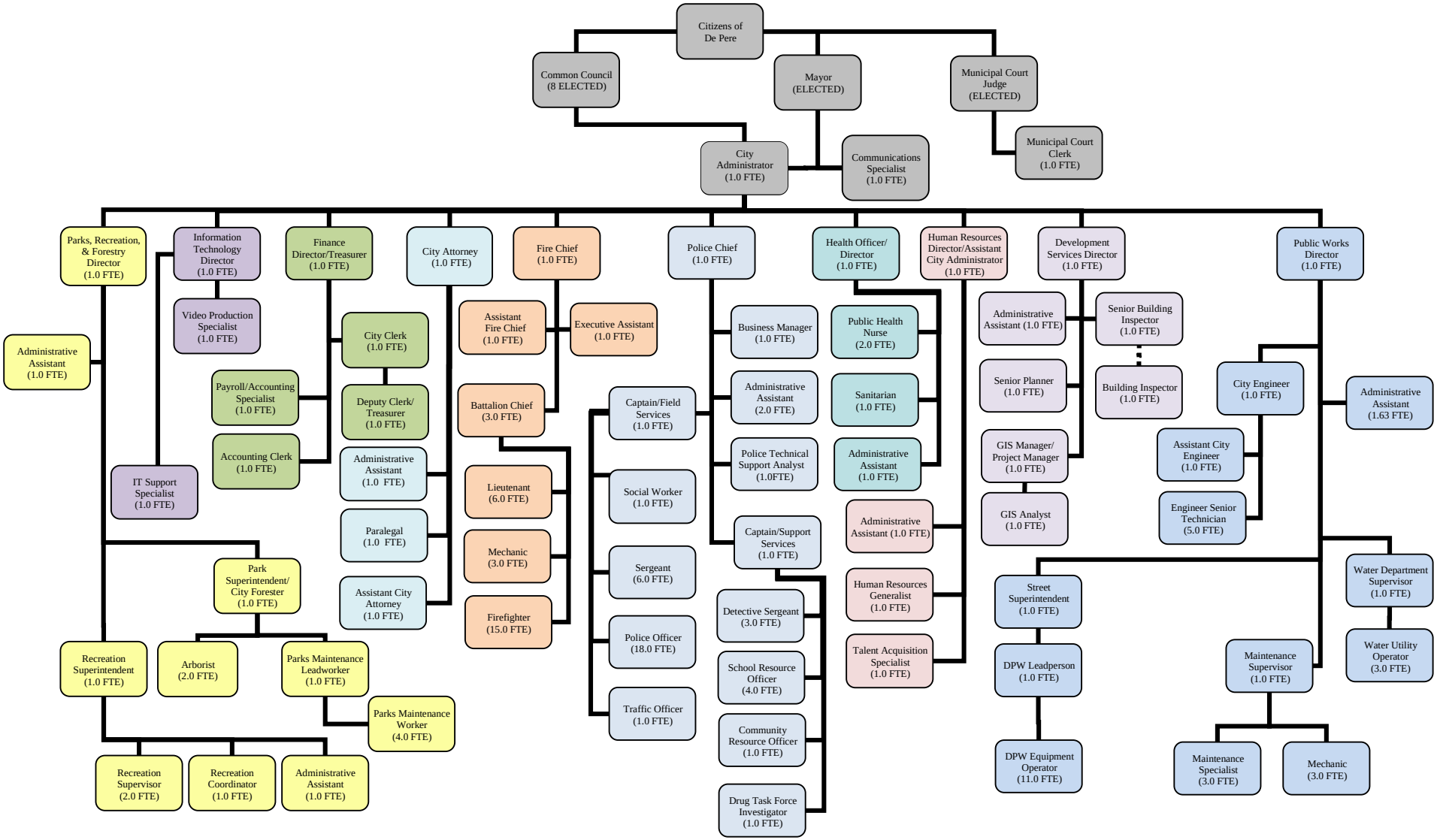
Each employee of the City is responsible for reading and understanding the contents of this Manual. Each employee shall be provided a copy of the Manual in either paper or electronic form and shall be notified of all changes and updates to the Manual. Each employee shall execute the Employee Acknowledgment of Manual form upon receipt of the Manual so as to indicate receipt and knowledge of the Manual.

1.3 Application of the Manual

This Manual shall govern all employees of the City, including salaried and hourly employees, except that provisions of a current labor agreement between the City and a recognized labor association shall govern in matters pertaining to employees of that bargaining unit where this Manual conflicts with the provisions of a current labor agreement. Application of these provisions to members of a bargaining unit neither contemplates nor allows for the extension of benefits or other compensation beyond that which is provided in the specific labor agreement. While departments may adopt specific rules to provide guidance to employees within those departments, none of those rules may alter the at-will employment relationship, create a contract of employment, or supersede this Manual.

Employees covered by this Manual are required to comply with all aspects of the Manual, unless expressly stated otherwise herein. Employees should direct any questions or concerns regarding the interpretation or application of this Manual to their supervisor or department head.

1.4 City of De Pere Organizational Chart



2. GENERAL GUIDELINES OF EMPLOYMENT

Last revised: 09/26/2022

2.1 Classifications of Employment

All employees hired by the City are employed "at-will" to the extent possible, except as follows:

1. City officers as defined in § 10-5, De Pere Municipal Code or Wis. Stat. § 62.09;

2. A written contract exists between the employee and the City, that is approved by vote of the Common Council at a duly-noticed meeting; or

3. A Chief or subordinate who may be entitled to a pre-disciplinary or post-disciplinary hearing pursuant to Wis. Stat. § 62.13(5).

Each City position is designated as either non-exempt or exempt for wage and hour law purposes. Employees in non-exempt positions are entitled to overtime pay only as required by specific provisions of state and federal law. Non-exempt employees are normally paid on an hourly basis and are entitled to overtime for hours physically worked in excess of 40 hours per week. Some collective bargaining agreements may state the employees are paid on a salary basis, but are hourly employees.

Employees in exempt positions are paid on a weekly salary basis and are exempt from the overtime provisions of the Fair Labor Standards Act and Wisconsin wage and hour laws. This category typically includes department heads, supervisors and some administrative professionals.

In addition to the above classes of exempt or non-exempt status, employees will be designated to one of the employment categories described below. All types of employees listed below are considered employees and shall have a background check completed prior to being eligible to work.

A. Regular Full-time Employee: An employee who is designated by the City as a full-time employee and is regularly scheduled to work the City's full-time schedule, which is normally 40 or more work hours per workweek. A regular full-time employee may be exempt or non-exempt. Employees in this category are eligible for the City's benefit package, subject to the terms, conditions and limitations of the benefit plan or program and the fringe benefit sheet.

B. Regular Part-time Employee: An employee who is designated by the City as a part-time employee is regularly scheduled to work 20-40 hours per workweek. A regular part-time employee may be exempt or non-exempt and may periodically work 40 hours or more in a workweek. Regular part-time employees are eligible for specific benefits designated by the City and typically on a prorated basis, and subject to the terms, conditions and limitations of the benefit plan or program and the fringe benefit sheet.

C. Non-Benefit Eligible Employee: An employee who is not specifically designated as a full-time or part-time employee and who is hired to supplement the work force. This classification includes the positions listed on the Seasonal/Part Time (Non-Benefit Eligible) Employee Wage Scale. This includes seasonal, temporary and part-time employees. Employment beyond any initially stated period does not in any way imply a change in employment status. Non-benefit eligible employees retain that status unless and until notified of a designation to regular full-time or part-time status in writing from the Human Resources Department. Only legally mandated benefits such as Social Security, Medicare and workers' compensation insurance are provided to non-benefit eligible employees. Non-benefit eligible employees are typically not eligible for other benefits, with the exception of the City contribution to the Wisconsin Retirement System ("WRS") if the employee meets the requirement to participate in that plan.

D. Limited Term Employee: An employee who is not specifically designated as a regular full-time or part-time employee and who is hired to work for a specific limited period of time for a specific project or assignment, typically not to exceed 12-months. Positions in this classification are not included on the Seasonal/Part Time (Non-Benefit Eligible) Employee Wage Scale. Human Resources will determine the appropriate wage rate. Employment beyond any initially stated period does not in any way imply a change in employment status. Limited term employees retain that status unless and until notified of a designation to regular full-time or part-time status in writing from the Human Resources Department. Only legally mandated benefits such as Social Security, Medicare and workers' compensation insurance are provided to limited term employees. Limited term employees are typically not eligible for other benefits, with the exception of the City contribution to the Wisconsin Retirement System ("WRS") if the employee meets the requirement to participate in that plan. The Police Recruit position will be eligible for medical, dental, vision, flexible spending, life insurance, long-term disability, Wisconsin Retirement System (WRS), employee assistance program (EAP), and deferred compensation.

E. Intern: An intern may be paid or unpaid. All interns shall be enrolled in a post-secondary education system and be taking at least nine credits; however; recently graduated students may serve as an intern within one year of graduation from a post-secondary education. Interns may work up to one year after graduating from a post-secondary education system. Only legally mandated benefits such as Social Security, Medicare and workers' compensation insurance are provided to interns. Intern employees are typically not eligible for other benefits, with the exception of the City contribution to the WRS if the employee meets the requirement to participate in that plan.

F. Volunteer: Volunteers are not employees of the City and are in an unclassified position which has no set work schedule and does not have a set salary, hourly wage or benefits. All volunteers are covered under workers' compensation insurance.

G. Contractor: A contractor is not an employee of the City. A contractor is retained by written agreement on a per-project basis with a defined scope at the project outset. A contractor may perform services on a regular or an irregular schedule. Contractors do not receive any additional compensation or benefits.

Internal Revenue Code 3121 allows for a FICA Alternative Retirement plan for government entity employees who work less than 600 or 1,200 hours annually and are not eligible for WRS. All qualified employees and alderpersons, participate in the alternative social security program regardless of eligibility for other benefits.

2.2 Work Schedule/ Remote Work

A. Hours of Operation: The goal of this policy is to provide the best customer service to meet the expectations of the public in an effective manner while maintaining flexibility for employees. Hours of operation for City Hall and the Community Center are 7:30 a.m. to 5:00 p.m. Monday through Thursday and 7:30 a.m. to 11:30 a.m. on Fridays, except for established holidays. Hours of operation for the Municipal Service Center are 6:30 a.m. to 4:00 p.m. Monday through Thursday and 6:30 a.m. to 10:30 a.m. on Fridays, except for established holidays. Department heads and supervisors will determine and advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, days of the week worked, as well as variations in the total hours that may be scheduled each day and week.

The City has the authority to determine the methods, means, processes and personnel by which the departments operations are to be conducted. This includes reserving the right to assign work in whatever manner deemed necessary to maintain an efficient workforce. When a department head or supervisor decides that employees will need to work outside the scheduled work hours, then the department head or supervisor should attempt to give notice, to the extent practical, prior to completion of the employee's work shift on the day preceding the change.

For work that is scheduled in advance and is part of the employee's normally scheduled hours (i.e. coming in for meetings), employees should record minimally one hour of time if they have to report to work after their regular shift. Exempt employee reporting back for scheduled or unscheduled work outside their regular work hours should record a minimum of one hour on their time sheet. Time spent at work outside normal work hours for purposes of catching up on work shall be recorded as actual time spent. For non-scheduled work see Section 6.7 Emergency Pay.

B. Water Schedule: For employees in the Water Department, each week the department head or supervisor may schedule an employee to work on Saturday and Sunday. These weekend assignments are rotated among qualified employees in the Division.

The Director of Public Works or designee may assign personnel from the Water Division or other qualified employees to be available for responses on a standby basis for hours outside of the normal workday including weekends and holidays. Employees will be compensated at $1.75 per hour when on standby. An employee assigned to standby shall respond to answering service within 15 minutes of the call and be able to report to the worksite within 30 minutes of taking the call and perform the necessary task to alleviate the emergency situation.

C. Breaks: Approved unpaid lunch breaks may be taken from one-half to one hour in length for office employees. Non-exempt employees must take at least 30 consecutive uninterrupted minutes for their lunch break. Any other break arrangement must be approved by the employee's supervisor (i.e. taking a 1.5 hour lunch one day per week) Paid 15-minute breaks may be granted periodically by the employee's supervisor.

For Parks and Public Works field employees, lunch periods will be unpaid and generally commence at 11:00 a.m. unless permission is granted by the employee's supervisor to take lunch during a different time. The department head or supervisor may designate lunch periods at different times and particularly in situations where it is determined that continuous operation by some personnel is necessary for efficient operations, in times of emergency, or where employees are assigned to the various shifts providing 24-hour service. The Municipal Service Center is available for lunch breaks. Employees are allowed 30 minutes from the time they leave the job site until they return to the job site.

D. Alternative Work Arrangements: The City recognizes the importance of its employees having a proper work-life balance. It is understood that allowing employees to have a degree of control over their work schedules may make it easier for them to manage non-job-related responsibilities and to be more efficient and productive at work.

As a result, the City supports alternative work arrangements which include alternative work schedules and remote work; provided that such work arrangement is beneficial to the organization and the employee and continues to satisfy the needs and objectives of the City. The department head is responsible for ensuring the fair and equitable administration of this policy to employees.

Alternative work arrangements should meet the following criteria:

- Alternative work arrangements will not result in a change in the City's or a department's hours of operation.
- Each department head is responsible for ensuring that all services of the department are available to internal and external customers during regular hours of operation and that the efficiency and effectiveness of the department's operations will not be interrupted or negatively impacted.
- Alternative work arrangements are not appropriate for all positions, all departments, or all situations.

- Working an alternative work arrangement is a privilege, not an employee right and it in no way changes the terms and conditions of employment with the City.
- Employees must maintain an acceptable time and attendance record and maintain a satisfactory work performance.
- The alternate work arrangement will not cause overtime. All overtime must have supervisor approval prior to incurring the overtime.
- Any alternative work arrangement may be discontinued at will and at any time at the request of the department head with approval from Human Resources. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of the alternative work arrangement. There may be instances, however, when no notice is possible.

Process:

- All requests for alternative work arrangements must be in writing, completed by the employee, and submitted to the supervisor and department head for approval, except flexible scheduling and informal remote work requests. Request for formal remote work arrangements must be submitted to Human Resources for approval. Please use the Alternative Work Arrangement Request Form.
- Approval or denial of such requests must be in writing and provided to the employee.
- Once an alternative work arrangement is approved, it cannot change without the prior written permission of the supervisor and department head. Request for a change to a formal remote work arrangement must approved by Human Resources.
- All completed and approved requests, and denials, must be sent to the Human Resources Department to be placed in the employee's personnel file.

1. Work Schedule

   a. Alternative Work Schedules: Alternative work schedules allow employees to have a regular work schedule outside the department's hours of operation. Alternative work schedules will be offered to employees whose positions can accommodate such a schedule. Alternative work schedules must have prior supervisory approval and will not disrupt the level of service or the smooth operation of the department.

   b. Flexible Scheduling: An employee's regular work schedule may be flexed periodically with the approval of an employee's supervisor and according to the operational needs of that department. This includes coming in late, taking a longer lunch, leaving early, being gone during the day or not taking a lunch, however, an employee may not shorten their lunch break to less than consecutive

uninterrupted 30 minutes when taking a lunch. Time may be made up by coming in early, working through lunch, or staying late. No flextime will be approved that will result in unauthorized overtime or compensation for greater than 40 hours of work in a workweek for hourly employees.

Employees who have worked or used accrued time off for (80+ hours in pay period [Saturday–Friday] for exempt employees) and (40+ hours in a workweek [Saturday-Friday] for non-exempt employees) may be allowed to periodically take off without using accrued time off with approval of the employee's supervisor. This arrangement is allowed infrequently and not every week. Employees are not allowed to work on the weekend just to have time off later that week. Any long term change in the regular work schedule must be approved through the Alternative Work Schedule policy.

2. Remote Work: Remote work allows employees to work at home, on the road or in a satellite location. The City considers remote working to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Remote working may be appropriate for some employees and jobs but not for others.

   a. Equipment: On a case-by-case basis, the City will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, and other office equipment) for each remote work arrangement. The Information Technology Department (IT) will serve a resource in this matter. Equipment supplied by the City will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the City is to be used for City business purposes only. The remote worker must sign an inventory of all City property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment or arrangement, all City property will be returned to the City, unless other arrangements have been made.

      When using City equipment or software, the remote worker must follow all software-licensing provisions agreed to by the City.

The City reserve the right to pursue recovery from the employee for any City property deliberately or negligently damaged or destroyed while in employee's care, custody, and control.

b. Work Conditions: The employee will establish an appropriate work environment within his or her home for work purposes. A high-speed internet connection is required for remote work. IT recommends a 30Mbs internet connection or faster. The City will not be responsible for costs associated with the setup of the employee's home office, such as internet, remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

c. Security: Consistent with the City's expectations of information security for employees working at the office, employees working remotely will be expected to ensure the protection of confidential City and client/customer information accessible from their home office. Steps may include taking only minimally necessary confidential information out of the office, the use of locked file cabinets and desks, regular password maintenance, prevent inadvertent disclosure and any other measures appropriate for the job and the environment.

d. Safety: Employees are responsible for maintaining their home workspace in a safe manner, free from safety hazards, similar to what is provided in the City's physical work environment. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties may be covered by the City's workers' compensation policy. The City reserves the right to physically inspect all home workspaces in the event a work related injury incurred in the home environment. Remote employees are responsible for immediately notifying their supervisor of such injuries. A Report of Occupational Injury, Exposure, or Illness should be completed prior to the end of the work shift of the day of injury.

e. Hours of Work: The employee and supervisor/department head will agree on the number of days of remote work allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication. The employee agrees to be accessible by phone or computer within a reasonable time period during the agreed upon work schedule. The agreed upon work schedule shall comply with FLSA regulations.

IT will provide assistance with remote connectivity issues during City Hall hours of operation. If an employee is unable to connect remotely, the employee may be asked to report to a City facility to complete their work schedule. If an employee is unable to report to a City facility the employee may need to use paid time off such as vacation, floating holidays or comp time to fulfill hours.

Employees working remotely are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked. Overtime requires the advance approval of the employee's supervisor. Failure to comply with this requirement may result in the immediate termination of the remote work arrangement.

f. There are two types of remote work options: informal and formal.

i. Informal Remote Work: Informal remote work generally means working remotely for a temporary time period (less than one month). Informal remote work arrangements may be approved for circumstances such as inclement weather, special projects or business travel, and may be full or partial days. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. These arrangements should be made with an advance request to the employee's supervisor. Informal remote work requests may be made via phone, email, text, etc. Formal remote work requests must be submitted via the formal remote work process.

When an employee is on FMLA, the supervisor shall consult with Human Resources before the employee is allowed to work remotely.

ii. Formal Remote Work: Formal remote work is an agreed-to arrangement whereby an employee regularly works remotely for some portion of their regular work schedule. Employees who are interested in such an arrangement should discuss with their supervisor/department head the availability of such an option.

Generally, to be considered for a formal remote work arrangement, employees must maintain satisfactory performance as determined by their supervisor. The decision to approve a remote work arrangement will be based on factors such as position and job duties, performance

history, related work skills and the impact on the organization.

Employees are reminded during working hours they must comply with all existing policies as defined in the City of De Pere Employee Policy Manual.

E. Timekeeping: Each employee is required to accurately record his or her work time each workday, and will be held accountable for failing to completely and accurately record his or her time. Each employee should record his or her time only. Each employee must verify that the information on the employee's time record is complete and accurate. Errors must be immediately reported by the employee. Employees should never assume a supervisor or payroll will notice or edit any time discrepancy, as this is the employee's responsibility. Any employee who submits false time records may be subject to discipline up to and including dismissal. Time shall be rounded to the nearest quarter of an hour. If the time is 7 minutes or less, round down to the nearest hour, if more than 7 minutes, round up to the nearest quarter of the hour. Hourly employees must not work more than seven minutes before the start of their shift or 7 minutes beyond the end of their shift unless such time has been previously authorized by their supervisor. Hourly employees must report actual time worked, including start time, time in and out for lunch periods, and end time.

F. Attendance: The City places great emphasis on good attendance. Absence or tardiness places an extra burden on co-workers and undermines the efficient operation of the City. Regular attendance at work is expected of every employee. It is each employee's responsibility to be on the job on time each day and fully able and ready to work. Although there are justifiable reasons to take time off from work, each employee's employment assumes his or her availability for work. Employees are expected to arrive at work on time, return from scheduled breaks on time, and to work until the job is completed or the employee is relieved from duty.

2.3 Probationary Period

The probationary period is intended to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits and overall performance. The length of the probationary period is one year. A former employee who has been rehired after a separation from the City is rehired with a probationary period. During the probationary period, an employee may be discharged without notice. A probationary employee has no right to utilize the grievance procedure in section 4.4 for matters related to employee discipline or employee termination from employment. Completion of the probationary period does not guarantee continued employment for any specified period, nor does it modify or change the employee's at-will employee status or require an employee to be discharged only for "cause."

Employees promoted into a department head position with the City must complete a one year probationary period. Employees promoted or transferred into new, non-department head, positions with the City must complete a six-month probationary period (except police and fire represented employees). During this period, an employee can be removed from that position at any time during the probationary period. If this occurs, the employee may be allowed to return to his or her former job, or to a comparable job for which the employee is qualified, depending upon the availability of such positions and the City's needs. The existence or completion of a promotional or transfer-based probationary period does not modify the employee's at-will status.

2.4 Job Descriptions

Each employee shall have a job description defining the duties of the position, essential functions of the job, education/certification requirements, and physical demands. Job descriptions shall be reviewed and modified prior to filling a vacant position and as needed from time to time.

The Human Resources Director approves class titles for each City position. Jobs with similar duties and responsibilities are placed in the same classification so that employees receive equal pay for equal work, subject to performance quality, merit pay adjustments, step-pay adjustments, and lesser or greater duties.

2.5 City Equipment (keys, ID cards, property, passwords etc.)

Many employees are issued either keys and/or ID cards to access City buildings. The key/ID card should always be kept in a secure place and never be given to another individual without supervisory approval. Employees also may utilize or create passwords for access to City property.

To provide safety and security to the public and City employees, photo identification cards are issued to some employees by the Human Resources Department. All keys/keycards, ID cards, passwords, and any other City property shall be returned to a supervisor upon separation of employment. Any misuse, alteration or fabrication of City property may subject the holder to disciplinary action or other civil or criminal action.

2.6 Residency Requirements

The Police and Fire Chiefs must reside within 15 miles of the corporate city limits of the City of De Pere within 12 months of hire. All POC firefighters must have the ability to be able to respond emergencies within 15 minutes of the call. Exceptions or extensions to these requirements may be approved by City Council. Represented Police and Fire employees should see their labor contract for residency requirements.

2.7 Recruitment, Promotions, Transfers and Assignments

The City is committed to employing the best qualified candidates while engaging in recruitment, promotion and selection practices that are in compliance with all applicable

employment laws. The City may use hiring, interview and screening processes designed to fulfill this objective.

It shall be the policy of the City to recruit, select, evaluate, promote, compensate and retain employees on the basis of their ability to perform the duties and responsibilities of the position without regard to their protected status by state or federal law or City ordinance. Please see section 4.16 for a list of protected classes of persons. The City will provide reasonable accommodation for applicants and employees who are otherwise qualified as long as such accommodation does not create an undue hardship on the City.

When there is a need to fill an existing position, the department head shall review any existing job description(s) and shall notify the Human Resources Director of any recommended changes. A current job description must be on file in the department prior to posting or announcing any vacancy. Once approval for filling the position is obtained and subsequent to any posting procedures required by labor agreements, the Human Resources Director shall be responsible for conducting a recruitment consistent with professional personnel management principles, City policies, labor agreement requirements, specific direction of the Finance/ Personnel Committee, and any applicable state or federal regulations. The recruitment process shall include participation by the authority responsible for selection of the individual to be hired for the position vacancy. Recruitment shall be tailored to the position to be filled. A new recruitment shall not be required where, in the two-year period prior to the vacancy occurring, recruitment had been conducted for the same or similar position and where an adequate number of qualified candidates remain available. New positions are reviewed according to the City's wage and compensation plan or other applicable process.

When in the interests of the City, the City may transfer qualified employees from assignment to assignment, position to position, or department to department. Employees may request to be transferred from one position or department to another. Such a request may be given consideration when a suitable opportunity exists and such request can be fulfilled in the interests of the City.

The City may attempt to fill a job vacancy from within or outside the organization. The City will conduct an external recruitment concurrent with accepting internal applications. The City Administrator has the ability to waive this requirement and consider internal candidates only. The City will typically provide employees an opportunity to indicate interest in open positions and advancements within the organization. Notices of full and part-time job openings will typically be provided to the department(s) where qualified employees exist, e.g., a clerical vacancy would not be noticed in the street department. To be eligible to apply for an open job, employees should possess the skills, competencies and qualifications required for the position. Appropriate tests may be given to make this determination. The successful candidate will be selected on qualifications, merit and the interests of the City.

Depending upon the nature of the position and the applicants applying for the position, the City may conduct varying levels of background screening to determine whether candidates for employment, promotion, assignment or transfer are suitable for the position they desire

to obtain. Depending upon the position being filled, information that may be obtained or requested includes information relating to references, past employment, work habits, education, judgments, liens, criminal background and offenses, character, general reputation, and driving records. The City may also obtain information from a consumer reporting agency. Before denying an extension, assignment, promotion or other benefit of employment, based in whole or in part on information obtained in a credit report, the City will provide a copy of the report and a description in writing of the applicant's rights under the Fair Credit Reporting Act. Each applicant for employment for a regular full or part-time position with the City is required, as a condition of employment, to undergo a urine drug screen.

Employees or applicants seeking employment, transfer, promotion or assignment may be required to sign a document that constitutes the employee's full waiver, release and indemnification of any liability related to the background investigation. Employees or applicants who refuse to sign the waiver, release and indemnification form will not be considered for employment, transfer, promotion or assignment.

The hiring process is determined in the following manner:

- Police and Fire subordinates: Appointed to office by the Chief and approved by the Police and Fire Commission. The Police and Fire Chiefs shall be appointed by the Police and Fire Commission. Non-subordinate police and fire department employees are hired as all other positions below.
- City Officers: Appointed by the Mayor (except for the Police and Fire Chiefs, who are appointed by the Police and Fire Commission) and confirmed by the City Council.
- City Administrator: Appointed by the Common Council.
- All other positions: Hired by the recruiting department head and the Human Resources Director or designee.
- All job offers for benefit eligible positions will be made by the Human Resources Department.

Formal appointment of supervisory personnel by the City Administrator to a higher classification on a temporary basis in order to fill a vacancy is considered an "acting appointment."

Regular part-time and full-time employees shall be given a new-hire gift purchased by the Human Resources Department and charged to the sundry account.

A. Interview Expenses: Applicants who are qualified for department head or supervisory positions and who travel to De Pere for an employment interview may be reimbursed for expenses under the following conditions:

1. Interview expenses will normally be limited to no more than three candidates for each position.

2. Expenses for interviews shall be limited to travel expenses such as hotel, mileage and food as identified in City policy. Automobile travel will be reimbursed at the same rate allowed for City employees for use of their personal automobile. Air travel will be reimbursed from the airport nearest the candidate's address to Green Bay Austin Straubel International Airport.

3. Payment of expenses must be approved in advance by the City Administrator.

Exceptions to this policy, including the number of candidates authorized for interview, must be sufficiently justified in writing and presented in advance to the City Administrator.

B. Relocation Expenses: When an applicant is selected for a supervisory position with the City, the City may pay relocation expenses up to a maximum of $5,000.

C. Creating, Filling and Eliminating Positions

1. New Position: The Finance/Personnel Committee shall approve the creation of and salary range for any new position added to the City's table of organization.

2. Existing Position Accounted for in Current Budget: Any position accounted for in the current budget which becomes vacant shall not be filled until the need for doing so is determined upon review by the City Administrator, the Human Resources Director, and the department head. If it is determined to fill such position, the Human Resources department shall move forward with recruiting for the position.

   If it is determined that the position should remain vacant, then such determination shall be reviewed by the Finance/Personnel Committee.

3. Eliminating Position: The Finance/Personnel Committee shall review all proposals to eliminate any position within the City's table of organization.

4. Filling Seasonal Positions in the Parks, Recreation & Forestry and Public Works Departments: The best applicant will be hired for each available position. Where all factors are equal, applicants who reside in the City shall be given preference over non-City resident applicants. For purposes of this provision, resident means a person whose legal residence is within the corporate limits of the City of De Pere at the time of hire.

D. Retiree Recruitment Policy: The City of De Pere may engage in targeted recruitments to attract retired or semi-retired individuals on a part-time, temporary or permanent basis for various positions. Retirees may be hired to assist during high volume times of the year, to work on a specific project or as another option for difficult to fill positions. Work assignments may be short-term or long-term in

any department in the City. The City will attempt to utilize the expertise, work experience and life experience of retirees from city government and other industries/fields. This unique recruitment strategy will allow the City to avoid the cost of adding to permanent staff and will give department heads greater flexibility in determining work schedules. The department heads will initiate the request for targeted retiree recruitment and openings will be filled in collaboration with the Human Resources Department. Job posting recruitment sources will be targeted to the retiree demographic.

E. Employee Referral Bonus Program: To encourage City employees to refer qualified candidates that they know for open benefit eligible positions, the City has established an Employee Referral Bonus program. Employees that refer an applicant that is subsequently hired into a position will be paid a $500 referral bonus; if two or more employees refer the same applicant, as identified on the application, the $500 referral bonus will be split evenly among the referring employees, provided each submits the Applicant Referral Form to Human Resources. The applicant must include the referring employee's name on their application and the referring employee will need to complete the Applicant Referral Form and submit to Human Resources to qualify for the bonus.

2.8 Employment of Relatives

The City of De Pere wants to ensure that its employment practices including employee hiring, promotion and transfer do not create the potential for conflict of interest or favoritism. Immediate family members will not be employed in the same work group. Ordinarily, a work group will be defined as a department; in some instances a division within a division may be considered a work group. If employees within the same work group begin a dating relationship or become relatives, partners, or members of the same household, both employees are required to inform their supervisor and Human Resources of the relationship. All potential conflicts of interest will be determined on a case by case basis by Human Resources in a manner that protects that City's interests.

Immediate family members for this policy shall be defined as spouse, child, parent, brother, sister, stepparent, stepchild, in-law by blood or marriage (father/mother, sister/brother, daughter/son), or any other member of the employee's household. Any other member of the employee's household shall be any individual living in the employee's household who receives, directly or indirectly, more than one-half of his or her support from the employee or from whom the employee receives, directly or indirectly, more than one-half of his or her support. (Examples include foster children, domestic partners,.

Employees will not be placed in a work group in which a relative (beyond the immediate family member definition above) will exercise direct or indirect supervision over the employee. All decisions on the definitions of the work groups and the definition of a relative in a supervisor-relative relationship will be made by the City Administrator.

This Section does not apply to elected officials, contractors, subcontractors, non-benefit eligible employees and volunteers, except to the extent that no person shall be directly

supervised by another member of his or her immediate family. No employee or official may use his or her position to bring about the hiring or promotion, or otherwise influence an employment decision relating to an immediate family member or other relative, whether by blood or marriage. Employees currently working in this capacity will be grandfathered in as of 1-1-14.

2.9 Employment Record/Personnel Information Changes

The City shall maintain an employment record for each employee. The employment record includes items such as the employee's resume, application, emergency contact information, etc.

Employment records shall be maintained in a secure, central location. Employee health-related records, including, but not limited to, physical fitness, fitness for duty, pre-employment screening, occupational injury, or similar records shall be kept in a separate file contained in a secure location with access available only to authorized persons with a legitimate need to know such information.

Access to personnel and payroll records shall be limited to those employees who utilize official records in order to perform their assigned duties. Other persons who are authorized access shall obtain the records from those assigned responsibility for their maintenance. An employee may request an opportunity to review the records the employee may be legally entitled to review pursuant to Wis. Stat. § 103.13 by submitting a written request to the City's custodian of records. These records are records used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records, except as provided by law. The review will occur at a time mutually acceptable with management but no later than seven business days after the employee makes the request for inspection. Requests must be in writing and the City will grant at least two such requests per calendar year. Employee medical information will be maintained in separate medical files, and will be treated confidentially as required by law. Medical information may be disclosed to someone other than the employee in the following circumstances:

- Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- First aid and safety personnel may be informed, when appropriate, if the employee's medical condition might require emergency treatment; and
- Certain government officials may be provided the information for lawful reasons.

The City will use employee medical information only in a manner that is lawful, job-related, and consistent with business necessity.

Employees shall not provide references on behalf of other employees and past employees of the City. Supervisors may release a current and past employee's position held, date of employment, and salary information. Any information requested beyond that information should be referred to the Human Resources Department. Pursuant to requests for references, the City may choose to release only limited general information such as the

position held, dates of employment and salary information. The City may require the individual involved to provide a written consent, release and indemnity agreement before the City will release additional information unless there are circumstances warranting otherwise.

It is the employee's responsibility to notify the City of any changes in his or her personal data. It is important that these changes are updated as they may affect benefit eligibility, mailings and emergency contacts. Changes to names, addresses, phone numbers, marriages, dependents, and emergency contact information should be submitted via email or in writing to Human Resources and Payroll.

2.10 Health Privacy Practices

The City is committed to compliance with all state and federal laws that protect the privacy of health information, including HIPAA and Wis. Stats. §146.82 City employees who access, use, or disclose health information must do so in accordance with all state and federal laws that protect the privacy of that information. No access, use, or disclosure may be made unless: (1) the access, use or disclosure is consistent with the law; and (2) there is a legitimate City purpose for such access, use, or disclosure. City employees who are authorized to access, use or disclose health information are trained on the appropriate use and disclosure of the information. City employees who are not authorized to access health information are prohibited from accessing, using, or disclosing any health information maintained by the City.

2.11 Equal Employment Opportunity (EEO)

The City is an equal employment opportunity employer. Employment decisions are based on merit and business needs. It is the City's policy to seek and employ the best qualified personnel in all positions, to provide equal opportunity for advancement to all employees, including upgrading, promotion and training, and to administer these activities in a manner that will not discriminate against or give preference to any person because of their protected status by state or federal law or City ordinance. Please see section 4.16 for a list of protected classes of persons. All employees are required to provide proof of identity and authorization to work in the United States.

The City is further committed to providing a work environment in which employees are treated with courtesy, respect and dignity. As part of this commitment, the City will not tolerate any form of harassment, verbal or physical, with regard to an individual's protected class. Therefore, all employees are encouraged to bring any concern or complaints in this regard to the attention of management through the chain of command or through the reporting procedures in specific policies. All complaints of sexual harassment, or other unlawful harassment, discrimination or retaliation of any kind, will be investigated promptly and, where necessary, immediate and appropriate action will be taken to stop and remedy any such conduct.

All employees share in the responsibility for assuring that the policies are effective and apply uniformly to everyone. Any employees, including supervisors, involved in

discriminatory practices will be subject to corrective actions up to and including termination.

Equal employment opportunity notices are posted near employee gathering places as required by law. These notices summarize the rights of employees to equal opportunity in employment and list the names and addresses of the various government agencies that may be contacted in the event that any person believes he or she has been discriminated against.

2.12 Americans with Disability Act (ADA)

It is the City's policy to fully comply with the reasonable accommodation requirements of the Americans with Disabilities Act to ensure that all applicants and employees can enjoy full access to employment with the City. It is the policy of the City to comply with all the relevant and applicable provisions of the Americans with Disabilities Act and other laws. The City will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not impose an undue hardship on the City.

Employees requesting accommodations should inform their supervisor or the Human Resources Department and cooperate with the City. Some requests for accommodation may require medical documentation of the employee's condition, functional limitations and the duration of any restrictions to support the request.

The City will process requests for reasonable accommodations and where appropriate, provide reasonable accommodations in a prompt, fair and efficient manner.

3. GENERAL POLICIES

Last revised: 09/26/2022

3.1 Public Relations/Requests for Interviews

City employees may encounter times when they are asked for information regarding matters or events within the scope of the employee's job duties. In order to manage employee time, ensure the City's impartiality in matters of dispute involving third parties, and protect the City's interests, particularly when involved in matters that may lead to litigation, employees shall follow the following protocols:

A. Media: No employee shall speak to the media on behalf of the City unless expressly authorized to do so by his or her department head or designee.

B. Others: No employee (except department heads) shall speak to any third party regarding matters within the scope of his or her employment with the City unless expressly authorized by his or her supervisor. Supervisor authorization shall only be given under the following circumstances:

1. The person requesting to speak with the employee is representing the City's liability insurance carrier and the City Attorney has been notified of and approves the request;
2. The person requesting to speak with the employee is an attorney retained by the City regarding the matter of inquiry; or
3. The employee has been subpoenaed or scheduled to attend a legal deposition regarding the matter and the City Attorney has been notified and approves the request.

3.2 Citizens Accessing City Equipment

No member of the public may occupy, use or otherwise be present upon or in any City equipment unless the following requirements are met:

A. All requests for ride-along or access to City equipment shall be in writing and shall include the name of the person seeking such access as well as the reason access is being requested. The person shall be accompanied at all times by a departmental employee who is familiar with the equipment being accessed. This does not include employee's that have a take home vehicle and utilize the vehicle for incidental personal use (i.e. picking up a child on the way home from work).

B. Approval of such request shall be determined by the department head or designee. All decisions shall be noted upon the request.

C. The department head or designee shall inform the Human Resources Director of all access granted at least one business day prior to the access taking place.

D. If access to City equipment has been approved, the requestor shall sign a Liability and Hold Harmless Waiver. All such signed waivers shall be submitted to the Human Resources Director.

E. A separate written request and approval shall be required each time City equipment is accessed by a member of the public.

F. City employees who are not expected to use a particular piece of equipment as a part of their job requirements shall be considered a member of the public for purposes of access to that particular piece of equipment; however, City employees may ride-along in a City motor vehicle for work related purposes.

This Section is not applicable to persons accessing city equipment with the consent of the operator for purposes of providing the person with services related to the operator's job responsibilities. For example, a police officer giving an operator of a disable vehicle a ride to a service station or other safe location would not be required to obtain a liability waiver from the person. Likewise, a firefighter/paramedic transporting a sick/injured person in a City ambulance may allow the companion of the transportee to ride along in the ambulance without requiring a liability waiver.

3.3 Purchasing/Authorized Spending

Each department is responsible for documenting and keeping detailed receipts of all purchases and submitting them to the Finance Department. The person placing a purchasing order is responsible for ensuring there are adequate funds budgeted and available to cover every expense.

The purchase of goods and services is a central function of the City of De Pere. A fair, efficient and accountable purchasing process is vital to providing quality services and maximizing the value obtained for taxpayer dollars. It is the responsibility of all City employees and elected officials to ensure that purchases are made in the best interest of the City. The procedures outlined in this policy are intended to provide an effective and efficient means of meeting this goal.

A. Definitions

Request for Qualification (RFQ): Is a document that lists the requirements of a project and requires interested contactors to submit statements of interest, including a demonstration of their ability to complete the project.

Request for Proposal (RFP): Is a document that lists project or product requirements and is utilized to receive offers of service or goods from potential vendors.

Purchase Order: Is a document issued by the City to identify commitment to purchase a product from a vendor.

Sole Source: An item shall be considered sole source if there is only one vendor that supplies the item and there is no equivalent substitute. Items that are made by

one manufacturer but sold through multiple vendors are not to be considered sole source.

Informal Quote: An informal quote may be obtained verbally or by examining published prices. When soliciting an informal quote, the department should maintain documentation of who provided the quote and when it was obtained.

Formal Quote: A formal quote must be supplied in writing. Formal quotes may be received by letter, fax or email. Documentation of the quote should be maintained throughout the purchasing process.

Formal Bid: A formal bid process requires that vendors provide sealed bids prepared in response to specifications provided by the City. The bids should be opened publicly and the documentation should be maintained throughout the purchasing process.

Emergency Purchase: A purchase need which arises or occurs unexpectedly and requires immediate action.

Surplus Property: City property may be declared surplus when it is no longer necessary, practical, or economical to be retained by the City.

B. Objectives

1. To create a competitive, fair and ethical purchasing process that will ensure that the maximum value is obtained for every dollar expended;

2. To allow the City to obtain quality goods and services that will allow for the provision of programs in a timely and effective manner;

3. To establish a standardized purchasing process that will promote equity and efficiency;

4. To provide adequate budgetary and cost controls;

5. To conduct all purchasing in a manner which ensures equal opportunity and non-discrimination;

6. To ensure that the entire purchasing process meets the highest ethical standard without conflict of interest or the appearance of impropriety.

C. Roles

City Council: Approves the City budget, which allocates funds for all purchases. Council approval is required to change budget levels, authorize borrowing, acquire property, or to approve new programs.

Mayor: Annually presents a balanced budget to the Council. The Mayor has the authority to veto Council actions. The Mayor is also authorized to sign contracts on the City's behalf.

Finance Committee: The Finance Committee recommends budget adjustments and amendments to the City Council.

Board of Public Works: According to state statute 62.15(1), "All public construction, the estimated cost of which exceeds $25,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the council may direct." The Public Works Committee recommends the award of public construction contracts to the City Council in accordance with this statute. Public construction includes capital improvements such as street reconstruction, stormwater facilities, and municipal buildings, utilities, etc.

City Administrator/Comptroller: Approves purchases of materials, equipment and services in excess of $10,000. This authority may be delegated to the City Attorney/Assistant City Administrator.

Finance Director/Treasurer: Oversees all City purchasing and monitors compliance with the City purchasing policy. Monitors expenditures in comparison to budgeted levels.

Department Heads: Department Heads or their designees are responsible for making necessary purchases for their departments within the confines of the City purchasing policy and approved budget. They are also responsible for receiving items and verifying that the terms of the purchase have been completed. Department Heads are also responsible for administering replacement plans within their area of authority.

City Employees: Make purchases and receive items with the approval of their Department Head or management designee. All employees who are authorized to make purchases are responsible for following the City's purchasing policy and ensuring that purchases are made under the highest ethical standard.

D. Competitive Purchasing

In general, the City can obtain the highest quality goods and services at the lowest price by following a competitive purchasing process. It is the City policy to obtain at least three price quotations from different suppliers prior to making a purchase. Exceptions to this requirement are allowed for in this policy only when it is in the best interest of the City. Potential exceptions include:

1. Purchases for which there is only one (or two) supplier(s) [sole source products]

2. Emergency purchases

3. Purchases under $500 from a supplier that has offered the best price and quality for a category of items based on periodic bids/proposals solicited by the City at least annually. The Finance Department will take the lead in researching and soliciting proposals for items that are used by multiple departments.

4. Purchases made from the state bid list.

5. Certain professional services where the City Administrator has waived the competitive bid requirement due to the quality of the firm and the service to be provided. Quotes from various vendors should be obtained periodically and should be one of the factors in selecting the vendor to perform the service.

E. Purchasing Requirements

The process for making purchases varies depending on the total cost of the purchase. The staggering of purchases or dividing purchases to intentionally evade this policy is strictly prohibited.

Purchase Cost	Authority Required	Purchasing Process	Competitive Requirement
Less than $5,000	Department Head or Designee	Department approval	3 informal quotes
Over $5,000 and less than $10,000	Finance Director or Designee	Purchase order	3 formal quotes
Over $10,000	City Administrator or Designee	Purchase order	3 formal quotes
State bid threshold amount	Appropriate Committee	Committee presentation	Formal bid process

1. Purchases Under $5,000

Quotations are not required for items purchased from a vendor that has offered the best price and quality on a category of items based on periodic bids/proposals solicited by the City at least annually.

Purchases of at least $500 and less than $5,000 may be made with the approval of City Department Heads or their designees. Whenever possible, at least three informal (verbal) price quotations must be obtained prior to making the purchase. Exceptions to this requirement are listed in Section 3.3(G).

Department Heads are responsible for monitoring all purchases made using this procedure to ensure that the City is receiving a high value for its expenditures. For items that are purchased regularly or by multiple

departments, Department Heads or their designees are encouraged to explore the possibility of cooperative purchasing or purchasing in bulk in order to reduce City costs.

2. Purchases of at least $5,000 and under $10,000

Department Heads or their designees are responsible for obtaining and documenting at least three formal (written) price quotations for the proposed purchase. The completed Purchase Order shall be submitted to the City Administrator for approval. The request should also include a description of the item, the account number where it was budgeted and the vendor selected. If the selected vendor does not offer the lowest price, the request should include an explanation of why another vendor is recommended.

This purchase order should be used when making the purchase and the purchase order number must be written on the invoice when it is submitted for payment.

Equipment in excess of $5,000 per unit is considered a major capital item and should be budgeted as part of a budget initiative or replacement plan. When purchased, the department should code the payment to the account number where the item was budgeted.

3. Purchases over $10,000 Not Requiring Formal Bid

Purchases over $10,000 require the prior approval of the City Administrator or his or her designee. The City Administrator may also require that the purchase go through a Request for Proposal (RFP) process or a formal bid process.

Department Heads or their designees are responsible for obtaining and documenting at least three formal (written) price quotations for the proposed purchase. The completed Purchase Order shall be submitted to the City Administrator for approval. The request should also include a description of the item, the account number where it was budgeted and the vendor selected. If the selected vendor does not offer the lowest price, the request should include an explanation of why another vendor was chosen.

4. Purchases Requiring Formal Bid Process

Items over the bid threshold found in Wis. Stat. § 62.15(1), must be purchased using written specifications and sealed bids and advertised to assure maximum competition (e.g., newspaper, trade journal, etc.). Known vendors may also be contacted directly and alerted to the bidding opportunity. All bids received should be listed on the purchase order and Common Council approval is required before placing an order.

Special bidding and notice procedures apply to purchases involving public works construction, including related equipment and furnishing. Purchases made in connection with public works construction costing between $5,000 and the statutory bid requirement threshold found in § 62.15(1) Wis. Stat. must comply with additional Statutory publication requirements. See State Statute for details.

5. Professional Services

Professional services shall go through a Request for Proposal (RFP) or Request for Qualification (RFQ) process at least every 5 years.

F. Purchasing Guidelines

1. Discounts and Master Purchase Agreements

It is the City's policy to take advantage of vendor discounts for prompt payment whenever possible in order to minimize the cost of a purchase. Department Heads are responsible for determining if discounts are available and for working with the Finance Department to obtain the lowest price. Some vendors offer discounts for prompt payment. When possible, Departments can aid the City by approving invoices and submitting them for payment on the same day that the materials or services are provided.

Often, significant discounts are available to the City through master purchasing agreements. Under these agreements, vendors negotiate discounted prices with a municipality or organization and agree to offer the same prices to other municipalities. The Finance Department will seek to identify discount agreements and periodically review them to determine which vendors offer the best overall value for the City. Finance will then work with other departments to obtain the discounted pricing.

2. Collective Purchasing

Cooperative purchasing arrangements can result in significant savings by pooling purchasing power. It is the City's policy to utilize collective purchasing between City departments or with other units of government when savings can be obtained without sacrificing the quality or availability of the product or service.

The Finance Department shall have the authority to analyze the desirability of cooperative purchasing arrangements and make recommendations to Administration. The City Council encourages cooperative purchasing, but maintains the right to reject any such arrangements with other units of government.

3. Shipping and Freight Charges

It is the policy of the City to avoid paying shipping charges whenever possible. If the City is to pay shipping charges, it must be billed at the time of invoicing. Department Heads, when obtaining price quotations should inquire into applicable freight charges. Any charges to be paid by the City will be regarded as part of the price quotation when selecting the successful bidder. Unless otherwise stated in the "notice of call for bids", all formal bid proposals shall include freight and delivery charges, if any.

4. Receiving and Inspecting Items

Department Heads, or their designees, are responsible for receiving and inspecting all deliveries to their departments to ensure that items received conform to the specifications and quantities set forth in the purchase order. All deliveries should be thoroughly inspected to ensure that materials are received in satisfactory condition. If there are any discrepancies, the Department Head or designee should contact the vendor and resolve the issue before submitting the invoice for payment. When items are sent in multiple shipments, the department should clearly indicate which items have been received and accepted when approving the invoice for payment.

5. Submitting Items for Payment

Once the purchasing department has verified that the purchased items have been received in a satisfactory condition, the original invoice should be submitted to the Finance Department for payment. It is the City's policy to not pay from statements or photocopies of invoices. If it is not possible to obtain an original invoice, a faxed copy may be used if the Department Head verifies that the vendor has not already been paid for the item.

When submitting an invoice for payment, the Department Head or designee should indicate the amount to be paid, the account number it should be charged to, and initial and date the invoice. In addition, the Department Head or designee should include a description of the item purchased and attach any supporting documentation.

The Finance Department processes checks and issues payments to vendors to be approved by the City Council. At each regular City Council meeting, a list will be provided of all payments included in that payment cycle, identifying those that were issued by manual check and/or released for payment prior to Council meeting.

Whenever possible, invoices should be submitted to the Finance Department prior to the cut-off date for payment processing. Account payable cut-off dates will be provided by the Finance Department. Manual checks will be issued in between bi-monthly check runs only when it is not possible to include payment in the next check run. Contractor payments will not be issued between check runs unless required by the terms on the

contract. All final retainage payments will be held until they have been presented to the City Council.

6. Credit Card Purchases

The Finance Department maintains City credit cards that may be issued to City employees with the approval of their Department Head. Additional credit cards may be issued to City employees with the approval of the City Administrator.

Purchases made with credit cards must follow the normal purchasing guidelines and require the same approval process. After making a credit card purchase the Department Head or designee should code and initial the receipt and turn it into the Finance Department as soon as possible and prior to the next statement date.

The Finance Department will verify the purchases and issue a check to the credit card company prior to the statement due date. City credit cards should not be used for personal purchases. It is City policy to avoid paying any credit card finance charges. Credit card limits shall be established by the City Administrator.

7. Internet Purchases

City employees may use the Internet to make purchases if they follow normal purchasing guidelines and the same approval process. Internet purchases are not permissible in situations where a sealed bid is required. Employees should only make purchases from vendors that they are familiar with and where there are appropriate safeguards to protect the City's interests. Whenever possible, Internet purchases should be charged to a City account and invoiced for payment. City credit cards may be used for Internet purchases when necessary, if the transaction is conducted through a secure connection. Any concerns regarding the security of the information should be directed to the Information Technology Department. The IT Director will have the final authority to determine if an Internet transaction provides sufficient security.

8. Petty Cash Account

The City maintains a petty cash account to expedite miscellaneous purchases and the payments of small bills when it is not practical to follow the City's normal payment procedures. Each department may maintain a petty cash account not to exceed $150. The petty cash fund should not be used as a means to circumvent the normal purchasing process or to pay for personal services. The Finance Department is responsible for administering the petty cash funds and shall determine what is an appropriate use of the fund.

a. Petty Cash Procedure

Finance staff may take funds from the petty cash box and issue them to an approved employee. The employee must submit and sign a receipt indicating the amount, the date, the account number, and the purchase. The Finance staff initials the completed receipt.

9. Employee Reimbursements

Generally, employees should avoid making City purchases with their own funds. If the need arises to purchase an item for the City with personal funds, the employee must submit the receipt and an Expense Reimbursement Form to the Finance Department. This form should include a detailed listing of the items purchased and must be signed by the employee to be reimbursed, his or her Department Head and the Finance Department. Once approved, a check will be issued for the reimbursement. It is the responsibility of the employee making the purchase to ensure that any available discounts are applied and that sales tax is not included.

10. Equal Opportunity/Non-Discrimination

The City endorses and actively supports equal opportunity and a nondiscrimination policy. Therefore, it is a City requirement that all responsible bidders/providers of goods or services be provided with an equal opportunity to compete for City business.

All purchase orders and contracts to which the City is a party shall contain a nondiscrimination clause as follows:

The vendor/contractor agrees that, in performing udder this purchase order/contract with the City of De Pere, it will not discriminate against any employee, applicant for employment or any other person or member of the public on the basis of their protected status by state or federal law or City ordinance. Please see section 4.16 for a list of protected classes of persons.

G. Exceptions to Routine Purchasing Procedures

1. Emergency Purchases

Emergency purchasing procedures should be used only when normal purchasing channels are not available. Emergency purchases may be made:

a. When there is need for immediate delivery of items.
b. To prevent delays in work or construction schedules.
c. When there is an immediate threat to public health or safety, or
d. To meet emergencies rising from unforeseen causes.

e. If an emergency purchase is needed during regular working hours, notify the City Administrator or the Assistant City Administrator and obtain approval prior to making the purchase.

f. If an emergency purchase is needed after regular working hours, on a holiday, or during the absence of the City Administrator or Assistant City Administrator, Department Heads (or their authorized designees) may authorize the purchase.

2. Blanket Purchase Orders

Blanket purchase orders are used for those vendors from whom many repetitive purchases are made as supplies are required. Rather than issue a purchase order form for each purchase, one order is issued for a specified period (e.g., month) to cover all purchases made during that period. Blanket purchase orders will be limited to a term of one year.

Materials and services for which blanket purchase orders are used will be determined by each Department Head. Department Heads shall be responsible to forward a list of all blanket purchase orders to the Finance Department whenever a new or renewed blanket purchase order is completed. (NOTE: If it is found that the same small items are frequently purchased under blanket purchase orders, the Department Head shall be responsible for exploring the possibility of purchasing and stocking of these items).

H. Surplus Property Policy

City property is declared surplus when it is no longer necessary, practical, or economical to be retained by the City. Department Heads are responsible for identifying surplus items in their departments and arranging for their sale or disposal. Items may be sold prior to the end of their useful life if it is determined that it is in the City's best interest to take advantage of the current salvage value of the item. If an item is sold or donated, City employees should not receive preferential access compared to the general public. The City Administrator and Assistant City Administrator have the authority to approve or deny the proposed use or sale of surplus property.

Once a Department Head has identified surplus property, he or she should determine if the item is of use to another department. If the surplus property has no further economic use to the City, the Department Head should determine the best disposal method and forward a recommendation to the City Administrator. Upon the City Administrator's approval, the Department Head should proceed with the disposal and provide the Finance Department with a description of the item, the quantity disposed of, and the sale price. This policy does not apply to the disposal of abandoned property acquired through police or statutory action. The Finance Department will provide information in the Annual Report to the City Council on surplus items.

3.4 Expressions of Sympathy

In the event of a death of an active regular part or full-time employee, elected official, his or her immediate family (child, spouse, parent, step-parent, parent-in-law, guardian, step-child, domestic partner, sibling or grandchild), an active board, commission, or committee member, or a former regular employee that worked for the City within the past 3 years, the department may send an expression of compassion (e.g., flowers, plant, etc.) In the event of extended hospitalization of an active regular part or full-time employee the department may send an expression of compassion. The gift will be paid for by the City and will be signed from the City of De Pere in general. Departments should order the item from De Pere Greenhouse (or a greenhouse closest to the delivery location) for up to $75, plus the delivery amount. The bill should be sent to the Human Resources Department and will be paid out of the sundry account.

3.5 Public Records

All documents created and maintained by the City, its employees and officials may be subject to Wisconsin Public's Records Law. These procedures are outlined in § 10-17 of De Pere Municipal Code.

3.6 Employee Organizations

Employees of the City may fully and freely associate themselves in organizations of their own choosing for their mutual benefit. No employee shall be required to join any such organizations as a condition of employment or continuation thereof and the right of any employee to petition the Finance/Personnel Committee is hereby recognized, except as the rights of individual employees may be subject to, or limited by, the Wisconsin Municipal Employment Relations Act. That Act permits certain employees of the City to organize and designate representatives of their own choosing from among themselves for the purpose of collective bargaining. The City recognizes the right of such certified representatives recognized by the City to meet with the Finance/Personnel Committee or the Committee's designated representatives, including the City Administrator, Human Resources Director and City Attorney.

4. EMPLOYEE CONDUCT

Last revised: 09/26/2022

4.1 Rules of Conduct

Public service as an employee of the City is a privilege and not a right. The City desires to employ public servants who serve the public, who protect and further the trust and confidence the public has placed in its servants, who work together as team members, and who strive for professional growth and effective service.

High quality performance, honesty, respect, reliability, professionalism and good judgment are fundamentally required of each employee. Other standards of conduct exist in order to maintain an orderly and efficient working environment and for preservation of the public's trust in its public servants. The Rules of Conduct apply to all City employees.

The primary objectives for each employee are to protect and further the public's trust and confidence and to perform at a high quality level so that the City's citizens, businesses, representatives of other entities, co-workers, and visitors receive high quality services from each employee. Conduct that is inconsistent with those objectives or in violation of policy, rules or general expectations of professional conduct is forbidden and will subject the offending employee to discipline up to and including discharge. The City has established policies, rules and general expectations of conduct in furtherance of the effective operation of the City, to further these objectives, and for the employee to have a successful career.

No list of rules or types of unacceptable conduct can substitute for the sound and reasonable judgment expected of each employee. It is impossible to list every conceivable type of unacceptable conduct contrary to the interests of the City. The City believes unacceptable acts of misconduct, stand alone, warrant serious discipline up to and including discharge, such as the following:

- Dishonest, misleading or deceptive conduct
- Unauthorized circumvention of the chain of command
- Undermining the authority of a supervisor
- Refusing or failing to follow an order or directive
- Theft, falsification or misappropriation of City property or the property of others, including theft of work time, excessive unauthorized time at break periods, misuse of sick leave or other designated leave, misrepresenting work time, or failing to accurately record work time
- Failing to completely and accurately document relevant information
- Failing to provide accurate and complete information to a supervisor or others who require the information
- Leaving the job without permission
- Causing or working unauthorized overtime
- Failing to cooperate/communicate with others
- Engaging in conduct that creates an unsafe work environment
- Fighting, threats, intimidation or harassment of others

- Damage or defacing of City or employee property
- Failure to report damage of equipment or property to supervisor
- Misuse or unauthorized use of City property
- Possession, use, or being under the influence of illegal substances or alcohol while on duty
- Engaging in unethical conduct
- Unauthorized possession of weapons or firearms during work time or on City premises or property
- Absence of two consecutive workdays without notifying supervisor prior to start of work shift
- Excessive absenteeism or tardiness
- Failing to promptly report absence or tardiness to supervisor prior to start of work shift
- Working another job while on sick leave or when not released for full duty while receiving workers' compensation benefits
- Disclosing confidential information to unauthorized sources
- Loafing or sleeping on the job during working hours (except for Fire Fighter employees when working 24 hour shifts)
- Misuse of licenses, patents or copyrights while on work time or using work resources
- Unauthorized solicitations or distributions
- Failure to promptly report defective equipment or safety hazard
- Failure to report injury or accident immediately to supervisor within 24 hours
- Horseplay or violation of safety rules
- Engaging in conduct or activities which serve to lengthen the healing period for a work-related injury
- Substandard quality or quantity of work, including deliberate reduction of output
- Failure to complete assignments promptly and accurately
- Smoking, use of e-cigarettes, or use of smokeless tobacco in unauthorized areas or during work time (break times excluded)
- Unprofessional appearance
- Discourteous treatment of others
- Profane or disrespectful conduct
- Conducting more than a diminutive amount of personal business on City time or property, including promoting or selling any item or soliciting, unless permission is obtained from your supervisor
- Failing to fully comply with standard operating procedures, policies or rules
- Failing to comply with expectations of conduct communicated to an employee
- Failing to appropriately supervise an employee or hold employee accountable
- Failing to report a possible violation of the policies or rules through the chain of command or other authorized reporting procedure
- Inability to work as a member of a team or having attitudinal issues

The City reserves the right to determine whether any other conduct is contrary to the interests of the City and warranting disciplinary action, up to and including discharge.

4.2 Corrective Action

The City treats all violations of the policies, rules and general expectations of conduct very seriously. Violations of these policies, rules, and general expectations of conduct can subject an employee to discipline, up to and including dismissal.

The City's corrective action program is designed to encourage individuals to be high-quality employees and to remove employees from service who do not or will not meet that high standard of performance. Some discipline is intended to be corrective in nature to allow the employee an opportunity to rehabilitate his or her conduct. Employee misconduct may call for severe forms of discipline such as suspension, transfer, demotion, dismissal or other action. In some cases, dismissal of an employee is appropriate because of the nature, seriousness or continuation of unacceptable conduct. The appropriate level of discipline is determined by the City Administration on a case-by-case basis, and any pre-dismissal disciplinary measure may be passed over in favor of more severe discipline including dismissal of the employee. The City's imposition of discipline or other corrective action, or the City's use of any form of progressive discipline, does not change any employee's status as an at-will employee or create any additional rights. Discipline, demotion and dismissal must be reviewed and approved by the Human Resources Director.

4.3 Investigation and Administrative Leave

City administration will determine the scope, duration and strategy of internal investigations into employee conduct. The City reserves its right to place an employee on administrative leave, with or without pay. The determination of whether leave will be with pay or without pay is reserved to the City. The City may place an employee on administrative leave pending an internal investigation, pending disposition of a criminal matter, or for other reasons determined by the City.

4.4 Grievance Policy and Procedure

The City has adopted a Grievance Policy and Procedure pursuant to the requirements of Wis. Stat. § 66.0509(1m) (a) for purposes of providing a process for employee grievances regarding workplace safety, employee discipline and employee termination. Public safety employees shall adhere to the provisions of Wis. Stat. § 62.13, when applicable, to address employee discipline and termination rather than utilizing the Grievance Policy and Procedure.

This policy formalizes a grievance procedure to review employee concerns. It is not intended to discourage discussion between employees and supervisors on an informal basis. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems and/or misunderstandings that have arisen. Accordingly, employees should first discuss any complaints or questions they may have with their immediate supervisors, and are urged to initiate such discussions at the time the dissatisfaction or questions arises. Supervisors, in turn, should take positive and prompt action to answer employees' questions and resolve complaints presented to them.

A. Definitions

The following words shall be given the meaning as set forth below wherever such words appear within this policy:

Discipline: Any written reprimand, unpaid suspension, demotion, or other formal adverse disciplinary action, other than termination, issued against an employee by a supervisor. The term discipline does not include performance meetings or evaluations, implementation and evaluation of an employee, a performance improvement plan, informal discussions between a supervisor and employee, employee assignments or transfers, or any oral reprimand that is not memorialized in writing and placed in the employee's personnel file.

Employee: For purposes of a grievance of discipline and termination (as defined in this Grievance Procedure) means a regular full time or part-time employee who has completed one (1) year of continuous employment with the City. "Employee" does not include, without limitation, any of the following: other part-time employees, temporary employees, seasonal employees, limited term employees, contractors, or their respective employees, elected officials, or employees covered by the collective bargaining agreement containing a grievance procedure for discipline or termination. "Employee" for the purposes of Workplace Safety (as defined in this procedure) means any employee of the City.

Grievance: A written complaint by an employee filed with the Human Resources Director that seeks review of the discipline, termination, or workplace safety of that employee.

Termination: Any involuntary termination of an employee's employment with the City, excluding such termination due to layoff, partial layoff, voluntary resignation, retirement, job abandonment (no call, no show), or termination due to the employee's lack of qualifications or other inability to perform the job.

Workplace Safety: Any conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to the same.

B. Grievance Procedure

1. An earnest and deliberate effort shall be made to informally resolve the matter between grievant by meeting with his or her immediate supervisor and department head to discuss the subject of the grievance. If the matter is not resolved, then the employee shall reduce the grievance to writing and submit the grievance to his or her immediate supervisor within ten days after the facts upon which the grievance is known or should have been known to the employee. The grievance form can be found on the City's website under Human Resources. The immediate supervisor shall give a written answer within ten business days of receipt of the grievance, with a copy to the Human Resources Director.

2. If the grievance is not satisfactorily resolved at Step A and the grievant wishes to appeal the decision, the grievant may submit the grievance to the City Administrator within five business days after having received the answer in the Step A. After receipt of the written grievance by the City Administrator, the City Administrator will meet with the grievant in an effort to resolve the issues raised by the grievance. Within ten days after the meeting, the City Administrator shall respond to the grievance in writing. The City Administrator shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy, and otherwise properly processed as required by this policy. If the City Administrator is aware of other similar pending grievances, then the City Administrator may consolidate those matters and process them as one grievance.

   This step shall be omitted and grievance moved from Step A to Step C in cases where a department head is the grievant and the grievance is initially filed with the City Administrator under Step A.

3. The decision of the City Administrator shall be final unless the grievant files a written appeal requesting a hearing before an Impartial Hearing Officer (IHO) within five days of the City Administrator's response. The grievance will be referred to an IHO who will be designated by the City Attorney.

   The IHO will convene a hearing in the manner which the IHO determines necessary. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and decide if a transcript is necessary. The IHO may require the parties to submit grievance documents and witness lists in advance of the hearing to expedite the hearing. The IHO shall make evidentiary rulings utilizing a relaxed standard of evidence and may accept hearsay evidence. The burden of proof shall be a preponderance of the evidence.

   In all cases, the employee shall have the burden of proof. The IHO may request oral or written arguments and replies. The IHO shall provide the parties with a written decision.

   The IHO may only consider the matter presented in the initial grievance filed by the employee. The IHO shall have no power to add to, subtract from, or modify the terms of the City policy or rule that forms the basis for the grievance.

   After receiving the evidence and closing the hearing, the IHO shall issue a written response. The recommendation shall contain findings of fact, analysis and a recommendation. The IHO must answer the following question: Based on the preponderance of the evidence presented, has the

grievant proven the decision of the Administration was arbitrary or capricious?

The IHO shall have the power to issue a response to the grievance. The IHO shall have no power to issue any remedy, but the IHO may recommend a remedy. Remedial authority shall be subject to the determination and approval of the City Administrator and shall be addressed by the governmental body in the event the grievance is sustained.

4. Either party may appeal an adverse determination at Step C to the Common Council, by filing a written notice appealing the decision of the IHO in the City Administrator's office within five days of the decision of the IHO. The written request for review must clearly state the reasons why the decision of the IHO is not acceptable. New issues to the grievance not raised at Step A may not be considered by the Common Council. The Common Council shall, within 30 days after submission of the appeal, schedule a review of the IHO's decision. The review will be conducted by the Common Council during a closed session meeting unless an open session is requested by the employee. The Common Council may make its decision based on the written decision of the IHO or the Common Council may examine any records, evidence and testimony produced at the hearing before the IHO. A simple majority vote of the Common Council membership shall decide the appeal within 20 days following the last session scheduled for review. The Common Council will issue a final written decision which shall be binding on all parties.

5. Each party shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees, in investigating, preparing or presenting a grievance. The costs and fees of the IHO will be borne by the City.

Failure to process a grievance within the time limit, or agreed-upon extensions, shall constitute a waiver of the grievance and the grievance will be considered resolved on the basis of the City's or IHO's last answer. Failure of a management representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner, the time limits set by this policy are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.

This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration, and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by

administration which has final authority, subject to any applicable City policy or directive, to resolve the matter.

C. Procedure for Workplace Safety Grievance

1. Any employee personally involved in a workplace safety issue or incident must notify his or her supervisor of the issue or incident as soon as reasonably practicable. All safety issues, no matter how insignificant the situation may appear to be, must be reported.

   Time Limit: Any workplace safety incident or issue must be reported by an employee within 24 hours after the incident or issue was raised in order to be addressed as part of the grievance procedure.

   A written report of the incident or issue, outlining the events that transpired and resolution, if any, shall be created by the supervisor involved in the incident and signed by all concerned parties and submitted to the Employee Safety Team for review and consideration within five days of the incident or issue.

2. After receipt of the written report, the Employee Safety Team will conduct an additional investigation, if required, and normally issue a final report on its findings and conclusions within ten days of meeting to review the written report. Copies of the report will be given to the grievant, the person(s) who signed the written report and to the City Administrator.

3. The employee may appeal the findings and conclusions of the Employee Safety Team and request the appointment of an IHO. The grievant shall have the burden of proof to show the decision of the Employee Safety Team was arbitrary or capricious. The IHO may request oral or written arguments and replies. The IHO shall provide the parties with a written decision. The IHO may only consider the matter presented in the initial grievance filed by the employee. The IHO shall have no power to add to, subtract from or modify the terms of the City policy or rule that forms the basis for the grievance.

   Time Limit: If the employee does not submit a written grievance to the City Administrator requesting a hearing before an IHO within five days after receipt of the Employee Safety Team Report, the grievance can no longer be addressed in the grievance procedure. If timely requested, the hearing will normally be scheduled within 30 days of receipt of the request for hearing. The IHO may require the parties to submit documents and witness lists in advance of the hearing in order to expedite the hearing. At the conclusion of the hearing, the IHO shall record one of three outcomes: (1) Sustaining the conclusions of the Employee Safety Team, (2) Denying the conclusions of the Employee Safety Team, or (3) Recommending additional investigation prior to a final determination.

4. The City or employee may appeal the decision of the IHO to the Common Council. In cases where the IHO recommends an additional investigation, at the conclusion of the additional investigation, the matter will be automatically referred to the Common Council. The decision of the Common Council shall be final and binding upon the parties.

   Time Limit: The employee may request a hearing before the Common Council by filing a request within five days of receipt of the written decision of the IHO. If not timely submitted, the grievance can no longer be addressed in the grievance procedure.

   Each party shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees, in investigating, preparing or presenting a grievance. The costs and fees of the IHO will be borne by the City.

   Failure to process a grievance within the time limit, or agreed-upon extensions, shall constitute a waiver of the grievance and the grievance will be considered resolved on the basis of the City's or IHO's last answer. Failure of a management representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner, the time limits set by this policy are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.

   This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration, and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration which has final authority, subject to any applicable City policy or directive, to resolve the matter.

4.5 Reporting Structure

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

management personnel unite with the City Council to promote effective services for the community.

The City Administrator is responsible for the development, supervision and operation of the City and its personnel and facilities. Employees have the obligation to further the professional advisement of the City Council and Mayor through the chain of command. The City Administrator is given the latitude to determine the best method of implementing the policy decisions of the City.

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

The City Administrator and those department heads, supervisors and employees directed by the City Administrator shall attend all employee meetings, when feasible. Administrative participation shall be by professional counsel, guidance and recommendation—as distinct from deliberation, debate, and voting of City Council members and the Mayor.

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

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

4.6 Tardiness and Absences

When an employee is going to be absent or tardy, the employee must immediately notify his or her supervisor (or designated representative) as soon as the need to be absent is known; MSC employees should use the call in line to report tardiness or absences. The employee must provide their supervisor the general reason for their absence and the expected duration of the absence. If the need for absence occurs during the workday, then the employee must follow this same procedure except MSC employees should contact their supervisor.

Supervisors must also be contacted on each additional day of absence except during extensive absences with an expected end date. Employees with unreported absences may be denied pay for work hours missed and be subject to disciplinary action. Use of sick leave for appointments may require supervisor notification and/or approval. See section 7.1 Sick Leave for the sick leave policy.

Employees may be required to submit a doctor's authorization for an absence caused by illness or injury. If the employee fails to submit the requested doctor's authorization, then the employee may be considered to have voluntarily resigned from employment. This policy will be enforced consistent with state and federal law on family and medical leave and other applicable laws.

The above manner of notification may be waived by a supervisor if an exceptional circumstance (i.e. hospitalization, long term illness, sudden injury, or circumstances beyond the control of the employee) prevented the employee from making the proper notification.

4.7 Locker Room Conduct

This policy applies to City employees involved with City-owned locker rooms.

The City acknowledges that a person's personal privacy interests are implicated when using a City-owned and operated locker room. Filming, interviewing or picture taking are strictly prohibited. The City, therefore, in accordance with Wis. Stat. § 175.22, adopts this policy to reflect the personal privacy interests of the users of City locker rooms. The City reserves the right to search locker rooms and the contents contained in locker rooms to the extent permitted by law.

A. Definitions

City locker room: All locker rooms owned or operated by the City.

Public locker room: Locker rooms that are intended only for use by the public during normal business hours.

Recording device: Camera, video recorder, or any other device that may be used to record or transfer images.

Surveillance device: Any device, instrument, apparatus, implement, mechanism or contrivance used, designed to be used, or primarily intended to be used to observe the activities of persons. "Surveillance device" includes a peephole.

B. Prohibited Activities

Except as provided herein, no person may enter or remain in any City locker room to interview or seek information from any individual in the locker room. This prohibition shall not apply to law enforcement, or fire, rescue or first responder personnel while engaged in or in pursuit of official duties.

No person may capture, record, transfer, display, reproduce or distribute a representation of a nude or partially nude person in any City locker room.

No person may use a recording device (including a cell phone) or a surveillance device, to capture, record, transfer, display, reproduce or distribute a representation of a nude or partially nude person in any City locker room.

C. Penalties

Penalties for violating this policy include, but are not limited to, loss of privileges to use the locker room and referral for investigation of criminal activities.

D. Posting Notice

Copies of this policy shall be:

1. Distributed to all employees;

2. Made available to all city locker room users; and

3. Made available at the City Clerk's office and at the Municipal Services Center.

Notices regarding these regulations shall be posted on all city locker room entrance and exit doors.

4.8 Weather

Emergencies such as severe weather, fires or power failures may occasionally disrupt City operations. If the City Administrator closes City buildings and/or functions due to extreme weather or emergency situations (excluding public safety departments), employees may be sent home or advised not to report to work. In the event this occurs, then the City Administrator may decide to designate the hours missed by an employee who is sent home or advised not to report as paid hours. If there is inclement weather and City buildings do not close, then permission may be granted from an employee's supervisor to leave for the day or to arrive late, for which employees may use benefit time for substitution of pay or make up the time. Time may be made up within the same week for hourly employees or the same pay period for salaried employees, with approval of the supervisor. With the City Administrator's approval, the employee may take the time unpaid. Unpaid time taken for inclement weather will be separate from the 5 day maximum. Hourly employees will not be required to take unpaid time in at least ½ day increments for inclement weather.

4.9 Dress Code/Appearance and Demeanor

The purpose of this policy is to provide guidelines for employees and management as to what is and what is not appropriate work attire. This policy is not an all-inclusive list of what is and is not acceptable and employees must use sound judgment in their choice of clothing worn to work.

This policy shall apply when employees are on City business or otherwise representing the City. Each department head has the authority to formally set additional dress code expectations to meet department needs that are consistent with those noted in this policy.

To support our culture to attract and retain the best employees, and in the spirit of flexibility, the dress code is "Dress for Your Day". Employees should use good judgment when deciding what to wear to work. Employees wear attire appropriate to their work day and anticipated interaction with customers. If an employee is expected to be meeting with external customers they would typically dress up that day. For example, a big day might call for something like a dress or a suit, or maybe even khakis and a blazer. For a low-key day, nice jeans and a polo shirt might be the answer.

A. Unacceptable Attire

The following is not acceptable attire for all City employees**:**

1. Sweatpants
2. Overly casual/distressed or worn-out pants
3. Clothes with holes or frays
4. Revealing clothing such as clothing that is too low-cut or short, tank tops (worn alone), and spaghetti strap tops/dresses (worn alone)
5. Shorts, except Street Division, Park, and Forestry Departments, and Recreation Division as outlined below.
6. Exercise wear, except Recreation Division as outlined below.
7. Baseball hats, unless approved by your supervisor
8. Leggings with short tops
9. Rubber soled flip-flops or Crocs
10. Clothing that contains political statements, slogans or campaign-related information, offensive words, images or that references drugs, alcohol, weapons, violence, or adult style commentary.
11. If an employee may influence the determination of a contract with a vendor, the employee shall not wear any type of clothing, footwear or headgear that contains the name of a company or corporation that the City contracts with or uses as a vendor.
12. Any tattoos that are or may be interpreted as offensive (profanity, weapons, violence, nudity, blood, etc.) are to be covered by clothing or a bandage.

B. Non-Office Employees

The specific attire requirements above do not apply to City employees who wear uniforms or in situations where the employee's clothing is addressed through a collective bargaining agreement.

Employees are responsible for keeping their uniforms neat, clean and in good repair. Uniforms shall be worn only during work hours, or for conducting official City business outside working hours.

All clothing and safety equipment must be worn as necessary for the type of work being conducted. Failure to wear protective gear and safety clothing may result in discipline. All employees who perform physical manual labor shall also be required to wear protective gear and safety clothing and remove any loose or dangling jewelry that may present a safety hazard.

1. Safety Shoes: For those positions that require safety shoes/boots, the employee will be reimbursed up to $125 annually for approved ANSI Standard Safety Shoes or Boots. Employees who desire more expensive shoes/boots, will pay the additional costs. Employees may choose footwear styles and vendors of their choice provided they comply with OSHA standards. Footwear purchased with the assistance of this reimbursement may be expected to be worn at all times during working hours. The City reserves the right to deny the shoe/boot reimbursement for any employee for any reason with good cause. Itemized receipts must be submitted within 30 days of purchase for reimbursement.

2. Safety Eyewear: The City of De Pere will provide suitable non-prescription protective eyewear to employees without cost depending upon the assessed need. The City will reimburse up to $125 every two years toward the lenses and frames for prescription safety eyewear for employees who are in a position where exposure to eye injuries is high. Prescription safety eyewear must have side shields. The employee will be required to pay for the eye examination. The City will provide reimbursement for replacement corrective prescription glasses that were damaged while performing City duties up to a maximum of $100 every two rolling years. Itemized receipts must be submitted within 30 days of purchase for reimbursement.

3. Water Division: The Water Division uniform consists of shirts, pants and jacket. An annual uniform allowance of Two Hundred Fifty ($250.00) Dollars is credited to the account of each employee to be used for the purchase and maintenance of shirts, pants and jacket. The City may permit the employee to carry over from one year to the next year, the unused portion for the jacket purchase. The City will provide to the employee a City logo for the jacket. The employee is responsible to ensure the logo is properly attached to the jacket.

4. Street Division, Park, and Forestry Departments: The uniform for employees in the Street Division, Park, and Forestry Departments is provided by the City. The uniform consists of up to six T-shirts or three safety T-shirts. One safety T-shirt is considered the equivalent of two T-shirts. The City may provide replacement T-shirts annually or as needed when existing shirts are worn out. If the City deems shirts need to be replaced, then the employee shall exchange with the City the worn out shirts for new shirts. T-shirts or safety T-shirts shall be worn by the employee from May 1 to November 1 each year. The employee shall be responsible

for laundering the T-shirts. If the weather requires, a coat or other outerwear may be worn over the T-shirt.

In-the-field Parks and Public Works employees may wear shorts during the summer months. Shorts shall be subject to the following minimum specifications:

a. Shorts should be of knee length or of a length not more than four inches above the knee.

b. All shorts shall be hemmed and cutoffs are prohibited.

c. Shorts should be solid in color, made of denim, cotton or similar material.

d. Shorts may not be permitted for all activities and are only permitted as authorized by a supervisor.

5. Mechanics Division: The City provides equipment mechanics with 11 pairs of coveralls. Coveralls provided by the City will be replaced by the City upon return of the worn or otherwise unusable pair. Six varied size coveralls will be made available to employees filling the duties of equipment mechanic on a temporary basis. All other employees of the Mechanics Division will be provided with T-shirts as set forth in the Street Division, Park, and Forestry Departments uniform requirements above.

6. Recreation Division: All seasonal staff are required to wear department issued T-shirts for Summer Day Camp, Playgrounds, and Aquatics. As a general rule, program instructors should dress appropriately for the physical nature of their class. Athletic shoes and sandals are acceptable; appropriate shoes should be worn based on the type of activity involved. Capri pants and yoga pants are acceptable provided they are not excessively worn, torn or tattered. Shorts, including running shorts, may be worn as long as they are at least 3 inches below the buttocks. Any tattoos that are or may be interpreted as offensive (profanity, weapons, violence, nudity, blood, etc.) are to be covered by clothing or a bandage.

7. Non-Represented, Sworn Police and Fire Department Employees: All new hires shall receive an initial clothing issuance consisting of such minimum requirements as determined by the Chief, or the Chief's designee. Internal promotions may receive a clothing issuance to ensure the employee has the minimum requirements as determined by the Chief or Chief's designee or the employee may opt to have uniforms altered in accordance with the promotion with the cost of such alterations being paid by the city. To allow employees to maintain and replace uniform items, employees will receive an annual clothing allowance on January 1 as outlines below:

Fire - $350.00
Police - $500.00

The Human Resources Director has the ability to adjust the annual clothing allowance on an annual basis.

In the event employees do not expend the entire amount of their annual clothing allowance in a calendar year, the unexpended amount up to a maximum of $100 shall be carried forward for use in the subsequent year.

Employees, who resign or are dismissed within the first twelve months of employment shall reimburse the City the entire cost of the initial clothing issued, excluding items the Employer determines to be re-usable. Employees who resign or are dismissed thereafter shall reimburse the City the clothing allowance granted yet unearned based on the number of months remaining in the year the termination becomes effective.

C. Requirements for All Employees

Employees are responsible for complying with the above expectations and guidelines. Employees should contact their supervisor if they have a question as to whether or not a certain item is considered acceptable attire. Department heads and supervisors are responsible for monitoring compliance with this policy within their departments.

Exceptions to this policy may be made on a case-by-case basis for reasonable religious and medical accommodations and other applicable circumstances. Requests of this nature must be submitted for review by the department head and the Human Resources Department.

4.10 Ethics/Conflict of Interest

Employees are expected to comply with all provisions of the City's Ethics Code and Policy. Failure to comply with this policy may result in discipline up to and including dismissal.

It is declared that high moral and ethical standards among City employees are essential to the conduct of representative government and that a code of ethics for the guidance of public officers and employees will assist them in avoiding conflicts of interest, will improve standards of public service, and will promote and strengthen the confidence of the residents of the City in their public officers and employees.

A. Definitions

Public officer: Means all of those persons defined in Wis. Stat. § 62.09 and all members of boards, commissions and committees of the City, whether paid or unpaid.

Public employee: Means any person excluded from the definition of a public officer who is employed by the City.

Anything of value: Means any gift, gratuity, favor, service or promise of present or future employment, but does not include actual, necessary and authorized expenses, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.

B. Standards of Conduct

Generally, this policy shall not prevent City officers or employees from accepting employment or following any pursuit which does not interfere with the full and faithful discharge of their duties to the City; City officers and employees retain their rights as citizens as to interests of a personal or economic nature; and standards of ethical conduct need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those which are substantial and material.

This policy prevents City officers and employees from engaging in the following activities:

1. Financial Gain: City officers or employees may not use their public positions to obtain financial gain for themselves or their immediate families, or for any business with which they are associated.

2. Special Privileges: City officers or employee may not use or attempt to use their public positions to influence or gain unwarranted benefits, advantages or privileges for themselves or others.

3. Gifts and Gratuities: No City officer or employee shall receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value from any person if such person:

    a. Has or is seeking to obtain contractual or other business or financial relationships with the City, its boards, commissions or committees; or
    b. Conducts operations or activities, which are regulated by the City, its boards, commissions or committees.

4. Contracts with the City: No City officer or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, directly or indirectly, or performs in regard to that contract some function requiring the exercise of discretion on the part of such officer or employee, shall enter into any contract with the City unless the contract is awarded through a process of public notice and competitive bidding, pursuant to Wis. Stat. § 62.15.

5. Incompatible Employment: No City officer or employee shall engage in or accept private employment from or render service to a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official's or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure of such private employment is made to the Finance/Personnel Committee.

6. Disclosure of Interest in Legislation: To the extent known, any member of the Common Council who has a financial interest in any proposed legislative action before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest.

   Any City officer or employee who has a financial interest in any proposed legislative action before the Common Council or a City board, commission or committee, and who participates in discussion of or gives an official opinion or recommendation regarding such matter, shall disclose on the records thereof the nature and extent of such interest.

7. Confidential Information: City officers and employees may not use or disclose confidential information gained in the course of or by reason of their official positions or duties in a way that could result in financial gain or benefit for themselves or others.

8. Campaign Contributions: Campaign contributions shall be reported by all candidates for City office in strict conformity with legal requirements. Campaign contributions shall be excluded from the provisions of this policy.

C. Penalty and Sanctions

Violation of any provision of this policy may constitute cause for suspension, removal from office or employment, or other disciplinary action by the appropriate City authority. Suspension or removal proceedings of City officers shall be pursuant to Wis. Stat. § 17.12.

D. Severability

If any provisions of this policy are held invalid or unconstitutional or if the application of this policy to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this policy which can be given effect without the invalid or unconstitutional provision or application.

4.11 Outside Employment

No employee shall undertake outside employment or other business activities that would interfere with his or her City work responsibilities. While employees may engage in other work activities, it is expected that such activities shall not have a negative impact on the employees' City work efforts, responsibilities and performance. Employees who wish to engage in outside employment must first obtain approval from their supervisor and complete an Outside Employment Waiver Request Form. If such negative impacts occur and are noted, the employee will be required to relinquish such outside employment or employment with the City. This request must be submitted to the department head at least two business days before the employee accepts outside employment.

4.12 Confidentiality

City employees and officials are required to keep confidential any and all information regarding City operations and activities that is not part of the public record and employees shall keep official agency business confidential. They shall not impart such information to anyone except those for whom it is intended, or as directed by their supervisor. No employee shall speak on behalf of the City unless authorized to do so by the employee's supervisor. Any and all information that is discussed or disclosed in closed session must and is required to remain confidential until a legally appropriate for public release.

4.13 Political Activity

All political activity by City employees is prohibited while the employee is on duty. All off-duty political activity which interferes with an employee's job duties/work performance or the job performance of other employees is prohibited. No political activity is to take place during work time, using City resources, or on or in City facilities, other than a room that is rented from the City under regular procedures for personal use. No employee of the City may directly or indirectly use the authority or the influence of his or her position to unduly influence the political convictions of another person.

4.14 Solicitation

The solicitation of employees or distribution of materials to employees can often interfere with normal operations of the City, reduce employee efficiency, disrupt employees and citizens, and pose a threat to security. For these reasons, the City limits solicitation and distribution on its premises.

A. <u>Solicitation by Non-Employees Prohibited</u>: Individuals who are not employees of the City are prohibited from soliciting or distributing materials to employees or on City premises. This includes soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of vendors or potential vendors as authorized by the City), or any other similar activity. All visitors are strictly prohibited from entering non-public areas unless a supervisor grants permission.

B. Limited Solicitation: Employees may engage in limited solicitation and distribution of materials to other employees on the premises, subject to the following guidelines.

1. Solicitation or distribution of materials is prohibited during the working time of either of the individuals making or receiving the solicitation or distribution. "Working time" does not include an employee's authorized lunch or break period. Distribution of literature in a way that causes litter on City property is prohibited.

2. Off-duty employees may not return to the premises to solicit or distribute materials to employees during their work hours.

3. Bulletin boards, newsletters and other City-provided group communication systems are maintained solely for the City to communicate information to and from employees, post notices required by law, and for other work-related purposes. Posting of unauthorized notices, photographs or other printed or written materials on those bulletin boards or other communication systems is prohibited.

4. The City may authorize a limited number of fund drives by employees on behalf of charitable organizations. Employee participation in such drives is completely voluntary. As a part of those charitable fund drives, the City may permit a representative from the charitable organization to make a presentation to employees. Employees seeking authorization for such a charitable fund drive should contact the City Administrator's Office. Unfortunately, the City cannot allow employees to collect city-wide for charities due to the vast amount of charities that may desire that opportunity.

5. Any solicitation for non-City purposes (e.g., selling candy bars for the employee's child's school) must have prior approval from the employee's supervisor.

4.15 Workplace Searches

It is the City's intent to provide its employees, during the course of their employment, with access to and the use of various City property for the purpose of conducting business for the City. The City may under certain circumstances access its property with or without the prior consent or knowledge of the employee. City property and assets are to be used judiciously by employees at all times and only in the manner for which the City intends them to be used. City property is not to be used illegally. Employees are expected to maintain their work spaces in a clean, orderly and professional manner. Employees are required to report to their supervisor any suspected misuse or abuse of City property. Employees found to be abusing or misusing City property will be subject to discipline, up to and including termination.

All work product, paperwork, computer files, passwords, products, and customer calls or interactions are property of City. All employee work is always subject to review by

management. In addition, business equipment, including computers, desks and lockers, are also subject to search by authorized City personnel. Any City property issued to employees must be returned at any time upon request of the City and at the time of separation of employment.

Employees and others are encouraged to exercise care and attention in safeguarding personal property brought to the workplace and are advised not to bring excessive amounts of cash or other valuables into the workplace. Such items should not be left unattended or in plain view. The City does not assume liability for the loss, theft or damage of personal property brought to the workplace. Employees are encouraged to report to their supervisor any suspected use of personal property in an improper manner on City premises.

The City reserves the right to access, replace or utilize any property without prior permission of the employee to whom it was provided. Circumstances warranting a need to access property in the employee's absence include, but are not limited to, the following:

- The City has a need to search for business items or information that are immediately needed.

- The City is complying with applicable laws regarding review and disclosure of records and information.

- The City has reasonable cause to believe that the employee is engaging in illegal or improper activities, in conjunction with committing a violation of City policy, rules or expectations of conduct, or in a way that may jeopardize the health and well-being of others.

Under these circumstances, employees are expected, upon the request of the City, to submit to a search of any personal property brought onto the City's premises to the extent permitted by law. This includes, but is not limited to, clothing or personal baggage/containers in the employee's possession on City premises.

The City reserves the right to question employees and all other persons who enter and leave City facilities and properties, and to inspect packages, parcels, carrying cases, possessions, clothing, lunch buckets, coolers and other articles carried to and from City properties when public health, safety, welfare or suspected illegal activity require.

4.16 Sexual and Other Unlawful Harassment, Discrimination or Retaliation

It is the policy of the City that all employees have the right to work in an environment free from all forms of harassment, discrimination and retaliation. Employees can report harassment, discrimination and retaliation to their immediate supervisors, department heads, or directly to the Human Resources Director, the City Administrator, or the City Attorney.

The purpose of this policy is to maintain a healthy and safe work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting,

investigating and resolving complaints of unlawful harassment, discrimination and retaliation. Federal and state law provides for the protection of classes of persons discriminated against based on race, color, veteran status, genetic information/testing, pregnancy or childbirth, sex, religion, age (over 40), disability, marital status, citizenship and national origin. Not protected by federal law but protected by this policy are persons discriminated against based on their sexual orientation, arrest and/or conviction record, honesty testing, declining to attend a meeting or participate in any communication about religious or political matters, gender identity, gender expression, and sexual orientation. Harassment on the basis of any of the aforementioned is illegal under Wis. Stat. §§ 111.31–111.39. Retaliation for reporting harassment or discrimination or for participating in an investigation is also prohibited.

It is the policy of the City that all employees have the right to work in an environment free of all forms of unlawful harassment, discrimination or retaliation. The City will not tolerate, condone or allow harassment, discrimination or retaliation by any employee or non-employees who conduct business with the City. The City considers harassment, discrimination and retaliation of others to be forms of serious employee misconduct. The City will take direct and immediate action to prevent such behavior and to remedy all confirmed instances of harassment, discrimination and retaliation. A violation of this policy will result in discipline up to and including termination and other corrective action designed to end the offending behavior. Repeated violations, even if "minor," will result in significant levels of discipline up to and including termination.

A. Definitions

Sexual harassment: is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;

2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive working environment.

Verbal sexual harassment: Includes, but is not limited to, sexual innuendos, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body, or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

Non-verbal sexual harassment: Includes, but is not limited to, sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the Internet or other such sources as a means to express or obtain sexual material,

comments, printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls, or obscene gestures. This includes any material which inappropriately raises the issues of sex or discrimination or when an employee is treated differently than other employees when they have refused an offer of sexual relations.

Physical sexual harassment: Includes, but is not limited to, unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting or regularly brushing against the body of another person.

Discrimination: Means a failure to treat a person equally and without discrimination based on protected status under the law where no reasonable distinction can be found between those favored and those not favored.

Other forms of unlawful harassment or discrimination: Includes, but is not limited to, persistent and unwelcome conduct or actions, conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment, including persistently bothering, disturbing or tormenting another person on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work and other protected statuses according to applicable law.

Extension of the workplace: Includes, but is not limited to, retirement parties, golf outings or any other social gatherings of employees during non-working hours

B. Prohibited Activity (Sexual Harassment)

1. General

a. No employee shall engage in verbal or nonverbal sexual harassment, physical sexual harassment, or other forms of unlawful harassment or discrimination.

b. No employee shall, either explicitly or implicitly, ridicule, mock, deride or belittle any person or engage in any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or that interferes with an individual's job performance.

c. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on one's protected status such as race, color, sex, religion, age, disability, sexual orientation, marital status or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the City.

d. Individuals covered under this policy include all employees. Any unwelcome conduct that originates from a non-employee or official (e.g., customers, citizens, temporary employees, volunteers, contractors, etc.) will be investigated in accordance with this policy.

e. This policy covers any incident that occurs at an extension of the workplace. All conduct, whether before, during or after the event, will be considered under this policy.

2. Supervisory Responsibilities

a. Each supervisor shall be responsible for preventing prohibited activities as defined above by:

i. Monitoring the work environment for signs of harassment, discrimination, retaliation and other prohibited conduct.

ii. Informing employees of the types of behavior prohibited, and the procedures for reporting and resolving complaints of harassment, discrimination and retaliation;

iii. Stopping any observed behavior that may be prohibited conduct or considered harassment, discrimination or retaliation, and taking appropriate steps to intervene and report behavior, whether or not the involved employees are within his or her line of supervision; Taking immediate action to prevent retaliation toward the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, discrimination or retaliation pending the City's investigation. If a situation requires separation of the parties, then care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be reviewed with the Human Resources Department prior to the move, and the transfer or reassignment should be voluntary if possible. If it must be non-voluntary, then the transfer should be temporary pending the outcome of the investigation.

b. Each supervisor has the responsibility to assist any employee of the City who comes to that supervisor with a complaint of harassment, discrimination or retaliation by documenting and filing a complaint with the Human Resources Director or other reporting authority as designated by the City.

c. Failure to carry out these responsibilities may be grounds for discipline.

3. Employee Responsibilities

a. Each employee, including elected officials and supervisors of the City, is responsible for assisting in the prevention of harassment by the following acts:

i. Refraining from conduct prohibited by this policy, including the participation in or encouragement of actions that could be perceived as harassment, discrimination or retaliation, or conduct in violation of this policy;

ii. Behaving courteously and toward fellow employees;

iii. Reading this policy and fully understanding and complying with its requirements;

iv. Immediately and thoroughly reporting acts of harassment, discrimination or retaliation or other prohibited conduct to a supervisor; and

v. Encouraging any employee who confides that he or she is being harassed, retaliated or discriminated against to report these acts to a supervisor.

b. Employees are expected to cooperate fully in any investigation, whether or not they are directly involved in the incident.

c. Employees shall not take any action that would discourage another employee from reporting prohibited conduct or cooperating in an investigation of alleged prohibited conduct.

C. Procedures

1. Any employee encountering harassment, discrimination or retaliation is encouraged, but not required, to inform the person that his or her actions are unwelcome and offensive and that the person should stop such behavior. This initial contact can be either verbal or in writing. The employee should document all incidents in order to provide the fullest basis for investigation.

2. Any employee who believes that he or she is being harassed, discriminated or retaliated against shall report the incident as soon as possible to his or her supervisor so that steps may be taken to protect the employee from further harassment, discrimination or retaliation, and so that appropriate investigative and corrective actions may be initiated. When reporting to a supervisor is not practical, the employee should report the incident to the Human Resources Director, the City Administrator, or the City Attorney.

3. The supervisor or other person to whom a complaint is given shall meet with the employee and document the facts surrounding the incident complained of, including the specific conduct complained of, the persons performing or participating in the conduct, any witnesses to the incident, and the date on which the incident occurred.

4. The Human Resources Director shall be responsible for investigating any complaint alleging harassment, discrimination or retaliation. To the extent the complaint is against the Human Resources Director, the City Administrator or his or her designee shall be responsible for investigation of any complaint in conformance with this policy.

   a. The Human Resources Director shall immediately notify the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.

   b. The Human Resources Director will maintain appropriate records of all investigations.

   c. The Human Resources Director shall inform the complainant of the outcome of the investigation.

   d. There shall be no retaliation against any employee for filing harassment, discrimination or retaliation complaint, or for assisting, testifying or participating in the investigation of such a complaint.

   e. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

   f. The City will take prompt and effective remedial action to end the prohibited behavior, which may include appropriate disciplinary action, up to and including termination of employment of any employee who engages in sexual or other harassment or who otherwise violates this policy. Further, the City will correct any adverse employment action an employee experienced due to conduct prohibited by this policy. Misconduct constituting harassment, discrimination or retaliation will not be tolerated and will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, reassignment, and/or disciplinary action such as warning, reprimand, reassignment, suspension without pay, or termination, as the City believes appropriate under the circumstances.

   g. If the City does not employ the individual involved in harassing or inappropriate conduct, the individual will be informed of the City's policy and appropriate remedial action will be taken.

h. In all cases, the City will make follow-up inquiries to make sure the harassment, discrimination or retaliation has stopped. If an employee is not satisfied with the results of the investigation or follow-up action, or if further harassment or other unacceptable conduct occurs, the employee should contact the Human Resources Director or designated person promptly.

i. The complainant or employees accused of harassment may file an appeal with the City Administrator if they disagree with the investigation or disposition of a complaint.

D. Retaliation

Retaliation against any employee for filing a harassment, discrimination or retaliation complaint, or for assisting, testifying or participating in the investigation of such a complaint, is illegal and is prohibited by City, state and federal law.

1. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints. Retaliation may subject an individual to additional discipline up to and including dismissal.

2. Monitoring to ensure that retaliation does not occur is the responsibility of the supervisors.

3. Employees who are found to have retaliated against a complainant will subject themselves to discipline which shall be separate from, and in addition to, any discipline determined to be appropriate as a result of the City's findings on the initial complaint.

4. This policy does not protect employees from being disciplined for filing frivolous or fraudulent complaints, nor does it protect them from sanctions stemming from defamation suits.

E. Training

1. The Human Resources Department will provide periodic and refresher training concerning the nature of harassment, discrimination and retaliation in the workplace and prohibitions on such actions defined in this policy.

2. Any employee who has any questions or concerns about this policy should talk with his or her supervisor or the Human Resources Director.

4.17 Workplace Violence

The City is committed to preventing workplace violence and to maintaining a safe work environment for its employees. All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times.

Employees shall not make threats or engage in violent or potentially violent behaviors, including, but not limited to:

- Horseplay, fighting or other conduct that may be dangerous to others;
- Causing injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior;
- Intentionally or carelessly damaging property;
- Possession of unauthorized weapons, firearms or other dangerous or hazardous devices or substances on City property, buildings or vehicles/equipment, or while conducting City business (secured and locked firearms in personal vehicles are exempt); or
- Conduct that threatens, intimidates, coerces or otherwise bullies another person.

Conduct that is viewed as a threat to another employee, a customer or a member of the public at any time, including off-duty periods, will not be tolerated. This includes all acts or threats of physical violence, including intimidation, harassment and coercion.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the employee's immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors or other members of the public. Any suspicious individuals or activities should also be reported in a manner that does not place the employee or others in peril. When reporting a threat of violence, the employee should be as specific and detailed as possible. Employees who reasonably believe the safety or security of themselves or others is threatened should contact law enforcement.

The City will promptly and thoroughly investigate all reports of threats or actual acts of violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Director before the situation escalates into potential violence.

4.18 Conceal and Carry Prohibition

No employee may carry any weapon or firearm during the course of performing duties with the City or store any weapon or firearm in City-owned vehicles or equipment. "Weapon" shall be as defined in Wis. Stat. § 175.60(j) and "firearm" shall be as defined in Wis. Stat. § 167.31(1)(c). The only exception to this policy is for sworn law enforcement officers.

In addition, Ordinance #11-13 and Resolution #11-79 shall contain specific definitions and enumerating places where carrying firearms and weapons is prohibited.

The State of Wisconsin's concealed carry gun law makes it legal for citizens to carry firearms and weapons on their bodies or in their vehicles with a special permit, except where prohibited by law. While citizens and employees of the City are encouraged to exercise their rights under state and federal law, the City recognizes the right to protect its employees and citizens and has adopted an ordinance as well as a City policy that bans employees from carrying weapons while on City property. This policy was developed to detail and communicate information regarding weapons, locations of prohibition, as well as employer responsibilities.

Upon the effective date of the 2011 Wisconsin Act 35 legislation ("Act 35" or "concealed carry"), the City has adopted Ordinance #11-13 and this policy prohibiting employees from carrying weapons and firearms during the course of their employment.

A. Definitions

Act 35: Means Wisconsin Legislation created to enable citizens to carry concealed weapons, with appropriate licensing.

Firearm: Means a weapon that acts by force of gunpowder.

Law enforcement: Means any person employed by the State of Wisconsin, or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

Prohibited locations: Means City buildings, City Hall, Fire Stations #1 and #2, Community Center, Legion Park Pool House, VFW Park Pool House, all City well/pump & CBCWA stations, the Municipal Service Center, City vehicles, and City parks and streets.

Weapon: Means a handgun, a billy club, a knife other than a switchblade, or an electronic weapon, as defined in Wis. Stat. § 941.295, or any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

B. Prohibited Conduct

Employees are banned from carrying weapons or firearms during the course of their employment and in any prohibited locations during the course of their employment.

C. Exceptions

1. The City cannot prohibit persons who are licensed to carry concealed weapons/firearms under Wis. Stat. § 175.60, or who are considered out-of-state licensees, from carrying or storing weapons or firearms in their

vehicle, regardless of whether the vehicle is used in the course of employment, or the vehicle is parked on property used by the City.

2. This policy does not apply to sworn, active police officers during the course of their employment.

3. This section shall not apply to employees employed as sworn police officers.

4. This section shall not apply to employees who are licensed pursuant to Wis. Stat. § 175.60 or are considered out-of-state licensees thereunder, from carrying or storing a weapon or firearm in the employee's personal vehicle regardless of whether the employee's personal vehicle is used in the course of his/her employment with the City or whether the employee's personal vehicle is driven or parked on property used by the City.

5. Retired police officers may inquire with the Police Chief to request an identification badge, allowing the retired officer an exception from this policy.

D. Posting

The City shall post signs, meeting the requirements of Wis. Stat. § 943.13(2)(bm)1, in prominent places near all entrances of such buildings regarding such restrictions.

E. Violations

Any person who enters or remains in the aforementioned City building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under § 8.943.13 of this code.

4.19 Drug and Alcohol Testing Policy

It is the City's desire to provide a drug-free, healthy and safe workplace. To promote this goal, all employees are required to report to work in appropriate mental and physical condition. Employees may not manufacture, distribute, dispense, possess, use or be under the influence of alcohol, an illegal drug, or a controlled substance while in the workplace. This excludes Police Officers and Fire Fighters when done for work purposes.

As part of its efforts to maintain a drug and alcohol-free workplace, the City has implemented a Drug and Alcohol Testing Policy. This program is designed to help reduce alcohol and drug-related accidents and injuries. Employees who are required to maintain a Commercial Driver's License ("CDL") for their position and employees in safety sensitive positions may be subject to random drug and alcohol testing. Any employee may be subject to testing when there is reasonable suspicion that the employee is under the influence of drug and/or alcohol or as permitted by law and City policy.

All employees must notify the Human Resources Director of any drug conviction no later than five days after such conviction.

All employees required to have a valid driver's license, must notify the Human Resources Department in the event that their license is suspended or revoked, for any reason.

Employees with questions or concerns about substance abuse or dependency are encouraged to use the resources of the Employee Assistance Program for short-term assistance and referrals.

The City recognizes the use or abuse of illegal drugs or alcohol can have a significant impact on the workplace in terms of safety, workers' compensation claims, personal day benefits, absenteeism and productivity. The City is concerned about employees who use or abuse illegal drugs or alcohol. Therefore, the City has established a drug and alcohol testing policy.

All employees are responsible for maintaining safe, healthy and productive working conditions. Being under the influence of a drug or alcohol on the job poses serious safety health risks not only to the user, but also to all those who work with the user, and creates unacceptable risks for safe and efficient operations. Accordingly, it is the right, obligation and intent of the City to maintain a safe and efficient working environment for all of its employees and to protect City property, equipment and operations. With these objectives in mind, the City has established the following policy with regard to the use, possession or distribution of alcohol, controlled substances and over-the-counter medications.

It is the City's intention to comply fully with the Department of Transportation (DOT) regulations governing drug and alcohol use and testing, and the requirements of the DOT regulations have been incorporated into this Policy. In the event the DOT regulations are amended, this policy and the applicable terms, conditions and requirements of this policy shall be deemed to have been automatically amended at that time, without the need for redrafting, in order to reflect, and be consistent with, the DOT regulations. In such case, the City reserves the right to apply the amended requirements immediately and without giving prior notice to drivers or applicants, unless such notice is required by DOT or other applicable law. It is also the City's intention to comply with any applicable state requirement governing drug and alcohol testing not preempted by the DOT regulations. The City also intends to comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Americans with Disabilities Act, and the Family and Medical Leave Act.

A. Pre-employment Screening

The City may require candidates for employment to take a screening test designed to prevent the hiring of individuals who presently use illegal drugs or who are under the influence of alcohol or drugs. Applicants for employment who are to be tested for the presence of alcohol or illegal drugs will be informed and will be requested to sign a consent form authorizing the test. If a candidate refuses to provide consent for the test or tests positive for illegal drugs or alcohol, then the candidate will no longer be considered for employment.

B. On the Job Use, Possession or Sale of Drugs or Alcohol

Being under the influence of a drug or alcohol while performing City business or while in a City facility or using City property is strictly prohibited. "Under the influence" means, for the purposes of this policy, that the employee is affected by a drug or alcohol or the combination of a drug and alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misconduct, or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by professional opinion, a scientifically valid test, and, in many cases, by a layperson's opinion.

The use or being under the influence of any prescribed, over-the-counter, or otherwise legally obtained drug while performing City business, or while at a City facility or using City property is prohibited if such use or influence may affect the safety of the employee, co-workers, members of the public, or the safe or efficient operation of the City. An employee must report such use of a legally-obtained drug to his or her supervisor. If the employee's supervisor determines that the employee does not pose a threat to his or her own safety or the safety of co-workers, and that the employee's job performance is not significantly affected by the drug, then the employee may continue to work. The City will take all steps necessary and reasonable to accommodate employees whose disabilities require them to take legal drugs.

The use, sale, purchase, transfer or possession of any alcohol, illegal drug, or prescribed drug or narcotic not prescribed to that employee while at a City facility or while performing City business is prohibited.

Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics or alcohol at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on City premises and work sites. Employees should note that a violation of this policy can result in disciplinary action, up to and including termination, even for the first offense.

C. Searches

Employees, their possessions, and City-issued equipment and containers under their control are subject to search and surveillance at all times while at City premises or worksites or while conducting City business to the extent permitted by law. Employees have no reasonable expectation of privacy in these items or areas. Searches of employees and their property may be conducted when there is reasonable suspicion to believe that they are in violation of City policy. Employees are expected to cooperate in the conducting of such searches. The employee's consent to a search is expected. The employee's refusal to consent may result in disciplinary action, up to and including termination, even for a first refusal.

D. Employee Drug and Alcohol Testing

Employees may be asked to take a test at any time to determine the presence of drugs, narcotics or alcohol when the City has reasonable suspicion to believe an employee is under the influence of drugs or alcohol. Employees who agree to take the test must sign a consent form, authorizing the test and the City's use of the test results for purposes of administering its policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. The initial test is paid for by and is the property of the City. Records of specific examinations, if required by law and regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, the employee's doctor, or other persons designated by the City.

E. Reporting Requirements

Supervisors should report immediately to the department head any action by an employee who demonstrates an unusual pattern of behavior, including any traffic stop, complaint or accident by an employee. The department head or his or her designee will determine whether the employee should be examined by a physician or clinic or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics or alcohol will be required to leave the premises. The Human Resources Director should be notified. Safe transit should be arranged for the employee.

All employees must notify the Human Resources Director of any drug conviction no later than five days after such conviction.

All employees required to have a valid driver's license, must notify the Human Resources Department in the event that their license is suspended or revoked, for any reason.

F. Employee Counseling

Employees who are experiencing work-related or personal problems resulting from drug, narcotic or alcohol abuse or dependency may request to seek counseling help. Participation and counseling, including City-sponsored or required counseling, will not have any influence on performance appraisals. Job performance and the conduct of the employee, not the fact that an employee seeks counseling, are to be the basis of all performance appraisals.

G. Leaves and Rehabilitation

An employee who is abusing drugs or alcohol may request a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the employee's supervisor that the employee is capable of performing his or her job. Failure to cooperate with the agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program or a request for leave, even if approved, does not insulate an employee from the imposition of discipline for the employee's conduct or violations of this policy or other policies and rules.

H. Non-Discrimination

The City maintains that it will provide a drug-free and alcohol-free environment for all of its employees. However, in doing so, it will not discriminate against any employee or applicant for employment as prohibited under federal, state or local laws. The City will not discriminate against any employee or applicant for employment because of his or her condition as an alcoholic, because of the employee's use of lawful products off duty and off the premises, or because the employee was arrested or convicted of a crime that is not substantially related to his or her job duties at the City.

I. For Employees in Safety Sensitive Positions (Commercial Drivers Licenses)

The City is dedicated to providing safe and efficient services. In order to meet this goal, the City endorses the Federal Highway Administration's (FHWA) drug and alcohol policy and regulations. The City will not tolerate unauthorized use, abuse, possession or sale of controlled substances or alcohol by its employees. Drug and alcohol testing will be an integral part of the City's program. In addition to this policy, the City will provide drivers with information concerning:

- The effects of drugs and alcohol on the individual's health, work and personal life;
- The signs and symptoms of a drug or alcohol problem; and
- The available methods of intervention when a problem does exist.

Safety-sensitive function: is defined for City purposes as including duties of operating a service vehicle, when required to be operated by a holder of a Commercial Driver's License, as well as all time spent waiting to be dispatched; all time inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; all time at the driving controls of a commercial motor vehicle (resting or driving); all time, other than driving time, spent on or in a commercial motor vehicle; all time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded; remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; all time spent performing the driver requirements associated with an accident; all time spent repairing, obtaining assistance or remaining in attendance upon a disabled vehicle; and all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with testing as directed by the City. This policy applies to all employees when the employee begins to work or is required to be in readiness to work, while on duty, whenever performing, or about to perform, a safety-sensitive function. This policy also applies to employees who may perform, or are about to perform, a safety-sensitive activity, or at any time as may be specified by the City and until such time as the employee is relieved from work and all responsibility for performing work.

1. Procedures:

a. Pre-Employment: All offers by the City to hire an applicant for a safety sensitive position are conditioned upon:

i. Completing the City's general consent and release to be tested for drugs form;

ii. Taking a drug test as directed by the City, and passing the test;

iii. Completing the City's authorization to obtain past drug and alcohol test results form from previous employer(s);

iv. Passing the DOT-required physical exam; and

v. Complying with any other City conditions or requirements at the time of offer.

Any applicant who refuses or fails to complete the City's consent and release to be drug and alcohol tested forms, who refuses or fails to complete the City's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment or pre-duty drug and alcohol test, or whose result is positive for either test, will not be considered eligible to work for the City.

b. Reasonable Suspicion Testing

i. Each employee is required to submit to a drug and alcohol test whenever the City has reasonable suspicion to believe that the employee has used drugs or alcohol in violation of DOT regulations or this policy. In the event one or more supervisors find reasonable suspicion to test (based on personal observation and documented by one or more supervisors who have received training on performance indicators of probable drug and alcohol use) will require a drug and/or alcohol test of the employee.

ii. Employees who are required to submit to a reasonable suspicion test will be escorted by a City official to the collection site for a drug and alcohol test.

iii. If the employee refuses the City's efforts and insists on driving his or her own vehicle, or a City vehicle, the City reserves the right to take whatever appropriate action to prevent this, including contacting law enforcement officials. Failure to abide by City policy may result in severe disciplinary action including suspension or dismissal.

c. Random Testing

i. The City is required to perform unannounced, random drug and alcohol testing of all covered employees. Every employee will have an equal chance to be selected each and every time a selection is conducted.

ii. Whenever an employee is randomly selected to be tested, he or she will be notified of this and instructed to report to the collection site immediately.

iii. Any employee who tests positive for controlled substances or alcohol will be considered to be medically unqualified to drive or perform any other safety-sensitive function and will be subject to disciplinary action, up to and including discharge.

d. Post-Accident Testing

i. An employee must always submit to a post-accident test as soon as possible after an accident which involves the death of a human being.

ii. A post-accident drug and alcohol test is required whenever an employee receives a citation for a moving violation involving the accident and either:

- a person is injured because of the accident and the injuries require immediate medical attention to the person away from the accident scene; or
- one or more motor vehicles involved in the accident receive disabling damage and must be removed from the accident scene by a tow vehicle or another vehicle.

iii. Following an accident under the above circumstances, all employees will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and 32 hours for drug testing. If the alcohol test is not administered within two (2) hours of the accident or the drug test is not administered within eight (8) hours of the accident, the supervisor will document the reason for the delay in conducting the test. If the alcohol test is not administered within eight (8) hours of the accident or if the drug test is not administered within thirty-two (32) hours of the accident, the supervisor will document why the test was not conducted. This documentation will be submitted to Human Resources. Employees involved in accidents must refrain from alcohol

use for eight hours following the accident or until a drug/alcohol test has been administered. Employees who leave the scene of an accident without appropriate authorization prior to testing will be considered to have refused the test and be subject to discipline, up to and including discharge. Any other employee whose performance may have contributed to an accident under this section will be tested, for example, maintenance or dispatching employees.

e. Compliance With Testing

Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration or substitution shall be removed from duty immediately.

Refusal includes:

- Failure to appear for any test within a reasonable time, as determined by the City after being directed to do so by the City;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a urine specimen for any drug test required by this policy or DOT agency regulations;
- In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the driver's provision of a specimen;
- Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Failure or decline to take a second test the City or collector has directed the driver to take;
- Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the designated employer representative;
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- Is reported by the MRO as having a verified adulterated or substituted test result.

f. Reporting of Tests:

Beginning in January 2020, the following personal information shall be reported to the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any test required by 382 subpart C;
- An employer's report of actual knowledge, as defined at §382.107:
  - On duty alcohol use pursuant to §382.205;
  - Pre-duty alcohol use pursuant to §382.207;
  - Alcohol use following an accident pursuant to §382.209; and
  - Controlled substance use pursuant to §382.213;
- A substance abuse professional report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer's report of completion of follow-up testing.

J. Test Procedures and Confidentiality (CDL Holders)

To ensure the integrity and accuracy of each test, all specimen collection, analysis and laboratory procedures will be performed in accordance with DOT protocols and safeguards as set forth in Part 40 of Title 49 of the Federal Code. This will include:

1. Procedures to ensure identity of the employee at the time of specimen collection;

2. Strict chain-of-custody procedure to ensure that the employee's specimen is not tampered with;

3. The use of a trained breath alcohol technician (BAT) and National Highway Transportation Safety Administration (NHTSA) approved testing equipment for conducting alcohol tests;

4. The use of a laboratory which has been certified by the Substance Abuse and Mental Health drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS);

5. The confirmation of an initial positive alcohol screen by a second analysis; and

6. City appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to the City's designated contact person.

K. Collection Procedures (CDL Holders)

1. All drug tests will be administered using split sample procedures required by DOT. Under these procedures, the employee must provide at least 45 milliliters (ml) of urine in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty ml will be poured into one bottle and 15 ml into the second bottle. Both bottles will be sent to the laboratory.

2. The bottle containing 30 ml will be analyzed as the employee's primary specimen. The second bottle will be held by the laboratory, to be sent to another laboratory at the employee's request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the employee will be notified by the City's MRO or by the City of the positive test and given the option to have the second bottle sent to a different laboratory for analysis.

   To exercise this option, the employee must advise the City's MRO within 72 hours of being told that the primary specimen was positive. A POSITIVE drug test may be determined to be NEGATIVE by the MRO if the employee can prove that the substance was prescribed by a licensed physician. This determination will be made by the City MRO.

   This policy is not intended to prohibit the use of medication legally prescribed by a licensed physician who is familiar with the employee's medical history and specific safety-sensitive duties, and who has advised the employee that the prescribed medication will not adversely affect the employee's ability to operate a motor vehicle. Medications prescribed for someone other than the employee, however, will not be considered lawfully used when taken by the employee under any circumstances.

3. All alcohol tests conducted under this policy require that the employee must provide a breath/saliva specimen for any test conducted by the City. If the alcohol test is conducted by a law enforcement officer following an accident, the employee must provide either a breath or blood specimen.

4. Prior to being tested for alcohol, each employee will be required to:

   a. Present his or her personal identification;
   b. Complete a DOT Breath Alcohol Test Form provided by the BAT/SST. An employee who fails to provide identification, refuses to complete the form, or otherwise fails to cooperate will be treated as though they had tested positive and will be subject to disciplinary action, up to and including discharge; and

c. Prior to each alcohol breath/saliva test conducted by the City, the BAT/SST will instruct the employee on how the test will be conducted.

L. Alcohol (CDL Holders)

No employee shall:

1. Consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within four hours before going on duty or operating, or having physical control of, or performing any safety-sensitive function;

2. Consume an intoxicating beverage regardless of its alcoholic content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating, or in physical control of a City vehicle, or while performing any safety-sensitive function; or

3. Be on duty, or operating, or in physical control of a City vehicle, or performing any safety-sensitive function while in possession of an intoxicating beverage (including medications which contain alcohol) regardless of its alcoholic content.

M. Consequences, Referral, Evaluation and Treatment (CDL Holders)

1. An employee who tests positive for alcohol or controlled substance will be immediately removed from safety-sensitive functions.

2. An employee who registers 0.02 or more but less than 0.04 will, at a minimum, be suspended without pay until his or her next regular duty period, but for no less than 24 hours, and must undergo a return to duty alcohol test with a result of less than 0.02. An employee may also be subject to additional disciplinary action by the City, up to and including discharge.

3. An employee who registers 0.04 or greater for alcohol or a controlled substance, will, at a minimum be suspended without pay until his or her next regular duty period, but for no less than 24 hours, and must undergo a return to duty alcohol or drug test with an acceptable result. In addition, an employee must be released for duty by a substance abuse professional. An employee may also be subject to additional disciplinary action by the City, up to and including discharge.

N. Employee Assistance Program (EAP)

The City believes that the EAP and training along with comprehensive drug testing are the most effective approach to promote safety and reduce alcohol and drug abuse.

O. Drug and Alcohol Information

Any Employee who engages in any conduct prohibited under this policy will be provided with information regarding resources available to evaluate and resolve a drug or alcohol problem. This information will provide names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available in the area.

All questions concerning the educational materials provided by the City, or about this policy, should be directed to the employee's supervisor.

4.20 Smoking

Smoking and the use of vapor products is prohibited in the workplace as well as in any City building, vehicle or equipment. City of De Pere Code 1974 § 21.12 De Pere Municipal Code states, "No person may carry a lighted cigar, cigarette, pipe, or any other smoking equipment in any enclosed indoor area of any city building." No smoking is allowed in interior areas of a City building, within 20 feet of an access point to a City building, in City vehicles, or when an employee is interacting with a member of the public in his or her capacity as a City employee.

Employees may only smoke, vape or use smokeless tobacco on breaks, in designated areas, if applicable, and may not smoke, use smokeless tobacco, e-cigarettes, or other vapor devices while working.

4.21 Use of Vehicles and CDL Requirements

Employees are responsible for the efficient and safe operation of the City vehicle, the observance of all traffic laws and communicating with management regarding any accidents or traffic violations. Employees who either use their personal vehicle for City business or use a City vehicle are required to promptly inform the City of any changes concerning their driver's license, including suspension or revocation. To ensure the safe and legal handling of City vehicles, the City will enroll all regular full and part time employees who drive City vehicles or drive their own vehicle for City business in the Public Abstract Request System (PARS) Employer Notification Program. Smoking and the use of smokeless tobacco products are prohibited in all City-owned vehicles. It is the responsibility of the employee whose position requires a CDL to obtain, maintain and report on the status of the CDL.

The City recognizes that there are some employees who may use personal vehicles to conduct City business, as well as several departments that are assigned City vehicles for use on a regular basis. This policy outlines reimbursement for personal vehicle use, conduct and prohibited conduct during the use of City vehicles, and the responsibilities of employees who are required by their employment to carry a Commercial Driver's License (CDL).

A. Personal Vehicles

City employees required to use their personal vehicle for City business will be reimbursed for mileage at the current IRS rate. Employees requesting reimbursement must submit a reimbursement request form which details the date, personal vehicle mileage, and purpose or reason for City travel. Supervisors who currently receive monthly vehicle allowances are not eligible for reimbursement except in extenuating circumstances and with authorization of the City Administrator.

B. Vehicle Operation

1. Driver Responsibility: Employees who are driving on behalf of the City are responsible for:

   a. The safe, courteous and efficient operation of the vehicle;

   b. Observance of all traffic laws and payment of all fines or forfeitures due to illegal action while operating vehicles;

   c. Ensuring seat belts are properly worn by the driver and passengers while the vehicle is in operation;

   d. Making necessary reports to the authorities as required by law in the event of accidents involving property damage and/or personal injury;

   e. Notifying the department head or supervisor of any accident as soon as possible, and reporting to the department head or supervisor any damage or suspected damage to any City vehicle as a result of daily operation as soon as possible; and

   f. Reporting any malfunction of City vehicles or equipment to the department head or supervisor as soon as possible.

   g. Please see section 3.2, Citizens Accessing City Equipment, for the policy on passengers.

2. Vehicle Ethics

   a. Mobile Electronic Devices (Cell Phones): Employees shall not operate a mobile electronic device for personal use while operating a City vehicle. Employees shall safely pull over to the side of the road to operate a mobile electronic device for personal use. When using a mobile electronic device for business-related use, employees should, whenever practical, pull over to the side of the road.

   b. Driving Under the Influence: Employees will not operate a motor vehicle at any time when his/her ability is impaired, affected or influenced by alcohol, illegal drugs, medication, illness, or injury.

c. Other Distractions: Eating while driving is prohibited. Nonalcoholic drinks may be consumed with great discretion and only in situations where driving hazards are minimal (i.e., not in traffic, through road construction, etc.).

3. Taking Home Vehicles: All employees must receive prior authorization to use City vehicles and only those employees that live within 15 miles of the corporate city limits of the City of De Pere may be allowed to take home a City vehicle.

Take home vehicles shall only be assigned on the basis of the City's operational needs and with department head approval. Take home vehicles may be assigned based on one or more of the following:

a. Employees who, as part of their normal job responsibilities, are expected to respond from their homes to emergency situations.

b. Employees who are assigned on-call status on a rotational basis, may be assigned a take home vehicle when they are serving on-call.

c. When it is in the best interest of the City (i.e., an employee attending training may take a vehicle home if it shortens the commute to and/or from the training).

Vehicles taken home shall be parked at the employee's residence in a secure location. All the above restrictions regarding use of vehicles remain in effect when an employee is taking a vehicle home. Vehicles shall be used only for official City business, however; limited personal use is allowed while en-route to and from work. If an employee is on extended leave or vacation, then the vehicle shall remain on designated City property. Employees shall maintain the cleanliness of the vehicle. Non-employees shall not be permitted to operate any City vehicle. At no time may an employee transport alcoholic beverages in a City vehicle. Smoking and the use of smokeless tobacco products is prohibited in City-owned vehicles.

4. Commercial Driver's License (CDL)

The City, as a public employer, recognizes that it has the duty to both its employees and the public to ensure that employees are and remain qualified for the jobs for which they were hired. It is the policy of the City that employees whose positions require them to possess a valid CDL do so during the entire time they are employed in such position. Employees holding a valid CDL for their position with the City must understand the critical importance of maintaining the license in order to serve as an effective employee of the City. The employee is responsible for maintaining a valid CDL. The employee's failure to maintain a valid CDL

may constitute grounds for termination of employment. The employee may also be subject to investigation and disciplinary action based on the conduct that led to the failure to maintain a valid CDL.

a. Requirements: Under 49 C.F.R. § 383.37, the City, as an employer, may not knowingly allow, require, permit or authorize a driver to operate a commercial motor vehicle (CMV):

i. During any period for which the driver has a CDL suspended, revoked or cancelled, has lost the right to operate a CMV, or has been disqualified from operating a CMV;

ii. During any period in which the driver has more than one CDL;

iii. During any period in which the driver or the vehicle he or she is driving, is subject to an out-of-service order; or

iv. In violation of federal, state or local law or regulation pertaining to railroad-highway grade crossings.

Additionally, pursuant to Wis. Stat. § 343.315(1m), the City may not allow, permit or authorize a driver who is disqualified to operate a CMV.

Under 49 C.F.R. § 383.31, all CDL holders have an affirmative obligation to notify their employer, within 30 days of conviction, of the violation of any state or local law relating to motor vehicle traffic control, except parking violations. Such notification is required to contain the following:

- Driver's full name;
- Driver's license number;
- Date of conviction;
- The specific traffic violation or other violation of state or local law for which the person was convicted and any suspension, revocation or cancellation of certain driving privileges which resulted from such conviction;
- An indication whether the violation occurred in a CMV;
- Location of offense; and
- Driver's signature.

Furthermore, under 49 C.F.R. § 383.33, any employee who has a driver's license suspended, revoked or cancelled by any state or other jurisdiction, or who is disqualified from operating a CMV, must notify his or her current employer of such suspension, revocation, cancellation, loss of privilege or disqualification. Said

notification must be made before the end of the business day following the day the employee received the suspension, revocation, cancellation, lost privilege or disqualification.

b. Implementation: The Human Resources Department shall enroll all employees who are required to hold CDLs for purposes of their employment into the Public Abstract Request System (PARS) Employer Notification Program.

Any employee who has a driver's license suspended, revoked or cancelled by the State of Wisconsin or any other jurisdiction, who loses the right to operate a CMV in the State of Wisconsin or any other jurisdiction, or who is disqualified from operating a CMV for any period, shall notify the Human Resources Director of the same. This notification must be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege or disqualification.

c. Consequences of Suspension, Revocation, Cancellation, Lost Privileges or Disqualification: For those job classifications for which a CDL is required, lawful disqualification or loss of such license may render an employee unqualified for the position as unable to perform the essential functions of that position. Such employee may, based upon such inability, be terminated from his or her position.

The City may attempt locate a suitable open position within the City job structure. However, nothing herein shall obligate the City to fill any such open position with a person subject to removal from their position due to loss of CDL privileges.

4.22 Uniforms, Tools and Safety Equipment

Employees will typically be supplied with tools and safety equipment necessary to do their jobs in a productive and safe manner. Hardhats, non-prescription eye protection, coveralls, safety vests, uniforms, and many other items will be made available to those employees whose positions warrant them. The need for personal protective equipment will be determined by the department head. In some cases a uniform allowance and/or tool allowance will be provided. See section 4.9 for the Dress Code/Appearance and Demeanor Policy.

4.23 Bulletin Boards

Bulletin boards are provided to inform employees of important developments from the City that will affect the employee or his or her job. Bulletin boards are used by the City to communicate information to employees and post notices required by law. Employees shall secure prior authorization before posting any notices on bulletin boards. Since

work-related notices of interest and importance regarding City business are posted on the bulletin boards, the City requests all employees to check the bulletin boards periodically.

4.24 Recording of Conversations

Secret recordings of employees are strictly prohibited unless authorized in writing by the City Attorney's Office. A violation of this provision may result in disciplinary action, including termination. The Police Department, while actively investigating a criminal matter, or with a warrant for recording phone lines, is exempt from this policy.

5. TECHNOLOGY USE

Last revised: 09/26/2022

5.1 City Electronic Resources

The City's computers, networks, programs, hardware, software, electronic communication devices (like phones and cell phones) and tools, other technology, and the Internet (collectively, "technology") are intended as tools for the City to serve the public and are provided so employees may better perform their job-related responsibilities. Inappropriate use can adversely affect the City, interfere with the work of its employees, increase its costs, and even expose the City to damage, liability and security risks.

In order to protect the interests of the City, the City reserves its right to monitor all use by employees of technology. No employee should expect privacy or secrecy in the use of technology. Employee use constitutes acceptance of the City's monitoring and disclosure of the employee's use. Use of the City's property and technology can be limited by the City at any time for any reason. The City may consent to the disclosure of information from use of technology or any other property, and the City may authorize a law enforcement agency to search or review the City's technology or property, and the City may use such information for its intentions and purposes.

The work of the City and the public always comes first. Unnecessary or excessive use by one person may tie up equipment or limit the ability of others to have access. Use leaves a record of the City name and the user's identity on the technology and at every Internet site visited, and may result in unwanted or inappropriate return e-mails, solicitations, viruses and other harmful items.

If an employee has a question about whether a particular use of the City's technology or property is proper, then he or she should consult his or her supervisor before engaging in such use.

5.2 Acceptable Use of Electronic and Social Media

To address the changing landscape of the Internet and the way residents communicate and obtain information online, City departments may use social media tools to reach a broad audience. The City encourages the use of social media to further the business needs of the City and the goals of City departments, where appropriate. The City has an overriding interest and expectation in deciding what is spoken on behalf of the City on social media sites. This policy provides guidance for the use of social media sites used by the City.

The City also recognizes that employees may be active in the evolving world of social media and understands that electronic media throughout the workday is easily accessible. This policy provides guidance on how best to balance employees' personal activity on social media and their employment responsibilities. Like any employer who seeks to resolve the concerns of its employees, the City has the sincerest hope that employees with complaints regarding their work environment will raise those concerns through the reporting structure to management's attention with a sincere interest in resolving those work-related concerns

rather than publicly, including through social media, discussing those personal complaints and potentially damaging the interests of themselves, but also fellow employees, members of the public, and the City. The City has established structures for addressing these concerns including its reporting structure and the grievance procedures that employees are expected to follow.

Other laws, ordinances and policies may also apply to the use of social media and this Policy should not be interpreted to conflict with any of those laws, ordinances and policies. Nothing in this Policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law.

A. General Guidelines:

1. Definitions

a. Social Media: Forms of web based discussion and information-sharing tools which allow users to interact with each other by sharing information, opinions, knowledge and interests, online. Social media involves the building of online communities or networks to encourage participation and engagements. Examples include: social networks, blogs, video sharing, podcasts, wikis, message boards, and online forums. Technologies include, but are not limited to, photo, video and music sharing; wall postings; and e-mail and instant messaging. Examples of social media applications include, but are not limited to: social networking websites (Facebook, Twitter), reference websites (Google and Yahoo! Groups, Wikipedia), content-sharing websites (Instagram, Snapchat, Tik-Tok, YouTube, Flickr), networking websites (LinkedIn), and news media comment sharing/blogging.

b. Social Networking: The practice of expanding the number of one's business or social contacts by making connections through web-based applications. Examples include joining clubs or organizations.

2. Use of City property for purposes of social media and social networking for the City's sites or personal sites must be consistent with City policies, rules and general expectations of professional behavior.

3. All City-provided electronic media systems, such as cell phones, internet, e-mail, laptops, computers, fax, copiers, and scanners, are the property of the City. All messages and composed files made using City property are not private and are not the personal property of the employee.

4. Employees are prohibited from installing any software programs on City computers. All City computers and computer files stored in them are subject, without notice, to inspection by the City and possible removal. Electronic media is subject to open records requests under Wis. Stat.

§ 19.35. Employees are discouraged from utilizing personal equipment in the course of conducting City business, as all records on the equipment may be subject to such requests. The use of the City's property and electronic media systems is reserved solely for the conduct of business, during work hours. If employees wish to use these systems for social networking during lunch, breaks, or before or after work hours, then they may do so for incidental personal use; however, employees are always specifically prohibited from using this property in violation of City policies, rules and expectations of conduct.

a. The electronic media systems may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.

b. The electronic media systems are not to be used to create any offensive or disruptive messages or documents.

c. The electronic media systems may not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials, without prior authorization, or any illegal, illicit, immoral or offensive data.

d. Employees may not use the electronic media systems to engage in or post any harassing, discriminatory, retaliatory or derogatory or offensive content.

5. The City reserves and intends to exercise the right to review, audit, intercept, access and disclose all internet activity and any messages or documents created, received or sent over the City's electronic media systems for any purpose.

a. The confidentiality of any message cannot be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. Employees who are away from their workstation for an extended period of time must secure their workstation.

b. Employees may not modify, delete or destroy any City document created by any electronic media, unless specifically authorized to do so.

c. The same rules and restrictions apply to those accessing the City's electronic media system via remote access.

6. All conduct by those persons serving on a governmental body, or subcommittee of a governmental body, must comply with Wisconsin's open meetings laws, including avoiding virtual or walking quorums. All such

persons should therefore refrain from discussing business or action of the governmental body with one another while using social media. Additionally, Authorized Users publishing on the City's social media accounts should not engage or "tag" anyone serving on a governmental body when engaging in the City's social media activity.

B. Conduct on Personal Social Media Sites: Employees may use social media profiles not belonging to the City for their personal social media purposes; however, an employee's personal social media profile or use must remain personal in nature and must not be used to share the City's official government positions or views. Employees must recognize that most uses of personal social media are still part of the public domain regardless of privacy settings, and are easily replicated and published. Regardless of whether an employee identifies on a personal social media account that they work for the City, employment with the City is public record and members of the public may associate the employee with the City. Employees must therefore exercise care when posting and commenting on social media as personal views can be tied back to employment with the City. Personal activity is the personal responsibility of the employee, including the consequences that flow from such activity. In recognition of these principles, employees must comply with the requirements of this section when using their personal social media sites.

The City respects its employees' private rights to post and maintain personal websites, blogs, and social media pages, and to use and enjoy social media on their own personal devices during non-work hours. The following guidelines apply to personal communications using various forms of social media:

1. Only on your own time: Unless employees have received advance permission from their supervisor, or unless such activity is directly related to the performance of their job, employees may not engage in social media activity on work time.

2. Post as yourself: Employees must make clear that they are expressing their personal views, not those of the City. If commenting on City business on social media in a personal capacity, an employee must use a disclaimer that establishes that their comments represent their own opinions and do not represent those of the City. Employees should not create sites claiming to act or speak as or on behalf of the City or any of its departments, employees or officials.

   Employees are not required to include a disclaimer with their social media communications when such communications are made on a platform dedicated to networking and/or job searching, such as LinkedIn, for the purpose of recruitment to City employment.

   Sharing social media communications from official City accounts without additional commentary is always permitted as a public service announcement, and does not require a disclaimer.

3. Be respectful and use good judgment: Because what employees say online is accessible to the public and attributable to the employee as a public servant, employees must use good judgment in their communications. The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the City. When a person can be identified as a City employee, the employee must not engage in name-calling or personal attacks or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the City. Employees must not post communications or material that is disparaging, obscene, profane, vulgar, bullying, threatening or inappropriately inflammatory. This section and its limitations apply when the action of the employee adversely affects the employee's work, job duties, or ability to function in the Employee's position or creates a hostile work environment.

   Employees may not use social media to engage in or post communications or material that would violate any City policy.

4. Log-in Credentials: Employees should never use their City email account, login, or passwords in connection with a personal social media profile.

5. City Identifiers: Employees and others affiliated with the City must not use any City brand, logo, or other City identifiers on their personal social media accounts, nor post information that purports to be the position of the City without prior authorization or unless authorized by federal, state, or local law.

6. Obey the law: Employees must not post any material that violates the law, such as material that is obscene, profane, defamatory, threatening, harassing or that violates the privacy rights of someone else. The posting of such material may subject the employee to criminal and civil liability.

7. Do not expect privacy: Because employees' social media communications are publicly available and seen by others, they should not expect that their communications are private in any way. Once something is posted online, it is completely out of the poster's control and generally available to anyone in the world.

8. Ask for guidance: If employees have any questions about what is appropriate to include in social media communications, they should ask their supervisor.

9. Maintain confidentiality: Employees must not disclose confidential information.

10. Duty to report: The City is not imputed with knowledge of any activity on any personal social media accounts of employees or elected officials, or any other social media accounts other than official City accounts. Employees

have a duty to notify their supervisors of any violations of this Policy, as City staff is only able to address those violations of which they have been made aware. Additionally, any violation of this Policy occurring during an individual's term of employment may lead to discipline regardless of the amount of time that has passed since the violation has occurred, provided that management had no previous knowledge of the violation prior to it being reported.

11. Corrective Action: There may be times when personal use of social media in violation of this Policy, even if it occurs while the employee is off-duty and on their own equipment, may subject an employee to corrective action as described in Section 4.2, Corrective Action.

    Failure to comply with this Policy is considered misconduct and may result in disciplinary action up to and including termination. Unlawful social media use, based on the level of offense, may result in referral for criminal prosecution.

    Each situation will be evaluated on a case-by-case basis because the laws in this area are evolving. Employees are encouraged to discuss types of activities that might result in discipline with the Human Resources Department.

    Nothing in this Policy is meant to prevent an employee from exercising their right to make a complaint of unlawful discrimination or other workplace misconduct through the proper processes, to engage in lawful protected concerted activity, or to express a personal opinion on a matter of public concern which may be balanced against the interests of the City.

C. Social Media and Networking Official City Sites

1. <u>City Social Media Sites</u>:

    a. All City social media sites posted by Departments shall be approved in writing by the City Administrator prior to being established. Department heads shall be responsible for determining in writing who is authorized to use social media on behalf of the City and for designating appropriate access levels. All authorized users shall follow social media standards as determined by the Communications Specialist.

    b. Authorization to represent the City on City social networking sites does not carry over to any use of private social networking sites by any City official, officer or employee.

    c. The City's websites shall remain the City's primary and predominant internet presences.

d. The most appropriate City uses of social media tools fall generally into two categories:

i. As channels for disseminating time-sensitive information as quickly as possible (example: emergency information); and

ii. As tools to increase the City's ability to broadcast its messages to the widest possible audience.

e. Wherever possible, content posted to City social media sites will also be available on the City's website.

f. Wherever possible, content posted to City social media sites should contain links directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct business with the City.

g. As is the case for City's website, departmental staff shall be responsible for the content, upkeep and monitoring of any social media sites created by their department.

h. All City-related communication through social media tools shall be professional in nature and conducted in accordance with the City's communications policy, practices and expectations. Employees and officers shall not use the City's social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities. Inappropriate usage of social media can be grounds for disciplinary action.

i. All City social media sites and communication posted by employees shall comply with all appropriate City policies and standards.

2. Data Retention

a. City social media sites are subject to the state and local public records laws. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication, is a public record. The department maintaining the site is responsible for responding completely and accurately to any public records request for public records on social media. Content related to City business shall be maintained in an accessible format and so that it can be produced in response to a request. Appropriate accessible formats for reproduction shall be detailed in the social media tool standards approved by the City Administrator. All sites shall clearly indicate that any postings or submitted for posting are subject to the public records law. Users shall be notified that public disclosure requests must be directed to the relevant records custodian.

b. State and City records retention schedules apply to social media formats and social media content. The department maintaining a social network site shall preserve records required to be maintained pursuant to the relevant records retention schedule for the required retention period on a City server in a format that preserves the integrity of the original record and is easily accessible. Appropriate retention formats for specific social media tools shall be detailed in the standards approved by the City Administrator.

3. Notifications

a. Users and visitors to social media sites shall be notified that the intended purpose of the site is communication from City departments to members of the public. City social media site articles and comments containing any of the following forms of content shall not be allowed and shall be subject to removal:

i. Comments not topically related to the particular social media article being commented upon;

ii. Comments in support of or in opposition to political campaigns or ballot measures;

iii. Profane language or content;

iv. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;

v. Sexual content or links to sexual content;

vi. Solicitations of commerce;

vii. Conduct or encouragement of illegal activity;

viii. Information that may tend to compromise the safety or security of the public or public systems; or

ix. Content that violates a legal ownership interest of any other party.

b. These guidelines shall be displayed to users or made available by hyperlink. Specific social media tool standards approved by the City Administrator shall provide that any content removed based on these guidelines must be retained, including the time, date and identity of the poster, when available.

c. The City reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law. Each department head is responsible for identifying a site monitor for each social networking site permitted under this policy.

d. All new social media tools proposed for City use will be approved by the City Administrator and the IT Director. The City Administrator shall approve all tool standards. For each social media tool approved for use by the City, the following documentation will be developed by the Department Head:

   i. Operational and use guidelines;

   ii. Standards and processes for managing accounts on social media sites;

   iii. Standards for the administration of social media sites; and

   iv. Signed acknowledgements of policies by authorized users.

e. Administration of City social media sites.

   i. The IT Director will maintain a list of social media tools which are approved for use by City departments and staff.

   ii. The department head of each department establishing a social media presence will maintain a list of all City social media sites, including login and password information.

   iii. Employees with access to passwords shall provide those passwords to the City upon request. The password is the property of the City and not the employee. Employees shall not change passwords without the written authorization of the City Administrator or department head.

5.3 Technology Use

The City's computers, networks, programs, hardware, software, electronic communication devices (like phones and cell phones) and tools, other technology, and the Internet (collectively, "technology") are intended as tools for the City to serve the public and are provided so employees may better perform their job-related responsibilities. Inappropriate use can adversely affect the City, interfere with the work of its employees, increase its costs, and even expose the City to damage, liability and security risks.

In order to protect the interests of the City, the City reserves its right to monitor all use by employees of technology. No employee should expect privacy or secrecy in the use of technology. Employee use constitutes acceptance of the City's monitoring and disclosure of the employee's use. Use of the City's property and technology can be limited by the

City at any time for any reason. The City may consent to the disclosure of information from use of technology or any other property, and the City may authorize a law enforcement agency to search or review the City's technology or property, and the City may use such information for its intentions and purposes.

A. City Electronic Resources

No written policy can list every conceivable circumstance that relates to proper use. The City's employees are professionals who are expected to exercise responsible professional judgment. The City has complete and sole discretion to determine whether any use or access is inappropriate, even if the use is not expressly prohibited or addressed in this policy or rules. The City may ask employees to stop any use it believes is improper. In addition, the City may block access to any content it believes is not appropriate. Employees who do not adhere to this policy may be disciplined, which can include restriction of Internet use or discipline up to and including termination.

The activities listed below are prohibited and may lead to discipline, up to and including discharge.

1. Copying, disseminating or printing copyrighted or other protected materials, which can include articles, images, games and other software, in violation of the law.

2. Accessing, sending, soliciting, displaying, printing, or otherwise disseminating material that is reasonably likely to harass, threaten or embarrass others or that is sexually explicit, fraudulent or otherwise inappropriate in a professional environment.

3. Searching for, accessing or transmitting content that is reasonably likely to be perceived as offensive or disparaging of others, including content that is sexually explicit, profane, pornographic, disrespectful, disparaging based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs or other legally protected basis.

4. Engaging in personal, non-City-related activities, including activities for gain or profit, for example, consulting for pay or advertising or selling goods or services for personal gain.

5. Engaging in illegal activities or using the technology for any illegal purposes, including initiating or receiving communications that violate any laws or regulations.

6. Interfering with or disrupting the work of other employees.

7. Except as specifically authorized, gaining access by using any access control mechanism (e.g., login name, password, etc.) not assigned to the

user, or permitting any person to have access by using another person's access control mechanism.

8. Unauthorized access or attempting to gain unauthorized access to any technology or stored information.

9. Engaging in any transaction or other conduct that, if done through means other than over the use of technology, would not be authorized.

If an employee has a question about whether a particular use of the City's technology or property is proper, then he or she should consult his or her supervisor before engaging in such use.

The City provides some of its employees with electronic communication tools such as e-mail, voicemail, cell phones, text messaging, pagers, computers and other communication tools and devices so they may better perform their job-related duties. The City's electronic communications system includes all messages sent through the City's network, either externally via the Internet or internally and through City-issued communications devices and networks. Electronic communications should be sent only to those individuals who have a legitimate reason to receive them. Distribution lists should be kept current and updated regularly to reflect changes in responsibility or employment status.

Electronic communications should be courteous, concise, focused and written or spoken in proper business English. The same care should be used in drafting electronic communications as is used for drafting any other written communication. All electronic communications are unavoidably attributed to the City. When composing electronic communications, employees should keep in mind that personal comments may be perceived as comments made on behalf of the City.

The City's electronic communications systems must never be used for personal communications unless such use is incidental. Employees are expected and encouraged to use their personal computer, e-mail and cell phone accounts from their home computers or personal cell phones on the employee's own time for personal Internet use and drafting, sending, receiving or reading personal electronic communications. If an employee receives a personal communication on his or her work device, then the employee is expected to notify the sender from the employee's personal e-mail account or cell phone to not send non-work-related communications to the employee's work device.

Electronic communications may reside on the system in different recoverable forms (system backup, sent mail folders, spool queues, etc.). Employees should not assume that deleting a personal electronic communication removes all incidents of their existence. If there is a review of the information or an investigation, litigation or other proceeding that requires or makes desirable the review or production of City records, it is likely that electronic communications will be requested and

potentially disclosed. Moreover, employees should not delete any communications or other work product that are records under Wisconsin's Public Records Law.

No one should expect privacy or secrecy in the use of City technology or City-issued communication devices such as e-mail, documents, text messages, cell phone messages or calls. Supervisors may have access to information pertaining to individual employees on the City's technology. The City does not condone "snooping;" employees should not read or review communications not sent to them except for legitimate business reasons. If an internal communication is confidential, it should be distributed personally or by a confidential routing envelope and not by e-mail. Employees should not presume an electronic communication sent via the Internet is confidential unless it has been encrypted by the City. The pass wording of electronic communications systems is permitted. Passwords are the property of the City and must be disclosed to the department head and the IT Department.

Participation in listservs should be limited to those used for business purposes. Postings to listservs are distributed to many unknown readers and can later be quoted in public materials. Employees must understand and comply with the guidelines and protocols of each listserv to which they subscribe.

Electronic signatures should be used on all external messages and should clearly identify the originator of the message. The following information should be included: full name, title, City of De Pere, e-mail address and phone number.

If an employee has a question about whether a particular use or electronic communication is appropriate, then he or she should consult his or her supervisor or department head before making such communication.

The City has established specific guidelines for technology use.

B. Software Use

Only City-provided and installed software or associated software is to be used on City computers. No employee is permitted to install or uninstall any base software on his or her own. Requests for software installation must be approved by the department head and the IT Director, who will make the determination if the software is allowable, perform virus control checks, and be responsible for installation. Employees found utilizing or having unauthorized software on their systems will be subject to disciplinary action in accordance with the City's policies. The following types of computer software are not authorized and are prohibited:

- Games, including Microsoft games that are included with the Microsoft operating system.
- Unauthorized demonstration or evaluation software.
- Interactive Internet games.
- Employee-owned software.

- Freeware.
- Shareware.
- Instant messaging software – all exterior instant messaging services are prohibited.
- Chat room/chat channels – acceptable only if used for verifiable business purposes.
- Streaming software (e.g., radio, music).

Use of computer software is subject to federal copyright laws and protected by licensing agreements. Copying of any City software is strictly prohibited. Copying of commercial software for use on City equipment is strictly prohibited. Copying and using software without explicit permission from the copyright owner constitutes copyright infringement. Employees who willfully or knowingly infringe a license or software copyright by making, acquiring, installing, downloading or using unauthorized copies of computer software may be subject to discipline, up to and including termination of employment, in addition to criminal and civil penalties.

To ensure compliance with copyright laws, the IT Director may conduct a periodic electronic software audit of all workstations and servers owned by the City. These audits will be conducted with or without notice to employees. If unauthorized software is found, it will be removed from computers and the appropriate supervisors will be informed of the presence of the unauthorized software and its removal.

Although the IT Department will perform appropriate backup of server data, employees are strongly encouraged to store data in appropriate folders on City servers. Information stored on local C:\ drives, external drives or disks is not secure from unauthorized access and cannot be restored in the event of a failure. Local disk drives are to be used for program files and applications only. In the event of a drive failure, these programs and applications can be re-installed from system disks. The IT Department will not be able to assist employees who lose data as a result of such data not being stored on the City's servers.

C. Equipment Care and Maintenance

Employees must take appropriate care of City property and particular care and security with electronic communication devices. Due to the sensitive nature of information contained in these devices, employees should exercise reasonable efforts to protect the security of these devices by keeping them in safe locations and not sharing passwords or allowing access to the devices to unauthorized persons.

Employees must ensure that their electronic communication devices are not exposed to extremes of heat or cold, dust, smoke, or other potential contaminants. Drinks and food should be kept away from the equipment and storage media.

The IT Department provides suitable surge protectors for all computers and peripherals. Employees shall not connect any other electrical devices, i.e., fans, lights and radios, to the power protection devices.

D. Computer and Technology Security

To further protect the security of the City's technology resources, the City has adopted the following security protocols:

1. User Accounts: The IT Director is the Security Officer for the City computer system and is responsible for the creation of new user accounts on the system. Department heads shall promptly report all changes in end-user duties or employment status to the IT Director. Each authorized user will be assigned a user identification login name.

2. Passwords: Computer passwords shall be of sufficient strength so as not to be easily cracked or broken by unauthorized individuals and to ensure the safety of the information and networks within the City. The IT Department will establish and communicate specific requirements for password content. The following items apply specifically to password use:

   - Each user should have his or her own, unique login account and password. No default user ID or password will be permitted on any system.
   - Passwords should not be written down by the employee and stored on or near computer equipment.
   - Passwords should never be stored in clear view.
   - Under no circumstances shall employees share, or be required to share, login credentials, normally defined as the combination of both their user ID and password, except to authorized personnel of the City such as a department head or the IT Director.
   - Employees who fail to follow these protocols to keep their login information private may be held responsible for any use under those login credentials.
   - Employees do not have any expectation of privacy in the passwords or regarding the use of e-mail on City systems regardless of the assignment of passwords, ID numbers or access codes.

3. Department-Specific Software Security: Department-specific software applications may include their own security settings. When these security settings are activated, the department head is responsible for confidentially providing passwords to the IT Director. Should any changes be made to the logins, passwords or other settings, the department head shall immediately provide the updated information to the IT Director.

4. Access by Software Vendors: Occasionally, vendors, including copy machine or other equipment technicians and sales persons, may need dial-in

or other online access to City equipment. The IT Department will provide a secure method for the vendor to gain access to the network. Access shall only be allowed through the IT Department and no other person.

5. Workstation Physical Security: Employees are responsible for maintaining the physical security of their desktop workstations, portable computing devices, electronic communication devices, and removable media (such as removable and optical disk) by restricting and controlling physical access to these items. This can be accomplished by utilizing one or more of the following security solutions:

    a. Properly positioning and protecting systems such that the information cannot easily be read or obtained, including turning monitors from counter areas.

    b. Utilizing a special shade or polarizing monitor filter, when necessary.

    c. Keeping the keyboard, mouse and other components far enough away from the public so they cannot be tampered with or stolen.

    d. Printers should be kept in protected areas to keep sensitive information from being disclosed inappropriately.

    e. Workstations may utilize an automatic screensaver that is password protected and which activates after a set period of inactivity. Where this solution has been implemented or required, departments or employees shall take no action to disable or prolong the set time frame of this screensaver.

6. Employees shall never obtain or seek to gain unauthorized access to information resources.

7. Employees shall not obtain copies of files or modify files of other users of City equipment without department head authorization.

8. Employees shall not seek information on data or passwords belonging to other employees or misrepresent other employees of the City through use of the City's technology.

9. Employees shall respect the confidentiality of all communications and other individuals' electronic communications.

10. Unauthorized employees shall not engage in, or attempt to engage in:

    a. Monitoring or intercepting the files or electronic communications of other employees or third parties.

b. Hacking or obtaining access to systems or accounts to which they are not authorized.

c. Using another person's login and password information.

d. Breaching, testing or monitoring computer or network security measures.

11. No e-mail or other electronic communication shall be sent that attempts to hide the identity of the sender or represent the sender as someone else.

12. Electronic media and services shall not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

13. Anyone obtaining electronic access to materials of other organizations, businesses, companies, municipalities or individuals shall comply with all copyrights, licenses and other intellectual property protections, and shall not copy, retrieve, modify or forward copyrighted or licensed material except those that are permitted by the copyright holder or the license owner.

14. Anyone receiving electronic communications in error shall notify the sender immediately. The communication may be privileged, confidential or exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.

15. Prior to being released to third parties, all documentation which describes the City's technology system or systems procedures shall be reviewed by the IT Director to ensure that confidential information is not being disclosed.

16. Use of home computers for City work may result in some personal exposure on the part of the employee. Should an open records request or other legal action be presented related to work done on a home computer, the data and computer itself may be seized for the City's compliance and defense. Employees should ensure that their home computers have adequate virus protection present and that application versions are compatible with those used on City computers when using home computers for work purposes. No employee other than a salaried, exempt employee may use a home computer for City work unless authorized in writing by the department head and the City Administrator.

17. <u>HIPAA Security Policies and Procedures</u>: Employees who have access to electronic protected health information (ePHI) have the responsibility to follow all documented HIPAA security and privacy practices, procedures and policies provided of the City. Employees must keep desktop computers and all portable computers physically secure and prevent them from being accessed by unauthorized users. Employees must keep ePHI data from

being read by or distributed to unauthorized users. Failure to comply with HIPAA requirements and applicable state law will also result in an employee being subject to the provisions of the HIPAA Sanctions Policy. In addition, the employee may be subject to civil and criminal penalties.

18. Encryption: No encryption of any kind shall be permitted on any documents or electronic communications created or stored on the City network, unless the encryption is authorized by the IT Director or his or her designee. This includes official documents, memos, internal documents, and e-mail reports.

E. Incident Reporting

Employees have a responsibility to report all actual or suspected information or network security incidents to their direct supervisor or department head.

1. Types of Incidents that Must be Reported: The following types of incidents are examples of situations that must be reported as a possible security incident:

   a. Unauthorized release of information in an electronic communication, whether intentional or accidental.

   b. Unauthorized receipt of any electronic communication containing information that is protected from disclosure (such as health care information) or is privileged or confidential.

   c. Receipt of an electronic communication that looks to be illegal or contains sexually explicit, hate-group related, profane, obscene, or otherwise illegal material.

   d. Suspicion that an employee's password has been disclosed or that someone may have been using one of the employee's login credentials or accounts.

   e. Receipt of any electronic communication that triggers antivirus software.

   f. Any individual who asks an employee for his or her password, or to use the employee's account to review the contents of the employee's electronic communications. (Not applicable when asked by employee's supervisor.)

   g. Computer attacks coming from inside or outside the City, or any suspected virus, worm or other malicious code.

   h. Theft or unauthorized removal of software, media, data, storage devices, disks, or CDs.

i. Unauthorized access to the City's electronic communications systems by a third party.

j. Inappropriate use of the City's technology and property, including, but not limited to, access of inappropriate websites; using City systems for inappropriate, non-work-related materials; abusing City systems or using them for unintended purposes; using workstations, servers or other devices to attempt to monitor, detect passwords, probe systems or networks, or other such hacking or cracking activities.

2. Incident Reporting Procedures: Employees should use one of the following options to report an actual or suspected security incident:

a. Report the incident to the supervisor

b. Send an e-mail to the IT Director, describing the incident

c. Call the IT Director to report an incident

Incidents will be investigated by the IT Director or Human Resources Director.

F. Internet Use and Access Requirements

Access to the Internet and certain websites that are not used for City purposes may be limited through the use of the City firewall and software. Access to blocked sites shall be allowed only by written approval of the department head.

1. Use Regulations:

a. All Internet users are responsible to ensure they are in compliance with all applicable laws and City policies, including computer security, virus detection, and access to unauthorized or questionable sites or material.

b. Under no circumstances will the Internet or any City equipment be used to access lewd, objectionable, pornographic, sexually explicit, sites depicting nudity, sites depicting illegal materials, or sites that are sponsored by or contain materials regarding discrimination, hate groups, or gambling. The only exception is when such access is used to perform official investigations, required in the course of one's work, and approved in writing by the department head.

c. Third party e-mail systems, such as Yahoo, MSN or Hotmail, shall not be used.

d. Internet access requires authentication through the firewall to ensure that only authorized employees may access the Internet. Employees must comply with authentication protocols and not bypass these authentication protocols.

e. Streaming media shall only be used for official or training purposes. The Internet shall not be used to listen to radio or TV broadcasts for non-City purposes.

f. Instant messaging is not allowed except as authorized by the IT Director.

g. Employees shall not purchase any items on the Internet from any City workstation or network connection using a credit or debit card, unless the transaction is for City business.

h. Employees shall exercise caution when prompted to enter information which will identify them or the networking architecture of the City. If there is any question regarding the legitimacy of the site or the information being requested, employees should notify their supervisor or contact the IT Director before proceeding. Employees accept all risk when entering personal, medical or financial information of any kind on external websites.

i. Employees shall not download programs or plug-ins from the Internet unless authorized to do so by the IT Director. Such actions could download viruses or other malicious code, or could violate licensing and copyright laws.

j. File downloads, such as *.pdf files, Word documents, research materials, etc., are permissible. All downloaded files should be checked for viruses.

k. The Internet shall not be used to attack or test the security of other systems.

2. E-mail Use and Guidelines: The e-mail system is the property of the City and is provided to employees to assist them in conducting City business. All messages composed, sent or received on the e-mail system are and remain the property of the City. Employees do not have a personal privacy right in any matter created, stored in, or sent from the City's e-mail system. The City has the right to monitor the e-mail system in order to ensure that the City's policies are being followed. The City also has the right to monitor e-mail to access information in an employee's e-mail system when that employee is not available.

The City may conduct random audits of electronic communications, including e-mail leaving and entering the City system. For e-mail audits,

redacted results (if determined by the City Attorney's office) will be forwarded to the department head. Any audit performed will be comprised of and not limited to the collection of incoming and outgoing mail statistics by user, the sizes and destinations of messages, the recipient addresses of messages, the content of messages, and the attachments included with messages sent and received during the audit period. Audited results have the potential of becoming a part of the public record (with exceptions as defined by law).

The guidelines below shall apply to all e-mail records (incoming and outgoing) in order to comply with current state statutes and public records laws.

a. E-mail is not secure. If the content of the mail is sensitive, then consider using other forms of delivery.

b. The IT Director will not release any information to the public with the exception of information pertaining to the IT Department. All requests for public record information will be forwarded to the appropriate department for action.

c. E-mail shall be treated like paper mail under the City's records retention and open records policies.

d. If the e-mail sent or received falls within the realm of public record as defined by state statute, it must be retained for the specified time period before being destroyed per City's records retention policy.

e. Because many departments and their staff have individual access to e-mail facilities:

    i. It is the responsibility of the employee who uses e-mail to be aware of the retention requirements for public records and to be aware of the exemptions that ensure the privacy of certain documents.

    ii. It is the responsibility of senders and recipients of e-mail to determine whether the e-mail contains official business of the City. It is also their responsibility to determine whether it is subject to retention according to public records law, and if so, to determine the required length of retention as specified by the law.

f. The City reserves the right to discard incoming mass mailings ("spam") without notifying the sender or intended recipient.

g. The City reserves the right to block all communications from sites that are involved in extensive spamming or other disruptive

practices, even though this may leave employee users unable to communicate with those sites.

h. No employee shall e-mail sensitive, personal or private information, unless it is authorized and sent by approved methods.

i. Employees shall not open unusual looking or unexpected e-mail. E-mail is often used by others for illegal purposes and may contain computer viruses.

j. Employees shall not respond to e-mail requesting personal or banking information or requesting user IDs or passwords.

k. If an employee has a doubt about the authenticity of an e-mail, or about what the e-mail is requesting, the employee should notify his or her supervisor immediately.

3. Prohibited Activities – Electronic Communications: Employees are prohibited from sending electronic communications or otherwise using electronic communication systems in connection with any (but not limited to) of the following activities:

a. Engaging in illegal, fraudulent or malicious activities.

b. Engaging in the unlawful use of electronic communications as set forth in Wis. Stat. § 947.0125 (Unlawful use of computerized communication systems – with intent to frighten, intimidate, threaten, abuse or harass another person, sends a message to the person on an electronic mail or other computerized communication system and in that message threatens to inflict injury or physical harm to any person or the property of any person).

c. Sending or storing offensive, discriminatory, disruptive obscene, or defamatory material.

d. Annoying or harassing other individuals.

e. Using another individual's account or identity without explicit authorization.

f. Attempting to test, circumvent or defeat security or auditing systems without prior authorization.

g. Accessing, retrieving or reading messages sent to other individuals without prior authorization.

h. Permitting any unauthorized individuals to access the City's electronic communications systems.

i. Sending out unnecessary mass messages, including with the intent of disrupting the e-mail system (spam).

j. Sending non-work-related attachments (e.g., pictures, graphics, music, video).

Electronic communications are not secure and can be traced to the sender without much difficulty. Each message, by default, shows whom the sender is, where the message originated, times of origination and receipt, and what route it took to get to its final destination. The City will comply fully with requests from law enforcement to minimize and eliminate malicious perpetrators.

Attachments are documents and programs that are "attached" to an e-mail message that is being sent to a recipient. Unfortunately, attachments are the most popular mode for the propagation of viruses. With the objective of safeguarding the City's network, no executable files (.com, .exe, .vba, .bat, .pif, etc.) will be permitted to pass through the City e-mail system.

Any computer that belongs to the City may be subject to random or routine audits for content and activity by a supervisor or authorized personnel of the IT Department. Reports and documents of such audits are typically maintained in the IT Department and a copy of each audit may be sent to the department head. The documentation shall be comprised of a standard enterprise-wide audit form to ensure consistency. IT Department staff will normally perform the audit. The audit may include, but may not be limited, to the following:

- The presence of unauthorized passwords
- Report of deviation from standard setting.
- The presence of personal software
- The presence of personal documents
- A summary of the contents of the hard drive
- The presence of illegal documents and software
- Content of e-mail as found in the inbox, sent mail, deleted mail, and other mail folders
- The presence of games and unauthorized software
- These audit documents may have the potential of becoming a part of the public record and may be released to the public on proper request

Violations of the above guidelines have the potential of exposing the City to substantial risks, including legal liability. Violations of the guidelines herein may result in disciplinary action, up to and including discharge. Abuses of City technology and property should be brought to the attention of the appropriate supervisor or department head. If this is not possible,

then report such abuses to City Administration. In addition, Wisconsin and federal law contain specific criminal statutes with respect to improper use of electronic communications and computers. Therefore, inappropriate use of City technology, electronic communications and property may be subject to criminal or civil legal action in addition to City disciplinary action.

Where and when it can be shown to the City Administrator that there is sufficient cause for a computer not to be bound by this policy, the Administrator can authorize such action. Such approved computers may not be subject to the appropriate policies laid out in this document. However, the user will be bound by the policies as stated within this document.

G. Cell Phone, Wireless Devices and Telephone Usage

1. Telephone Operating Procedures When answering general incoming phone lines, employees shall observe the following protocol:

- Identify the City of De Pere; and
- State their name and department

If the caller needs to be transferred to another employee, employees shall observe the following protocol:

- Give the caller the extension number of the employee;
- Inform caller he or she will be transferred; and
- Before transferring, inform the employee a call is being transferred to him or her; do not cold transfer

2. Personal Use The City's electronic communication devices may be used for limited personal reasons, and should only be used for essential matters and less than five minutes (excludes firefighters from 5:00 p.m. to 7:00 a.m.). Short, essential long distance calls may be made by employees using employees' personal calling cards. Employees with excessive use or inappropriate use of electronic devices are subject to discipline up to and including dismissal. The following is an outline of cell phone conduct:

a. Employees who are issued City cell phones shall use the phones for conducting City business during and outside normal work hours. When a supervisor determines that personal use of a cell phone is excessive or otherwise abused, the cell phone may be taken away from the employee and the employee may be subject to any fees or costs associated with the personal use of the cell phone.

b. The City reserves the right to change plans at any time. The current provision of a cell phone to employees for City business does not

guarantee the future provision of a cell phone or free access to the City's cell plan to any employee.

c. Upon resignation or termination of employment, employees shall be required to return their City-issued phone. The City may allow the employee to keep the phone if the employee agrees to have the cost of replacement deducted from his or her final paycheck.

d. Employees will be expected to come to a slow, safe stop on the side of the road before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to use the hands-free option.

e. While at work, employees are expected to use the same discretion in using personal cell phones as is expected of the use of landlines and City cell phones. Employees carrying personal cell phones should set the incoming signal on silent or vibrate. Excessive personal incoming or outgoing calls during the workday interferes with productivity and is distracting to others, and therefore may be subject to discipline and prohibition of personal cell phones in the workplace.

H. Wireless Devices

1. Elected or Appointed Official use of Personal Electronic Devices

a. <u>Equipment</u>:

i. Elected or appointed officials may choose to use personal electronic device(s) for official city business.
ii. The Common Council may determine to pay a stipend to reimburse those officials for the purchase of such personal electronic devices as may from time to time be budgeted or authorized.
iii. All devices are the sole responsibility of the elected or appointed official, including repair and needed replacement of such device. The City shall not be responsible for any loss, theft or damage to such personal electronic device.

b. The City strongly encourages elected and appointed officials to use City provided email accounts for conducting all City business.

2. The City may issue a wireless device to certain employees for conducting City business. Department Heads may authorize Fair Labor Standards Act (FLSA) exempt employee(s), whose use of an electronic device for phone and data access is determined to be necessary to carry out job responsibilities, to use their personal electronic device and service for city

business in place of a city issued device and service. For certain situations, non-exempt employees may be issued a wireless device.

a. Requests for Wireless Data Telecommunications Service: A written request for approval to use one's personal wireless device and service must be approved by the employee's department head and forwarded to the IT Department and the payroll department.

Approval of use of a personal wireless device will be rescinded when no longer justified by business requirements or when the employee has failed to comply with City policies or expectations of acceptable use as determined by the user's department head. Rescission of this approval may occur at any time at the discretion of the City.

b. Equipment, Service and Accountability: All personal wireless devices used by employees must be approved by the IT Director. All personal wireless devices shall be purchased by the employee at the employee's expense. The City will not be responsible for initiating or terminating personal cellular service. Devices are the sole responsibility of the wireless users, and the City assumes no responsibility for personal devices.

Non-exempt employees are paid for all hours worked in accordance with applicable law. Non-exempt employees must have a business reason for accessing the city network, including city e-mail, after working time and must receive advance authorization, except in event of an emergency. Working off the clock, in any form, is prohibited. Any non-exempt employee who works after hours without advance authorization will be paid. Non-exempt employees will actually record all time work in accordance with payroll policy.

c. Loss, Theft or Damage: The City assumes no responsibility for the loss, theft or damage of a personal wireless device. Repair and replacement of the personal device is at the sole expense and discretion of the employee.

d. Monthly Stipend: The monthly stipend for exempt employees shall be approximately 50% of the City's average cost for a full cell phone and data plan service available on City-issued phones. Such stipend shall be set on a yearly basis by the City Administrator. The stipend is $40 per month.

Non-exempt employees may receive reimbursement up to the amount an exempt/salaried employee is reimbursed. The supervisor will determine the appropriate monthly reimbursable with

consultation of the HR Director. The level of stipend will be determined by a person's job duties as it relates to cell phone use and access.

The monthly stipend may be taxable income to the employee and will be reported annually on the employee's W-2 form. The stipend is intended to reimburse employees for use of their personal equipment and service for City business only.

Stipend payment will be prorated for all months when service is not continued for the full month. The employee agrees to reimburse through payroll deduction any stipend paid that was not earned.

e. Conditions for Monthly Stipend: Receiving a monthly stipend means the employee's personal cell phone number may become available to City employees and/or members of the public. The employee must provide a written statement authorizing the City to release this phone number as may be required by Wis. Stat. § 19.36(10)(a).

The City is required to comply with the Wisconsin Public Records Law, including electronic media. All messages and data transmitted by or transferred to a personal wireless device and that qualifies as a "record" under applicable law will be subject to public record retention requirements of the City. Such messages and data shall be archived by the City on its own internal servers. Text messages sent and received and phone logs pertaining to City business will be retrieved from the employee's personal service provider if required for compliance with public records law. The employee must cooperate with the City to obtain these records and consent to the release of these records to the City, regardless of whether the employee receives a stipend.

The employee shall maintain continued phone and data service while receiving the stipend. Failure to do so could result in disciplinary action. All service and billing issues on personal devices are the sole responsibility of the employee.

Supervisors are responsible for verifying that employees receiving a stipend for personal use of their own device are, in fact, maintaining such service. Employees violating this Policy may be subject to disciplinary action, up to and including dismissal.

f. Cooperation in Obtaining Records: Employees who use their personal device or service for City business agree to, in exchange for being able to use their personal equipment in lieu of

City-provided equipment, cooperate with and assist the City in obtaining records from the employee's service provider for legitimate City interests including for purposes of public records law compliance, preserving records for litigation involving the City, or conducting an investigation. Any review of personal cell records will be done by the Human Resources Director or the City Attorney or their designees, with the employee and/or his or her representative present, to determine the City's interest in the information.

6. COMPENSATION

Last revised: 10/14/2020

6.1 Payroll Period/Payday

The payroll period is two weeks beginning on Saturday morning and ending on the second following Friday. Payday is normally on the Friday following the end of the payroll period, except that POC and Paid-on-Premise firefighters are normally paid on the second payroll of each month. Payroll is made through direct deposit to the employee's account at the participating financial institution of his or her choosing. No paper payroll checks will be distributed. If payday falls on a holiday, payroll will normally be directly deposited on the last workday preceding the holiday. Employees will receive a notice of their direct deposit. It is the employees' responsibility to ensure their payroll is successfully deposited. Employees shall promptly report any errors or issues with their direct deposit to their supervisor and to payroll.

6.2 Time and Attendance

All employees shall be in attendance at their regular work stations and be ready to perform their job duties at the designated start time. See Section 2.2 E Timekeeping, for information on recording time worked.

6.3 Overtime

When City operating requirements or other needs cannot be met during regular working hours, then a supervisor may decide it is necessary for employees to work overtime. All overtime work will be based on the department supervisor's authorization. Designation of an employee to work overtime may be based on factors such as skills, experience, qualifications and ability to respond in a timely fashion. No overtime shall be performed without prior supervisory authorization. Typically only non-exempt employees will be paid overtime. Exempt employees may be eligible to receive additional compensation above their regular salary up to the amount the City is reimbursed for the employee performing work for another employer. Employees will only be eligible for the time they are not working for the City. If employees flex the additional time then no payment shall be allowed for that time. The employee's supervisor or department head must notify payroll prior to the end of the pay period of the amount of hours and at what rate (i.e. straight time, 1.5 x or double time).

Overtime Payable as Wages: Unless otherwise defined, a standard workweek is Saturday through Friday. Sworn law enforcement officers and firefighters may have a longer work period as permitted by law. Overtime compensation is paid at a rate of time and one-half the hourly rate of pay for non-exempt (except those exempted by FLSA i.e. seasonal recreational employees) employees who physically work in excess of 40 hours in a workweek. Vacation, sick leave, compensatory and other paid leaves will not be considered as time worked for the purpose of computing overtime pay. Call in pay may be paid differently. See section 6.7 Emergency Pay. Paid time off for recognized holidays when the City is closed for business will be considered time worked for the calculation of

overtime. Employees working on an actual or recognized holiday will receive two times their rate of pay for hours worked, regardless of the actual hours physically worked during the workweek.

6.4 Compensatory Time/Administrative Time

In lieu of overtime pay and with supervisory approval, non-exempt employees may earn compensatory time (comp time) to take at a later date. Compensatory time is earned at the rate of one and one-half hours for every hour worked above 40 hours (with the exception that emergency call-in pay may be comped regardless of the number of hours worked). Employees working on an actual or recognized holiday will receive two times their rate of pay for hours worked, regardless of the actual hours physically worked during the workweek. The compensatory time may be accumulated up to 80 hours between December 1 and November 30 of the following year. Any compensatory time not taken by November 30 shall be paid to the employee that year and cannot be carried forward to a succeeding year. Employees shall request to accrue and use compensatory time which may be granted by the employee's supervisor based upon operational needs and applicable law. The City reserves its right to pay out compensatory time at any time during the year.

In recognition of work performed for exempt employees over and above the normally scheduled hours of work, the Human Resources Director, with approval of the City Administrator, may provide for such employees to receive up to 40 hours administrative time per year. The hours for an employee or a position are based upon the duties, workload or other factors decided by the Committee. The amount of administrative hours will be reviewed and may be adjusted if there are changes with the position. Administrative time must be used by December 31st each year. Unused administrative time does not carry forward. All employees receive their administrative time accruals on January 1 of the year in which it is accrued and their administrative time is prorated in the first and last years of employment. In the event an employee ends employment and has used more administrative time than has been earned, then the deficit shall be paid back to the City and shall be deducted from the employee's last paycheck as a wage overpayment. No payment shall be made for accrued but unused administrative time upon dismissal of employment for exempt employees.

6.5 Longevity Pay

Regular full-time and part-time employees receiving wages for hours actually worked or who are using approved leave such as vacations, holidays, sick leave, emergency leave, jury duty, FMLA or military leave, or who are on workers' compensation leave, shall receive additional compensation as Longevity Pay, beginning the first month after qualification of such Longevity Pay as follows:

A. After completion of five years of continuous service – $20.00 per month.

B. After completion of ten years of continuous service – $30.00 per month.

C. After completion of 15 years of continuous service – $35.00 per month.

D. After completion of 20 years of continuous service – $40.00 per month.

An employee must work for the City or receive accrued paid leave for no less than 80 hours during the calendar month to be eligible to receive Longevity Pay for that month.

The Longevity Pay program will be discontinued for employees hired after January 1, 2014, or for new employees not yet qualified as of January 1, 2014. As of January 1, 2014 those employees receiving longevity pay will be frozen at their current rate and will not continue to progress with years of service.

6.6 Service Award Program

The City of De Pere values the contributions, knowledge and experience of long-term employees. In appreciation of this dedicated service, the City recognizes employees as they reach milestone anniversaries of employment. The service award program applies to regular employees, including represented Police and Fire Department employees.

Benefit eligible, active employees become eligible for a service award in the year in which they complete 5, 10, 15, 20, 25, 30, 35 and 40 years of service. Employees will be recognized for their years of service with a pre-paid MasterCard Gift Card in the amount listed below. The Mayor's office will coordinate the presentation of the award.

5 Years of Service	$25.00
10 Years of Service	$50.00
15 Years of Service	$75.00
20 Years of Service	$100.00
25 Years of Service	$125.00
30 Years of Service	$150.00
35 Years of Service	$175.00
40 Years of Service	$200.00

6.7 Emergency Pay

If an employee works for an emergency related reason outside of the normal working hours, they may be entitled to pay at time and one-half, except on holidays or observed holidays where they may be entitled to double time. If the employee performs non-emergency work outside of the normal working hours, they are paid straight time, unless the employee has worked more than 40 hours during that week or the employee has worked on a holiday or observed holiday.

If the employee reports to work for an emergency after being relieved from work, and the hours worked are not attached to their normal working hours, they may be entitled to a minimum of two hours of pay at time and one half, except on holidays or observed holidays where they may be entitled to a minimum of two hours at double time. If an employee performs work for an emergency outside of the regular work hours and the time is attached to their normal working hours, they are not entitled to a minimum of two hours of time.

Employees are subject to call in at any time, day or night. The City's decision as to whether an employee should receive the two-hour call in pay shall be final. Employees are required to perform any call in responsibilities in the most efficient manner possible in the interests of the City. Employees are required to keep accurate time records of time worked for purposes of determining call in compensation.

Employees must respond to calls from the City, and if accepting the call, must respond to the job site within 30 minutes of receiving the call. If an employee is called on the telephone, but it not required to come into work, the employee shall be paid for all hours worked with a minimum of 1 hour at straight time (paid at double time on holidays and observed holidays). Employees that have a City vehicle at home will be paid from the time the call is received. All other employees are paid from the time they arrive at the work site.

6.8 Acting Duty

Some vacant positions may require an interim appointment to be made by the City Administrator in order to continue effective operations of the department. Employees may be assigned the interim position to assist in carrying out those duties which must be continued. If it is determined by the City Administrator that the additional assignment warrants additional pay, then such pay may be made retroactive to the day the interim position is designated to begin. Not all interim assignments warrant additional pay. If it has been determined that the assigned duties have a value at or below the employee's regularly duties, then no additional pay will be granted.

6.9 Compensation Policy

The City of De Pere believes in providing fair and equitable compensation for its employees, such that it will be highly competitive with comparable municipal organizations in the State of Wisconsin.

A. Objectives: The City has adopted this compensation policy to:

1. Attract and retain well-qualified employees;
2. Provide incentives and motivate employees toward higher performance to achieve the City's short and long-term goals;
3. Communicate the organization's expectations regarding different rates of pay;
4. Maintain competitive pay levels within the City's limited resources and state-imposed expenditure caps; and
5. Ensure the consistent administration and application of its compensation policy.

B. Program: Newly hired employees may be placed administratively anywhere in the assigned range. In determining an appropriate starting rate, consideration shall be given to the experience, education, previous earnings of the candidate and other job-related factors. Hiring above the range minimum requires the approval of the

Human Resources Director. Hiring above Step 6 (control point) requires approval of the City Administrator. The City Administrator has the ability to increase an employee's wage for retention purposes.

C. Review of Pay Plan: Pay grade ranges, classifications, and internal pay compensation issues will be reviewed on an as needed basis, but at least every 5 years, in order to properly reflect both the external municipal job market and internal pay equity. A yearly summary of the plan's performance shall be completed by City Administration and report given to the Council.

D. Changes in Pay Grade: Considerations for change in pay grade can be initiated by the employee, department head or Finance/Personnel Committee and submitted to Human Resources. A change in pay grade will only be considered if the employee's duties have changed sufficiently to warrant a reevaluation. All pay grade changes must be approved by the Finance/Personnel Committee and Common Council.

E. Pay Increases:

1. Step Movement: Employees below the range Control Point shall advance the equivalent of one step a year until they reach the Control Point. These increments shall be based upon measured performance that at least meets expectations and shall be in addition to any other approved general yearly market adjustment.

2. Yearly Adjustments: Yearly wage adjustments (based on Midwest consumer price index and market) may be provided as approved by the Common Council during the budget process unless not warranted based on individual performance as determined by the City Administrator with supervisory input. All employees, except those red-circled (above 120% of market) are eligible for a market adjustment.

3. Pay for Performance: An incentive program to reward employees for exceptional work exceeding expectations.

   Employees may be recommended by their supervisor/department head for an outstanding performance award. Recommendations are submitted by the supervisor/department head, but may be completed/written in conjunction with the employee.

   a. Award Options:

      i. Recommendation for salary increase: percentage increase added to annual salary (applicable to those not red-circled or stepping)
      ii. Recommendation for bonus or paid time off (PTO).
         - Bonus – paid out as a set dollar amount (applicable to all employees including those red-circled)

- Paid time off – one time allotment of paid time off (applicable to all employees including those red-circled). Upon termination, unused paid time off will be paid out.

iii. Combination of two of the above (ex. bonus and paid time off)

b. Review Team: A Performance Award Review Team will review all employees recommended for an outstanding performance award.

The Performance Award Review Team will consist of the City Administrator along with two supervisors from an outside organization. After reviewing all recommendations, the Performance Award Review Team will decide which employees warrant an outstanding performance award when rated against all City employees recommended for a performance award. The Performance Award Review Team will decide how performance awards will be distributed.

c. Funding of Pay for Performance Program: The total funds to be used for employee bonuses will be recommended by the Mayor annually as part of the proposed executive budget. Total funds to be used for salary increases will be determined by the Common Council annually as part of the annual budget approval process.

Total pay disbursement to employees cannot exceed the total funding available for pay for performance pay in the adopted budget. If total pay expenditures are below available funds, excess funds are returned to the general fund balance at the end of the calendar year.

The pay for performance funds for bonuses will be determined each year by taking 1% of the prior year's payroll. Bonus and paid time off are awarded as soon as practical following the Performance Award Review Team meeting. Salary increases will be effective the first of the year following the Performance Award Review Team meeting and budgeted as part of the annual budget process for each department.

d. Employee Eligibility: Regular full time non-represented employees and part time employees are eligible for performance awards. Employees who have had a written warning or higher during the 12 months prior to the recommendation deadline are not eligible for a performance award. Employees must be actively employed at the time of the performance disbursement. Employees who are on paid or unpaid leave due to disciplinary action by the City are not considered actively employed for purposes of eligibility. The City

Administrator has the ability to withhold performance awards for employees that are under investigation.

6.10 Performance Management – Check-In Process

The check-in process provides a means for discussing, planning and reviewing the performance of each employee. Regular performance check-ins:

A. Check-In Components

- Important accomplishments since last check-in
- Goals or areas of opportunity to focus on over the next several months
- Additional topics the supervisor may discuss such as career goals, assistance the employee needs, changes the employee may suggest, etc.

B. Check-In Process

Supervisors will conduct documented check-ins with their employees during the year to review past and future performance. Employees will sit down with their supervisor and discuss their accomplishments, areas to focus on over the upcoming months, and other possible topics.

6.11 Change in Working Hours

When employment status changes from full-time to part-time, or vice versa, the benefits that employee has already accrued will remain the same, and future accrued benefits will be earned at the new percentage of employment, prospectively.

6.12 FLSA Safe Harbor Policy

The City desires to avoid errors in and improper deductions from wages owed to each employee. If an employee believes an error has been made, then the employee should inform the Human Resources Director immediately. The Human Resources Director will take the necessary steps to research the problem and to assure that any necessary correction is promptly made.

The City has created this Safe Harbor Policy for employees who are classified as exempt under the Fair Labor Standards Act (FLSA).

The Safe Harbor Policy's purpose is to:

- Announce the City's "good faith" commitment to comply with the regulations and its commitment to reimburse employees for any improper deductions;
- Clearly state and inform City employees of the procedures and exceptions surrounding permissible salary deductions;
- Define "actual practice" in relation to improper salary deductions; and

- Inform City employees of a complaint mechanism if employees believe that their pay has been improperly deducted.

The City is committed to complying with the pay practices governed by the Fair Labor Standards Act. If employees have questions about this Safe Harbor Policy or the regulations defining it, then they should please see the City Administrator, or his or her designee, who can help the employee to understand how the regulations affect a given situation.

Being an exempt employee means an employee is not eligible to receive overtime pay regardless of how many hours worked each week. Exempt status also means the employee is guaranteed a salary of a "predetermined amount" and the amount cannot be reduced because of variations in the quality or quantity of work performed.

There are certain instances when the City is allowed to deduct wages from an exempt employee's salary. These permissible deductions are as follows:

- When an employee is absent from work for one or more full days for personal reasons, other than sickness or disability, and the employee has no vacation or personal time off remaining for the year;
- When an employee is absent from work for one or more full days due to sickness or disability if the deductions are made under a bona fide plan, policy or practice of providing wage replacement benefits for these types of absences, such as long-term disability, and the employee has no vacation or personal time off remaining for the year;
- Proportionate part of an employee's full salary may be paid for time actually worked in the first and last weeks of employment;
- To offset any amounts received as payment for jury fees, witness fees, or military pay;
- Penalties imposed in good faith for violating safety rules of "major significance;"
- Unpaid disciplinary suspension of one or more full days imposed in good faith for violations of workplace conduct rules such as insubordination, sexual harassment, workplace violence, or any other violations as stated in this Manual;
- Unpaid leave taken under the Family and Medical Leave Act;
- Leave deductions under the public accountability rules of the Department of labor; and
- As otherwise permitted by law.

Isolated or inadvertent improper deductions will not result in the loss of an employee's exempt status if the City reimburses the employee. However, an "actual practice" of making improper deductions from salary will result in the loss of the exemption:

- During the time period in which improper deductions were made;
- For employees in the same job classifications; or
- Working for the same managers responsible for the actual improper deductions.

Factors that may suggest an actual practice of improper salary deductions include:

- The number of improper deductions, particularly as compared to the number of employee infractions warranting discipline;
- The time period during which the City made improper deductions;
- The number and geographic location of both the employees whose salaries were improperly reduced and the managers responsible; or
- Whether the City has a clearly communicated policy permitting or prohibiting improper deductions.

Improper salary deductions are a serious violation of this Safe Harbor Policy. If an employee believes improper salary deductions have been made from his or her paycheck, then please contact the Human Resources Director immediately. Once notified, the City will work to resolve the issue and reimburse the employee if an improper deduction had in fact been made. If the employee believes the resolution offered by the City is unsatisfactory or unlawful, the employee may file a complaint with the U.S. Department of Labor, Wage and Hour Division either by mail or in person.

7. TIME OFF AND TIME AWAY FROM WORK

Last revised: 09/26/2022

Unless specifically stated otherwise, the paid time off benefits in this Section only apply to regular full and part-time employees. In determining benefits earned for sick leave, vacation, floating holidays, and administrative time during the first year of employment, accrual begins on the first day of the month following an employee's start date. In determining the benefits earned during the year of termination, a full month benefit will be granted if the termination date was on or after the 15th day of the month. If the termination date was prior to the 15th day of the month, no benefits will be granted for the month in which the termination occurs. Please see section 7.15, Unpaid Leave of Absence, for details on accruals if on an unpaid leave of absence. For sick leave, vacation, floating holidays, and holidays a day is defined as 8 hours for a full-time employees (pro-rated for a part-time employees). Regular part-time employees may be eligible to accrue and use paid time off for sick leave, vacation, holidays, and floating holidays. Paid time off for part-time employees is accrued or applied in a prorated manner based on the average number of scheduled hours worked compared to a regular full-time employee (a 40-hour workweek) and as determined by the Human Resources Department. If a part-time employee works 5% or more than scheduled in a given year their accruals for vacation and floating holidays will be adjusted accordingly. Employees must be employed the entire calendar year in which they worked the additional hours to be eligible for an adjustment. Any extra accrued time off can be carried forward into the following year. The determination of the Human Resources Department as to the amount subject to accrual shall be final. Non-benefit eligible employees shall not be eligible for any benefits contained in this Section unless specifically provided for herein.

7.1 Sick Leave

All full-time employees and part-time employees on a prorated basis shall accrue one day per month of sick leave. Battalion Chiefs will accrue sick leave as outlined in the Firefighter collective bargaining agreement. The maximum sick leave accrual is 120 days, except as provided in bargaining agreements. Employees who have accumulated sick days in excess of 120 days (not to exceed 150 days) as of January 1, 2009, shall have such balance as their maximum accumulated sick leave balance. New hires will be credited with 12 days of sick leave, which will be earned over the employee's first year of employment. In the event an employee ends employment and has used more sick leave than has been earned, then the deficit shall be paid back to the City and shall be deducted from the employee's last paycheck as a wage overpayment.

Please see section 4.6 Tardiness and Absences, for the procedure to report unforeseen tardiness and absences.

The purpose of the Sick Leave Program and Policy is to promote employee morale as well as provide employees with continuation of income in the event that a health condition keeps them from working for a short period of time. This policy will detail sick leave accrual, acceptable usage and serves as a resource to prevent sick leave abuse.

Sick leave is intended to provide continuity of income to the employee in the event of health-related issues that prevent the employee from working his or her regularly scheduled hours.

A. Use of Leave

Sick leave may be taken with approval for the following reasons:

1. To attend a medical, dental, or mental health appointment, including counseling for themselves

2. When the employee is unable to perform his or her normal job duties due to illness or injury.

3. When the employee's attendance is necessary for caregiving purposes or to attend a medical, dental, or mental health appointment, including counseling, for an immediate family member who is ill or injured and unable to care for themselves. An immediate family member is a spouse, child (including step child, foster child, or child for whom the employee has day-to-day responsibilities to provide care and financial support. If the child is over the age of 18, the child must be incapable of self-care), parent, and legal guardian. If another family member can attend to the needs of the immediate family member, then the employee most times is expected to report for duty and fulfill his or her responsibilities unless otherwise permitted by law.

4. Employees shall make every effort to schedule medical and dental appointments outside of the scheduled workday.

5. The City may request verification of illness or medical or dental appointments by the medical care provider. Employees may be required to submit a doctor's authorization for an absence caused by illness or injury to their supervisor or designee; the supervisor should submit a copy to Human Resources. If the employee fails to submit the requested doctor's authorization, then the employee may be considered to have voluntarily resigned from employment. This policy will be enforced consistent with state and federal law on family and medical leave and other applicable laws.

B. Accumulation

Regular full-time and regular part-time employees, working through at least the 15th of the calendar month, shall accumulate sick leave at the rate of one workday per month up to a maximum accumulation of 120 workdays. A workday for full-time employees is eight hours. A workday for part-time employees is prorated based on an eight-hour day and 40 hour workweek. Employees who have accumulated sick days in excess of 120 days (not to exceed 150 days) as of January 1, 2009, shall have such balance as their maximum accumulated sick leave balance. Accrual begins on the first day of the month following an employee's start date.

C. Reporting Process

In order to be granted sick leave with pay, the employee must adhere to the following:

1. Permit the City to require such visits or medical examinations as it deems desirable and to the extent permitted by law, and provided that the City shall make all necessary arrangements for such medical examinations or visits and shall bear all expenses thereof.

2. Submit a medical certification of illness if required by the supervisor.

3. Employees will return to work as soon as the medical condition permits.

4. Employees will not engage in gainful employment of any kind during a sick leave absence without prior approval of their supervisor.

5. Employees will document the reason(s) for the sick time in time entry or other scheduling system or on a sick leave voucher if the employee does not have access to time entry or other scheduling system. Departments may continue to use sick leave vouchers for scheduling purposes, however the reason must still be documented in time entry, if the employee has access to time entry. Reasons should be kept confidential by the employee's supervisor.

6. Failure to comply with any of the above may result in a denial of the employee's claim for paid sick leave time and/or result in disciplinary action.

7. To be granted sick leave for a partial day appointment, the employee must be scheduled and work part of the day.

Supervisors must notify the Human Resources Department within 24 hours of a 3-working-day absence of an employee.

D. Abuse

The City treats the misuse of sick leave very seriously and desires for all employees to prevent the misuse of sick leave. Misuse subjects the City to additional costs that harm the financial viability of the City, and misuse is disruptive to co-workers and the services provided to the public. Misuse of sick leave undermines the credibility of the employee and the confidence the public and co-workers must have in that employee and the City.

Misuse and abuse of sick leave may lead to disciplinary action. The City may construe misuse of sick leave as theft and dishonesty, among other rule violations, which

warrants serious discipline, up to and including discharge. The City reserves the right to investigate use and require documentation from the employee to support the use of sick leave. Such supporting documentation, however, will not negate the City's right to discipline any suspected abuses of sick leave. Supervisors and department heads have a responsibility to review and monitor the number of sick events of their employees, and direct false or excessive sick leave usage to be investigated.

E. Sick Leave and Family or Medical Leave

All of this information from the employee is necessary and important for the City to determine the employee's eligibility for sick leave and family or medical leave, whether a temporary or permanent replacement for the employee is needed, whether further medical information will be needed to evaluate whether the employee may create a risk to the health and safety of the employee or others in the City, whether reasonable accommodation may need to be considered, whether sick leave is the proper leave to use or whether other leave or no leave is appropriate, and whether the City may consider further inquiries into the use of leave for other business-related reasons, including for investigatory purposes. The City may require a doctor's certificate verifying the necessity for absences and the specific illness, injury or other disability to which the absence is attributed. When a serious illness or injury keeps an employee from work, or is expected to keep them from work for more than three consecutive calendar days, an FMLA Leave Request Form and a Physician's Certification Form shall be completed. Any leave taken for this reason will be applied toward an annual FMLA leave entitlement whether or not FMLA leave is requested. Individual departments may also require a sick leave request form for lesser periods of time for department purposes. A fitness for duty certificate shall be required before an employee is allowed to return to work when absent for his or her own health condition. The certificate should be submitted to the employee's supervisor or designee; the supervisor should submit a copy to Human Resources.

F. Sick Leave and Workers' Compensation

Workers' compensation insurance provides salary compensation to employees who are injured while performing their work duties after the employee has missed four consecutive calendar days of work, due to an injury on the job. The employee's sick leave balance will be used for the employee's salary until workers' compensation benefits begin. The employee's sick leave balance will be converted to dollars and the sum will be used to make up the difference between workers' compensation benefits and the employee's salary. Provided the employee does not reject any offered temporary light duty/transitional duty assignments, when the employee's sick leave is exhausted, the City will pay the employee's salary minus any benefits received from workers' compensation for no more than 60 calendar days or until the employee receives benefits from the disability insurance plan.

G. Sick Leave and Retirement

Upon an employee meeting the minimum qualifications and applying for a retirement annuity from the Wisconsin Retirement Fund or any employee receiving a disability annuity as defined by Wis. Stat. § 40.02(21), and having 5 years of consecutive service in a regular part or full-time position with the City, the City shall credit 100% of the accrued and unused sick leave credited to that employee as of the date the employee terminates his or her employment with the City, up to a maximum of 120 days. Employees who have accumulated sick days in excess of 120 days as of January 1, 2009 shall have such balance as their maximum accumulated sick leave balance. The City shall credit to the account of such employee an amount equal to the employee's then-existing rate of pay times 100% of the accrued and unused sick leave up to that maximum balance. The amount so determined may be used by the employee until such amount is exhausted to either pay the monthly premiums for group health insurance and/or group dental insurance provided by the City, subject to the approval and requirements of the insurance carrier and/or policy provided by the City, or on a quarterly basis for reimbursement of health insurance, dental insurance, vision insurance or long-term care insurance premiums of the employee's choosing. Prior to such reimbursement, the employee shall submit evidence of current, active enrollment in the plan(s). Such evidence may include, at the discretion of the City, the annual plan enrollment card, billings, policy and agent name.

H. Delay use of Benefits

At the option of the employee, the conversion of unused and accrued sick leave as provided herein may be delayed for a period of time not to exceed 60 calendar months from the date of retirement. If the employee opts to delay such benefit, the employee may continue enrollment under the health plan and/or dental plan provided by the City. If the employee, upon retirement or subsequent thereto, terminates enrollment under the policy provided by the City, the employee shall no longer be eligible to renew enrollment thereunder. If the employee opts to delay the benefit as provided herein, upon timely written notice of intent to utilize the benefit, the employee may begin drawing on the escrow to pay the premiums on the policy provided by the City (if the employee has remained enrolled in such program) or to receive quarterly reimbursement for a plan of the employee's own choosing. The City may require evidence of continued enrollment under a plan of the employee's own choosing. Failure to submit such proof of enrollment as required by the City within one month of written request, or failure to request the City to begin to draw on sick leave conversion funds prior to the 60-month anniversary of that employee's retirement shall result in forfeiture of any entitlement to a sick leave conversion benefit as provided hereunder.

I. Dependent/Survivor Benefit

If an employee eligible for retirement based on his or her age, as provided in Section 7.1(G) dies before terminating his or her employment with the City, the City shall credit to an account of the deceased employee, an amount equal to the employee's then-existing rate of pay times the percentage authorized by this policy of the accrued and unused sick leave of that employee at the time of death, up to a

maximum of 120 days. This account will apply to the estate of the deceased employee for the purposes of payment of health insurance, dental insurance, vision insurance, or long-term care insurance premiums. A surviving spouse, until remarriage, will be eligible to apply the escrowed funds for payment of monthly health insurance, dental insurance, vision insurance or long-term care insurance premiums. Likewise, dependent children may request to apply these escrowed funds for payment of monthly health insurance, dental insurance, vision insurance or long-term care insurance premiums following the death of the employee and surviving spouse, so long as the dependents meet the dependency rules of the Internal Revenue Code.

The surviving spouse or dependent children, upon the death of an employee eligible for retirement as provided above, shall be eligible to extend coverage under the health insurance, dental insurance, and vision insurance provided by the City pursuant to state and federal regulations. Payment of the monthly health insurance, dental insurance, and/or vision insurance premiums for the surviving spouse and/or dependent children must be made by the member to the COBRA administrator and may be reimbursed on a quarterly basis from the escrowed funds until said funds have been depleted, or until such time as the extended coverage terminates pursuant to state and federal regulations. Upon enrollment, or continuing enrollment, in other coverage, the surviving spouse and/or dependent children may submit claims on a quarterly basis for reimbursement of health insurance, dental insurance, vision insurance or long-term care insurance coverage premiums. Prior to such reimbursement, the surviving spouse and/or dependent children shall submit evidence of current, active enrollment in the plan(s). Such evidence may include, at the discretion of the City, the annual plan enrollment card, billings, policy and agent name.

In the event that an employee dies after retirement, the survivor of said employee shall be entitled to continue drawing on such fund as long as the surviving spouse does not remarry or the children of the deceased employee are dependent as determined by the dependency rules of the Internal Revenue Code.

J. Catastrophic Illness/Injury

When an employee has accrued the maximum accumulation of sick leave as set forth above, thereafter 50% of the additional sick leave earned and not used (while such maximum level is maintained) will be credited to the employee's catastrophic illness/injury sick leave reserve account. During the last three years of employment, an employee who has, at the time of discontinuation of employment, met the minimum qualifications for a retirement annuity from the Wisconsin Retirement Fund or who qualified for a disability annuity may draw from that employee's catastrophic illness/injury sick leave reserve account (if any) for any absence in excess of 80 hours during the annual period due to a catastrophic illness or injury (annual period being the employee's anniversary date of employment).

Catastrophic illness/injury, for purposes of this Section, is defined as an illness, disease or injury which:

1. Is life threatening or substantially debilitating in nature; and

2. Requires overnight hospitalization; and

3. Necessitates absence from work for a period of more than 80 hours in any annual period (measured from the employee's anniversary date of employment).

The City reserves the right to require physician verification as to the inability of the employee to report for duty, or as to the necessity of any pre- or post-hospital treatment or visitation necessitating absence from work.

The use of sick leave credited to the catastrophic reserve account can only be used for catastrophic injury/illness occurring during the last three years of employment.

The sick leave to be credited to the catastrophic illness/injury sick leave reserve account shall be computed from the employee's date of employment.

7.2 Vacation

Battalion Chiefs follow the vacation schedule as outlined in Firefighter collective bargaining agreement but receive their vacation accruals on January 1 of the year in which it is accrued and their vacation is prorated in the first and last years of employment.

As of January 1, 2014, employees currently receiving 26 days of vacation will continue to earn 26 days per year. All other employees are capped at 25 days.

Employees shall accrue vacation as follows (effective January 1, 2023):

Years of Employment	**Vacation Allotment**
Hired	15 days, prorated if start date is not January 1
January 1 of 5th year	17 days
January 1 of 10th year	20 days
January 1 of 15th year	22 days
January 1 of 20th year	25 days

Example: If an employee is hired January 7, 2013, the employee would be credited 15 days of vacation on January 1, 2018. If an employee was hired December 16, 2008, the employee would be credited 17 days of vacation on January 1, 2018.

The Human Resources Director or designee has the ability to negotiate up to 4 weeks of vacation for new hires or promotions, when necessary.

All vacation time must be scheduled with the approval of the employee's supervisor or department head. Management reserves the right to schedule vacation and to deny scheduled vacation in order to meet operational needs.

The process and procedure for vacation selection and staffing levels shall be left up to the individual departments and it will be decided by the department head(s).

Vacation selection may be scheduled based on seniority. If vacation is selected based on seniority, the following should be followed:

- Round 1: The employee with the most City seniority will be allowed to pick up to one full week or up to 3 individual days and then passed based on seniority to the employees.

- Round 2: The employee with the most City seniority will be allowed to pick up to one full week or up to 3 individual days and then passed based on seniority.

- Round 3 & Additional Rounds: The employees with the most City seniority will be allowed to select up to 3 individual days and then passed based on seniority.

After the rounds are completed, vacation shall be on a first come first serve. Half day holiday are considered a "day". The department head may change their department policy/procedure where fewer days can be selected in each round; however, not more.

If an employee becomes ill or injured during a scheduled vacation, then the employee is still considered on vacation. However, exceptions can be made for extraordinary circumstances as determined by the Human Resources Department. To qualify for an exception, the injury or illness must be serious, sudden and unexpected (e.g., hospitalization). The employee must have been otherwise available to work from his or her permanent residence in order to qualify to change vacation time to sick leave. Approval of the change is required by the Human Resources Department when or as soon as possible after, such illness or injury arises and written medical verification is submitted.

Unused vacation of up to five days per year (three days for Battalion Chiefs) may be carried forward in any given year, but must be used in the subsequent year such that the maximum amount of vacation available is the employee's current year accrual plus five days. Part-time employees are allowed to carry over prorated number of hours based on the average number of hours worked compared to a regular full-time employee (a 40-hour workweek). The department head or supervisor, with the approval of the City Administrator, may allow earned vacation time beyond 5 days (three days for Battalion Chiefs) to carry forward when it is for the best interests of the City. Any vacation not used will not be paid out. Any employee accruing more than the amount provided above based upon years of service shall continue to receive his or her current accrual; however, future increase in accruals shall be based upon the above chart.

Employees hired prior to December 31, 2013 who were hired under the MEA and Engineering collective bargaining agreement, receive their vacation accrual on January 1 of each year based upon the number of months worked in the prior year. On the last day

of employment, the employee receives payment for his or her current balance of accrued vacation plus the vacation earned but not yet received for the last year of employment. All employees hired after January 1, 2014, receive their vacation accruals on January 1 of the year in which it is accrued and their vacation is prorated in the first and last years of employment. In the event an employee on this accrual method ends employment and has used more vacation than has been earned, then the deficit shall be paid back to the City and shall be deducted from the employee's last paycheck as a wage overpayment. The City Administrator shall have the ability to award an employee up to an additional five days of vacation per year as an appreciation for something extraordinary the employee did, e.g., worked many additional hours on a project, or filled in for a significant period of time in someone's absence for which they did not receive additional pay. The City Administrator has the ability to adjust an employee's annual vacation allotment for retention purposes.

7.3 Vacation Donation

When an employee or his or her family member has a serious health condition requiring excessive amounts of time off work, other co-workers may wish to donate their unused vacation. The benefit of this policy is that it creates a family-like, team environment and mutually benefits the donor and the recipient.

A. The employee must provide certification of a serious health condition to the City, usually through forms already created for FMLA.

B. The employee must have exhausted all of his or her own available paid time off, not be receiving any other City-paid benefits during this period of time and not be eligible for other voluntary or other disability benefits during this time (except health and dental benefits while on FMLA, if applicable). If the employee receives a new allotment of paid time off (i.e. the start of a new calendar year) then the employee must exhaust the new allotment of paid time off before using donated time.

   1. Employees hired prior to December 31, 2013 who were hired under the MEA and Engineering collective bargaining agreement and receive their vacation accrual on January 1 of each year based upon the number of months worked in the prior year will have access to and must also exhaust the current year's accrual. The employee will then continue accruing vacation based on the current year accrual method.

C. Employees who anticipate they will exhaust all available earned time off may request consideration for donated vacation from other employees by completing the Employee Request for Consideration of Vacation Donation form.

D. The Human Resources Department will post the request in the work area of the employee.

E. All co-workers wishing to donate unused vacation time may do so confidentially by completing the Request to Donate Vacation form.

F. The maximum an employee may donate is 40 hours of their vacation time, per request.

G. Donated vacation time will be converted to dollars by the City by multiplying the number of hours donated by the donor's hourly base pay rate at the time of processing, then converted back into hours for the recipient by dividing the dollar amount by the recipient’s current rate of pay.

H. After hours are converted, the recipient may receive up to a maximum of 60 workdays from all donations.

I. The Human Resources Department will notify the Finance Department to issue the transfer of hours and will notify the employee receiving the hours of the transaction.

J. A leave recipient who returns to work full-time with more than 6 months remaining in the year may use up to 2 weeks of donated time as vacation. Donated time that may be used for vacation is not eligible to carry forward into the next year.

K. For a leave recipient who subsequently leaves the position and is no longer an eligible employee, donated vacation hours may only be used up to the date of ineligibility or separation.

L. Any unused donations will be credited back to the donor if the recipient returns to work prior to using the donated time, which is based on a first-donated, first-used basis. Vacation time that is donated that the leave recipient has the ability to use as vacation time, as stated in j above, will be considered used for the purposes of this item; any unused donated time designated as vacation for the leave recipient at the end of the year will be returned to the donating employee.

M. In the event the employee is on an intermittent leave, the hours must be used within one year of the employee’s request for vacation donation.

N. Leave donations are not tax deductible.

O. While the employee is using donated vacation time, they are considered to be in an unpaid status as outlined in 7.15, Unpaid Leave of Absence unless the employee is on approved Family Medical Leave.

P. Upon return to work, any remaining donated time may be used to payback overused accruals.

7.4 Floating Holidays

Employees have four floating holidays to use throughout the year which are earned in a pro rata manner across the year. No payment will be made for accrued but unused floating holidays upon dismissal of employment (voluntary or involuntary). Battalion Chiefs follow the Firefighter collective bargaining agreement for holidays therefore are not granted floating holidays.

All employees receive their floating holiday accruals on January 1 of the year in which it is accrued and their floating holidays are prorated in the first and last years of employment. In the event an employee ends employment and has used more floating holidays than has been earned, then the deficit shall be paid back to the City and shall be deducted from the employee's last paycheck as a wage overpayment.

7.5 Compensatory Time/Administrative Time

Please see section 6.4 for the Compensatory Time and Administrative Time policy.

7.6 Holidays

Employees are afforded the following holidays as paid holidays: January 1, Martin Luther King Holiday, Memorial Day, July 4, Labor Day, Thanksgiving Day, Day after Thanksgiving, December 24 and December 25. Battalion Chiefs follow the Firefighter collective bargaining agreement for holidays.

When any legal holiday listed above falls on a Sunday, then the following day will typically be considered a recognized holiday; if the legal holiday falls on a Saturday, then the previous day will typically be considered a recognized holiday. In those departments where service is necessary on the otherwise recognized day, then the department heads or supervisors, upon approval of the City Administrator, may designate that certain employees of their departments consider Friday as the recognized holiday and other employees will consider Monday as the recognized holiday. To receive holiday pay, employees must be employed at the time of the holiday and work or use paid time off the workday before and workday after the recognized holiday.

A. <u>When Holidays Fall (or are observed) Monday-Thursday</u>: Employees are paid 8 hours (pro-rated for part-time employees) for holidays, but employees working hours of operation work 9 hours Monday-Thursday. Employees will be allowed to make up the difference in that time the same work week to keep their weekly hours the same, use vacation, floating holidays, or comp time, or to take that time unpaid (an exception to the voluntary unpaid leave program). Exempt employees are still expected to have at least 80 hours during each pay period.

B. <u>When a Holiday Falls (or is observed) on a Friday</u>: The hours of operation will shorten by the difference of paid holiday time and the hours normally worked on Fridays. For example, if the 4th of July falls on a Friday, employees are scheduled to work 4 hours on Fridays, but are paid 8 hours (pro-rated for part-time employees) for holiday pay. Therefore, City buildings would close 4 hours (the difference between the hours of operation and holiday pay) earlier the day prior to the holiday, which is July 3rd. Therefore, City Hall and Community Center will close at 12:30 p.m. the day prior to the holiday (or the day prior to the observed holiday) and MSC will close at 11:30 a.m. on the day prior to the holiday (or the day prior to the observed holiday).

C. Employees working an alternative work schedule should work with their supervisor to flex their hours during holidays weeks to keep themselves whole.

7.7 Voluntary Unpaid Leave Program

In order to reduce City expenses, a voluntary unpaid leave program for regular full-time and part-time employees exists. The maximum amount of authorized voluntary unpaid leave is five days per year for full-time employees and a prorated amount for part-time employees. For non-represented employees who work 24-hour shifts, the maximum amount of authorized leave is two workdays. The days do not need to be taken at one time and can be requested to be taken intermittently throughout the year. The Voluntary Unpaid Leave Program is in addition to and not related to the Unpaid Leave of Absence program in Section 7.15

A. Guidelines

1. Participation in the Voluntary Unpaid Leave Program requires approval by the department head and the City Administrator.

2. Requests will be reviewed on a case-by-case basis and unpaid time off will be considered only if it results in a cost savings and it does not adversely affect services to the public.

3. Leave that causes an increase in costs or requires overtime will not be approved.

4. Voluntary unpaid leave will not be counted as hours worked for overtime purposes.

5. The decision of the department head and the City Administrator is final; the decision will not be subject to the grievance procedure.

6. Leave requests must be for an employee's scheduled shift hours. Voluntary leave can be taken in half-day or full-day increments. Exempt employee must take leave in full-day increments.

7. All leaves will be voluntary and without compensation.

8. The maximum amount of voluntary unpaid leave is five days per year for full-time hourly employees and prorated for part-time hourly employees. The days do not need to be taken at one time and can be taken intermittently throughout the year.

9. Certain benefits will be maintained, provided the employee meets all of the applicable eligibility requirements associated with the particular benefit. This includes the payment of the City's share of the health, dental, life, and long-term disability insurance plans. Accrual of vacation and floating holidays will not be affected. WRS payments will be affected due to income being reduced.

10. An employee may request voluntary unpaid time once they have 40 hours (pro-rated for part-time employees) or less of eligible leave time remaining. Eligible leave time remaining excludes sick time, comp time, holidays, and performance award time.

11. Time off under the Voluntary Unpaid Leave Program will not affect the employee's seniority date.

B. Process

1. The employee must submit a Voluntary Unpaid Time Off Request Form to his or her department head to request time off.

2. The department head reviews the request and recommends approval or denial. If approved, the request will be forwarded to the City Administrator and returned to the employee with a copy to the department head and payroll. Once the time off has been approved by the department head, the leave cannot be rescinded by the employee unless the department head approves. Once the leave has been taken, the employee cannot substitute paid benefit time.

3. Employees will complete their time entry by marking the time down as unpaid leave pay.

7.8 Family Medical Leave Act (FMLA)

The FMLA entitles all employees who meet the eligibility requirement listed below to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Anytime an employee has a period of incapacity of more than three full consecutive calendar days they must apply for FMLA. This holds true even if the employee is using sick leave for their absence.

A. FMLA Leave Summary

The City provides family and medical leave in accordance with the Federal Family Medical Leave Act (FMLA) and the Wisconsin Family Medical Leave Act. The Military Family Leave Amendment extends the FMLA to provide military exigency leave and caregiver leave.

For the most part, the federal and state family and medical leave laws overlap. When an employee's absence qualifies as FMLA leave under state and federal laws, the employee will use up their entitlement under each law at the same time. Where one law provides a greater benefit than the other, the employee will receive the greater benefit. Entitlements are calculated on a calendar year, January 1 to December 31 for both state and federal purposes.

B. Eligibility

An employee is eligible for FMLA under state law if they have been employed by the City for more than 52 consecutive weeks and have been paid for at least 1,000 hours during the preceding 52-week period. Service has to be consecutive to be considered. Under federal law, eligibility requires at least 12 months of service and at least 1,250 hours worked during the 12-month period preceding the leave.

C. Leave Available

State law allows two weeks of medical leave due to an employee's serious health condition; two weeks of family leave to provide care to an immediate family member (child, spouse, domestic partner or parent) with a serious health condition; and six weeks of family leave for the birth of an employee's natural child or adoption. (If you plan to add your child to the medical and/or dental plan, you must do that within 60 days of the birth/adoption). Federal law allows 12 total weeks of medical and/or family leave due to an employee's serious health condition, the birth of an employee's natural child or adoption, or to provide care for the serious health condition of an employee's child, spouse or parent. The Military Family Leave Amendment (MFLA) allows up to 12 weeks of family leave due to a qualifying exigency when the employee's spouse, son, daughter or parent is on covered active duty service, or has been called to covered active duty status. The FMLA also allows up to 26 weeks of leave for a spouse, son, daughter, parent or next of kin to care for a "covered service member" who is recovering from a serious illness or injury sustained or aggravated in the line of active duty or to care for a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred or was aggravated in the line of duty during the five years preceding the date of treatment (26 weeks total in a single 12-month period combined with other types of FMLA leave).

TYPE	ELIGIBILITY	MAXIMUM DURATION FOR WI LEAVE	MAXIMUM DURATION FOR FEDERAL LEAVE
Personal serious health condition; inpatient hospitalization, chronic condition or continuing care by a physician	Unable to work because of serious health condition	Up to two (2) weeks per calendar year	Up to 12 weeks per calendar year
Birth, adoption, foster care	Birth of a child, placement of child for adoption or as pre-condition to adoption, or foster care placement	Up to six (6) weeks per calendar year	Up to 12 weeks per calendar year
Family serious health condition, inpatient hospitalization, chronic or continuing care by a physician	Necessary to care for spouse, child or parent with serious health condition Necessary to care for parent-in-law, domestic partner or domestic partner's parent (Wisconsin FMLA only)	Up to two (2) weeks per calendar year	Up to 12 weeks per calendar year
Leave to care for a seriously ill or injured military service member	Spouse, son, daughter, parent, or next of kin service member or covered veteran has been injured on active	None	Up to 26 weeks per calendar year, per

or covered veteran within five years of discharge (other than dishonorable) who is a spouse, son or daughter, parent, or next of kin.	duty or aggravated an existing injury by service in the line of duty on active duty, and service member is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness.		service member, per injury.
"Qualifying exigency" leave due to employee's spouse, son, daughter or parent being on or called up for covered active duty in the Armed Forces.	Short-notice deployment to a foreign country, military events and related activities, childcare and school activities, parental care, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities where the employer and employee agree to the leave.	None	Up to 12 weeks per calendar year, which includes up to 15 days used to spend time with a military member on Rest and Recuperation leave.

If an employee is not eligible for FMLA, or has exhausted their FMLA entitlement, or wishes to take leave for a purpose that does not qualify for statutory leave, please consult the other leave policies of the City to determine if other leave might be available.

D. Definitions and Clarification on Types of Leave

1. Child, Spouse, and Parent

A "child" includes not only your biological, adopted, or foster child, but also a step child, legal ward, or child for whom you have day-to-day responsibilities to provide care and financial support. If older than age 18, the child must be incapable of self-care at the time leave is to commence because of a "physical or mental disability." A "physical or mental disability" is a physical or mental impairment that substantially limits one or more of an individual's major life activities.

For purposes of the Wisconsin FMLA, however, a child over 18 must be incapable of self-care because of a serious health condition (defined below).

The term "spouse" means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state. The term spouse does not include an unmarried domestic partner. The Wisconsin FMLA has a separate provision covering qualified domestic partners.

"Domestic partner," is defined in s. 40.02(21c) or 770.01(1) of the Wisconsin Statutes as either: (1) an individual in a domestic partnership, or (2) an individual who has signed and filed a declaration of domestic

partnership in the office of the register of deeds of the county in which he or she resides. Please see s. 40.02(21d) and 770.05 of the Wisconsin Statutes for the definition of domestic partnership.

A "parent" includes your biological parents or another individual who provided day-to-day care and financial support during your own childhood. Your parent-in-law or parent of your domestic partner is not considered a parent for purposes of the FMLA but is considered a parent for purposes of the Wisconsin FMLA.

2. Serious Health Condition

A "serious health condition" under the FMLA is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay (being admitted) in a hospital or other treatment facility or "continuing treatment by a health care provider."

For purposes of the federal FMLA, a serious health condition involving "continuing treatment by a health care provider" includes any of the following:

a. A period of incapacity—inability to work, attend school, or perform other regular daily activities due to the serious health condition—of more than three full consecutive calendar days, and (1) treatment two or more times, within 30 days of the first day of incapacity, by a health care provider or by another health care professional under the orders of or on referral by a health care provider, or (2) treatment on at least one occasion by a health care provider that results in a regimen of continuing treatment under the health care provider's supervision. "Treatment" must be an in-person visit to a health care provider for examination, evaluation or specific treatment.

b. Any period of incapacity due to pregnancy or for prenatal care.

c. Any period of incapacity or treatment due to a chronic serious health condition, such as asthma, diabetes, or epilepsy.

d. Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, such as Alzheimer's, a severe stroke, or the terminal stages of a disease.

e. Any period of absence to receive multiple treatments, either for restorative surgery or for a condition that would likely result in a period of incapacity of more than three full consecutive calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, and kidney disease.

3. Under the Wisconsin FMLA, a "serious health condition" is a disabling physical or mental illness, injury, impairment, or condition involving:

   a. Inpatient care in a hospital, nursing home, or hospice; or

   b. Outpatient care that requires continuing treatment or supervision by a health care provider.

4. The term "health care provider" includes a physician, dentist, clinical psychologist, podiatrist, chiropractor, a nurse practitioner, physician assistant, a nurse midwife, a clinical social worker, and certain other health care professionals.

5. Spouses:

   a. Spouses who are both eligible for FMLA leave and are both employed by the City are limited to a combined total of 12 weeks of leave during a 12-month period for (a) the birth of a child or to care for the child after birth; or (b) for the placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement.

   b. Spouses who are both eligible for FMLA leave and are both employed by the City are each eligible to take 12 weeks of leave for their own serious health condition or to care for a child or spouse who has a serious health condition. However, the total leave for an employee cannot exceed 12 weeks in a calendar year.

6. Please note: The eligibility requirements for the City's sick leave benefits and workers' compensation will normally meet the requirements for the Federal Medical Leave Act and allow the City to count the amount of time used for these leaves against employees' FMLA entitlement. Therefore, FMLA forms are required anytime an employee has a period of incapacity of more than three full consecutive calendar days and may be required for less than three days given the circumstances.

E. Procedures for Requesting Leave

Leave request forms are available from the Human Resources Department. Failure to comply with the following rules may result in the delay of leave or denial of leave.

1. Foreseeable Leave: Where leave is foreseeable, employees should make a written request for leave at least 30 days in advance.

2. Unforeseeable Leave: Where advance written notice of the need for leave is not possible (such as where there is an emergency need for medical consultation or treatment) advance oral notice (in person or by telephone)

is required. When advance written nor oral notice is possible, then oral notice must be provided as soon as reasonably practicable with written documentation to follow.

F. Use of Leave

Leave can be taken intermittently or on a reduced leave schedule when medically necessary. For the birth or adoption of a child intermittent leave is only allowed under the state law and must be completed within 16 weeks of the birth or after placement. Any leave time taken after the 16th week after birth or placement must be consecutive. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

The smallest increment for partial leave is the smallest measure of time that employees are able to take time for any non-emergency leave.

Where intermittent leave or reduced work schedules are requested for foreseeable or planned medical treatment, the City may temporarily transfer the employee to an available equivalent position if the employee is qualified and the position better accommodates recurring leave.

G. Substitution of Benefits

Under Federal leave, the City has the ability to require employees to substitute all vacation, floating holidays, or sick leave during the leave period. Under State leave, employees have the option of substituting benefits for their State leave period. When paid leave is substituted for unpaid leave, the paid leave will not be available to the employee later, nor will the employee be entitled to additional family and/or medical leave as a result of the substitution of paid leave. In addition, because the eligibility requirements for workers' compensation benefits require a medical condition that meets the eligibility requirements for family medical leave, the time an employee is off due to an on-the-job injury will automatically be counted against his or her Federal FMLA entitlement. In other words, FMLA and substituted paid leave or workers' compensation leave will run concurrently.

H. Medical Certification & Examinations

Where leave involves a serious health condition, the City requires employees to provide a medical certification form from the health care provider within 15 days of the City's request for certification. The City reserves the right to require a second opinion or even third opinion, or may require recertification of a serious health condition when appropriate.

Failure to provide the requested medical certification may result in delay or denial of the leave. This means the absence may then be counted against the employee for purposes of discipline for attendance.

I. Reporting While on Leave

While an employee is on leave, the City may require the employee to report periodically on his or her status and intent to return to work.

J. Fitness for Duty Report

If an employee has taken medical leave of more than three consecutive days (counting non-work days) as a result of his/her own serious health condition, then the employee may be required to provide a fitness for duty certificate before returning to work. The certificate should be submitted to the employee's supervisor or designee; the supervisor should submit a copy to Human Resources.

K. Insurance and Benefits

An employee who is enrolled in the City's group health or dental insurance plans may continue to participate in the program at the same contribution rate as before the leave for the duration of the leave. To maintain insurance coverage employees must continue to pay their portion of the premium on a bi-weekly basis while on leave. Coverage will cease if payment is not received within 30 days of the premium due date. While on unpaid leave, employees may not accrue benefits (e.g., vacation or sick leave) and benefits will be prorated by the City accordingly. If the employee is currently participating in the City Flexible Benefits Plan and takes an unpaid leave of absence exceeding a full pay period, contact the Human Resources Department to modify the payment schedule for the remainder of the year.

L. Failure to Return to Work

If an employee fails to return to work for reasons other than a continuation of a serious health condition, the employee will be required to reimburse the City for any insurance premiums paid by the City on his/her behalf while on leave. Further, any leave used in excess of earned leave must be paid back to the City.

M. Designation of Leave

Within five business days of obtaining complete information from the employee, Human Resources will notify him or her whether the leave has been approved any change in the originally approved leave must be submitted and approved using the same procedure as above.

It is the employee's responsibility to ensure communication between the health care provider and Human Resources is timely and efficient, as well as to ensure Human Resources received the complete Health Care Provider certification. Frequent follow up with Human Resources is pertinent.

There may be times when an employee is absent under circumstances that would qualify as FMLA leave, and the employee has not specifically applied for FMLA leave. The City has the right to designate such absences as FMLA leave, and may also waive the requirement of medical certification at its discretion.

N. Employment Protection

Upon return from family or medical leave, the employee will be returned to the position he or she held immediately prior to the leave if the position is vacant. If the position is not vacant, the employee will be placed in an equivalent position unless the employee would have been terminated during the statutory leave for a legitimate business reason. The employee, however, has no greater right to reinstatement or benefits than if he or she had been actively employed during the leave. If the employee exhausts his or her statutory leave before returning to work, return to work will be controlled by the City's other policies and practices.

"Key Employees," a salaried employee whose salary rate is in the top 10% of City employees, may be denied restoration to employment on the grounds that such restoration will cause substantial and grievous economic injury to the City.

This policy provides an introduction to the rights provision of the family and medical leave laws. Specific questions an employee may have about this law should be directed to the Human Resources Department.

7.9 Wisconsin Bone Marrow and Organ Donation Leave

A. Wisconsin Bone Marrow and Organ Donation Leave Summary

The City provides eligible employees with up to six weeks of unpaid leave in a 12-month period when the employee undergoes a procedure for bone marrow or organ donation. Leave for bone marrow or organ donation will run concurrently with the Wisconsin Family Medical Leave Act and/or the federal Family Medical Leave Act.

Entitlements are calculated on a calendar year, January 1 to December 31.

B. Eligibility

An employee is eligible for Wisconsin Bone Marrow and Organ Donation Leave under state law if they have been employed by the City for more than 52 consecutive weeks and have worked for at least 1,000 hours during the preceding 52-week period. Service has to be consecutive to be considered.

C. Leave Available

State law allows up to six (6) weeks of Bone Marrow and Organ Donation Leave in a 12-month period for the purpose of serving as a bone marrow or organ donor, provided the employee provides the City with written verification that he/she is to serve as a bone marrow or organ donor. Written confirmation in the form of a Health Care Provider Bone Marrow and Organ Donation Leave Certification Form should include confirmation that the donee has a serious health condition that necessitates a bone marrow or organ transplant; that the employee is eligible and has agreed to serve as a bone marrow or organ donor for the donee; and the amount

of time expected to be necessary for the employee to be off of work for the procedure and to recover from the bone marrow or organ donation procedure. Leave may be taken only for the period necessary for the employee to undergo the donation procedure and to recover from the procedure. Employees are expected to make a "reasonable effort" to schedule their procedure so that it doesn't "unduly disrupt" City Operations, subject to the approval of the health care provider of the bone marrow or organ donee. Employees are asked to provide the city with as much advance notice as possible. The law allows eligible employees up to six (6) weeks of unpaid leave during any calendar 12-month period, but employees may substitute other paid leave provided by the City.

D. Procedures for Requesting Leave

Leave request forms are available from the Human Resources Department. Failure to comply with the following rules may result in the delay of leave or denial of leave.

1. Foreseeable Leave: Where leave is foreseeable, employees should make a written request for leave at least 30 days in advance.

2. Unforeseeable Leave: Where advance written notice of the need for leave is not possible (such as where there is an emergency need for medical consultation or treatment), advance oral notice (in person or by telephone) is required. Where neither advance written nor oral notice is possible, then oral notice must be provided as soon as reasonably practicable with written documentation to follow.

E. Medical Certification & Examinations

Where leave involves a serious health condition, the City requires employees to provide a medical certification form from the health care provider within 15 days of the City's request for certification. The City reserves the right to require a second opinion or even third opinion, or may require recertification of a serious health condition when appropriate.

Failure to provide the requested medical certification may result in delay or denial of the leave. This means the absence may then be counted against the employee for purposes of discipline for attendance.

F. Reporting While on Leave

While an employee is on leave, the City may require the employee to report periodically on his or her status and intent to return to work.

G. Fitness for Duty Report

If an employee has taken medical leave of more than three consecutive days as a result of his/her own serious health condition, then the employee may be required

to provide a fitness for duty certificate before returning to work. The certificate should be submitted to the employee's supervisor or designee; the supervisor should submit a copy to Human Resources.

H. Insurance and Benefits

An employee who is enrolled in the City's group health or dental insurance plans may continue to participate in the program at the same contribution rate as before the leave for the duration of the leave. To maintain insurance coverage, employees must continue to pay their portion of the premium on a bi-weekly basis while on leave. Coverage will cease if payment is not received within 30 days of the premium due date. While on unpaid leave, employees may not accrue benefits (e.g., vacation or sick leave) and benefits will be prorated by the City accordingly. If the employee is currently participating in the City Flexible Benefits Plan and takes an unpaid leave of absence exceeding a full pay period, contact the Human Resources Department to modify the payment schedule for the remainder of the year.

I. Failure to Return to Work

If an employee fails to return to work for reasons other than a continuation of a serious health condition, the employee will be required to reimburse the City for any insurance premiums paid by the City on his/her behalf while on leave. Further, any leave used in excess of earned leave must be paid back to the City.

J. Designation of Leave

Within five business days of obtaining complete information from the employee, Human Resources will notify him or her whether the leave has been approved. Any change in the originally approved leave must be submitted and approved using the same procedure as above.

It is the employee's responsibility to ensure that communication between the health care provider and Human Resources is timely and efficient, as well as to ensure that Human Resources received the completed Health Care Provider Bone Marrow and Organ Donation Leave Certification. Frequent follow up with Human Resources is pertinent.

K. Employment Protection

Upon return from Bone Marrow and Organ Donation Leave, the employee will be returned to the position he or she held immediately prior to the leave if the position is vacant. If the position is not vacant, the employee will be placed in an equivalent position unless the employee would have been terminated during the statutory leave for a legitimate business reason. The employee, however, has no greater right to reinstatement or benefits than if he or she had been actively employed during the leave. If the employee exhausts his or her statutory leave before returning to work, return to work will be controlled by the City's other policies and practices.

This policy provides an introduction to the rights and provisions of the Wisconsin Bone Marrow and Organ Donation Leave Act. Specific questions an employee may have about this law should be directed to the Human Resources Department.

7.10 Military Leave/Call to Active Duty

Employees who are members of the National Guard or Military Reserve will receive differential pay for up to ten days of military training or leave each year due to missed work. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty. Employees may choose to not be reimbursed and may use paid time off or take the time unpaid (unpaid military time does not count towards the allowed 5 days of voluntary unpaid leave time per year). Copies of the orders, whether claiming reimbursement or not, orders should be shown to the employee's supervisor and provided to Payroll. Benefit and leave accruals will continue as usual during this leave.

All hours that would have been worked had the employee not been called to military duty will be reported to the WRS if required under applicable state and federal law. Upon return from military leave, employees will be provided with a USERRA Certification form. This form allows the employee to receive WRS service credit for the period of time when on a military leave of absence, and also gives the employee the choice to make up, some, all or none of the WRS employee-required contributions, from the date of the military leave of absence, within a time period of three times the length of service, up to a maximum of five years.

All employees who are called to active military duty will be placed on a "leave without pay" status. When the assignment with the military is complete, employees will be reinstated to their former position, or in some cases, a comparable position, provided they are physically capable of performing the job and have completed the tour of duty within a leave period required by state and federal law. Employees will also retain their pay level, unused leave balances, and any salary adjustments that may have occurred while on active duty. USERRA and state law rights include the right of any individual who is absent from employment because of a uniformed service obligation (in the Armed Forces, Military Reserves, or National Guard) to reemployment and all concomitant benefits as long as the following prerequisites are met:

A. If the individual was discharged, the discharge was honorable.

B. The individual provided without delay advance notice for the leave, except when advance notice is not possible due to military necessity.

C. The leave did not exceed the maximum total absence of five years from the City.

D. The individual has timely applied for reemployment. What is timely depends on the length of the service, as follows:

1. Service less than 31 days: The individual must notify the City of his or her return at the start of the next regularly scheduled work period, after having been home eight hours.

2. Service 31 to 180 days: The individual must submit an application for reemployment not later than 14 days after completion of the uniformed service.

3. Service more than 180 days: The individual must submit an application for reemployment not later than 90 days after completion of the uniformed service.

If an employee receives notice that he or she will be taking military leave, then the employee must contact the employee's department head as soon as possible to discuss the leave.

COBRA provides military personnel an opportunity to continue health insurance coverage, at their own expense, for 24 months beyond the call to active duty. Life insurance can also be continued for up to 36 months, at the service member's expense. Disability insurance will end the last day of the month in which a service member is called to active duty and may be reinstated upon his or her return to work.

7.11 Jury Duty

The City may grant employees a leave of absence, without loss of time and service, for the period of any jury duty. Employees who receive notification to serve on a jury must immediately notify their supervisor. The City will pay the difference between the regular full-time or part-time employee's regular pay and jury duty fees received. It is required that employees present authorized evidence of jury duty attendance and the amount paid. The employee will provide documentation to the City's designated payroll agent of the amount paid for jury duty (not to include meal and travel expense). Employees must return to work on any day when jury duty dismisses prior to the end of the employee's scheduled work time.

7.12 Voting Leave

When employees' work schedules are such that they would not be able to vote prior to, or after their regular work hours, an employee will be granted up to three consecutive hours of unpaid time off to vote. Employees may use their paid time off (i.e. vacation, floating holidays) in lieu of the time being unpaid. Requests for the time off should be submitted to the supervisor at least two working days prior to Election Day.

7.13 Furlough

This policy applies to City employees subject to unpaid furlough days under a mandated furlough plan approved by the Common Council. To ensure continuity of operations and to maintain adequate levels of public service and avoid overtime, the City retains the right to schedule furlough days for City staff. Furlough days are unpaid days and when the

employee has no scheduled work to perform for the City. Employees will be informed of the implementation of any approved mandated furlough plan by the City Administrator.

A. General Information

1. Furlough Increments: Mandatory furlough days shall be implemented in normal workday increments. Employees normally scheduled to work part-time shall have their mandated furlough days prorated in workday increments equivalent to their normally scheduled workday. Employees not scheduled to work on a mandatory furlough day shall reschedule the furlough day for a scheduled workday with their supervisor.

2. Number of Furlough Days in a Week: Normally, the City will implement no more than one furlough day for any employee in a workweek.

3. Exempt Employees: FLSA-exempt employees shall be furloughed in daily or one-week increments. When on furlough, FLSA-exempt employees shall not perform any work. This prohibition shall not apply in cases where the officer in charge of the police or fire departments determines that command staff on furlough is needed for emergency purposes. In such cases, command staff called in will be required to reschedule furlough hours.

4. No Volunteer Work: Employees may not volunteer to perform their regularly assigned duties on a mandatory furlough day.

5. Military: Employees on military leave will not be required to schedule furlough hours.

B. Salary and Benefits

1. Wages:

a. Accrued Time Off: No paid time off, including, but not limited to, paid holidays, sick time or vacation time may be used in lieu of mandatory furlough days. Payment of accrued compensatory time may not be used in lieu of mandatory furlough days unless otherwise required under union contract.

b. Overtime and Compensatory Time: The terms and conditions of the FLSA, the City policies, rules and collective bargaining agreements will control the payment of overtime and accrual of compensatory time. Mandatory furlough hours will not be considered hours worked for the purposes of calculating overtime and compensatory time.

c. Wisconsin Retirement System: Contributions will be impacted by the reduction of hours worked and reduction in reportable earnings.

d. Employee Anniversary Dates: Employee anniversary dates will not be impacted by the implementation of furlough days and will not impact employee performance reviews and salary advancements.

e. Call In: In the event that an employee is called into work during scheduled furlough hours, employee will be compensated for the hours worked and the employee's furlough shall be rescheduled.

2. Employee Benefits: The employee benefits identified below will not be impacted by the implementation of furlough hours:

a. Health insurance and dental benefits;

b. Benefit calculation dates;

c. Life insurance and long-term disability benefit amounts;

d. Sick leave and vacation accruals; and

e. Floating holiday hours.

3. Other Provisions: Other provisions not impacted by the implementation of furlough hours:

a. Probationary periods;

b. Seniority dates; and

c. Tuition reimbursement.

C. Other Leaves

1. Workers Compensation:

a. Workers' compensation benefits shall be paid in accordance with the State of Wisconsin's Workers' Compensation Act; and

b. If the healing period extends beyond the fiscal year and the employee has not completed the mandated furlough hours, the employee will be required to schedule furlough hours upon his or her return to service.

2. Family and Medical Leave (FMLA): FMLA benefits will not be affected. Implementation of furlough days with employees on FMLA will be determined on an individual basis.

3. Bereavement Leave: Employees eligible for bereavement leave during a mandatory furlough will be required to reschedule with the department head for the mandatory furlough day(s) in normal workday increments.

4. Jury Duty/Court Subpoena: If an employee is called to jury duty on a mandatory furlough day, the employee will not be paid by the City for that day. Since the mandatory furlough day is considered an unpaid day, the employee will be allowed to accept the jury duty pay provided by the court during any designated mandatory furlough day. In addition, employees who are under a subpoena to appear in court during a mandatory furlough day will be allowed to keep compensation received for appearing, but will not receive City pay for that day.

7.14 Bereavement Leave

An employee will be allowed a maximum leave with pay for the following relation to the employee and the employee's spouse when there is a death in the family (the same number of days applies regardless if relation is to employee or spouse, unless the relation is specifically identified):

5 days: spouse or child

3 days: parent, legal guardian, step-child, domestic partner (for employees that registered for domestic partnership and were employed prior to April 1, 2018), sibling, or grandchild

2 days: step-sibling, parent in-law, step-parent, or grandparent

1 day: sister-in-law or brother-in-law, aunt or uncle, niece or nephew

Battalion Chiefs follow the Firefighter collective bargaining agreement for bereavement leave.

A day's pay for bereavement leave will be based on the number of hours the employee is scheduled to work that day.

In the event of the death of a co-worker presently working (within the past 90 days) and performing duties for the City, employees working in the same department and physical location having a close working relationship and others who worked closely with this individual on a regular basis, at the sole discretion of the department head, may be allowed up to 3 hours of funeral leave for attendance of a local funeral and related event(s). All others and time beyond this amount will be required to be accounted for by using other accumulated leave.

An employee who acts as a pallbearer for a funeral which takes place during the regular working hours may also be granted time off with pay, not to exceed one (1) working day, with the permissions of his/her department head. Permissions will be granted for this service unless an emergency situation exists and if not detrimental to the operation of the department in the opinion of the department head.

7.15 Unpaid Leave of Absence

Leave without pay may be granted when it is in the best interests of the City and the employee to do so. Requests for an unpaid leave of absence must be considered prior to the taking of such leave by the City Administrator and the department head. Unpaid leaves will typically not exceed 60 working days unless required by law. A leave of absence for illness shall not be granted unless an employee has exhausted all available family and medical leave and all accumulated leave time. No credit toward vacation, floating holidays, administrative time, or sick leave shall be earned while an employee is on leave without pay. If an employee works a partial month (1st – 15th or the 16th – end of the month) then the employee will receive accruals for that month. Insurance may be retained if the entire premium is paid monthly by the employee during calendar months that the employee is off the payroll for the entire month. The City will continue to pay the insurance premiums in the manner provided to the employee prior to the leave during calendar months that the employee is on the payroll for any portion of the month. Use of vacation donation hours does not count as time worked for the purposes of paid time off accruals or insurance premium contribution from the City. A return to work at an earlier date than scheduled may be arranged by the supervisor and employee. Employees on leave of absence from the City may not be actively working part-time or full-time elsewhere during the leave of absence. An employee who is unable to return on the scheduled date may submit a request for extension of the leave of absence. If, on the date following the approved leave of absence, an employee has not returned to work and no extension was granted, then the employee shall be considered to have voluntarily resigned.

7.16 Workers' Compensation

The City provides workers' compensation coverage for all employees injured while performing job duties. Employees shall report all injuries to their supervisor or department head as soon as possible. A Report of Occupational Injury Exposure or Illness needs to be completed before the end of the shift in which the injury occurred. See Section 11.1 Safety Policy for more information.

Upon a work-related injury or illness, the employee shall immediately report the accident to his or her supervisor and complete an Injury Report. When seeking medical treatment, the employee shall inform the physician that he or she has a work-related injury and that all bills and doctor's notes must be sent to the City's workers' compensation insurance carrier for consideration.

All medical appointments should be scheduled before or after work to the extent possible. When missing time from work due to a work-related injury, the employee must provide medical documentation from his or her health care provider, as well as an FMLA Leave Request Form. Leave taken for work-related illness or injury is also counted against the employee's annual FMLA entitlement. A return to work slip from the treating physician must be provided to the employee's supervisor directly following the physician visit. When an employee is able to return to work, medical documentation releasing him or her back to work with or without restrictions must be given to the supervisor and Human Resources.

Prescriptions should not be paid for by the health insurance card. Instead, the employee should inform the pharmacy that it is a work-related injury and that the prescription will be paid for by the employee. Receipts should be forwarded to the City's workers' compensation insurance carrier. The City does not approve medical procedures or treatments; it is the responsibility of the workers' compensation insurance carrier.

Workers' compensation insurance provides salary compensation to employees who are injured while performing their work duties after such employee has missed four consecutive calendar days of work. The employee's sick leave bank (if sick leave is exhausted other paid time off will be charged) will be charged for the first three days of lost time if the disability does not extend beyond seven calendar days.

If a regular full-time or part-time employee is injured and the injury or illness is covered by workers' compensation insurance and if the employee does not refuse and works all offered temporary light duty/transitional duty assignments, then his or her normal wages can continue from the date of said injury or illness as follows:

A. The employee's accumulated sick leave will be converted into dollars and such sum will be used to make up the difference between the workers' compensation benefits and the regular daily salary until the sick leave credits have been used or until such time as the employee receives benefits from the disability insurance plan provided by the City.

B. When the employee's accrued sick leave benefits are exhausted, the City will continue to pay the employee's regular daily salary minus any benefits received from workers' compensation insurance for a period not to exceed 60 calendar days, or until such time as the employee receives benefits from the disability insurance plan provided by the City, whichever occurs sooner.

7.17 Fitness for Duty/Return to Work

Any employee who is unable to perform their job for more than 3 consecutive days (work and non-work days) as a result of his or her own serious medical condition must provide a fitness for duty certificate before returning to work along with FMLA paperwork. The City may waive this requirement at its sole discretion.

Any employee who appears to be unable to perform the mental or physical requirements of his or her job due to illness, injury or other medical condition, may be directed to obtain a fitness for duty certificate from his or her treating physician or medical provider or from the City's occupational health provider, if determined by the City and permitted by law. If the City requires the examination to be conducted by the City's provider, then such examination will be done at the City's expense.

7.18 Temporary Light Duty/Transitional Duty

The City may assign an employee to temporary light duty/transitional duty to return an employee to work while the employee has a temporary limitation from an injury or illness covered by workers' compensation. Workers' compensation-related incidents will have

priority in placement for temporary light duty/transitional duty assignments in the event the City elects to offer a temporary light duty/transitional duty assignment to an employee with an injury, illness, or other medical condition not covered by workers' compensation.

The assignment of temporary light duty/transitional duty will be made at the sole discretion of the department head on a case-by-case basis subject to available work, the operational needs of the City, the employee's restrictions, and any applicable state and federal regulations. Temporary light duty/transitional duty assignments may be a part-time or full-time schedule. For any business reason, at any time, the City may elect to change the working shift of any employee based on the business needs of the City. All temporary light duty/transitional duty assignments are temporary. No employee will be permanently assigned to a temporary light duty/transitional duty assignment.

If the employee returns to a temporary light duty/transitional duty assignment, the employee must make sure that he or she does not go beyond either the duties of the job or the physician's restrictions. If the employee's restrictions change at any time, he or she must notify his or her supervisor at once and give the supervisor a copy of the new medical release.

While off of work, it is the responsibility of the employee to supply the Human Resources Department with a current telephone number (listed or unlisted) and an address where the employee can be reached.

The purpose of this program is to establish guidelines for temporary light duty/transitional duty assignments and identify how the program will be administered.

Temporary light duty/transitional duty assignments may be made available to employees who, because of injury, illness, or other medical condition, are temporarily unable to perform their regular assignments, but who are capable of performing alternative duty assignments. Eligible employees may be given the reasonable opportunity to work in temporary duty assignments where available and consistent with this policy.

The availability of temporary light duty/transitional duty assignments is exclusively determined by the department head/supervisor and is not intended to constitute a long-term assignment.

The City reserves the right, as its sole discretion to determine when temporary light duty/transitional duty assignments are available, who is assigned, and how long assignment will be available.

It is the goal of the City of De Pere to establish guidelines for temporary light duty/transitional duty in order to achieve the following benefits:

A. Benefits

1. The Employee:

a. Returning to gainful and productive work assignments within their capacity to do the work that contributes to both their recovery and the City's productivity.
b. Allows the employee to return to their pre-injury wage sooner in a work environment that encourages his or her progressive recovery, within the goals and timetables of the medical provider.
c. Avoids a vacant work assignment in a workplace by allowing the employee to continue an alternative task for a specific duration.

2. The City:

a. Reduced time lost by the employee translates to improved production; less time spent retraining or searching for replacement candidates.
b. More at work time means less workers' compensation payments that translates to fewer dollars charged against our experience rate (a premium payment formula that penalizes companies as their workers' compensation claims and time lost incidents increase).
c. Reduces the potential costly vocational retraining for an employee who is not in a "return to work" plan and cannot fulfill their functional requirements of the pre-injury job.

B. Procedure

A full-time or part-time employee who is suffering from a medically certified injury, illness or other medical condition requiring treatment from licensed healthcare provider and who, because of injury, illness, or other medical condition is temporarily unable to perform a regular assignment, but is capable of performing limited duty assignments may be assigned to temporary light duty/transitional duty.

Employees with job-related injuries or illnesses may be given preference to temporary light duty/transitional duty over employees with off-duty injury, illness, or other medical condition.

No specific position within a department is established for use as a temporary light duty/transitional duty assignment nor will any existing position be designated or utilized exclusively for employees on temporary light duty/transitional duty.

Temporary light duty/transitional duty are strictly temporary and normally will not exceed two months/60 days in duration.

Assignments to temporary light duty/transitional duty for related injury, illness, or other medical condition will not affect the employee's pay classification, pay increases, promotions, transfers, retirement benefits or other benefits as granted under the collective bargaining agreement.

Refusal of temporary light duty/transitional duty that is consistent with the medical restrictions of the healthcare provider could affect worker's compensation benefits, work eligibility and/or reemployment rights with the City.

1. If the employee is unable to return to full duty, temporary light duty/transitional duty work can be temporarily substituted. It is expressly understood that:

   a. No obligation exists for the City to provide or convert a regular job or create a temporary light duty/transitional duty of alternative productive work.

   b. Temporary light duty/transitional duty work does not create a regular employment opportunity, and is in fact made as a temporary assignment.

2. An employee, when seeking medical attention for a work related injury or illness will submit a return to work form to their supervisor and Human Resources immediately after their treatment with the medical provider. The return to work form allows the provider to outline current work restrictions/limitations.

3. After receiving the restrictions/limitations, the supervisor will identify if temporary light duty/transitional duty work is currently available with the employee's restrictions.

4. If temporary light duty/transitional duty is currently available, the City will notify the employee. Failure to report to work could affect your workers compensation benefits, work eligibility and/or reemployment rights with the City.

5. The City will notify the insurance company's claim department when the employee returns to work or if they fail to return to work.

6. The employee's temporary light duty/transition duty will end when:

   a. The employee is released for regular work (full duty).

   b. The City withdraws the temporary light duty/transitional duty assignment.

   c. The workers' compensation claim is closed.

   d. The employee quits or is terminated for reasons unrelated to the injury.

8. GROUP HEALTH AND RELATED BENEFITS

Last revised: 10/14/2020

8.1 Eligibility and Enrollment

Eligible full-time and part-time employees, as defined by the insurance and benefit policies and plans, may be eligible for the benefits contained in this Section. Eligible dependents may also be eligible for specific insurance benefits as provided for in the insurance and benefit policies and plans. Contribution rates for full and part-time employees shall be determined by each policy or plan. Non-benefit eligible employees shall not be eligible for any benefits contained in this Section unless specifically provided for herein. Employees are eligible for insurance the first of the month after their start date unless they start on the first day of the month, in which case insurance can start immediately or upon qualifying events as defined in the benefit plan. Health insurance coverage ceases on the last day of the month in which the employee ceased employment with the City. The City retains the right to modify the terms of insurance, the provider or carrier, the level of benefits and coverages, and the contribution rates at any time.

Employees who retire on or after October 1, 2014 shall not be allowed to remain on the City provided group hospitalization and medical insurance plan after becoming Medicare eligible. The spouse of a retiree shall not be allowed to remain on the City provided group hospitalization and medical insurance plan after becoming Medicare eligible. A non-Medicare eligible spouse of a Medicare eligible employee may remain on the City provided group hospitalization and medical insurance plan until becoming eligible for Medicare.

8.2 Available Benefit Plans

The City offers the benefits listed below to regular full-time and part-time employees. Please see the Employee Benefits Enrollment Guide for information and eligibility requirements for each benefit.

- Health Insurance
- Health Reimbursement Account (HRA)
- Dental Insurance
- Vision Insurance
- Identity Fraud Expense Reimbursement
- Wisconsin Retirement Fund
- Life Insurance
- Deferred Compensation Programs/Roth IRA
- Long-Term Disability
- Employee Assistance Program (EAP)
- Flexible Spending Benefits
- COBRA

The City pays a prorated portion of the medical and dental insurance premium for eligible part-time employees. Human Resources will conduct an annual look back and the

Payroll Department will adjust the premium paid for part-time employees based on the number of hours worked in the prior year if there is at least a 5% increase. Employees must be employed the entire calendar year in which they worked the additional hours to be eligible for an adjustment.

9. SEPARATION FROM EMPLOYMENT

Last revised: 09/26/2022

9.1 Retirement/Resignation

An employee's employment with the City may end by termination, resignation or retirement. As used in this policy, the terms retire or retirement have special meaning compared to termination or resignation.

In the event of an involuntary termination of a regular or non-benefit eligible employee, the Human Resources Director or Human Resources Generalist must approve the termination prior to the termination taking place. The Human Resources Director or Human Resources Generalist must be present at all termination meetings for benefit eligible employees.

A. Definition of Retirement

An employee retirement occurs when an employee voluntarily chooses to separate employment from the City for the sole purpose of voluntarily ending work and collecting a full retirement pension from the WRS or to receive a disability annuity as defined by Wis. Stat. ch. 40.02(21), or for purposes of voluntarily ending work even if the employee is not eligible for a full pension from the WRS. To be eligible for City benefits just offered to retired employees, employees must have worked 5 years in either a regular part or full-time capacity. The City reserves the right to determine, in its discretion, when an employee is engaging in a retirement or a resignation, and the decision of the City Administrator shall be final. An employee termination occurs when an employee is fired or dismissed involuntarily from employment with the City

B. Resignation/Retirement Process

Employees shall submit a notice of resignation or retirement in writing as far in advance as possible. To leave in good standing, department heads and supervisors shall submit a written resignation to the City Administrator at least 30 days before resignation and 60 days before their anticipated retirement date. All other employees shall provide their supervisor a minimum of two weeks' notice for resignations and a minimum of 30-day notice for retirements. The final two weeks of all notices shall be exclusive of any accrued paid time off taken unless for unavoidable circumstances, or if approval is obtained from the Department Head after the resignation or retirement notice is received. Employees resigning or retiring from their position may not extend their final date of employment using unused paid time off (ie: vacation, floating holiday, sick). The employee's last day of employment shall be defined as the last day the employee is physically at work unless there are extenuating circumstances as approved by the Human Resources Director. Upon compliance with submitting a retirement notice that is at least 30 or 60 days in advance, where applicable, then an additional vacation day will be awarded at the employee's current rate of pay and will be paid out. Employees who

provide a 30 day notice for resignation will receive an additional vacation day awarded at the employee's current rate of pay and will be paid out.

Employees should contact the WRS (also known as the Department of Employee Trust Funds) for information regarding retirement eligibility as well as retirement estimates. Employees should request this estimate from WRS at least 60 days before their projected retirement date. Information can be requested from the WRS over the phone or online at http://etf.wi.gov. Upon retirement eligibility, contact the Human Resources Department for an informational retirement pamphlet.

Prior to departure, the employee should call the Human Resources Department to schedule an exit interview. This interview is important to provide the City with feedback about the employee's opinions and working experience with the City of De Pere. If retiring, the employee should contact the Payroll Department to schedule a meeting to discuss the effect of the retirement on benefits such as health insurance, life insurance, and the WRS. Leave balances will be calculated, as well as any other additional compensation the employee may be eligible to receive.

1. An employee who leaves the service of the City for any reason shall receive all pay due to him or her, with the following qualifications

2. Pay for all unused accrued vacation.

3. Floating holidays must be used; floating holiday pay is never paid out.

4. If a retirement, then the sick leave balance will be calculated by taking the employee's current rate of pay and multiplying it by 100% of the unused sick leave. Sick Leave will continue to accumulate up to and through the last day worked. This amount may be used to pay future health insurance, dental insurance, vision insurance or long-term care insurance premiums. Sick leave conversion balances cannot be paid out in cash. Accrued but unused sick leave is not payable or accessible for medical premiums for an employee who resigns or is terminated.

5. Payment shall be made for accrued compensatory time upon termination of employment. Administrative time amounts will not be paid out for exempt employees.

6. Unused performance award time off will be paid out.

7. If the employee owes money to the City at the time of separation, final pay will be applied against the owed account, and a receipt with the remaining balance will be sent to the employee, provided the employee still receives minimum wage and any overtime pay. Partial settlement of an account by application of final pay will not release an employee from any remaining balance due.

8. In the case of an employee's death, the surviving spouse or the employee's estate will be paid the accrued vacation. The estate may have access to accrued but unused sick leave for health insurance premium purposes if the employee was eligible to retire or receive a disability annuity as defined by Wis. Stats. §40.02(21) and otherwise meets the requirements of the Sick Leave Program and Policy

C. Retirement/Resignation Recognition

The retirement/resignation recognition policy has been created to provide formal recognition to employees who have served the City of De Pere, either through regular full-time or part-time employment.

When an employee retires or resigns, the department may arrange appropriate recognition for this significant event in an employee's career. The department is authorized to purchase a cake for employees who have less than 5 years of service, a one-time expenditure of up to $100 for employees who have 5-14 years of service, and up to $250 for employees who have 15 or more years of service for this purpose, payable from the sundry account. For employee with 5 or more years of service, the money may be used for food/drinks (excludes alcoholic beverages) and other expenses in connection for a city wide party, either at a City building or off-site. For City wide parties, an invitation should be emailed to all City employees and a notice hung at locations for employees without access to email. The form of recognition may be tailored to the individual's needs, interest, and desires. However, it must be in good taste and not something that would bring discredit or embarrassment to the City. Additional gifts, luncheons, and parties given in honor of the employee, on an individual or departmental basis will not be paid for by the department or City.

D. Earned Benefits

To determine earned benefits during the year of separation, a full month benefit will be granted if the separation date is on or after the 15th day of the month, and if the separation date is prior to the 15th of the month, then no benefits will be granted for the month in which the separation occurs. See Sick Leave Program and Policy, for the sick leave benefit for retirees.

Employees in positions that require an audiogram as part of a pre-employment physical for the position will have an exit audiogram at the time of retirement or resignation. All City property must be returned to the employee's supervisor at time of separation.

9.2 Layoffs

In the event of a reduction in workforce through layoff or furlough, affected employees will be laid off or furloughed based upon skills, abilities, qualifications, and the interests and needs of the City. The City may choose to solicit volunteers for the reduction in workforce.

9.3 Disability

An employee may be separated from employment due to the employee's disability when the essential functions of the employee's position cannot be performed because of a disability with or without a reasonable accommodation and when no other reasonable accommodations exist, subject to the provisions of the Americans with Disabilities Act and applicable state law. Request for accommodation may be initiated by the employee, a legal representative, or the City, but in all cases, it must be supported by medical evidence. The City expects the employee to cooperate with the City and may require the employee to produce medical information, to have a medical examination conducted by the employee's treating provider, and to have an examination conducted by a physician of its choice.

10. EXPENSES AND REIMBURSEMENTS

Last revised: 09/26/2022

10.1 Mileage/Travel Reimbursement

Employees must use a City vehicle, if available, for official City business-related travel unless otherwise directed by the employee's supervisor. Gasoline, repairs and other expenses attributable to business-related use of the City's vehicles are reimbursable and paid receipts must be submitted. Tolls, parking and garage charges are also reimbursable. Reimbursement for business-related use of an employee's personal vehicle shall be limited to the mileage reimbursement as permitted by the Internal Revenue Code as of January 1 each year. Reimbursement of travel and other necessary expenses incurred by employees for official City business must be authorized by the employee's supervisor and submitted to Accounts Payable, with copies of all bills and receipts.

10.2 Employee Travel

Employees may request payment or reimbursement for the following expenses when the employee, as part of his or her assigned responsibilities, is authorized to attend a conference, meeting, seminar or educational programs:

A. Lodging: Hotel or motel reservations are expected to be made well in advance to ensure that lodging is secured at modest rates. Employees are expected to stay at mid-priced and economy hotels and motels unless a conference or seminar discount is available at the higher priced facilities. Receipts for lodging are required. Personal telephone calls, Internet access (unless needed for work purposes), movie rentals, and other similar charges will not be reimbursed. City employees are exempt from paying sales tax in Wisconsin on lodging. It is the employee's responsibility to present the tax-exempt certificate when required.

   Reimbursement of lodging shall be limited to the maximum number of nights required to conduct the assigned City business. If a conference, for example, opens on Sunday evening and closes Thursday at noon, reimbursement for Sunday through Wednesday night is reimbursed. If the traveler chooses to arrive earlier or stay later, then the additional lodging and other expenses related to this decision are personal expenses and will not be reimbursed.

   If a spouse or other family member travels on an official trip, then reimbursement shall be limited to the single rate for the room occupied. In the absence of accounting on the travel expense report, the City will determine the single room rate and deduct the difference between the rates on the bill for lodging submitted as a receipt.

B. Transportation Expenses: An employee will be reimbursed mileage for authorized personal vehicle use to and from the event based upon the distance from the employee's normal work location to the event location or the employee's home to the event location, whichever is closer. Coach airfare will be reimbursed if the cost

of airfare is less than the mileage expenses as calculated pursuant to Section 10.1 Mileage Reimbursement.

C. Employees are encouraged to use City credit cards to pre-pay expenses to the extent possible. Travel advances for general expenses are generally not permitted except in unusual circumstances and with prior approval from the Human Resources Director. All travel expenses shall be submitted within 30 days of the event.

D. Lodging within 50 miles of employee's primary work location will not be eligible for reimbursement unless previously approved by the department head or City Administrator.

E. Expenses associated with valet services or tips are not eligible for reimbursement, except tips for meals up to 20% of the meal expense.

F. Toll-Free Number: The City offers a toll-free number for employees to call in the event they are out of town, to avoid long distance telephone charges. Employees may call 1-800-646-3550 to be directly connected with City Hall.

G. Planned out-of-state travel will be budgeted as part of the department's budget.

10.3 Meal Expenses

Meal reimbursement rates for employees on City business are based on IRS per Diem rates. Employees are eligible for meal reimbursement if they travel outside of Brown County.

The United States General Services Administration (GSA) website breaks down the IRS per diem reimbursement rate by city and state. When travel is within the state of Wisconsin, the approved "Madison" rate will be used, less incidentals.

2022 In-State Rate	
Breakfast:	$14
Lunch:	$16
Dinner:	$29

If traveling outside of Wisconsin, then please see appropriate rate for the area of travel.

Meal reimbursement rates may change annually; therefore, rates should be verified with the General Services Administration if seeking meal reimbursement after the calendar year listed above. The General Services Administration reimbursement (IRS) rates can be found at www.gsa.gov/perdiem or by contacting the Human Resources Department.

10.4 Tuition Reimbursement

The City recognizes that skills and knowledge are critical to the success of the organization. An educational incentive plan is available to regular full-time and part-time employees who wish to improve their professional and educational level.

The tuition reimbursement program may contribute to the cost of tuition (or certification) and may provide for incentive pay based on the number of credits achieved. It is designed to encourage personal development through formal education so employees can improve skills or obtain a broader educational background, which should reflect itself in job performance. Tuition reimbursement is subject to the approval of the department head and the Human Resources Director. Although tuition reimbursement is expected to enhance performance and professional abilities, there is no guarantee that participation in formal education will entitle an employee to automatic advancement, a different job assignment, or pay increases. The tuition reimbursement program is not available to police and fire union represented employees unless specifically allowed under the employee's labor agreement.

The employee shall request education cost reimbursement in writing. In order to be eligible for reimbursement, such request must be conditionally approved in writing prior to enrollment in any program or course. The request shall include a description of the anticipated course, summary of anticipated expenses and probable time schedule. The employee shall forward the request to the Human Resources Department, who will consider all requests on a first come basis. The Human Resources Department shall review the request and determine eligibility based upon meeting one of the following criteria:

A. The course is job-related within the existing position held;

B. The course is part of a job-related degree program in which the employee is enrolled; and

C. The course will improve a job area of improvement or deficiency.

Approval shall be conditioned upon satisfactory completion of the education program and shall be given by means of written notification.

In order to be eligible for reimbursement, satisfactory completion of the education program shall be determined as follows:

- A passing grade if on a pass/fail system.
- A grade of "A," "B," or "C" on a graded system; a grade of "D" or "F" will be considered unsatisfactory, and the employee shall not be eligible for reimbursement.

Eligible expenses for reimbursement under the terms of this Section may consist of part or all of tuition, fees and necessary books, and other educational materials. If the funds available are expended prior to any further appropriation, then the reimbursement program may be suspended without recourse or reimbursement.

10.5 Credit Card Issuance and Usage Policy

The City may, in its sole discretion, issue an employee or departmental corporate credit card for regularly incurring City business-related expenses while performing their duties within the course of their employment with the City. City-issued employee or departmental

credit cards shall only be used for authorized business expenses. Examples of authorized business expenses include office supplies and expenses, professional memberships, professional office subscriptions, travel, lodging, meals, and other such authorized work-related expenses as might properly be the subject of an employee reimbursement request. The City-issued credit card shall not be used in any manner for personal expenses, the purchase of alcoholic beverages, or other unauthorized expenses. Cash advances are not allowed. Any credit card issued may be revoked at any time by the City Administrator.

Within ten days of incurring the expense, invoices and receipts for all credit card purchases shall be submitted to Accounts Payable clearly marked as a credit card charge with appropriate approvals and account numbers indicated on the invoice or receipt.

Card limits have been established for each card issued. Should the established limit be insufficient for any reason, the individual to whom the card was issued shall, prior to incurring any expense over the limit, receive approval from the City Administrator to exceed the established limit.

Employees who fail to comply with all applicable policies and procedures concerning use of a City-issued credit card shall be subject to disciplinary action, up to and including termination of employment. In addition, the City may seek restitution from the employee for any charge to a City-issued credit card that does not conform to applicable policies and all costs regarding such charge, including the City's costs incurred in determining the propriety of the charge.

11. WORKPLACE SAFETY

Last revised: 09/26/2022

11.1 Workplace Safety and Reporting Injuries or Illness

The City is committed to provide as safe a work environment as possible for all its employees. The prevention of accidents and injuries to its employees and the public is of utmost importance.

A. Supervisor Responsibilities

1. Each supervisor is responsible for the safe maintenance of the physical work environment and for the safe job performance of employees under his or her supervision.

2. Supervisors shall be responsible for requiring all employees to promptly report all injuries and accidents.

3. Immediately notify Human Resources of any work-related injury which results in an employee being off the job and unable to work. In such circumstances, the supervisor shall undertake an investigation and shall submit a "Supervisor's Accident Report Investigation" to Human Resources within two weeks of the initial injury or as soon as the supervisor is reasonably able to do so.

4. Assure prompt medical attention for the injured employee based on the City's injury reporting guidelines. (Note that emergency situations are not covered by this procedure.) All employees should report to their supervisor before seeking medical treatment.

5. The supervisor, with the injured employee, must complete an Employee Incident Report and investigate any injury/illness to determine any underlying causes of how and why the accident occurred.

6. The supervisor should fax the "Report of Occupational Injury, Exposure, or Illness" to the workers' compensation insurance company's claim department.

7. All incidents should be reported before the end of the work shift, within 24 hours.

8. In case of a serious incident, the area should be roped off and no cleanup performed if there are hazardous materials that could cause injury to others. Proper authorities should be contacted immediately.

9. For less serious injuries, any unsafe conditions should be corrected immediately to prevent potential injury to others. Any remedial efforts to

prevent future related incidents should be reported to the Human Resources Department.

10. Responsible for identifying transitional duty work availability within an injured employee's current work restrictions/limitations.

B. Special Note: Reporting a Fatality or Multiple Hospitalization Incidents:

Per OSHA/Department of Safety and Professional Services (DSPS) requirements, within eight hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees, the Human Resources Department or, if not available, the Department head, shall orally report the fatality/multiple hospitalization by telephone to the DSPS at (608) 266-3723 or (608) 267-9420 during regular business hours. After hours, please call (608) 751-7983 or (608) 438-8299.

C. Employee Responsibilities

1. All employees shall immediately report all work-related accidents and injuries, no matter how minor, on the "Report of Injury or Illness Report" sheet by the end of the shift, on the day such accident or injury occurred, or as soon as the employee is reasonably able to do so. Instructions and further information are on the Incidence Report sheet, including directions of where to fax the required information. Such reports shall be submitted to the supervisor, who will be responsible for forwarding the report to Human Resources.

2. Employees shall seek medical treatment for the injury or illness as soon as medically possible. Any delay could intensify the injury or illness and make matters worse.

3. The employee shall inform the treating provider that there are temporary light duty/transitional duty jobs available and provide the provider with a Return to Work Form for return to work recommendations/limitations.

4. The employee will comply with any physician restrictions and advice and will not engage in any activity which would hinder his or her recovery.

5. The employee shall stay in touch with the Human Resources Department and the insurance company claim contact.

6. The employee shall report to work as prescribed by the treating provider with a written update of his or her condition on the next shift after receiving a release to return to work.

7. The employee will keep his or her supervisor advised of the status of his or her condition, and will provide the City with information regarding the

nature of the injury, duration of treatment, any restrictions, and, if work time is lost, expected date of return.

Employees are covered by workers' compensation insurance in accordance with state law. See Section 7.16 for more information on workers' compensation.

11.2 Hazardous Communication Program

The City desires to develop and maintain a hazardous materials purchase-through-disposal plan which meets federal and state regulations and which is safe, cost effective and sustainable. The City desires to promote awareness concerning hazardous materials and to educate all levels of personnel, maintain an accurate management system, and monitor policy effectiveness through random audits.

An inventory of all materials identified as hazardous must be developed and maintained by each department (other than departments that keep a general household cleaning amount of supplies) utilizing such materials. Substances are to be listed alphabetically by the label name of the product. The name and address of the manufacturer of the product should be listed as well.

All employees responsible for purchasing materials shall purchase non-hazardous alternative products to those identified as hazardous whenever possible. All containers of hazardous materials must always be labeled. Manufacturers are required to ensure that every container of hazardous material is appropriately labeled with the identity of the material and appropriate hazard warnings. An employee of each department receiving purchased hazardous materials shall verify that the label is on the shipping container and intact. The label must reflect the same identity as that listed on the hazardous materials list for that location and the safety data sheets (SDS). If material is subsequently transferred to another container, the new container must have the same labeling information. Labels must be prominently displayed and legible.

Each department must develop and maintain a SDS library on every hazardous material on the list for that location. The SDS must be complete, readable, and written in English. The department shall ensure that each location maintain the SDS for that location, readily accessible to all employees during each work shift when they are in their work areas.

Any employee who works with or is potentially exposed to hazardous materials will receive initial training on the Hazardous Communication Standard and Right to Know. Individual departments are responsible for training employees on the specific hazardous materials utilized at their location. Each department supervisor shall designate an individual(s) to be responsible for this location-specific training. Employees who work in an office environment, or where typical household cleaning products are the only potential hazardous material, are not required to maintain SDS for these products.

Initial training includes ensuring that employees are aware that they may be exposed to hazardous chemicals, know how to read and interpret labels and SDS, and know the

appropriate protective measures established by the City. All SDS must be kept by the department for 30 years after the use of the hazardous material has been discontinued.

11.3 Bloodborne Pathogens Exposure Control Plan

The City is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this endeavor, the following Exposure Control Plan ("Plan") is provided to eliminate or minimize occupational exposure to bloodborne pathogens. This policy is written to minimize all exposures to blood and other potentially infectious material and applies to employees who may reasonably anticipate occupational exposure to bloodborne pathogens. This policy ensures that training and the hepatitis B vaccination series are made available to those individuals who are exposed to bloodborne pathogens in the course of their duties.

The Plan is a key document to assist the City in implementing and ensuring compliance with the OSHA standard, thereby protecting City employees. The Plan includes:

- Determination of employee exposure
- Implementation of various methods of exposure control, including:
  - Universal precautions
  - Engineering and work practice controls
  - Personal protective equipment
  - Housekeeping
- Hepatitis B vaccination
- Post-exposure evaluation and follow-up
- Communication of hazards
- Employee training
- Recordkeeping
- Procedures for evaluating circumstances surrounding an exposure incident

The methods of implementation of these elements of the OSHA standard are discussed in the subsequent pages of this Plan.

A. Program Administration

Each of the following department heads are responsible for the implementation of the Plan within his or her department: Those employees who are determined to have occupational exposure to blood or other potentially infectious materials must comply with the procedures and work practices outlined in this Plan.

The City will maintain and provide all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), labels and red bags as required by the OSHA standard. Each of the identified department heads will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes.

Each identified department head is responsible for ensuring that all medical actions required are performed and recorded. The Human Resources Director is responsible for maintaining appropriate employee health and OSHA records.

The identified department heads are responsible for training, documentation of training, and making a copy of the written Plan available to employees in their departments. The Human Resources Director will make the Plan available to any City employee, OSHA, and National Institute for Occupational Safety and Health representatives upon request.

Employees should refer to their department's policies, if applicable, for additional specific information on bloodborne pathogen protocol for their area.

Contact department/phone number: Human Resources Department, 339-4045.

B. Employee Exposure Assessment/Determination

The following is a list of job classifications in which some employees have occupational exposure. Included is a list of tasks and procedures in which occupational exposure may occur:

Department	Job Title	Task/Procedure
Fire Rescue	All employees	Administering emergency medical services; assisting at critical incidents
Health	Health Officer/Director	Administering immunizations
	Public Health Nurses	
Parks, Recreation and Forestry	Arborist	Garbage collection; administering first aid; general building maintenance
	Parks Maintenance Leadworker	
	Parks Maintenance Worker	
	Recreation Coordinator	
	Parks Superintendent/Forester	
	Recreation Superintendent	
	Recreation Supervisor	
	Seasonal Employees that are determined to have potential bloodborne pathogen risk.	
Police	Police Officers	Apprehending and restraining individuals; assisting at critical incidents
Department of Public Works	DPW Equipment Operator	Garbage collection; equipment maintenance; sewer operations maintenance
	DPW Leadperson	
	DPW Maintenance Worker	
	Engineering Senior Technician	
	Maintenance Specialist	
	Maintenance Supervisor	
	Mechanic	
	Street Superintendent	

Department	Job Title	Task/Procedure
	Seasonal Employees	
	Water Department Maintenance Worker	
	Water Department Supervisor	

Part-time, temporary, contract and per diem employees in these classifications are also covered by the standard.

Each department head has the discretion to train additional employees who potentially may have contact with bloodborne pathogens.

C. Methods of Implementation And Control

1. Exposure Control Plan: The above classifications of employees are the employees covered by the OSHA Bloodborne Pathogens Standard. The Department will explain the Plan during the employee's initial training session and review the Plan in an annual refresher training. All employees have an opportunity to review the Plan at any time during their work shifts by contacting their supervisor or the Director of Human Resources. If requested, the Director of Human Resources or the department head will provide an employee with a copy of the Plan free of charge and within 15 days of the request.

2. Universal Precautions: All employees will utilize Universal Precautions in order to prevent contact with blood or other potentially infectious materials. The concept of Universal Precautions is to treat all human blood and certain human body fluids as if known to be infectious for HIV, hepatitis B or other bloodborne pathogens.

3. Engineering Controls and Work Practices: Engineering and work practice controls will be used to prevent or minimize exposure to bloodborne pathogens. Where potential occupational exposure remains after institution of these controls, personal protective equipment should also be utilized.

Specific engineering and work practice controls used are as follows:

a. Sharps containers: Sharps disposal containers will be puncture resistant, leak proof and labeled with a biohazard label. Contaminated sharps are to be placed immediately, or as soon as possible after use, into appropriate sharps disposal containers. Sharps disposal containers will be inspected and maintained or replaced by the department head or shift supervisor after every immunization clinic or whenever necessary to prevent overfilling.

b. Self-sheathing needles: Self-sheathing needles will be used at all times.

c. Hand washing: Hand washing facilities will be made available to the employees who incur exposure to blood or other potentially infectious materials. Where feasible, facilities will be readily accessible after an exposure occurs. In circumstances where hand washing facilities are not feasible, the department will provide either an antiseptic cleanser in conjunction with clean cloth/paper towels or antiseptic wipes. The employee who was exposed to a bloodborne pathogen should wash the area of exposure with soap and running water as soon as possible.

d. Needle disposal: Contaminated sharps are to be placed immediately, or as soon as possible after use, into appropriate sharps disposal containers. Contaminated needles and other contaminated sharps will not be bent, recapped, removed, sheared or purposely broken, unless the specific procedure involved requires recapping or removal of the contaminated needle, or unless there is no feasible alternative at the time the procedure is given. If either exception is required, the recapping or removal of the needle must be done by the use of a mechanical device or a one-handed technique.

Sharps Injury Log: In addition to the 1904 Recordkeeping Requirements, all percutaneous injuries from contaminated sharps are also recorded in a Sharps Injury Log. All incidences must include at least:

- date of the injury
- type and brand of the device involved (syringe, suture needle)
- department or work area where the incident occurred
- explanation of how the incident occurred

This log is reviewed as part of the annual program evaluation and maintained for at least five years following the end of the calendar year covered. If a copy is requested by anyone, it must have any personal identifiers removed from the report

e. Work area restrictions: In work areas where a reasonable likelihood of exposure to blood or other potentially infectious materials exists, employees may not eat, drink, apply cosmetics or lip balm, smoke, or handle contact lenses. Food and beverages may not to be kept in refrigerators, freezers, shelves, cabinets, or on counter tops or bench tops where blood or other potentially infectious materials are, or have been, present.

f. Work procedures: All procedures will be conducted in a manner that will minimize splashing, spraying, splattering and generation of droplets of blood or other potentially infectious materials.

4. Personal Protective Equipment: All personal protective equipment that is required to be used will be provided by the City and will be readily accessible to employees without cost to employees.

Personal protective equipment will be selected based upon anticipated exposure to blood or other potentially infectious materials. Protective equipment will be considered for use only if it does not permit blood or other potentially infectious materials to pass through or reach the employees' clothing, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time that the protective equipment will be used.

Training in the use of the appropriate personal protective equipment will be coordinated by the appropriate department head or his or her designee.

The types of personal protective equipment available to employees are as follows: gloves, face masks, eye protection, face shields, fluid resistant gowns, firefighting turn outs, head covers, shoe covers, and resuscitator devices. Hypoallergenic gloves, glove liners, powder-less gloves, or other similar alternatives will be readily accessible to those employees who are allergic to the gloves normally provided.

All employees using personal protective equipment must observe the following precautions:

a. Wash hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

b. Remove personal protective equipment after it becomes contaminated and before leaving the work area.

c. Dispose of used personal protective equipment in a red bio-hazard bag.

d. Wear appropriate gloves when it can be reasonably anticipated there may be hand contact with blood or other potentially infectious materials and when handling or touching contaminated items or surfaces. Replace gloves if torn, punctured, contaminated, or if their ability to function as a barrier is compromised.

e. Utility gloves may be decontaminated for reuse if their integrity is not compromised. Discard utility gloves if they show signs of cracking, peeling, tearing, puncturing or deterioration.

f. Never attempt to wash or decontaminate disposable gloves for reuse.

g. Wear appropriate face and eye protection when splashes, sprays, spatters or droplets of blood or other potentially infectious materials pose a hazard to the eye, nose or mouth.

h. Any garment contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible after contamination, in such a way as to avoid contact with the outer surface of the garment.

i. The procedure for handling used personal protective equipment is as follows:

i. Dispose of disposable items in proper containers. For Fire Rescue, the items should be handled according to the Fire Rescue Exposure Control Plan for Bloodborne Pathogens and Airborne Pathogens. For all other departments, the items should be disposed in a red bio-hazard bag.

ii. Reusable Personal protective equipment used by Fire Rescue should be handled according to the Fire Rescue Exposure Control Plan.

5. Housekeeping: Regulated waste must be placed in containers which are closeable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded (see Section 11.3C.7, Labels-Identification of Hazards), and closed prior to removal to prevent spillage or protrusion of contents during handling.

Sharps disposal containers will be replaced when the contents reach the full line on the containers. Once the sharps container is full the lid will be closed and the container placed in the regulated waste container to be picked up by contracted medical waste disposal company.

6. Laundry: The City will launder the following contaminated articles: scrub suits, turn out gear, uniforms and shop rags.

a. On-Duty Fire Rescue Personnel will launder contaminated articles as soon as feasible following the provision of emergency service. Outside laundry services will be utilized for non-emergency situations.

b. The following laundering requirements are to be utilized:

i. Wet contaminated laundry will be placed in leak-proof containers before transport.

ii. Red bags or bags marked with biohazard symbol will be used for this purpose.

iii. Contaminated laundry will be handled as little as possible, with minimal agitation.

iv. The following personal protective equipment will be worn when handling contaminated laundry: gloves and fluid-resistant gowns.

7. Labels – Identification of Hazards: Labels and signs are required and will be used to identify contaminated materials, refrigerators and freezers containing blood or other potentially infectious materials, and other containers used to store, transport or ship blood or other potentially infectious materials.

a. Labels shall:

i. Include the biohazard legend;

ii. Be fluorescent orange or orange-red with contrasting lettering or symbols; and

iii. Be affixed as close as feasible to the container by string, wire, adhesive or other method that prevents their loss or unintentional removal.

b. The following labeling method is to be used:

EQUIPMENT TO BE LABELED	LABEL
Sharps containers	Red container with biohazard label
Mailing containers	Biohazard label
Red bags	Biohazard label

Department heads will ensure warning labels are affixed as required if regulated waste or contaminated equipment is brought into or out of the facility/work site.

D. Hepatitis B Vaccine

The hepatitis B vaccination series is available at no cost after training and within ten days of initial assignment to employees identified in Section 11.3(B), Employee Exposure Assessment/Determination. Vaccination is encouraged unless:

1. Documentation exists that the employee has previously received the series;

2. Antibody testing reveals that the employee is immune; or

3. Medical evaluation shows that vaccination is contraindicated.

Any employee who is potentially subject to exposure and who declines the hepatitis B vaccination must sign a declination form. The form shall be maintained by the Human Resources Department. An employee who declines may request and obtain the vaccination at a later date at no cost.

Vaccinations are administered by the On-Site Nurse Coach in coordination with the department head, at a reasonable place and time.

E. Post-Exposure Evaluation And Follow-Up

The following steps will be followed if an exposure occurs:

1. Cleanse the exposed area immediately after exposure with soap and water if available. If the exposed area is the eyes or mucous membranes, the area should be flushed with water.

2. Contact the exposed employee's supervisor immediately.

3. The exposed employee should seek medical attention and notify the staff of employment status and that this is a work-related exposure.

4. Exposed employees should return to their regular worksite and notify their Supervisor that they have returned after completion of a medical evaluation.

5. Complete the Report of Occupational Injury, Exposure or Illness and forward to the supervisor before the end of shift or as soon as feasible.

6. The supervisor will review the form and forward it to the Human Resources Department within 72 hours of the exposure incident.

7. Post-exposure follow-up and counseling, as appropriate, will be completed by a licensed health care provider, and will include the following actions:

    a. Document the routes of exposure and how the exposure occurred.

    b. Identify and document the source individual, unless infeasible.

    c. Obtain consent and make arrangements to have the source individual tested as soon as feasible to determine HIV, HCV and HBV infectivity; document the source individual's test results were conveyed to the employee's primary care provider.

    d. If the source individual is known to be HIV, HCV and/or HBV positive, new testing need not be performed.

    e. Assure that the exposed employee is provided with the source individual's test results and with information about the confidentiality of the source individual's identity and test results.

f. After obtaining consent, test the exposed employee's blood for HBV and HIV serological status.

g. If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days. If the exposed employee elects to have the baseline sample tested during the waiting period, perform testing as soon as feasible.

h. Provide post-exposure prophylaxis, when medically indicated.

F. Administration of Post Exposure Evaluation and Follow Up

The Human Resources Generalist will provide all health care professionals responsible for employee hepatitis B vaccination, post-exposure evaluation, and follow-up with a copy of the OSHA Bloodborne Pathogens Standard Plan.

The Human Resources Generalist will ensure that the health care professional who conducts an evaluation of an employee after an exposure incident receives the following:

1. A description of the employee's job duties relevant to the exposure incident;

2. Route(s) of exposure and the circumstances under which the exposure incident occurred;

3. If possible, results of the source individual's blood test; and

4. Relevant employee medical records, including vaccination status.

The Human Resources Generalist will provide the employee with a copy of the evaluating health care professional's written opinion within 15 days after receipt of the evaluation.

G. Employee Training

Information and training will be provided to employees employed in positions on the exposure determination list at no cost to the employees and during work hours. The training will be coordinated by the department head and Health Officer/Director. Training materials are available through the Health Department.

Such training will be provided:

- At the time of hire and
- Annually

Material covered will be appropriate for the educational level, literacy, and language of employees being addressed.

All identified employees will receive training on the epidemiology, symptoms, and transmission of bloodborne pathogens diseases. Such training program covers, at a minimum, the following elements:

1. A copy and explanation of the OSHA standard;

2. An explanation of this Plan and how to obtain a copy;

3. Methods to use in recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials, including what constitutes an exposure incident;

4. An explanation of the use and limitations of engineering controls, work practices, and personal protective equipment;

5. An explanation of the types, uses, location, removal, handling, decontamination, and disposal of personal protective equipment;

6. An explanation of the basis for personal protective equipment selections;

7. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge;

8. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

9. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

10. Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;

11. An explanation of the signs and labels and/or color coding required by the standard and used at this facility; and

12. An opportunity for interactive questions and answers with the person conducting the training session.

H. Recordkeeping

1. Training Records: Training records will be completed for each employee upon completion of training. The Department Head will keep these training records for at least three years.

Training records include: The dates of the training sessions; the contents or a summary of the training sessions; the names and qualifications of persons conducting the training; and the names and job titles of all persons attending the training sessions.

2. OSHA Exposure Incidents: All exposure incidents are evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 C.F.R. § 1004) by the Human Resources Generalist. The Human Resources Generalist is responsible for all OSHA recording requirements.

11.4 Employee Emergency Guidelines

The intent of this document is to set in place a standardized procedure addressing a variety of potential emergency occurrences that could have a direct impact on the City's governmental body and the public employees serving within City-owned structures. This plan is to be followed for any listed, or related, emergencies that may occur. City employees are expected to protect themselves and the public through knowledge and application of this plan.

Due to the nature of government, each department may have specific requirements and policies addressing different emergencies to which they would be required to respond. Where those policies differ or conflict with the information contained herein, department policy shall be adhered to and the information in this plan should be used as a resource.

Should any portion of this plan conflict with City, state or federal law, policy and rules, those portions in conflict are deemed null and void. If any sentence, clause or phrase of this plan should be held as void or invalid; the validity of the remaining portions of the plan shall not be affected.

A. Internal Alert System: All City desk phones have a button on them labeled ALERT. The button is used as an "intercom" to notify employees of an emergency. After pressing the button, any communication will be heard by all desk phones in your building as well as in the City's police and fire departments. To end the alert announcement, hang up the phone; it will take 10 seconds to disconnect from the alert function. The "ALERT" system is only effective if employees use it. Please do not be reluctant to use it. If you accidentally hit the button state that you pushed the button by accident. If you are on the phone when someone pushes the alert button, your call will automatically be put on hold. You can also push the ALERT button while you are on the phone. It automatically puts your current call on hold. The Alert button is used for true emergent situations (threatening person, gas leak, tornado, etc.) and not to broadcast general employee messages like Happy 50th Birthday, Is Sally in the building?, etc.

B. Fire: What to do in the event of fire in your building.

1. If you discover a fire in the building:

a. Close the door(s) to the area and move immediately to an exit. Remember the term Rescue-Alarm-Contain-Evacuate or RACE. The quickest way to notify all occupants to evacuate the structure and call Fire Department is to activate the Fire-Alarm Pull-Station. These alarm devices are located towards all exits in the building. Inform the Emergency Coordinator of the location of the fire in the structure. (refer to Section 11.4(C) on Emergency Evacuation).

b. Any time the fire alarm activates, everyone will immediately exit the building as quickly and orderly as possible without panicking. Secondary notification of the Fire Department via 9-1-1 shall be from an alternate safe location, outside the involved building. Your primary concern should be for citizens in the facility; assist them in leaving in an orderly fashion.

c. If you are unable to escape from your location, remain calm. If you are able, unlock doors and notify emergency responders that you are still in the building by dialing 9-1-1 from the nearest phone. Fire Department will make a primary search for anyone left in the building.

d. Do not attempt to carry items down the stairs. These could be dropped causing others to trip and fall.

2. If you can leave your office during a fire:

a. Feel the door before you open it, if cool to touch open it cautiously be alert for smoke. If it is all clear, leave your office, closing the doors behind you, this will slow the spread of fire and limit the damages. Leave doors unlocked. Turning off lights will help reduce the electrical draw and may reduce electrical fires. (Only close doors and turn off lights on your way out, if they do not delay your egress.)

b. Alert the occupants of other offices in your general area, pull the nearest fire alarm pull station, and then proceed immediately to the closest exit. Be sure any stairway doors close behind you.

3. Once outside:

a. Move away from the building entrance and towards the assigned rally point. The Fire Department will need access to the structure. Find your supervisor in the assigned holding area, so they can get an accurate accounting of personnel. Get a count of any clients or citizens who are under your area of supervision.

b. Supervisors should report to the Fire Warden for the building with information on personnel not accounted for, left in specific areas

(because they were physically incapable of egress), and location of the fire, if known.

c. One building representative, a Fire Warden or the Emergency Coordinator should then meet with the officer of the first-in apparatus to arrive and provide the complete information as relayed by the supervisors.

4. If there is fire or smoke near your office:

   a. Feel the door before you open it. If it is HOT or you see smoke billowing under the door, do not open the door. A dangerous fire condition probably exists just on the other side. Find an alternate exit or notify responders you are there.

   b. If a fire does exist in your egress path and your access to the fire exits are blocked, take refuge in a room with an outside window. Get as many doors as possible between you and the fire. Stay at the window and signal or call for help. Stay low to the floor; cleaner air is closest to the ground. On inside rooms seal all the cracks and vents to keep smoke out. Make sure the Fire Department knows your exact location, dial 9-1-1 to notify them. Wait for rescue help to arrive. Don't panic.

5. Do not use elevators: They may already be out of service. There could be a fire on a floor directly below, the elevator could stop at this floor potentially causing severe injuries to any of the occupants of the car. Once you are in the stairwell you are in a 'safe area' and can move carefully in descending out and away from the building.

6. To report a fire: Dial: **9-1-1**

   a. The people you work with deserve a safe working environment. Should they smell or see smoke, having professional firefighters on the scene will alleviate any fears they may have.

   b. In all cases, pull the fire alarm located towards your nearest exit and/or notify the Fire Department via 9-1-1 immediately.

   c. Some fire alarm systems may be connected directly to monitoring services that will automatically notify the Fire Department. It is prudent to make a follow-up call to assure that the Fire Department is responding it is preferred this be done from a location outside the involved structure.

   d. You should have an evacuation team consisting of management, safety committee members, and supervisors acting as Fire Wardens,

Searchers, and Exit Monitors. By remaining calm and giving orders with confidence, you can help facilitate any necessary evacuation in a calm manner that will limit the potential for panic.

7. To extinguish a small fire using a Fire Extinguisher:

   a. If there is a small fire, call the Fire Department first, before any attempt is made to extinguish the fire. Do not hesitate or delay in calling for help. Use an extinguisher only if properly trained to do so. Staff should be trained in the use of fire extinguishers before there is a fire. Know the location of extinguishers before you need them.

   b. Fight a small, contained fire <u>only</u> (i.e. waste paper basket, papers). There are fire extinguishers located in all areas of the city buildings generally toward an exit. Extinguishers are classified based on the type of fire they can extinguish.

      Class A – Ordinary combustibles
      Class B – Flammable liquids
      Class C – Energized electrical

   c. Fight the fires with your back towards the exit. Always have a partner to back you up. Never turn your back towards the fire. Keep low and remember the **P-A-S-S** acronym:

      Pull – the trigger release pin
      Aim – at the base of the fire from the maximum distance possible
      Squeeze – the trigger firmly
      Sweep – across the base of the fire.

C. <u>Emergency Evacuation</u>: Leaving the building in the event of an emergency.

1. In the event of a fire or fire alarm, leave the building immediately closing doors behind you. Do not run, but move swiftly and do not delay. Listen to any instructions from your fire wardens. Assure any citizens remain calm and move quietly to the gathering point outside.

   a. Evacuation should always be in the downward direction, leaving the building. In case of fire, it must be strongly stressed that all emergency evacuation must take place via the stairways. Stairways are your safest haven; generally they are specifically fire proofed and safe from smoke.

   b. Elevators can be a fatal trap. Do not take the elevator. Evacuate through the nearest exit or stairwell. Do not leave the stairwell until you reach ground floor level. Move away from the building to your

holding area outside (rally points). The building entrances and lobby areas must be clear for use by Fire Department personnel and their firefighting equipment. Fire Wardens will need to count heads and gather information on missing personnel. Any information on the nature or location of the fire should be immediately given to the Fire Warden.

c. Never reenter the building for any reason. Wait for an "all clear" from firefighters prior to attempting any reentry of the building. Use a backup location as a staging site in the event of inclement weather, where personnel can be safe and comfortable.

2. Methods for evacuating handicapped personnel: A cooperative effort is necessary in every situation to achieve a safe evacuation. Anyone who needs assistance should ask for help and provide instructions for the best method to be used in their particular care.

a. During an evacuation, individuals with severely restricted mobility should go to the nearest safe stairwell and seek assistance in entering and sealing the stairway system. Preplanning is very important. A responsible person and alternate in the same work area should be assigned to assist disabled or handicapped persons into the stairwells. Movement beyond that point will be by Fire Department or emergency personnel.

b. Carries require an exceptional amount of strength on the part of the rescuer and should not be attempted without proper training. If persons are of slight stature, a carry may be attempted by placing them in the arms or evacuating with a pack strap carry; the helper kneels at the front of the wheelchair and places the person's arms up and over the helper's shoulders and across their chest; the helper then leans forward before slowly rising to full standing position.

c. If two helpers are needed, use a basic swing carry. Helpers position themselves next to the wheelchair and grasp each other's upper arm or shoulder. The assisted party places their arms firmly around each helper's neck. The helpers lean forward, placing their free arms under the individual's legs and firmly grasp each other's wrists. Both helpers lift, using legs, then carefully step forward.

d. If the stairwell is too narrow for this type of carry, place the person in the stairwell landing. One helper lifts at the legs, under the knees, while the other grabs under the shoulders with fingers locked across the individual's chest. Helpers, with back erect, would lift together, rising slowly to standing position, using the leg muscles.

e. A method of head count should be known and implemented as soon as possible. Immediately upon leaving the building, advise the Fire Warden of the location for any persons left in the building. Persons unable to exit the building will be the Fire Department's first priority upon arrival on the scene.

D. Accident Or Illness: Severe accident or illness, which requires immediate first aid.

1. In the event of an accident involving injury or illness to an employee, visitor, or citizen in your area and the individual requires medical attention, determine the severity of the injury and take the following action:

a. Call the Fire Department EMS (Emergency Medical Services) at 9-1-1.

b. Give this information:

i. Area and Division.

ii. Street address, name of occupant, and location of the emergency.

iii. Any details available of accident or illness.

iv. Injured or ill person's name, if known.

c. If qualified or knowledgeable, administer appropriate first aid. Someone should remain with the injured party at all times.

d. Have someone meet the emergency unit at the entrance of the building.

e. Call the Emergency Coordinator.

f. Do not move injured or ill persons. Try to make them comfortable.

For CPR or First Aid training, contact the Fire Department.

2. This is what happens:

a. The ambulance will be with you shortly and administer necessary medical assistance. It is important you remain calm.

b. Ambulance will arrive and take injured or ill person to hospital for professional treatment in a controlled environment that has proper diagnostic equipment and personnel.

E. Intruder: Procedure for handling an unknown person in the structure.

1. Whether an individual has made overt actions or not, any person entering the structure without permission should be handled carefully until their intentions are known.

   a. When an unknown person is found in the building or the area of an activity, immediately withdraw from the area and ask another employee for help with an intruder.

   b. Return to the location where the person is found and inquire *"may I help you with something"*. The person may just be lost or waiting on someone's return.

   c. Should the individual refuse to respond or not respond in an appropriate manner ask the person to please exit the building and premise.

2. Where an individual shows any open hostility or displays any type of weapon, do not confront this person. This also applies to unknown individuals who fail to leave or respond inappropriately.

   a. Cautiously move to another area.

   b. Advise others in the immediate area that an intruder is present and that they should leave at once. Assist any citizens or visitors to move away from the intruder.

   c. Call the police immediately at 9-1-1 and advise them of the situation.

   d. Have someone meet the police who are familiar with the building and the situation. This information needs to be relayed to the first arriving officer. Along with the location for the suspect and overt actions they may have taken.

   e. Try to remember as much as possible about the intruder including: physical description, clothing, hair, eyes, etc.

   f. Do not return to this area of the building until police officers direct you to do so.

F. Bomb Threat: Procedure for handling a direct threat against the people or structure.

Occupants will be notified if a bomb threat has been made that will require Evacuation Procedures. If your area receives a bomb threat, call the Police Department immediately and then notify the Emergency Coordinator. Should you

receive a bomb threat after normal working hours, call your Fire Warden who will determine an appropriate course of action.

1. The threat: If you receive a telephone threat of a bombing, proceed as follows:

   a. Remember the details of the call:

      - Location of bomb
      - Stated time of explosion
      - Background noises
      - Accent, voice and gender of the caller

   b. Call the Police and Emergency Coordinator immediately.

2. The decision: For obvious reasons, the building may not be automatically evacuated every time a threat is made. However, your safety is the prime consideration and based on specific circumstances, an appropriate decision will be made. You may, of course, choose to evacuate your premises at your discretion.

3. The evacuation: If a decision to evacuate is made by the administration, the evacuation will proceed as follows:

   a. The Emergency Coordinator, the Fire Warden, or authority having jurisdiction, will instruct occupants to evacuate areas of concern and advise the emergency evacuation procedures to be implemented (refer to Section 11.4(C) on Emergency Evacuation).

   b. You will be instructed to use stairwells or if elevators are available for a prompt and orderly evacuation of your area. Fire Wardens should ensure all employees and visitors have evacuated the area.

   c. Areas will be evacuated by order of imminent danger, but NOT all areas of a structure will be required to evacuate.

   d. You will not be permitted to remain in the building during the evacuation and search.

   e. It is not unusual during emergencies to hear rumors and for people to have feelings of anxiety. Please help calm those around you who might cause a panic situation to develop.

G. Chemical Spill: Procedure for an unknown substance spilled in or around the structure.

Chemical spills and the hazardous vapors potentially associated with these products will generally affect the areas where these products are stored only and will be confined to the building where the release occurred. Vapors, however, can potentially move great distances from the point of origin. Should a spill occur:

1. Begin evacuation of all employees in the affected area of the building (refer to Section 11.4(C)on Emergency Evacuation).

2. If not already called, notify Fire Departments and the Police of the situation. Provide information on the location and type of product spilled, if known.

3. Notify the Emergency Coordinator of the hazardous conditions.

4. The Hazardous Materials Response Team will require specific information if the fire officer determines that a response is needed. Provide any information to your Fire Warden to be passed on to responding units. A copy of product SDS sheets is ideal.

5. Never reenter the building unless an "All Clear" is given by the fire ground commander.

H. Tornado: Warning of high wind conditions that could propagate tornados.

1. Tornado Watch: Weather conditions are such that there is a possibility a tornado could occur. Be more alert to the weather conditions around you.

2. Tornado Warning: A tornado warning is an alert by the National Weather Service confirming a tornado sighting. The Weather Service will announce the approximate time of detection and direction of movement from the current location.

3. Public Warning: This may come by announcement over the radio, TV, or telephonic communication and an activation of the sirens.

4. Action to take:

   a. Get everyone away from the perimeter of the building and exterior glass.

   b. Move to protected areas. Leave exterior areas and close the doors.

   c. Go to center corridors in the basement of the building – the main corridor. Stay as far from windows and glass as possible.

   d. Sit down in the corridor and protect yourself by putting your head as close to your lap as possible, or kneel protecting your head with both arms.

e. Remove sharp objects in your possession and place on the ground next to you.

5. <u>If you are caught in an outside perimeter office</u>: Seek protection under a desk or other heavy furniture, keeping your head down.

6. If you are caught outside in the open:

a. Seek protection in a low-lying area, such as a ditch. Stay away from vehicles. If no low-lying areas are present, stay in vehicle and fasten seat belts firmly.

b. In the event of actual tornado damage, emergency personnel will arrive and help as soon as possible. This may not be for an extended period of time depending on the size of the event and the extent of damages to the area.

c. The Emergency Coordinator and Fire Warden will report conditions at the structure as soon as possible to emergency responders. Employees may be asked to provide assistance for rescue efforts within your building. Carefully inspect your area for injured personnel, damage and possibility of further damage or potential dangers, such as natural gas, electricity or water. Keep any citizens for whom you are responsible together and quiet.

d. Assist the injured as necessary (refer to Section11.4(D) on Accident Or Illness).

e. If a fire has started (refer to Section 11.4(B) on Fire).

f. Determine necessity for immediate evacuation due to conditions.

g. Begin evacuation, if needed (refer to Section 11.4(C) on Emergency Evacuation).

h. Do not assume you can help on your own; the most productive and safest help will be through the coordinated efforts directed by emergency personnel once they arrive. Once you have been evacuated from buildings never reenter without being told to do so.

i. Discourage rumors.

j. Securing of the building or area may be necessary to protect the public from hazards.

I. <u>Elevator Emergency</u>: Malfunction of the automatic systems for moving of people between floors.

1. Elevators are one of the safest modes of transportation. However, on occasion they do have malfunctions due to their sophisticated automatic controls. Here's what to do in an elevator emergency:

   a. Remain calm.

   b. Lift the telephone receiver or push the phone button, and listen for an answer.

   c. This will immediately ring to a 24-hour answering service.

      i. Give your name.

      ii. Give the appropriate building name.

      iii. Give the floor level, if known.

      iv. Give the elevator number located on the elevator panel.

   d. A telephone is located in each elevator car. Voice communication will take place.

   e. Do not try to force open an elevator door.

2. The following protocol will take place once appropriate notification has been contacted:

   a. The answering service will obtain assistance.

   b. The answering service will stay on the phone to advise you.

   c. Passengers will be assisted as soon as possible.

   d. The Fire Department may be called in to assist with any potential medical emergency but most likely will not force open the doors. The elevator service company will most likely reset the system. Should a medical emergency be suspected (refer to Section11.4(D) on Accident Or Illness), the Fire Department will force immediate access to the occupants and care for them as necessary.

J. Building Systems: Maintaining the systems designed to protect building occupants.

City buildings are equipped with sophisticated Life Safety systems that are designed to automatically react to a fire situation when smoke is detected or a pull station is activated.

Additionally, the building is also equipped with emergency lighting during a power failure. In the event of a fire, black out, or power failure interrupts the flow of

electricity, the emergency lighting will automatically provide power for all occupant to see the exits. In the event of power failure, these systems will enable you to calmly evacuate the building (refer to Section 11.4(C) on Emergency Evacuation).

K. Waste Disposal:

1. Dispose of highly combustible items such as crates, boxes, packaging materials, old books and old files at the end of every business day.

2. Normal rubbish and waste should be routinely removed as well. Major items should be handled by making arrangements with the Municipal Service Center or contracted waste hauler for a special pick up. Arrangements can be made to have waste from deliveries of large items (such as furniture) removed during set-up.

3. Do not empty ashtrays or throw cigarette butts in wastebaskets. Wastebaskets contain paper and other combustible materials. Be careful not to drop cigarette butts or cigarette ashes on the floor. Keep wastebaskets away from draperies.

4. Should a wastebasket catch fire, and water is not immediately available, empty and place another wastebasket over it immediately and then quickly follow up with water. Fire extinguishers are located throughout the building and may also be used. Immediately call the Fire Department and without delay notify all other occupants by activating the fire alarm system (refer to Section 11.4(B) on Fire).

5. You can be helpful by keeping your area free of hazards.

6. Remember, fire exit doors protect you only if they are kept closed, never blocked or locked.

L. Duties: Specific duties of the team members in preparing for and managing an emergency.

1. Fire Warden:

a. The Fire Warden is responsible for reporting any potential or actual emergency condition to the appropriate responding agencies.

b. The Fire Warden is also responsible for organizing his/her emergency team members and making sure emergency procedures are carried out correctly.

c. After leaving the building, the Fire Warden should locate the Emergency Coordinator or determine who will be posted outside. Inform the Coordinator or assigned representative of the following critical information as soon as possible:

i. The location of the fire, if spotted in or around your area.

ii. Whether everyone is accounted for. If not, the location of personnel remaining.

d. Other duties:

i. You should appoint a Assistant Fire Warden to both assist the Fire Warden and to take charge in case of absence of the primary Fire Warden.

ii. Appoint other personnel within your area to assist you in monitoring fire safety within your area. Primary and alternate searchers and exit monitors, if needed. In small divisions, one person may need to perform multiple tasks. In larger structures, you may need several personnel for each position to assure all areas of the building are safe.

iii. Be familiar with the closest stairwell for exit. Further, be aware of a second option of evacuation in case the first option is blocked.

iv. Supervise all key emergency team members.

v. Ensure that all emergency team personnel know their assigned duties and locations in case of an emergency.

vi. Responsible for informing and training key emergency personnel and all area personnel in emergency procedures.

vii. Pre-plan the handling of handicapped and/or physically disabled personnel during evacuation.

viii. Responsible for the evacuation of area personnel.

2. Searcher:

a. Under the supervision of the Fire Warden, Searchers are responsible for finding and evacuating all personnel from the assigned area, specifically from remote locations such as storerooms, file rooms, break areas, rest rooms, etc.

b. Other duties:

i. Check all rooms including any private restrooms, conference rooms and remote areas in a predetermined pattern.

ii. Advise any remaining personnel within your area of the emergency and insist on their evacuation.

iii. Evacuate any guests or customers within your area along with all employees.

iv. Should the Searcher come across an individual who, for whatever reason, refuses to leave, make note of their location and leave them. Do not endanger yourself or delay your egress. Notify your Fire Warden of the persons' location; they will be arrested and removed by the Fire Department or Police.

3. Exit/Stairwell Monitor:

a. Under the supervision of the Fire Warden, Exit Monitors are responsible for an assigned exit area to ensure personnel will exit out of the building in an orderly manner. The Emergency Coordinator will assign a specific exit to each Exit Monitor on any given floor.

b. Other duties:

i. Go immediately to the exit and direct all personnel to evacuate appropriately.

ii. Quickly inspect any stairwells <u>before</u> evacuation; to be sure they are clear of any smoke.

iii. Direct personnel to exit along the right side of the stairwell only. The left side <u>must</u> remain clear for emergency personnel.

iv. Supervise and monitor evacuation flow while remaining calm and encouraging <u>quiet</u> and orderliness in personnel evacuating.

v. Stay at the exit until Searchers have cleared all personnel from the floor, then proceed to the level of exit discharge. Only the level of exit discharge monitor should stay to assure no one reenters.

vi. Under no circumstances may any personnel enter elevators during an emergency.