

City of Sparta

Personnel Policy Manual

March 20, 2014

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City of Sparta

PERSONNEL POLICY MANUAL

The primary purpose of city government is to provide service to its citizens. As an employee of the City of Sparta, your job is to serve and assist the residents of our community and those doing business here. In order to perform these services in the most professional manner and with the highest ethical standards, it is desirable that each employee of the City of Sparta understands their responsibilities and obligations, as well as the many benefits received from municipal employment.

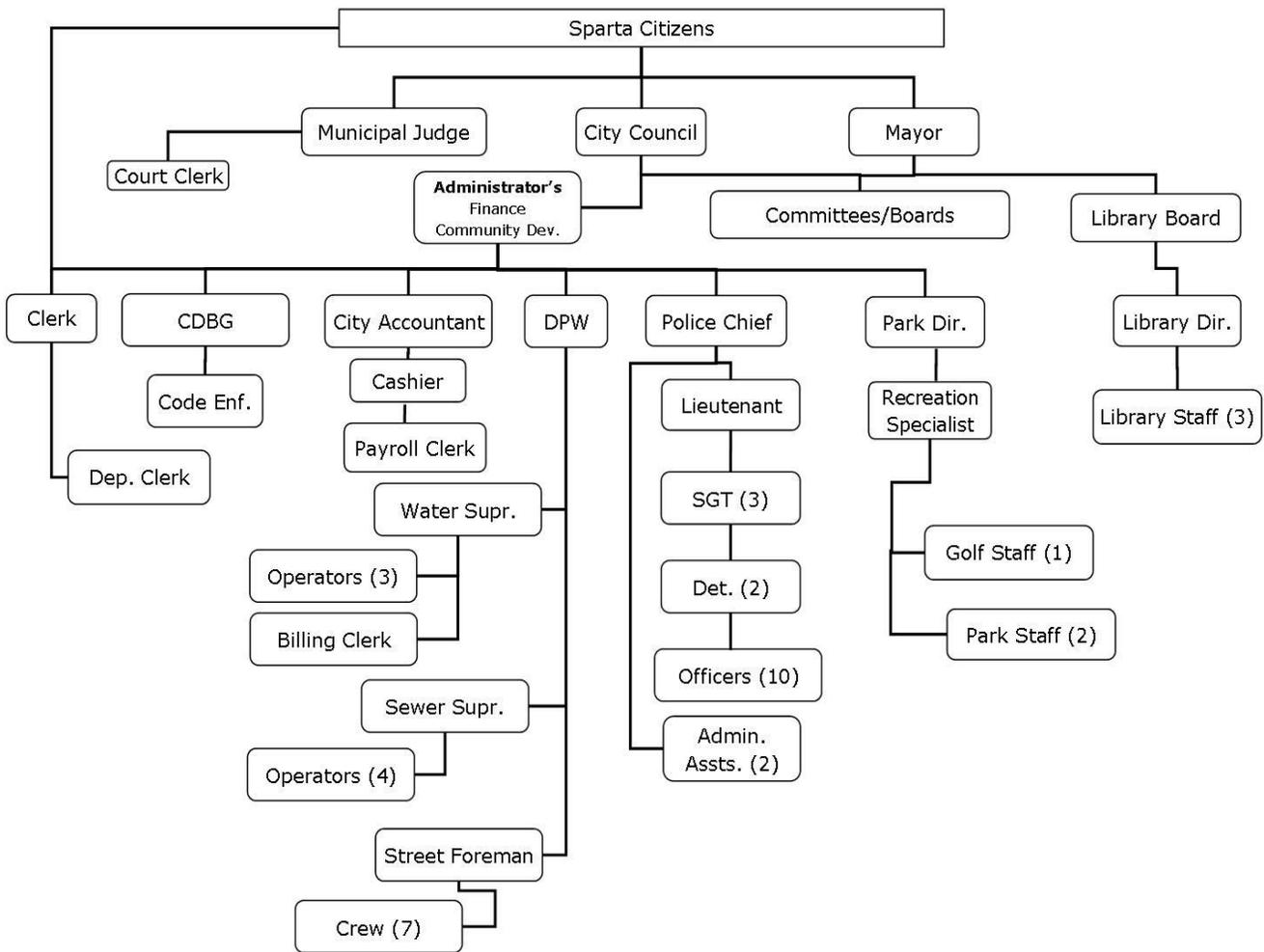
This Personnel Policy Manual is applicable to all employees of the City of Sparta, whether full-time, part-time, temporary, and sworn or non-sworn personnel. Where there is a conflict between the Personnel Policy and any City of Sparta Labor Agreement or Wisconsin State Statutes, the City Labor Agreement or Wisconsin State Statute will prevail. These rules, regulations and procedures shall be applicable to all positions in City service.

If you have questions about anything contained in this Personnel Policy Manual, or need clarification about a specific situation, talk to your Department Head. If your Department Head is unable to answer your question with satisfaction, clarification will be obtained for you from the City Administrator.

Finally, it is intended that this Manual be periodically updated to meet the changing needs of the City and its employees, as well as to reflect the current trends in employee relations administration. Any suggestions offered from employees regarding improvements to personnel policies and procedures will be willingly considered.

Approved June 18, 2002
 Updated August 17, 2004
 Updated May 20, 2008
 Updated July 19, 2011
 Updated March 20, 2012
 Updated March 20, 2014

City of Sparta Organizational Chart



CHAPTER 1

Introduction

Sec. 1.1	Personnel Objectives and Administration
Sec. 1.2	Authority -- Distribution
Sec. 1.3	Supplements to the Policy Manual
Sec. 1.4	City Management Rights
Sec. 1.5	Definitions

SEC. 1.1 PERSONNEL OBJECTIVES AND ADMINISTRATION.

- (a) **Applicability; Collective Bargaining and Employment Agreements.** The personnel policies, procedures, rules, and regulations set forth in this City of Sparta Personnel Policy Manual shall be applicable to all City of Sparta employees including sworn and non-sworn personnel. The policies, procedures and rules set forth shall take precedence over any previously adopted work rules with the exception of any policy or procedures established in an existing Collective Bargaining Agreement or an Employment Agreement or the Wisconsin State Statutes. In such an event, the language in the Collective Bargaining Agreement or an Employment Agreement shall be considered binding and shall supersede the policies contained herein. Where an existing Collective Bargaining or an Employment Agreement does not address a certain area, the policies, procedures and rules in this Manual shall be effective. It is the intent of this manual to outline the wages, hours, working conditions and terms of employment of all full-time and part-time employees of the City of Sparta except elected officials, employees covered by specific provisions of a collective bargaining agreement and library employees.
- (b) **Objectives.** The general purpose of the following personnel objectives and rules is to establish a system of modern personnel administration that meets the social, economic, and program needs of the City. These objectives and rules will be administered with the following merit principles.
- (1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge, and skills including open competition of qualified applicants.
 - (2) Establishing pay rates consistent with the principle of providing equitable pay for like work.
 - (3) Assuring fair, equitable treatment of all applicants and employees in all aspects of personnel administration without regard to political preference, race, color, age, religion, creed, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status, and with proper regard to their rights as citizens.
 - (4) Providing a work atmosphere free from harassment and ridicule.
- (c) **Scope.** These policies, procedures and regulations are not designed to make every irregular, mischievous, or improper act a disciplinary offense. Rather, their reach is limited to conduct that is

directly and palpably -- as distinguished from indirectly and remotely -- prejudicial to good order, discipline, morale, and efficiency and tends to destroy public respect and confidence.

- (d) **Additional Rights Not Conferred.** None of the benefits or policies in this Manual are intended by reason of their publication to confer any rights or privileges or to entitle a City employee to be or remain employed by the City. The contents of this Manual are presented as a matter of training, information and conditions of employment and are not intended to supplant any legal contractual agreements. While the City believes wholeheartedly in the plans, policies, and procedures described here, they are conditions of employment and are subject to unilateral change by the City.

SEC. 1.2 AUTHORITY -- DISTRIBUTION.

- (a) **Policy Approval.** The authority to approve the personnel policy is vested in the City Council. It is the responsibility of the Administrator to recommend changes to the City Council for approval.
- (b) **Administration.** Each Department Head, in their area of jurisdiction, shall be responsible for the general day-to-day administration of personnel under their authority. The overall authority and responsibility for the general day to day administration of the personnel program is vested in the Administrator.
- (c) **Issuance.** The Personnel Policy Manual shall be issued to all City employees as a means of providing a very important source of information for every City employee.

SEC. 1.3 SUPPLEMENTS TO THE POLICY MANUAL.

- (a) Procedures and policies in this Personnel Rules and Regulations Manual are subject to change and modification based on changing conditions and in light of new experiences. This manual shall not be considered a contract but rather a statement of the City's policies and procedures which shall govern the employment of all City employees. Each employee can assist in keeping the City's Personnel Program up to date by notifying the Administrator whenever problems are encountered or improvements can be made in the administration of the personnel policies.
- (b) From time to time, supplements to this Personnel Policy Manual will be issued. These supplements will update and/or revise present policy and practice whenever it is deemed necessary. All employees are responsible for studying the revised supplements carefully prior to placing them in the Policy Manual. Please be sure to remove old policy statements and procedures when the revised sections are issued.

SEC. 1.4 CITY MANAGEMENT RIGHTS.

- (a) Except to the extent abridged by a specific provision in this Chapter, the City reserves and retains solely and exclusively all of its common law, statutory and inherent rights to manage its own affairs, as such

rights existed prior to the adoption of this Personnel Manual or any other previous personnel or salary ordinances. Such rights include, but are not limited to, the following:

- (1) To determine the general business practices and policies of the City, including the purchase and utilization of equipment, and to utilize personnel, and other resources efficiently and flexibly.
 - (2) To manage and direct the employees of the City, to make work assignments, to determine the size and composition of the work force, to train and retrain employees, to establish standards of job performance, to determine and schedule the work to be performed by the work force and each employee, to determine the competence and qualifications of the employees, to establish and revise job descriptions for any position and to establish the manner and method of selection of new employees.
 - (3) To determine the methods, means and personnel by which and the locations where operations of the City are to be conducted.
 - (4) To take whatever action it deems necessary in situations and emergencies.
 - (5) To utilize temporary, provisional or part-time employees when it deems necessary.
 - (6) To hire, promote, transfer and lay off employees and to make promotions and assignments to supervisory positions.
 - (7) To suspend, demote, discipline or discharge employees.
 - (8) To establish or alter the number of shifts, hours of work, work schedules, methods or processes.
 - (9) To schedule and assign overtime work when required in the manner most advantageous to the City.
 - (10) To create new positions or departments, to introduce new or improved operations, or work practices, to terminate or modify existing positions, departments, operations or work practices and to consolidate existing positions, departments or operations.
 - (11) To make and alter rules and regulations for the conduct of its business and of its employees.
- (b) Whatever work is to be accomplished by the City of Sparta is not necessarily to be done by employees of the City. The City reserves the right to contract and subcontract out any such work and/or to transfer any such work to employees not covered by this Personnel Manual.

SEC 1.5 DEFINITIONS.

In this Personnel Manual, the following definitions shall apply:

- (a) **City.** The City of Sparta, Wisconsin.
- (b) **Collective Bargaining Agreement.** A written and signed contract between the City and a labor organization pertaining to the mutual obligations of the City and the labor organization concerning wages, hours and conditions of employment.
- (c) **Continuous Service.** Uninterrupted employment as a full- or part-time employee of the City.
- (d) **Department.** An established and recognized City division, staffed by employees, which is organized and structured to accomplish a particular type of assigned municipal service.
- (e) **Department Head.** An employee who is responsible for the operation of a City Department.
- (f) **Employee.** An individual who is engaged to provide personal services to the City for wages or salary and details of the work the City has the right to control, with the exception of those employees represented by a labor organization and whose wages, hours and working conditions are covered under a collective bargaining agreement.
- (g) **Labor Organization.** An employee organization in which employees participate and which has been pursuant to representative election, formally recognized as representative of the employees, pursuant to Section 111.05 of the Wisconsin State Statutes, or which is a party to a collective bargaining agreement with the City and which exists for the purpose, in whole or in part, of engaging in collective bargaining for the purpose of reaching a Collective Bargaining Agreement with the City concerning grievances, labor disputes, wages, hours or conditions of employment.
- (h) **Temporary Employee.** An employee who is hired only for a limited period of time expected to be less than one year.

CHAPTER 2

Employment Practices (Recruitment-Selection-Placement)

Sec. 2.1	Equal Employment Opportunities
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Sec. 2.12	Hiring Relatives
Sec. 2.13	Layoffs and Furloughs

SEC. 2.1 EQUAL EMPLOYMENT OPPORTUNITIES.

- (a) **General Policy.** It shall be the policy of the City of Sparta to recruit and select the most qualified persons for positions in the City government, including full-time, part-time and limited term appointments. Recruitment and selection shall be conducted in an affirmative manner to insure open competition, provide equal opportunity, and prohibit discrimination because of race, color, age, religion, creed, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status. Goals of this policy are that persons of disadvantaged groups be fairly represented by the City's work force and that promotional opportunities are provided for qualified employees.
- (b) **Discrimination Prohibited.** The City Council, as the duly elected legislative authority, of the City of Sparta, reaffirm, endorse, support and are committed to the concept of equal opportunity employment as defined and/or implied under Title VII of the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972. Equal employment opportunity will be assured in the municipal personnel systems and affirmative action provided in their administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, separation, discipline, or any other aspect of personnel administration because of race, color, religion, creed, age, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status is prohibited.
- (c) **Equal Employment Opportunities.** It is the policy of the City of Sparta not to discriminate against any employee or applicant for employment because of race, color, religion, creed, age, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status. This policy not to discriminate in employment includes, but is not limited to the following:

- (1) The City will employ those applicants who possess necessary skills, education and experience, without regard to race, color, religion, creed, age, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status.
- (2) The City will promote, upgrade, transfer or demote, recruit, advertise or solicit for employment without regard to race, color, religion, creed, age, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status.
- (3) The City will train during employment and select for training and apprenticeship programs without regard to race, color, religion, creed, age, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status.
- (4) No employee shall aid, abet, compel, coerce or conspire to discharge or cause another employee to resign because of race, color, religion, creed, age, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status or personal conflict.
- (5) The City will establish rates of pay and terms, conditions or privileges of employment without regard to race, color, religion, creed, age, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status.

State Law Reference: Sections 111.31 through 111.395, Wis. Stats.

SEC. 2.2 CITIZENSHIP.

(a) Citizenship.

- (1) General Personnel. For regular full-time and part-time general personnel, United States citizenship will not be considered to be a prerequisite for City employment. However, aliens must be in full compliance with prescribed federal law, in particular the Immigration Act of 1986, and they must move with the utmost dispatch to become naturalized citizens within the minimum period prescribed by federal law. Proof of an alien employee's action, in this respect, may be required by the City at any time. If at any time during employment with the City, the alien employee is not in compliance with the federal law, then they shall be subject to dismissal by the City.
- (2) Sworn Personnel. United States citizenship is required of all regular full-time and regular part-time sworn personnel. An applicant for a sworn position must be a legal citizen of the United States at the time of appointment to a sworn position.

SEC. 2.3 LICENSES AND CERTIFICATIONS.

- (a) Applicants for a position requiring a license and/or certification must present valid proof of same prior to the first assigned starting date.

- (b) Persons operating a City vehicle or equipment must possess an appropriate and valid operator's license and submit that license as proof. Those positions requiring special certification by an agency of the state must submit proof of satisfactory completion, with certification to professionally practice in the State of Wisconsin.
- (c) Various other certifications may be requested as proof of completed education at a recognized institution or university. The City reserves the right to obtain necessary information regarding academic achievement transcripts or educational files of any applicant.
- (d) Those positions requiring licenses and certifications to conduct their job shall maintain their license and certifications, providing renewal evidence, or be subject to termination.

SEC. 2.4 JOB VACANCIES; RECRUITMENT.

- (a) **Filling Job Vacancies.** There are several ways a newly created or existing position can be filled. The way selected may vary from the hiring of one employee to the next and will usually be decided by the Department Head, subject to review and approval by the appropriate Committee. The ways in which a job vacancy may be filled include:
 - (1) The Examination Process. Either a promotional examination or open competitive examination may be used and should include one (1) or more of the following parts: An evaluation of the candidate's past training and experience, a written examination, a performance test and/or an oral examination.
 - (2) Transfer. Transfer is the movement of a present City employee from their current position to a vacant position in a different department.
 - (3) Promotion. Promotion is the advancement of a present City employee from their current position to a vacant position in the same department for which a higher classification and/or salary range is authorized.
 - (4) Reinstatement. Reinstatement is the re-employment of a former City employee, without examination, to a position that has the same or a comparable classification held by the individual when separated earlier from City service.
 - (5) Exceptional Employment. This method will be used in order to meet special requirements or circumstances that do not allow for conventional methods for selecting employees.
 - (6) Elected Officials. Elected Officials cannot be hired for a position created during their term in office. Elected officials must resign their office before applying for a position with the City.

- (b) **Position Authorization.** New positions shall first be approved by the City Council, this approval preferably will be obtained in the budget process. Existing positions will be approved by the City Administrator.
- (c) **Hiring Authority.** Hiring for budgeted full-time positions shall be approved by the City Administrator upon recommendation by the Department Head. Department Head positions shall be approved by the City Council upon recommendation by the City Administrator and the appropriate Committee or Commission. Budgeted temporary employees may be hired at the discretion of the Department Head.
- (d) **Recruitment; Advertising.**
 - (1) As vacancies occur in positions, efforts will be made to fill them by promotion of present employees, although the City is not required to fill the position by promotion. Employees are encouraged to apply for internal positions for which they are qualified. In cases where employees, Department Heads, or officials have referred individuals as potential candidates for employment, such persons will be given the same consideration as any other applicants--no more, no less.
 - (2) Employment advertisements may be placed in area newspapers which serve the City's recruiting area and trade magazines as deemed desirable and necessary by the Administrator. The advertisement may include:
 - a. Title of the position.
 - b. Short description of duties.
 - c. Number of hours per week.
 - d. Pay range for the position.
 - e. To whom the application can be sent.
 - f. The deadline by which all applications must be received.

SEC. 2.5 SUBMISSION OF APPLICATIONS.

- (a) All employment applications for positions shall be filed with the appropriate Department Head.
- (b) Any application which is false, deceptive or fraudulent in any manner will be subject to disqualification. If the candidate has been hired, they will be subject to immediate dismissal by the City Council.
- (c) Pursuant to the Federal Age Discrimination in Employment Act of 1967, all employment applications of persons between 40 and 70 must be retained for one year together with normal personnel records and all advertisements or notices relating to job openings or promotions. Under the Federal Civil Rights Acts, all employment applications must be retained for six months if any applications are retained.

- (d) Position of employment with the City shall be classified as follows:
- (1) Regular. A regular employee is one who is performing the duties of a full-time job with the City.
 - (2) Temporary. A temporary employee is one who is hired for a specific purpose or job for a period of less than one year. The status of a temporary employee may be changed to that of a probationary or regular employee providing there is an opening for a full-time job, and they are qualified to fill the job.
 - (3) Part-time. An employee who is hired to work which requires part of a day or part of a week, on a regular or irregular schedule, is considered a part-time employee. An employee who averages less than 40 hours per week.

SEC. 2.6 DISQUALIFICATION OF APPLICANTS.

- (a) A Department Head may refuse to interview an applicant or, after examination, to refuse to certify the applicant as eligible:
- (1) Who is found lacking in any of the established preliminary requirements for the position sought.
 - (2) Who is physically unable to perform the essential functions for the position sought.
 - (3) Who is addicted to the use of narcotics or habitually uses intoxicating beverages to a degree which would adversely affect the prospective employee's job performance and/or the safety of others.
 - (4) Who has been convicted of an offense against the law (a criminal conviction will not necessarily exclude an applicant from employment).
 - (5) Who has been dismissed from any public service for just cause.
 - (6) Who has made false or untrue statements of material facts in their application, medical reports or resume.
 - (7) Who has demonstrated poor interpersonal or leadership skills.
 - (8) Whose character or employment references are deemed unsatisfactory.
- (b) Any applicant deemed disqualified hereunder shall be notified by the Department Head in writing. Deficient applications shall be returned to the applicant for corrections; provided the applicant appears to be qualified for the positions.

SEC. 2.7 ORAL AND WRITTEN EXAMINATIONS; APPROVAL.

- (a) Specific criteria for selection shall be developed by the person who will supervise the position prior to the interviewing of any candidate. Each criterion must be directly related to the performance of the job and must not illegally discriminate against any individual or group on the basis of race, color, age, religion, creed, sex, sexual preference, national origin, ancestry, political belief, physical or mental handicap, or marital status. The selection criteria will specify the minimum skills, knowledge and/or abilities needed to perform the duties of the job.
- (b) As a tool in evaluating an applicant, oral and/or written examinations may be required. The subject matter for these tests will measure the degree to which candidates have identifiable characteristics which have been determined to be important in successful performance in the job applied for.
- (c) Applicants may be required to demonstrate their ability to perform the duties and responsibilities of the position for which they have applied. The demonstration may involve the satisfactory completion of a written, verbal, or practical examination, or a combination of those examinations, and/or a review of the applicant's previous training and experience. Results will be reviewed at the time of the scheduled interview with the applicant. Examinations will be administered by the Department Head or their representative.
- (d) Physical agility or performance tests may be required as a prerequisite.

SEC. 2.8 MEDICAL EXAMINATIONS.

Every prospective full-time employee may be required to pass a physical examination, drug testing and alcohol testing after a conditional offer of the job is given. The examination and/or testing must be conducted by a licensed physician before being hired. This examination is administered by a physician arranged for by the City. The cost of such examination shall be paid by the City, pursuant to Section 103.37, Wis. Stats.

State Law Reference: Chapter 103.37 Wis. Stats.

SEC. 2.9 BACKGROUND INVESTIGATIONS.

- (a) Every new employee of the City shall have a routine background check made by the Police Department and such report will be filed with personnel records maintained by the City. This will be done before being hired. The personal background and criminal civil action data will be evaluated in relation to the applicant's perceived ability to perform the duties and responsibilities of the specific position applied for.
- (b) The City shall contact, at a minimum, two (2) references as shown on the employment application. All employment is subject to receipt of acceptable references. All applicants shall be checked for verification as to their employment and educational backgrounds.

SEC. 2.10 PROBATIONARY PERIOD.

Employment begins with a probationary period. A former employee who has been rehired after a separation is considered a probationary employee upon rehire. This probationary period is a try-out for the employee. The only benefits available to employees during the probationary period are those required by law unless otherwise specified in the policies or ordinances of the employer. The probationary period only applies to benefit eligibility and serves no other purpose. 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 status or require an employee be discharged only for "cause".

- (a) **Probationary Period Required.** Any newly hired full-time or part-time employee is required to serve a six (6) month probationary period commencing on their date of employment. Police department personnel are required to serve a twelve (12) month probationary period.
- (b) **Dismissal During Probationary Period.** During the Probationary Period, the employee has the obligation to demonstrate proper attitude and abilities for the position for which employed. The employee may be dismissed by the Department Head during the probationary period.
- (c) **Probationary Period for Promotions.** Employees promoted or transferred to a different position shall have a probationary period for the first three (3) months of employment in the new position. During such period such employee may be removed from the new position and returned to a position in the employee's former classification at the discretion of the Department Head for any reason and without recourse to any appeal or complaint procedure.
- (d) **Orientation.** A new employee's supervisor shall be responsible for the orientation of each new employee under their supervision and shall, on the first day of employment or as soon thereafter as possible during the first pay period, meet with new employees and advise them of all general conditions of employment such as hours of work, fringe benefits, pay and pay periods, and City rules, regulations, privileges and responsibilities. Such orientation shall include introductions to fellow workers, work standards, safety regulations, break periods and other departmental office or function working conditions and regulations. New employees shall be provided a copy of this Manual.

SEC. 2.11 HIRING EMPLOYEES UNDER AGE EIGHTEEN (18).

Part-time employees under eighteen (18) years of age must have a state-issued work permit, and the permit must be obtained before the employee is allowed to work as a City employee. Each permit covers only the position or kind of work for which it is issued by the State of Wisconsin. The prospective employee may obtain the work permit from any public high school. The Department Head intending to employ the individual under eighteen (18) years of age needs to provide the prospective employee with a letter stating the City's intention to employ the minor and nature of the duties they will perform as a City employee.

SEC. 2.12 HIRING RELATIVES.

- (a) This policy governs the proposed hiring of individuals for full-time work as City employees who are relatives or former spouses of City employees or elected officials. For the purpose of this policy, relatives include: spouse, son, daughter, step-child, father, mother, step-parent, brother, sister, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, aunt, uncle or first cousins.
- (b) Hiring a relative or the former spouse of any current City employee or elected City official is discouraged and should be considered only if that individual is clearly the best candidate for the job. It is required that either the current employee or the relative seeking employment will make the relationship known to the hiring authority (Department Head) before a hiring decision is made; in every case the decision to hire a relative or former spouse will be subject to City Council approval before the new employee is permitted to begin work.
- (c) Relatives cannot be hired or promoted into positions within the same department or within the supervisory chain of command.
- (d) This policy does not apply to non-elected officials who are asked to accept appointment as members of a City Council, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their relatives if currently employed or being considered for employment by the City.

SEC. 2.13 LAYOFFS AND FURLOUGHS.

Reductions in the workforce may occur through layoffs or furloughs, in addition to attrition or position elimination or modification. The employer will determine the Departments, number of positions and persons impacted by the reduction in workforce.

In the event of a reduction in workforce through layoff or furlough, affected employees will be laid off or furloughed based on skills, abilities, qualifications, and the interests and needs of the employer. The employer may choose to solicit volunteers for the reduction in workforce

CHAPTER 3

Conditions of Employment

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SEC. 3.1 WORKING HOURS.

(a) Working Hours.

- (1) It is the purpose of this policy to define hours of regular and overtime work. Except as otherwise provided, the standard work week is defined as beginning Sunday morning and ending Saturday night. Working hours for each employee shall be established by the Department Head. The standard work day for hourly employees is eight (8) hours, which all employees are expected to work in full. The standard work week for hourly employees is forty (40) hours. Non-Union employees may take a one (1) hour uncompensated lunch break. Union employees shall be provided with a lunch break as specified in their collective bargaining agreements. Overtime must be authorized by the Department Head. The Police Department work rotation and policies may vary from that of other departments.
- (2) Work schedules will vary by department and may change seasonally. As far as practical, work hours and days shall conform to the established hours of City business. However, this conformity shall not interfere with special time tables as required in the operation of the City or prohibit or prevent the establishment of rotating, staggered or shortened work periods, multiple shift or part-time hours as well as attendance at City meetings and hearings which may be needed.

(b) Exempt Employees.

- (1) Certain designated Department Heads and other non-sworn employees holding the executive, administrative or professional positions who meet the qualifications for exemption under Fair

Labor Standards Act of 1985, as amended, may be paid on a salary basis without regard to the number of hours worked.

(2) Since the work of these employees is of such character that the output produced or the result accomplished cannot be standardized in relation to the given period or time, they will be compensated by salary and on the basis of responsibilities and duties rather than the number of hours required to perform their duties in accordance with the responsibilities assigned to them. While Department Heads and the above-referenced employees are generally expected to conform to the normal business hours of their department, they are afforded flexibility in the application of their time to the responsibility involved in managing their department. Department Heads and other exempt employees are also afforded flexibility in terms of the application of the time of those employed within their department consistent with the requirements of the Personnel Manual. Such flexibility is not intended to allow for:

- a. Taking absence for illness without charge to said leave; or
- b. Pay for overtime hours worked.

(c) **Non-exempt Employees; Overtime.** All employees other than those referred to in Subsection (b) of this Section shall be deemed non-exempt employees, and such employees shall be eligible for pay at the rate of one and one-half (1-1/2) hours for each hour of authorized overtime work in accordance with the requirements of Section 3.2 below and the Fair Labor Standards Act. Overtime shall be paid for all hours worked in excess of 40 hours per week only when such work has been authorized by the employee's Department Head.

(d) **City Council Meetings.** At the request of the Administrator, City employees may occasionally be required to attend regular or special meetings of the City Council and applicable meetings of other City committees, boards and commissions.

(e) **Breaks.** Non-union employees shall receive two (2) fifteen (15) minute breaks, one in the first half of their shift and one in the second half of their shift. Breaks will be scheduled by the employee's supervisor, and may not be combined. Unused break time does not accumulate and may not be used to come to work late or leave early. Union employees shall be provided with a break as specified in their collective bargaining agreement.

SEC. 3.2 COMPENSATORY TIME OFF; APPLICABILITY OF FAIR LABOR STANDARDS ACT.

(a) **Definitions.**

"Compensatory time" and "compensatory time off" are defined as hours when employees are not working and which are paid for at the employee's regular rate of pay. These hours are not counted as hours worked in the week in which they are paid.

(b) **Exempt Employees.**

Although the basic rule is that all public employees are covered by the minimum wage, overtime pay and compensatory time off requirements of the Fair Labor Standards Act, certain classes of public employees are exempt from these requirements:

- (1) Executive Employees -- Employees whose primary duty is the management of a department, who direct the work of two or more employees, exercise discretionary powers and perform such executive tasks at least 80% of the time.
- (2) Administrative Employees -- Employees who perform office duties or administer departments, regularly exercise discretion and independent judgement, and who (at least 80% of the time) either:
 - a. Regularly and directly assist an executive or other administrative employee; or
 - b. Perform work of a specialized or technical nature, requiring special training or experience, under only general supervision; or
 - c. Execute special assignments and tasks under only general supervision.
- (3) Professional employees -- Recognized professional employees such as attorneys, librarians, engineers, etc.
- (4) Seasonal employees -- Employees of seasonal recreational and entertainment facilities (i.e.: lifeguards).
- (5) Certain public protection employees -- A limited exception for employees of law enforcement agencies that employ less than five (5) employees in any work week. (Note: overtime pay requirements for law enforcement employees are governed by specific provisions of the Fair Labor Standards Act.)

(c) **Compensatory Time Off.**

- (1) Pursuant to the Fair Labor Standards Act of 1985, the City is permitted to give its hourly employees compensatory time off in lieu of immediate overtime pay in cash, at a rate of not less than one and one-half hours for each hour of overtime worked, but only pursuant to a collective bargaining agreement, or an agreement or understanding arrived at between the City and employees before performance of the work.
- (2) The maximum compensatory time which may be accrued by an affected employee shall be forty (40) hours for all hourly employees. An hourly employee who has accrued the maximum

number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.

- (3) An employee shall be permitted to use accrued compensatory time 48 hours after a request is made to the supervisor; if to do so, would not duly disrupt the operations of the City. Unused compensatory time at the end of the year may be paid out to hourly employees.
- (4) Salaried employees may accrue compensatory time to a maximum of forty (40) hours on an hour for hour basis. Any overtime hours worked after the maximum compensatory time has been reached shall be used in the current pay period or lost forever.
- (5) Compensatory time cannot be used for more than 40 consecutive hours.

SEC. 3.3 RECORD KEEPING OF HOURS.

It shall be the responsibility of the Department Head to assure proper recording of hours worked. Before records of time worked are submitted to the Clerk's Office, they are to be reviewed and approved by the Department Head.

SEC. 3.4 ABSENCES.

- (a) When an employee will be absent from work, it is the employee's responsibility to contact the Department Head (or person designated if the Department Head is unavailable) and inform them of the reason for the absence. This shall be done as early as possible before the start of their regular shift and not less than one (1) hour before the beginning of their regular work shift if a replacement needs to be called in.
- (b) Employees may apply accrued vacation and personal holidays to receive full pay for scheduled hours absent, if accrued sick time is not available. Use of annual vacations and holidays should be considered only if no other options are available.
- (c) Absence which is without proper notice or without permission is considered "unauthorized."
- (d) Employees who fail to report to work for two (2) consecutive days may be terminated unless they can give an acceptable explanation for the absence and the failure to report. Three (3) days of unauthorized absence in a three (3) month period will be grounds for dismissal. Employees with excessive absences or tardiness may be subject to disciplinary action or discharge.

SEC. 3.5 MILITARY LEAVE.

- (a) A leave of absence without pay shall be granted to any full-time or part-time employee who is drafted, enlisted or is called to duty in the armed forces of the United States. Re-employment rights of such employees shall be governed by Section 45.50, Wis. Stats.
- (b) An employee called up on active duty shall continue to receive a contribution to their Wisconsin retirement account as required. Other benefits may be continued by the employee paying the full cost.
- (c) Employees who are members of the National Guard or United States Military Reserve shall be granted temporary leaves of absence for required hours of duty or training. The employer agrees to pay to full-time employees the differential between the military pay for such required duty or training and the employee's regular straight time earnings for such period, but such differential pay shall be limited to a maximum of two (2) weeks' pay, less military pay, in any one (1) year.
- (d) Should a full-time employee elect to use their vacation time for military training, vacation pay will be paid for the vacation period instead of differential pay.
State Law Reference: Section 45.51, Wis. Stats.

SEC. 3.6 EMPLOYEE INJURIES AND MEDICAL ILLNESSES.

(a) Occupational Injuries/Illnesses.

(1) Reporting.

- a. Employees injured on the job shall report the injury immediately to their Department Head, if physically able to do so.
- b. All accidents, however minor, are to be reported as soon as possible by the Department Head to the Clerk's Office.
- c. The employee's Department Head or the designated supervisor-in-charge will arrange for first aid treatment or for a doctor's care, if necessary, and will follow through on all activities pertinent to the injury.
- d. The City Clerk will place on file a record of the injury for future reference.

- (2) Release for Work After Injury. In all cases of injury requiring the services of a physician, it is the responsibility of the employee to obtain from the physician a release authorizing their return to work. The release shall indicate the date upon which the employee may return to work and any work restrictions with length of time for restriction. No employee shall be allowed to return to work without a properly signed release from a physician.

(b) Light Duty Work Status.

related to their work, become temporarily disabled, permanently disabled or die as a result of a job-related injury or disease. It should be noted that City employees and officials are covered under this program if they are performing work-related duties or travel. (Coverage, however, does not apply to travel between home and work under normal circumstances.)

- (b) Coverage under Worker's Compensation is automatically extended to all eligible City employees and officials and requires no financial contribution on their part; the City pays the contribution required of the employer. It is, however, each individual's responsibility to report that they have been injured or have been temporarily disabled as the result of a work-related disease; upon learning that one of their employees has been injured or disabled by disease, Department Heads are expected to contact the City Clerk within 24 hours so that the administrative requirements set by the State of Wisconsin can be satisfied. The Department Head shall immediately prepare a written report as required by the State of Wisconsin.

SEC. 3.8 REFERENCE AND CREDIT REQUESTS.

- (a) It is the City's policy that all requests for information concerning current and former employees should be handled in a consistent and appropriate manner. Such requests usually involve credit information, personal and business references, descriptions of job duties and responsibilities, etc. Any inquiries which are received either by telephone or in writing regarding a present or past employee shall be made of the Administrator or the Clerk's Office.
- (b) Department Heads are required to refer all requests for information about employees to the Administrator. The Administrator will confer with Department Heads for clarification on reference information as necessary.
- (c) Generally, in responding to reference requests; the City will state only that a person is or was employed with the City, dates of employment, employee's title or position. Only if an employee submits a request in writing will additional information be released. This pertains to both present and past employees.

SEC. 3.9 PERFORMANCE REVIEWS.

Prior to the end of the initial introductory period, new, transferred and promoted employees will have a performance review. Thereafter, periodic reviews will be given at a minimum on an annual basis. This policy is designed to provide communication on each employee's performance. Participation in the performance review process does not inherently imply that monetary benefits will be adjusted.

SEC. 3.10 DRUG AND ALCOHOL ABUSE AND SCREENING.

- (a) It is the purpose of the City to help provide a safe and drug-free work environment for our citizens and our employees.

- (b) The City explicitly prohibits:
- (1) The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on City property or while performing an assignment.
 - (2) Being impaired or under the influence of legal or illegal drugs or alcohol away from the City, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the City's reputation.
 - (3) Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the City, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the City's reputation.
 - (4) The presence of any detectable amount of prohibited substances in the employee's system while at work, while on City property, or while on City business. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.
- (c) The City will conduct drug and/or alcohol testing under any of the following circumstances:
- (1) Random Testing: Employees may be selected at random for drug and/or alcohol testing at any interval determined by the City.
 - (2) For-Cause Testing: The City may ask an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggest impairment or influence of drugs or alcohol, odor of alcohol on the employee, negative performance patterns, or excessive and unexplained absenteeism or tardiness.
 - (3) Post-Accident Testing: Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. Involved in an on-the-job accident or injury means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.
- (d) If an employee is tested for drugs or alcohol outside the employment context and the results indicate a violation of this policy, or if an employee refuses a request to submit to testing under this policy, the employee may be subject to appropriate disciplinary action, up to and possibly including discharge from employment. In such a case, the employee will be given an opportunity to explain the circumstances prior to any final employment action becoming effective.
- (e) No final disciplinary measure will be taken until an employee who has tested positive has had an opportunity to discuss the test results with the City Administrator. During the discussion, the employee

will be told the test results and the measure(s) the City is considering. The employee will have an opportunity at that time to explain or contest the positive results.

- (f) If a counselor determines that an employee is addicted to alcohol or drugs, the employee will be afforded the opportunity to enter a rehabilitation program. The costs of any rehabilitation program shall be paid by the employee to the extent such costs are not covered by the hospital or medical plan in place at the time the employee enters the treatment program. The employee may return to work once it has been determined by a physician that the employee is fit. A written release executed by a licensed health care provider stating that the employee is able to perform in a productive and safe manner will be required. Any subsequent violation of this policy will be grounds for immediate dismissal.

SEC. 3.11 TIME CLOCK RULES.

- (a) If, for some valid and urgent reason, an employee must write in their own time, the Department Head must initial and approve that entry.
- (b) Failure to punch in must be reported to the Department Head at once. Employees must punch their own time card. No employee may punch in another employee's time card. Punching in or out for another employee may be cause for immediate suspension.
- (c) If an employee mistakenly punches the wrong time card or the wrong time, the Department Head should be immediately notified. The Department Head will correct the error.

SEC. 3.12 EMPLOYEE SAFETY.

- (a) All employees working outside are required to wear long pants and a shirt (tee shirts are permitted) while working, except under special working conditions established by the Department Head.
- (b) Personal protective equipment, such as goggles, masks, shields, body armor, OSHA safety colored vest, OSHA safety colored shirts, safety harness, hard hats or helmets, etc.. must be used whenever the job requires them for the employee's safety, health and welfare.
- (c) It shall be the duty of the employee to report to their Department Head any safety equipment not available for a particular job, as well as any additional safety measures needed on the procedure or operation of any job. Jobs should not be performed in an unsafe manner. The Department Head will be responsible for identifying personnel protective equipment the employee must maintain and wear.
- (d) "Over the ear" audio (stereo, headphones, etc.) are strictly prohibited at all times during working hours. Violators will be subject to disciplinary action.
- (e) Sewer Department Personnel and Police Officers will be provided with Hepatitis B vaccinations free of charge.

3.13 NO-SMOKING POLICY.

Smoking is prohibited in all City owned buildings (unless exempted by the City Council) and all City vehicles/equipment. Smoking is allowed only in designated areas and during approved break periods per Sec. 3.1(e).

3.14 DRESS CODE.

Employees should dress appropriately for working conditions. Employees shall wear protective clothing as required. A neat and orderly appearance shall be maintained.

3.15 WORKPLACE SAFETY AND REPORTING INJURIES AND ILLNESSES

Job safety is very important to each employee and the City of Sparta. Employees must conduct themselves carefully at all times. Most accidents are caused by carelessness and horseplay. All employees must act in a safe manner and practice good safety procedures. Similarly, all work areas are to be kept clean and free from debris, and tools and equipment are to be kept clean and in good repair.

Any accidents, hazards or potentially unsafe conditions of equipment are to be reported to an employee's supervisor immediately for action. If the unsafe condition can be corrected immediately as to avoid any additional hazard, then the employee should implement the corrective action.

Any employee who is injured or becomes ill while performing service related to his or her employment must contact their immediate supervisor immediately and on the same day the injury or illness occur to report the incident. The report must be in writing and contain relevant facts. The employee should secure the necessary medical attention on the job site to the extent practicable.

Worker's compensation is a form of accident and disability insurance to protect an employee in the event of a qualifying job related injury or illness. Upon returning to work after a work related injury, an employee may be required to provide certification from his or her treating physician verifying that the employee is able to safely and adequately perform his or her regular job functions.

The employer has established the following protocols for evacuation of the premises. When employees are advised to evacuate the building, the employees should:

- * Stop all work immediately.
- * Contact outside emergency response agencies, if needed.
- * Shut off all electrical equipment and machines, if possible.
- * Walk to the nearest exit, including emergency exit doors.
- * Exit quickly, but do not run. Do not stop for personal belongings.
- * Proceed, in an orderly fashion, to a parking lot near the building.
- * Do not re-enter the building until instructed to do so.

Employees must know the location of fire extinguishers, emergency exits and first aid kits and make sure they are accessible at all times.

CHAPTER 4

Employee Benefits

Sec. 4.1	Holidays
Sec. 4.2	Paid Vacation
Sec. 4.3	Compensation, Insurance and Retirement Benefits
Sec. 4.4	Sick Leave
Sec. 4.5	Emergency Leave
Sec. 4.6	Family and Medical Leave
Sec. 4.7	Maternity/Paternity/Adoption Leave
Sec. 4.8	Jury Duty; Court Appearance
Sec. 4.9	Funeral Leave
Sec. 4.10	Payment of Wages and Payroll Deductions
Sec. 4.11	Reimbursements
Sec. 4.12	Continuing Education
Sec. 4.13	Uniform Allowance
Sec. 4.14	Service Clubs
Sec. 4.16	Employee Achievement Program

SEC. 4.1 HOLIDAYS.

- (a) (1) The following days shall be paid holidays for full-time employees unless a different schedule of holidays is covered under a separate collective bargaining agreement:

New Year's Day
Friday Before Easter
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve Day
Christmas Day
Floating Holiday

- (2) When any such holiday falls on a Sunday, the following Monday shall be considered the paid holiday. When any such holiday falls on a Saturday, the preceding Friday shall be considered the paid holiday.
- (3) To be eligible for holiday pay such employee must have worked for the City for thirty days and have worked the work day prior to and the work day following such holiday unless they are on vacation, sick leave or any other excused or authorized leave. An employee may be off from work on one or both qualifying days for one of the following reasons and still qualify for holiday pay:

- a. Vacations;
- b. Comp time;
- c. Paid non-occupational illness/injury leave;
- d. Occupational illness/injury;
- e. Jury duty;
- f. Funeral leave; or
- g. Department Head permission in advance.

(4) If any of the above named holidays fall during an employee's vacation, it shall be charged as a paid holiday, and not deducted from the employee's vacation leave.

(5) In the event that a paid holiday falls within a period when an employee is on sick leave, it shall be charged as a paid holiday, and not deducted from the employee's sick leave.

(6) Employees shall be paid for their regular straight time rate for eight (8) hours for each holiday.

(b) Employees scheduled to work on these holidays shall receive pay at time-and-one half for their normal wage. Employees called in to work on these holidays shall receive time and a half for each hour they work, plus the holiday pay.

(c) When scheduled to work on a paid holiday, if the employee is unable to report to work, they shall not be eligible for the holiday compensation. Under no circumstances will an employee be compensated with both holiday pay and sick leave pay when the employee is unable to report to work on a scheduled holiday.

(d) The City will endeavor to make reasonable accommodations for an employee's time off due to the observance of conscientious religious beliefs. Department Heads must be consulted at least three (3) days in advance of such a religious observance in order to insure that the employee's duties are covered. Any such day shall be without pay.

SEC. 4.2 PAID VACATION.

(a) (1) Vacation time is earned between anniversary dates and technically is fully earned at the end of the anniversary year. Vacation time becomes eligible for use on January 1st of every year based upon the schedule below and the anniversary date that will be met that year. Termination during the year will mean either vacation time used is owed back to the City or additional vacation time is owed to the employee depending on time of year in relation to the anniversary date and amount of time used.

(1) The City believes that adequate time must be provided to employees annually for rest and relaxation. For this reason, all employees are encouraged to take their full allotment of vacation days each year. A maximum of forty (40) hours of vacation may be carried over from one year to the next.

(3) Continuous service shall include all the time an employee has been in continuous employment. The continuous service of an employee otherwise eligible for a vacation shall not be considered interrupted if the employee was on an approved leave of absence, or was promoted or

transferred to another position. Continuous service shall not accrue during any period of layoff or unpaid leave of absence in excess of thirty (30) days, nor any unpaid leave of absence caused by injury or illness in excess of forty-five (45) days.

- (4) Vacation pay shall be paid at the rate of eight (8) hours per day at the employee's regular straight-time rate.
- (b) Vacation time shall be accrued according to the following schedule. Employees who are off from work for more than twelve (12) consecutive weeks will not accrue any vacation days during that period of time.

<u>Length of Employment</u>	<u>Vacation Time Earned</u>
0-2 years	5 days
2-5 years	10 days
5-13 years	15 days
13-20 years	20 days
20+ years	25 days

- (c) Vacations shall be taken in full workday increments, unless smaller increments are approved by the Department Head.
- (d) Each Department Head shall maintain a vacation schedule. The order in which vacations are requested shall be by seniority. Vacation schedules, including the number of employees on vacation at the same time, when an employee shall be allowed to take a vacation, and when annual vacation schedules are set, shall be established and approved by the employee's Department Head. If conflicts occur in the scheduling of vacations, departmental seniority shall be given, providing the needs of the department are met. Vacation days should be scheduled a minimum of 48 hours in advance.
- (e) Upon termination or retirement, a regular full-time employee shall receive compensation for all unused vacation earned as of the employee's most recent employment anniversary date at the employee's current rate of pay, as defined by the above Subsections, plus a proration of partial year vacation entitlements. Specifically excluded from this are all probationary employees who terminate, or are terminated, prior to the completion of their probationary period, or employees who fail to give proper notice of resignation.
- (f) In the event of the employee's death, compensation for all unused vacation allowance shall be paid to their beneficiary, computed on a prorated basis in accordance with the number of months worked since their anniversary date.
- (g) When a holiday falls in a vacation week, it shall be charged as a paid holiday, and not deducted from the employee's vacation leave.

SEC. 4.3 COMPENSATION, INSURANCE AND RETIREMENT BENEFITS.

- (a) **Salaries.** Salaries and rates of pay shall be set forth in the annual salary resolution as adopted by the City Council.

- (b) **General Insurance Protection.** The City maintains a comprehensive insurance program which provides health, dental and life insurance coverage for the benefit and protection of all eligible employees. Complete details of these insurance benefits will be provided to each employee. Information on each of these insurance plans may be obtained from the City Clerk.
- (1) All regular full-time employees on the first of the month following thirty (30) calendar days of employment shall be eligible for the City's basic group health and dental insurance coverage. Full-time employees may participate in the current plans offered by the City.
 - (2) The employee shall participate in said insurance coverage until the end of the month terminated.
 - (3) The employer shall contribute 100% toward the cost of purchasing the basic life insurance coverage offered through the state. The employee has an option of obtaining at his or her expense additional coverage as well as spouse and dependent coverage.
- (c) **Retirement Benefits.** The City participates in the Wisconsin Retirement Fund. Employee share will be a deduction from the employees pay, as provided in State law. Complete details of these retirement benefits will be provided to each employee by the City Clerk.

SEC. 4.4 SICK LEAVE.

- (a) **Eligibility.**
- (1) General Policy. For all regular full-time employees, periods of absence resulting from non-occupational illness or non-occupational injury will be compensated by a continuation of salary during disability based upon availability of accrued sick leave. Pay continuation benefits as outlined in this policy are contingent upon actual illness or injury, good faith of the employee involved, a conscientious attitude toward attendance, and a willingness to return to work at the earliest practical date.
 - (2) Sick Leave Schedule. After completion of a regular employee's probationary period, sick leave shall accrue retroactive to the first day of employment at the rate of one day for each month of employment. Sick leave may be accumulated up to a maximum of one thousand forty (1040) hours.
- (b) **Purpose.** Sick leave is granted for medical reasons only as an accommodation to employees and is not intended to be a cash handout or an excuse to miss work. The use of sick leave for purposes other than sickness are grounds for suspension or termination.
- (c) **Notice.** In order to receive sick leave pay an employee must notify their Department Head or immediate supervisor as soon as possible or within one hour prior to their normal starting time. In the event the employee has not given such notification, sick leave may be granted if the circumstances justify the failure to give said notice. Any employee off work on sick leave shall, whenever possible, notify their Department Head of their intent to return to work on the day prior to returning.

When notifying their Department Head, the employee must indicate what illness and/or injury prevents them from reporting to work, when they will be able to return to work, and identify the location where they will be recovering.

The City retains the right to contact the employee at the location indicated at any time during the employee's scheduled work day. Such contact shall be made at the discretion of the Department Head.

- (d) **Certificate of Illness.** In the event of sick leave extending to three (3) days or more, the employee shall be required to furnish the Department Head with a certificate of illness signed by a licensed physician.

If the City has a justifiable reason to suspect that an employee is abusing sick leave, such certification of illness may be required and shall be furnished for sick leaves of less than three (3) days.

- (e) **Applicability.** The leave provided for in this Section shall apply only to days that the employee is regularly scheduled to work and shall not apply to overtime hours or to days when the employee is on vacation, on funeral leave, military leave or on any other type of paid or unpaid leave of absence.

- (f) **Examination.**

(1) As a mutual protection for the employee and the City, the City may require an employee to submit to a physical examination by a City-designated physician when, in the opinion of the Department Head the performance of the employee may have become limited or weakened by virtue of impaired health. The Department Head may require the employee to conform to the physician's recommendations as a condition of continued employment with the City.

(2) If the physician's report indicates that the employee is unfit to perform the duties of their job because of a physical condition, the City may place the employee on a temporary Medical Leave of Absence as described in Section 4.6.

- (g) **Preventive Medicine.** Another use of sick leave shall include any form of preventive medicine or treatment which requires the employee to take time off during normal working hours to see their doctor, receive hospital or clinical services, dental care, or any other similar medical attention. Such usage must be requested and approved prior to leaving work.

- (h) **Family Illness.** Sick leave may be used to stay home and care for sick family members in your immediate household if absolutely necessary. Leave for family illness is limited to six (6) days per year.

- (i) **Sick Leave a Privilege.** Sick leave shall not be considered a right which an employee shall use at their discretion, but shall be allowed as a privilege in such cases where the employee is sick or disabled as defined in this Section.

- (j) **Sick Leave Payout** Upon voluntary termination of City employment and at least fifteen (15) years of employment by the City, death or permanent total disability, an employee shall be paid a sum equal to fifty (50) percent of his or her accumulated sick leave as severance pay to a maximum of sixty-five (65) days.

- (k) **Donating Sick Leave.** Employees in extraordinary circumstances may donate sick leave to another employee. The maximum amount that may be donated is eight (8) hours in any twelve (12) month period.

- (1) **Bonus Floating Holiday.** Any employee that uses no sick leave for any purpose in a calendar year (and worked the entire year) shall be entitled to one additional floating holiday to be used in the next calendar year.

SEC. 4.5 EMERGENCY LEAVE.

Occasionally an employee may request time off from his or her regular work schedule to handle personal items such as illness of extended family members, funerals and legal matters. Our policy on these matters is that time off will be charged to comp time or emergency leave. Emergency leave is limited to three days per year and will be deducted from accrued sick leave. The City prefers that you avoid these appointments during working hours as much as possible.

SEC. 4.6 FAMILY AND MEDICAL LEAVE.

- (a) **Eligibility for Leave** - It is the City's policy to provide employees with family or medical leave if they have worked for at least twelve (12) months and have completed 1,000 hours of employment in the twelve (12) month period prior to the time leave begins. The leave taken under this Policy will count toward the leave to which an employee may be entitled, and shall run concurrently, under Federal and Wisconsin law.
- (b) **Amount of Leave Available** - Employees are generally entitled to twelve (12) workweeks of unpaid leave during a calendar year for any one or combination of the following reasons, i.e., time off under 1, 2, and/or 3:

- (1) Birth or Placement for Adoption or Foster Care of a Son or Daughter.

Unpaid leave may be taken by an eligible employee on the birth or placement for adoption or foster care of a child with the employee. Leave must be taken all at once unless the City agrees otherwise. Any accrued vacation, comp time or sick leave days the employee may have at the time leave begins may be used, or may be required to be used, for this; otherwise unpaid time. The paid time used will not be available later. Extensions of family leave will not be permitted.

- (2) Serious Health Condition of Employee.

Unpaid leave may be taken by the employee in the event he/she experiences a "serious health condition." A serious health condition will generally occur when the employee receives inpatient care at a hospital, hospice or nursing home, or receives outpatient care which requires a schedule of continuing treatment by a health care provider. Medical leave may be taken all at once or in smaller increments as medically necessary. An employee must provide the City with a Health Care Provider Certification completed by the treating health care provider. Any accrued vacation, comp time or sick leave the employee may have at the time the leave begins may be used, or may be required to be used; for all or a portion of unpaid leave period. If the leave is required due to a work related injury, worker's compensation leave will run concurrently with the leave an employee is entitled to under the law. Any paid leave used will not be available later. Extensions of medical leave will not be allowed, except as required by law.

(3) **Serious Health Condition of a Child, Parent or Spouse.**

Unpaid leave may be taken to care for a son, daughter, spouse or parent with a “serious health condition.” If leave is requested for such individuals, the employee must provide the City with a Health Care Provider Certification prepared by the treating Health Care Provider which states that the individual has a serious health condition and that the employee is needed to care for the person. The medical leave may be taken all at once or in smaller increments as medically necessary. Any accrued vacation or sick leave the employee has at the time leave begins may be used, or may be required to be used; for all or a portion of the unpaid time. The paid time will not be available later. Extensions of your leave will not be allowed, except as required by law.

- (c) **Notifying the City of Your Need for Family or Medical Leave** - In the event an employee would like family or medical leave, the City must be notified, in writing, at least fifteen (15) days before the date on which leave is to begin, except in the case of an emergency. In an emergency situation, notice must be given as to the need for leave as soon as possible. The failure to timely notify the City of the need for leave may result in the delay of leave until proper notice is received.
- (d) **Health Insurance** - The employee may continue to receive health insurance coverage while on family or medical leave by paying the regular cost of coverage for active employees. Other employment benefits will also be continued during the leave. An employee must notify the City of his or her intent to continue health insurance coverage while on leave.
- (e) **Additional Certifications** - The City may request that an employee provide additional health care provider certifications from a health care provider chosen, and paid for, by the City. The City may also request that an employee recertify as to the continuation of the serious health condition at various points in time, at the expense of the employee.
- (f) **Return to Your Position at End of Leave** - At the end of an employee’s family or medical leave, he/she will be returned to his/her former position or, if the position is filled, to equivalent employment with the City. If an employee wants to return to work before his/her leave is to end, and work is available; the employee must notify the City two (2) days prior to the desired return date. If the reason for leave was due to the serious health condition of the employee, a medical release must be provided to the City before the employee returns to work. If a medical release is not received, the employee’s return to work will be delayed until it is received.
- (g) **Failure to Meet Policy Requirements** - If you fail to meet the requirements of this Policy for Family or Medical Leave, your request for leave may be denied or delayed until the requirements are met.

SEC. 4.7 MATERNITY/PATERNITY/ADOPTION LEAVE

- (a) **Policy.** It is the policy of the City to follow a uniform set of procedures in regard to maternity, paternity and adoption leave. Maternity is considered the same as medical disability and will be treated by the City in the same manner as an illness.
- (b) **Procedures.**

- (1) All regular full-time and part-time employees are entitled to maternity, paternity and adoption leave, taken within sixteen (16) weeks of the birth or adoption of the child.
- (2) The point at which an employee's pregnancy is considered a disability shall be determined by a physician. The employee shall provide a written statement from her physician evidencing such status.
- (3) Employees who are pregnant may remain working for a period approved by that employee and her physician. The Department Head may require her to begin her maternity leave at an earlier time only for job-related reasons, i.e., her ability to perform the job. The Department Head may require the employee to have a written statement from her doctor to continue working during her pregnancy in cases of concern for the employee's safety.
- (4) An employee has the option of using accumulated sick leave, earned vacation, comp time and/or leave without pay for the purpose of maternity, paternity or adoption leave. The length of time an employee on maternity, paternity or adoption leave will be off the job will be jointly determined by the employee and City Administrator and will not exceed three (3) months.
- (5) It is mandatory that the employee have a written permit from her doctor in order to return to work from maternity leave.
- (6) During periods of leave with pay, seniority and time towards annual evaluation shall accrue. In addition, health and other insurance benefits will continue without interruption. During periods of leave without pay, standard rules governing seniority accrual, leave and fringe benefits under leave without pay shall apply.
- (7) Pregnancy shall not constitute grounds for disciplinary action or dismissal.
- (8) The employee must notify their Department Head in writing of their intention to return to work (including date of return) at least ten (10) working days prior to the commencement of maternity, paternity or adoption leave, except in the case of a premature birth, and within (30) working days after delivery, they must reaffirm their intention to return to work in order to assure that the position will be held open. An employee who confirms their intentions to return to work in accordance with the above shall have their position held open until the date specified in their initial statement of intention, after which reinstatement shall be dependent upon the availability of a suitable vacancy. Vacancies created by such leave, if filled, will be by temporary or conditional appointments.

SEC. 4.8 JURY DUTY; COURT APPEARANCES.

- (a) Any employee required to serve jury duty shall be paid their regular wages and shall turn over to the Clerk's Office within thirty (30) days any monies they shall receive as a result of such jury duty. In order to receive payment under this Section, an employee must give the City Clerk notice that they have been summoned for jury duty, or witness service was performed on the days for which they claim such payment. Any time an employee's attendance is not required for purposes of jury duty or witness

service during their regularly scheduled work hours, they must return to work as soon as circumstances will reasonably allow.

- (b) Pursuant to Sec. 103.87, Wis. Stats., employers may not discharge an employee for being absent from work in order to appear in court pursuant to a subpoena to testify in a civil or criminal case. If the case involves the employer, the employer may not dock the employee's pay.

SEC. 4.9 FUNERAL LEAVE.

- (a) Employees are eligible for paid funeral leave in the event of death in the immediate family.
- (b) Employees may take up to three (3) consecutive working days of paid funeral leave with pay for the death of a parent, spouse, brother, sister, children, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild.
- (c) Employees may take one (1) day of paid funeral leave for the death of a son-in-law, daughter-in-law, aunt, uncle, niece, nephew or any other relative in the employee's household.
- (d) Employees will be given time off to attend funerals services of City co-workers, to the extent it does not interfere with City operations.
- (e) Time off for other funerals will be considered on an individual basis by the Administrator. Accrued sick time shall be used for this purpose.
- (f) The funeral leave provided for in this Section shall apply only to days that the employee is regularly scheduled to work and shall not apply to overtime hours or to days when the employee is on sick leave, military leave or on any other type of paid or unpaid leave of absence, with the exception of vacation or holiday leave. The City may limit the number of co-workers allowed funeral leave so as not to affect City services. If funeral leave falls during an employee's vacation or holiday, such employee shall be granted another day off at a time mutually agreed upon between the employee and their supervisor.
- (g) Time off without pay may be allowed to full-time employees by the City Administrator up to a maximum of three (3) work days when necessary to arrange for or attend the funeral of more remote members of the family than listed in Subsection (b) and (c) herein and the City Administrator may further allow such additional time off without pay as they may deem necessary in special circumstances in connection with the provisions of this Section.
- (h) Paid funeral leave shall be computed at the regular hourly rate to a maximum of eight (8) hours for one day. Funeral leave shall not be credited as time worked for the purpose of computing overtime.

SEC. 4.10 PAYMENT OF WAGES AND PAYROLL DEDUCTIONS.

- (a) **Pay Day.** The City shall issue checks bi-weekly on Friday. Should a normally scheduled payday fall on a holiday, payment will be by 3:00 p.m. on the day preceding.

Employees should notify the Clerk's if they believe there are errors in their paychecks.

(b) Payroll Deductions.

- (1) No deductions shall be made from employee wages without the employee's written authorization except those deductions required by law, court, or contract. The City, like any employer under Wisconsin law, may not deduct any amount from a paycheck due to faulty workmanship or lost or stolen property unless the employee has first authorized it in writing, or the damage or loss is due to the employee's negligence or criminal acts as determined by a court or by a representative appointed by the employee.
- (2) The Federal Social Security Program provides certain senior citizen and survivor benefits for wage earners. The funds necessary for the program are collected one-half from the employer and one-half from the employee. Under the law, the City is required to deduct the worker's share from their paycheck, match this with an equal amount, and pay the total into the Federal Treasury.
- (3) The City is required by Federal Law to withhold from employee's paychecks each period an amount determined by the Federal Withholding Schedules, to be turned over to the Federal Treasury each month to apply to an employee's income tax. The amount withheld is determined by the number of exemptions claimed by the employee on the Form W-4 provided for that purpose.

State Law Reference: Sections 103.455 and 241.09, Wis. Stats.

SEC. 4.11 REIMBURSEMENTS.

(a) Purpose and General Policy.

- (1) The purpose of this policy is to set forth the policies governing travel expenses and to describe certain procedural matters concerning travel authorization, documentation and accounting. The City's objectives are to allow travel arrangements that conserve funds, provide uniform treatment and allow travel in a manner that is dignified and reflects credit on the City. This regulation is applicable for all travel expenses incurred on behalf of City employees, elected officials, and board and commission members.
- (2) There is no objection to a spouse and/or other family members traveling on an official trip, but no expenses attributable to them will be reimbursed by the City.
- (3) Decisions as to which trips are authorized are made through the budget formulation process and must be approved in advance by the Department Head. The Finance Committee may approve additional travel requests provided that adequate funds are available in the approved budget.
- (4) Registration and fees for unbudgeted, but professional meetings and conferences may be authorized and paid at the discretion of the City Council.

(5) Elected and Appointed Officials: In -State training, budgeted, will be reimbursed. Out of State training, budgeted, will be reimbursed with Finance Committee approval. Other travel, budgeted, will be reimbursed with approval by the Committee of jurisdiction. Unbudgeted travel will only be reimbursed with City Council approval.

(b) **Private Vehicles.**

(1) The City will reimburse employees for the use of their private vehicle (if a City vehicle is unavailable for use), plus tolls, parking and garage charges.

(2) The City assumes no responsibility when private vehicles are used beyond making a mileage reimbursement allowance. It is the employee's responsibility to protect against damage to their vehicle and legal liability in such form and amount as the employee deems adequate. In particular, the employee should consult with their insurance carrier and consider carrying liability insurance in such form and amount as the employee deems adequate to avoid a potential situation which could be a financial burden to the employee.

(1) Employees should not drive to meetings and conferences when the travel time en-route to the destination requires more than eight hours, unless the employee is utilizing holiday or vacation time.

(4) Mileage rates will be set as established by the Federal Government standard mileage rate. The rate can be found in IRS Circular E, Employer's Tax Guide.

(c) **Commercial Transportation.** Commercial carrier fares shall be limited to "coach" or "economy" fares when such services are the most feasible and are approved by the Administrator. Travel to and from train stations and airports may be by bus hotel limousine, taxi or private vehicle (for which mileage will be paid), whichever is less costly. When possible, travel arrangements should be made by the City and billed directly to the City. Receipts for transportation costs are required if reimbursement is requested.

(d) **Meals Allowance.** When authorized functions away from the City require meals not included in the basic registration fee, the employee will be limited to a daily per diem as found in IRS Publication 1542 Per Diem Rates. Receipts shall be filed with the Payroll Clerk.

(e) **Lodging.**

(1) Hotel or motel reservations are expected to be made well in advance to ensure that lodging is secured at moderate rates. Receipts for lodging are required. Reimbursement of lodging shall be limited to the number of nights required to conduct the assigned City business. Personal expenses will not be reimbursed. If the employee chooses to arrive earlier or stay later, the additional lodging and other expenses related to this decision are personal expenses and will not be reimbursed. Lodging will not be reimbursable if the conference or seminar location is within 50 miles of the City.

(f) **Receipts.** Receipts, to be filed with the Clerk within one (1) week of incurring the expense, are required for the following expenses in order to receive reimbursement. No reimbursements will be

made without receipts.

- (1) Mileage, tolls, parking and garage charges.
- (2) Lodging.
- (3) Registration and/or tuition fees.
- (4) Meals.
- (g) **Advances.** No monies will be advanced for expenses to attend a conference or seminar.
- (h) **Miscellaneous.** Alcoholic beverages, recreational activities and cost incurred because of a spouse will not be reimbursed.

SEC. 4.12 CONTINUING EDUCATION.

- (a) **Purpose and General Policy.** City employees are encouraged to continue their education toward a degree in a field that will help them better perform their job duties. Continuing education as defined in this section does not apply to conferences, routine training programs or training requested by the City. Continuing education is the pursuit of a degree, at the request of the employee. Continuing education is not designed to train employees for another job. The employee and City both benefit by continuing education. The City will receive better performance from a trained employee. The Employee receives the degree.
- (b) **Pre-Approval.** All continuing education courses must be pre-approved by the Department Head and authorized through the budget process.
- (c) **Timing.** Courses should be taken during non-working hours. Employees will not be paid for hours spent in class, studying or traveling.
- (d) **Reimbursement.** Tuition will be reimbursed upon successfully passing of the course. Books, mileage and time will not be reimbursed, but are part of the employees investment in their own education.

SEC. 4.13 UNIFORM ALLOWANCE.

Any full-time employee required to wear a uniform shall be reimbursed for uniform purchases, cleaning and repair costs upon submission of bills or receipts for such expenditures. Uniform allowances are limited to \$500 for sworn police personnel and \$350 for all other employees required to wear uniforms. Department Heads shall select the uniform style for each department.-Part-time employees will be provided a uniform as deemed necessary by the Department Head.

SEC. 4.14 SERVICE CLUBS.

The City will pay for Department Heads to belong to local service clubs (such as Kiwanis, Rotary, Lions). The participation in the service clubs is the employees personal time. No more than three (3) memberships per service club will be paid for by the City.

SEC. 4.15 LICENSES.

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

SEC. 4.16 EMPLOYEE ACHIEVEMENT PROGRAM. (EAP)

Employees experiencing difficulties resulting from employment related stresses or personal or family situations, are offered and Employee Achievement Program to assist employees and their immediate family. Employees will be allowed to utilize the Employee Achievement Program as set forth in the providers agreement with the City. Such benefit is limited as stated in the agreement.

A City employee may be required to utilize the EAP services at the sole discretion of the City in appropriate situations. An employee who is required to contact the EAP could be required to be under suspension at no pay and return to work could be dependent upon the successful use of the program.

CHAPTER 5

Discipline, Rules and Employee Communication Procedures

Sec. 5.1	Political Activities by City Employees
Sec. 5.2	Dealing with the Press
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Sec. 5.13	Use of City Vehicles
Sec. 5.14	Misconduct -- Unacceptable Performance
Sec. 5.15	Employee Records
Sec. 5.16	Legal Representation
Sec. 5.17	Disciplinary Procedures
Sec. 5.18	Grievance Procedures

SEC. 5.1 POLITICAL ACTIVITIES BY CITY EMPLOYEES.

- (a) **Interference With Duties.** City employees shall not engage in political activities to such an extent that their participation distracts from the performance of their employment duties, nor should they engage in political activities in such a way that would lead members of the electorate to conclude that City departments or employees in their official capacity were taking a position in an election. No City employees during the hours that they are on duty, may engage in political activities. City employees engaged in political activities while off duty should clearly act as private individuals and not convey the impression that they are acting in their official capacity as City employees. This policy has been developed not to restrict one's constitutional rights but to dramatize and protect the neutrality of public service personnel.
- (b) **Campaign Materials.** An employee may voluntarily wear a campaign button or badge off duty. An employee on or off duty may have stickers, signs, and other electioneering materials affixed to a privately owned vehicle or display campaign or political signs on their private property in accordance with applicable sign ordinances. However, the use of such materials on City owned vehicles, equipment, buildings, or other City property is prohibited.
- (c) **Contributions.** An employee may voluntarily contribute money or service to a candidate, campaign, party, group or cause. Solicitation of contributions of money or service during working hours is prohibited.

- (d) **Campaign Work.** An off-duty employee may voluntarily circulate nomination papers, petitions, distribute campaign literature, type, stuff envelopes and perform other clerical services, telephone and convey voters to the polls, and participate in a political convention, meeting, rally, demonstration, or parade. Campaign work of the nature listed under this heading is prohibited during working hours and is further prohibited off duty by any employee in a City uniform or wearing a City badge. Use of City property for campaign work is prohibited.
- (e) **Memberships and Appointments.** An employee may belong to a political party, group, club, or civic organization; hold memberships in "Citizens for ____." or similar organizations; serve on political committees or as an officer or delegate in political organizations; attend political meetings or social functions of a political nature. The employee may accept appointments to non-elective boards, committees, and commissions, provided there is no conflict of interest.

SEC. 5.2 DEALING WITH THE PRESS.

Questions from the press should be referred to the appropriate Department Head to best answer the question. Department Heads should answer questions that pertain to their departments only. If you are unsure about the appropriate response to an inquiry, refer the press to the City Administrator.

SEC 5.3 REIMBURSEMENT FOR LOSS OF PERSONAL ITEMS.

- (a) The City will not reimburse in any manner or form personnel employed by the City for any personal objects, possessions or clothing which are lost or damaged whether while on duty or off-duty, as an employee of the City, unless the employee can prove liability rests with the City. Personal objects, possessions and clothes are items purchased and maintained by the employee and not purchased or maintained by the City.
- (b) In order that all employee requests might be processed in accordance with the foregoing policy, the following procedures shall be used:
 - (1) The employee shall submit to their Department Head a request for reimbursement along with a full description of what contributed to the loss and the extent to which the City or one of its employees was liable or responsible for the loss sustained.
 - (2) The Department Head will review the case and either declare the claim invalid and so advise the employee, or request reimbursement in part or in full from the City Clerk.

SEC. 5.4 USE OF CITY TELEPHONES.

- (a) Employees shall observe the rules of telephone courtesy in receiving or placing calls.
- (b) Employees are permitted to use City telephones for personal reasons, but are to limit such use to instances of necessity. This is a privilege and not a right and may be withdrawn by the Department Head if abused through excessive use or if telephoning causes interferences with work duties.

Charge attributed to personal calls will be charged to the employee.

- (c) Toll and extra unit calls for personal reasons may be made at the employee's expense.
- (d) Personal use of cell phones should be kept to a minimum and is strongly discouraged. Any charges incurred because of personal use of the cell phone will be charged to the employee.
- (e) Cell phones are not to be used while driving. If you find it necessary to make a business call while in your vehicle, pull over to a safe place to make the call.

SEC. 5.5 PERSONAL BUSINESS.

Employees should not use the address of City Municipal Buildings or offices for receipt of personal mail and other deliveries. Employees shall not use City postage machines or stationery. City employees shall not conduct personal business while on duty. Employees shall not use City equipment for personal business.

SEC. 5.6 COMPUTER AND INTERNET USE.

- (a) Computers are for conducting public business. Only in extreme circumstances should an employee need to use a computer for personal reasons. Personal use of the computer should be approved by the Department Head before use. At no time will computers be used for playing games. Games cannot be played during break or lunch times on City computers because of the potential appearance of inappropriate behavior.
- (b) The Internet and email are provided to assist employees in performing their job. The Internet poses a significant security risk to the City data and must be safeguarded. No files or attachments should be downloaded unless you know who the person is that sent it and it is related to City business. The

Internet may be used during breaks or lunch provided that the employee keep the safety of the City computer system in mind. Inappropriate sites are not permitted at anytime and will be grounds for immediate dismissal.

SEC. 5.7 CREDIT CARD USE.

Any City owned general credit cards will be kept by the City Administrator in a secure location. The use of the cards is limited to employees on business trips. The employee requesting use of one of the cards should contact the Administrator prior to the trip. The card should be returned to the Administrator at the completion of the trip. At no time will any personal purchases be allowed with City credit cards or on any City store accounts.

SEC. 5.8 PURCHASING POLICY.

- (a) Department Heads are encouraged to buy from local Sparta or Sparta area merchants when possible and when prices, terms and services are reasonable compared to other regional or national suppliers. Department Heads are encouraged to secure competitive estimates or proposals when practical prior to choosing a vendor. Repair and maintenance of City vehicles should be arranged with and attempted by the City Mechanics, when possible, prior to utilizing an outside repair shop.
- (b) Department Heads are authorized to spend up to \$5000 for any line item that is part of their approved budget subject to availability of funds.
- (c) The City Administrator is authorized to approve larger purchases up to \$10,000 as provided for in the approved budget.
- (d) Committees and Commissions are authorized to approve larger purchases up to \$50,000 as provided for in the approved budget.
- (e) Any purchases over \$50,000 must be approved by the full City Council regardless if budgeted or not.
- (f) Any Public Capital Improvement Project (different than maintenance items) over \$25,000 is required to be competitively bid. Any item legally required to be bid also requires the approval of the City Council for the bid to be awarded.
- (g) Any assets purchased for over \$5000 need to be reported to the City Administrators Office along with the estimated useful life for recording in the Fixed Asset Account Group. Amounts smaller than \$5000 will be recorded as an expense.
- (h) Any amendment to a contract that was originally approved by the City Council, needs Council approval. All formal contracts must be approved by the City Council.
- (i) Most capital items that are budgeted are approved after obtaining multiple price quotes by the appropriate approving authority based upon the price. Anyone within the approving authority chain may request a formal sealed bid process.
- (j) Sealed bids should be submitted to the City Clerk, opened publicly, summarized by the department head and submitted to the approving authority for approval. If the low bid is not taken, it requires City Council approval.

SEC. 5.9.1 DISPOSAL OF SURPLUS CITY PROPERTY.

- (a) **Definitions:**
 - (1) “Surplus City Property” is that property which is owned by the City of Sparta and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:

- a. The item or its function has been totally replaced by other City property and no probable future function exists for it; or
- b. The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
- c. The item is no longer able to reliably or economically perform the work required of it.
- d. The item has been used up such that it does not perform the function for which it was designed.
- e. The item was acquired by the City as a result of a business transaction and the item does not have any use for any City service.

(2) Surplus property as defined in this Section shall not include land or buildings, but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City Property shall not include property which is obtained by the City as a result of abandonment or loss by the property's original owner. Surplus City Property shall not include library materials used by the public library for lending purposes, nor to any other library property acquired pursuant to s.43.58(1) Wis. Stats.

(b) Determination of Surplus City Property.

- (1) Original purchase price less than \$100: determination by the user of the property if the item has been used up such that it does not perform the function for which it was designed.
- (2) Original purchase price less than \$1000: determination by the Department Head.
- (3) Fair market value less than \$5000: determination by the Department Head.
- (4) Fair market value more than \$5000: the Department Head shall bring a request to the City Administrator for determination that the item is surplus City property.

(c) Disposition of Surplus City Property.

- (1) Whenever the appropriate authority has determined, pursuant to the previous section, that the item is Surplus City Property, the Department Head responsible for the items shall dispose of the property by one of the following means:
 - a. Donation to a nonprofit organization within the City or to a governmental agency.
 - b. Public auction.
 - c. Sale by sealed bids.
 - d. Sale on ebay or another similar auction website.
 - e. Trade in.
 - f. A commercial resale service for City motor vehicles.
 - g. Destruction.
- (2) In the event a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid. The Department Head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the City and the amount of the bid shall be

forfeited to the City. In the event no bids are received, the item shall be disposed of as determined by the Department Head if the value is less than \$5,000 or by the City Administrator if the value is greater than \$5,000.

- (3) The Department Head shall notify the City Administrator when fixed assets are disposed of so the fixed asset listing of the City can be updated. No public auction or awarding shall occur under this Section unless a description of the item to be sold and an advance notice of the time and place of such auction or bid submission is first noticed. The posting of the item of surplus property on the City website and the City Hall posting bulletin board shall be sufficient notice.
- (d) **Determination of Fair Market Value.** Whenever this Section requires determination of the fair market value of an item of property, that determination shall be made by the Department Head responsible for the property, whose decision shall be final. Determining value shall include the reasonable cost of the time spent by any City employee in the marketing and sale of the property.
- (e) **Employee Purchase of Surplus City Property.**
 - (1) No employee or elected official or any member of their immediate family may purchase or acquire any item of surplus City property unless such purchase or acquisition is made pursuant to public auction, sealed bid, ebay or other similar auction site and such bid is the highest bid.
 - (2) In the event that an employee or elected official is the highest bidder for an item of surplus property, that employee or elected official shall provide notice to the Common Council of such acquisition.

SEC. 5.9.2 LOST AND ABANDONED PROPERTY.

- (a) **City Custody of Lost or Abandoned Property.**
 - (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police shall be disposed of according to this Section.
 - (2) Lost and abandoned property will be examined by the Chief of Police or his designee for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
 - (3) No City employee shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
 - (4) The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
 - (5) No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person received a written receipt signed by the Chief of Police and notice is provided to the Common Council of such acquisition.

(b) **Disposal Procedures of Lost or Abandoned Property.**

- (1) Classes of Property. All property which has been abandoned, lost or remained unclaimed for a period of ninety (90) days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
- a. Vehicles not needed for City use will be disposed of following the guidelines of Surplus City Property.
 - b. Intoxicating liquor and fermented malt beverages shall be destroyed.
 - c. Firearms or ammunition shall be returned their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms Bureau of the US Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof.
 - d. Other property with a fair market value of less than \$100 shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than \$100 shall be destroyed.
 - e. Other property with a fair market value over \$100 shall be sold at public auction or by sealed bid.
 - f. Illegal property which cannot be legally possessed shall be destroyed.
 - g. Bicycles determined to be abandoned or unclaimed may be sold at public auction, donated to a not for profit organization or sold at a fixed price as determined by the Chief of Police.
- (2) Disposal by Auction or Sealed Bid.
- a. Whenever any property under this Section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a notice on the Police Department website and posted on the City Hall bulleting board describing the property and arranging the time and place for the auction or bid submission. The property auctioned or sold by sealed bid shall be sold in “as-is” condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding.
 - b. Any City official selling property under this Section shall maintain for two (2) years an inventory of any property disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
- (3) Lost Property. Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section until it has been held for ninety (90) days and until thirty (30) days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any City employee finding property in the regular course of his employment.

- (4) Payment to City Treasury. All sums received from the sale of property under this Section shall be paid to the City Treasury, including a list of items sold.

SEC. 5.10 ABSENTEEISM AND TARDINESS.

- (a) **Notice of Absence.** When an employee is unable to report to work at the scheduled time, they shall notify or cause the notification of their Department Head as early as possible before the start of their regular shift and not less than one (1) hour before the beginning of their regular work shift if a replacement needs to be called in.
- (b) **Failure to Provide Proper Notification.** Any employee who fails to provide notification shall not be compensated for that day unless the employee can show that circumstances beyond their control affected their ability to provide the proper notification. The Department Head shall review such circumstances and determine, upon recommendation of the employee's supervisor, if the circumstances were valid and unavoidable.
- (c) **Unacceptable Attendance Record.**
- (1) When an employee's attendance record is determined to be questionable or unacceptable, the employee will be so notified in writing pursuant to Sec. 5.16. Subsequently, the employee's attendance shall be monitored for the following six (6) month period by the Department Head.
- (2) Tardiness and poor punctuality shall not be excused except in cases where the employee's supervisor judges the cause to be valid and unavoidable. All employees must be ready to work at the beginning of the shift or their assigned starting time and work up until the scheduled shift is over.
- (d) **Inclement Weather Absences.** No Department Head shall excuse an employee or close their department due to bad weather. There shall be no pay allowed for hours not worked on bad weather days or other emergencies that might arise except when an employee chooses to use accrued vacation time or compensatory time; if it is mutually agreed upon between the supervisor and employee.

SEC. 5.11 PROHIBITED HARASSMENT.

A fundamental policy of the City of Sparta is that the workplace is for performing high quality work and to serve the interests of the citizens of Sparta. Employees must provide a workplace free from tensions involving matters that do not relate to the employer's business and where employees behave courteously and professionally at all times. In particular, an atmosphere of tension created by conduct not related to work - including animosity caused by ethnic, racial, sexual, or religious remarks, unwelcome sexual advances, requests for sexual favors, or similar discriminatory conduct - does not belong in the workplace.

Harassment of employees or applicants for employment is prohibited. "Harassment" is defined as persistently bothering, disturbing, or tormenting another person based on a variety of protected statuses, such as race, color, religion, sex, national origin, disability, marital status, genetic information, or sexual orientation. The employer prohibits all forms of harassment, discrimination or retaliation based on protected status, including but not limited to:

- * Verbal harassment, such as making derogatory statements, epithets, or slurs to or about another person or group;
- * Visual harassment, such as displaying offensive posters, cartoons, or drawings;
- * Physical harassment, such as threatening, assaulting, or physically interfering with another person or making other inappropriate or unwelcome physical contact.

Sexual Harassment

“Sexual Harassment” is defined as unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal, visual, or physical conduct of a sexual nature when:

- * Submission to such conduct is explicitly or implicitly made a term or condition of employment;
- * Submission or refusal to submit to such conduct is used as the basis for a tangible employment action; or
- * Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or work environment.

An employee cannot be forced to submit to sexual harassment as a basis for any employment decision. In addition, the employer will attempt to prevent and promptly eliminate any conduct that creates an intimidating, hostile, or offensive work environment for our employees.

Examples of Prohibited Conduct

The following conduct will be considered to be sexual harassment or another form of unlawful harassment or inappropriate behavior in our workplace or in connection with work-related activities:

- * Sexually suggestive or off-color comments or jokes;
- * Sexual flirtation, innuendo, advances, propositions, or other sexual activities;
- * Unprofessional touching, such as massages, embracing, or inappropriately putting an arm around another employee;
- * Repeated and unwelcome invitations for social interactions outside of the workplace;
- * Sexual or racial slurs, derogatory remarks, or offensive gestures;
- * Displaying or distributing sexually explicit or otherwise off-color materials, including books, magazines, articles, pictures, greeting cards, photographs, drawings, cartoons, and email messages;
- * Including or excluding any individual from workplace activities, assignments, or responsibilities based on their refusal to participate in or tolerate sexual or other forms of harassment or based on other factors not related to job performance or legitimate business reasons.

This list is not intended to be exhaustive. Any particular conduct described above may also be inappropriate outside the workplace if the conduct may adversely affect the work environment. Similarly, a consensual relationship does not justify inappropriate displays of affection or other sexual statements or activities during working hours or at work related functions. Any questions about whether particular conduct is prohibited under this policy should be discussed with the employee’s supervisor or the City Administrator.

Reporting Harassment, Discrimination or Retaliation or Other Inappropriate Conduct

If an employee believes that any sort of sexual or other unlawful harassment, discrimination or retaliation or other inappropriate conduct is interfering with his or her work or the work of others or is creating an intimidating, hostile, or offensive work environment, then the employer requires the employee to notify his or her supervisor. If an employee feels uncomfortable bringing the matter to his or her supervisor or if the employee believes his or her supervisor or member of a governmental body is participating in conduct that violates this Policy, then the employee must notify the City Administrator or Mayor. The employee may be asked to sign a written complaint or other summary of the information reported.

Investigation and Follow-up

Complaints of harassment, discrimination or retaliation will be promptly and thoroughly investigated and the complaining employee will be advised of the results of the investigation. The employer understands that these matters are sensitive and will therefore attempt to keep all employee complaints and communications, such as interviews and witness statements, in confidence to the extent practicable.

The employer will take appropriate disciplinary action, up to and including discharge, against any employee who engages in sexual or other harassment, discrimination or retaliation or who otherwise violates this policy. Further, the employer will correct any adverse employment action the employee or another employee experienced due to conduct forbidden by this policy and other corrective action designed to end the harassment, discrimination or retaliation.

If an individual involved in harassing or inappropriate conduct is not employed by the employer, then the individual will be informed of this policy and appropriate action will be taken. In all cases, the employer will make follow-up inquiries to make sure the harassment, discrimination or retaliation has stopped. If the employee is not satisfied with the results of the investigation or follow-up action, or if further harassment, discrimination or retaliation or other unacceptable conduct occurs, then the employee must contact the City Administrator or Mayor promptly.

Retaliation Forbidden

The Employer will not tolerate retaliation against any employee who complains of sexual or other unlawful harassment, discrimination or retaliation or who provides information in connection with any such complaint of sexual or unlawful harassment, discrimination or retaliation. If an employee believes that he or she has been retaliated against for bringing a complaint or providing information related to a complaint, the employer requires the employee to use the reporting procedure described in this policy.

Employee Responsibilities

Employees are responsible for:

- * Behaving courteously and professionally toward fellow employees and the public;
- * Reading this policy and understanding full its requirements;

- * Refraining from conduct forbidden by this policy;
- * Reporting promptly any incidents of sexual or other harassment, discrimination or retaliation or other inappropriate behavior; and
- * Cooperating in any investigation conducted under this policy by providing accurate and complete information about any incidents with which the employee is familiar.

SEC. 5.12 USE OF FACILITIES, EQUIPMENT, SUPPLIES, TOOLS & UNIFORMS.

- (a) City facilities, equipment, supplies, tools and uniforms shall not be used for private or unauthorized purposes. The City facilities, equipment, supplies, tools and uniforms were purchased with tax dollars and are for the sole use of conducting appropriate City business.
- (b) Employees shall be responsible for the proper care and use of City facilities, equipment, supplies, tools and uniforms; and shall promptly report to the Department Head all accidents, breakdowns or the malfunction of any equipment so that the repairs may be made.

SEC. 5.13 USE OF CITY VEHICLES.

- (a) In using City vehicles, employees must keep in mind the fact that they are representatives of the City government and that their conduct in adhering to the rules of safety and courtesy on the road is a reflection for good or bad on the City. Thus, it is imperative that such employees abide by these rules and policies with the highest degree of professionalism. Any fines or forfeitures incurred by an employee while operating a City vehicle due to traffic or parking violations shall be the responsibility of the employee and all fines, forfeitures, or monies shall be paid by the employee.
- (b) Every person authorized the use of a City vehicle under this policy must have personal liability insurance coverage and a valid Wisconsin operator's license. Minimum insurance coverage amounts may be required by the Insurance Commission. The principal driver of a City vehicle is the employee assigned the vehicle for primary use in the performance of official duty. Such driver may allow another designated driver to use the vehicle for official City business. Such drivers include City employees, City officials - elected or appointed, or service technicians. Spouses are not allowed to use a City vehicle except under the following strict circumstances:
 - (1) To facilitate moving cars from the driveway.
 - (2) Upon a medical emergency.
 - (3) In order to rotate driving for safety reasons to or from a distant City paid or approved conference.
 - (4) During a jointly attended distant City paid or approved conference while the employee is attending sessions.
- (c) The user of any City vehicle is required to keep a daily log of auto use specifying the date, time of use,

trip destination, purpose, total actual miles, business miles, and personal miles. Any specialty vehicle such as heavy trucks, cranes, end-loaders, bulldozers, street cleaners, sewer vacuum trucks, police squad cars and fire vehicles are exempt from the business mileage record keeping requirement as they are not to be used for personal uses.

(5) Business Use: the use of a City vehicle is allowed for any governmental use related to the carrying out of official duties of an employee.

(6) Personal Use:

a. "de minimis" use: is personal use of the vehicle so minor as to make accounting for it impractical. Applies in situations when the employee uses the vehicle for a personal reason in conjunction with using the vehicle for a business reason.

b. Commuting use: personal use to travel between home and work, if specifically granted this benefit by the Personnel Committee. Commuting is only allowed within the City limits (unless a contract agreement is made with an employee). All commuting miles are required to be accounted for. The value of the benefit will be based upon the IRS standard mileage rate and will be included as additional compensation on the employee's W-2.

(3) Gasoline and repairs: Gasoline is to be purchased from a Sparta *vendor Co-op* who will bill the City. Otherwise, gasoline may be purchased elsewhere as necessary and the City will reimburse the employees the full amount. This applies even in the case of personal miles because the IRS standard mileage rate covers the cost of fuel and repairs. Needed repairs should be consulted with the City Mechanic. Emergency repairs when away from the City are at the discretion of the driver.

SEC. 5.14 MISCONDUCT -- UNACCEPTABLE PERFORMANCE.

The continued employment of City employees shall be contingent upon acceptable conduct, satisfactory job performance and compliance with the rules and regulations set forth in this Personnel Manual. Failure to display acceptable job performance or the violation of the rules and regulations shall be cause for disciplinary action including reprimands, suspension without pay, or dismissal.

SEC. 5.15 EMPLOYEE RECORDS.

(a) **Personnel Files.** The Administrator shall maintain confidential personnel folders for all City employees, and keep on file therein all information pertaining to employment or service records of such employees and officials; such folders and records therein to be kept in a locked file and to be retained after termination of employment or service. Medical records will be kept in a separate locked file. It is the policy of the City to follow a uniform set of procedures in full compliance with state law in regard to access to employment records. Listed below, are the data, materials and information which may be included in an employee's personnel file:

- (1) Original application and accompanying documents related to the employment processes of the City, such as resumes, transcripts, references or investigative reports and military papers.
- (2) Personnel Action Forms or notices of pay change and any accompanying documents.
- (3) Performance Evaluation Forms and related materials.
- (4) Letters of commendation or complaint connected with employments.
- (5) Promotional opportunity application and related correspondence.
- (6) Forms pertaining to employee benefit programs and related correspondence.
- (7) Tuition reimbursement materials.
- (8) Documents submitted by the employee, such as updated resumes, birth certificates, transcripts or military papers. In case of death, documents submitted by the survivors; such as death, marriage or birth certificates and related papers.
- (9) Certificates or notices of accomplishment of the employee in the area of training or employee development.
- (10) Skill tests, written examination results, interview results or materials connected with selection processes.
- (11) Materials, submitted as part of the record for an appeal or a decision or other action, and copies of related proceedings.
- (12) Documentation for a disciplinary action.

(b) **General Policies -- Access to Employee Records by the Employee.**

- (1) The City shall, upon the request of an employee, permit the employee to inspect their personnel documents which are 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. The City may require the employee to make the request in writing. An employee, per Wisconsin Statutes, may request the inspection of all or any part of their records.
- (2) Under the provisions of Wisconsin Statutes, the City, at a minimum, shall grant two (2) requests by an employee in a calendar year, unless otherwise provided in a collective bargaining agreement, to inspect the employee's personnel records as provided in this Section. The City shall provide the employee with the opportunity to inspect the employee's personnel records within seven (7) working days after the employee makes the request for inspection. A

representative of City management responsible for the safeguarding of records shall be present during an employee's examination of their records. If the inspection during normal working hours would require an employee to take off from work with the City, the City may provide some other reasonable time for the inspection. In any case, the City may allow the inspection to take place at a time other than working time or place that would be more convenient for the employee.

- (c) **General Policies -- Personnel Records Inspection by an Employee's Representative.** Under Wisconsin Statutes, an employee who is involved in a current grievance against the City may designate in writing a representative of the employee's union, collective bargaining unit or other designated representative to inspect the employee's personnel records which may have a bearing on the resolution of the grievance. The City shall allow such a designated representative to inspect that employee's personnel records in the same manner as provided under Subsections (b)(1) and (2).
- (d) **General Policies -- Corrections to Personnel Files.** Under Wisconsin Statutes, if the employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the City and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position . The Administrator shall attach the employee's statement to the disputed portion of the personnel record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a third party, as long as the disputed record is a part of the file.
- (e) **General Policies -- Access by Others to an Employee 's Personnel File.**
 - (1) Only the Administrator, the employee's Department Head and the City Clerk are permitted to have access to personnel records of City employees.
 - (2) Release of employee records under open records request, without the employees written consent, have three classifications.
 - a. Employment related records that are closed to public access per s.19.36(10)-(12) Wis. Stats.
 - b. Employment related records that may be released under the balancing test only with three (3) days prior notice and the right to judicial review or right to augment the record by the “record subject” per s.19.356(2) and (9) Wis. Stats.
 - c. All other employment related records, which may be released after application of the ordinary balancing test without notice to the “record subject” or the right to judicial review, unless some other statutory provision bars release (for example s.230.13 Wis. Stats.).

State Law Reference: Sec. 103.13, Wis. Stats.

SEC. 5.16 LEGAL REPRESENTATION.

- (a) **Non-Law Enforcement Officials.** Whenever a City employee while acting in their official capacity is proceeded against or obliged to appear before any court, board or commission to defend or maintain their official position, they shall be covered by the City's and/or their liability insurance; other than a City action to discipline or discharge an employee. The City Attorney will appoint an attorney to represent the employee as deemed necessary by the City Attorney with approval of the City Council.

- (b) **Law Enforcement Officers.**
 - (1) a. Any member of the Police Department receiving notice naming them as the defendant in any action or special proceedings stemming from any act or omission of their part while functioning in their official capacity or arising out of their employment by the City shall submit a written report, along with a copy of the civil summons, to the Chief of Police, advising them of the pending action and requesting legal counsel.

 - b. The notice of the action received by the police officer must accompany the Chief's copy of the report. The notice, along with a report from the office of the Chief of Police, shall be forwarded to the City Attorney. Upon receipt, the City Attorney will issue a receipt for the notice acknowledging their having received it.

 - (2) The Chief of Police will request the City Attorney to provide an attorney for an officer's defense in civil actions or special proceedings resulting from acts or omissions of employees acting within the scope of employment, including complying with City ordinances and policies. If the City Attorney declines the request, the Chief may request that special counsel be provided by the City.

 - (3) Where the defendant in any civil action or non-criminal special proceeding is an employee of the Police Department and is proceeded against in an official capacity or as an individual because of acts committed while carrying out duties as an employee, and when the employee was acting within the scope of employment, including complying with City ordinances and policies; the judgement as to damages, attorney's fees and costs entered against the employee, in excess of any insurance applicable, shall be paid by the City.

SEC. 5.17 CHAIN OF COMMAND.

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

establishing orderly lines of organization and communication as management personnel unite to promote effective services for the community.

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

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

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

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

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

SEC. 5.18 DISCIPLINARY PROCEDURES.

(a) Disciplinary Procedures.

- (1) The following disciplinary procedures shall be employed in disciplinary matters of City employees, unless these procedures are superseded by more specific procedures contained in a current employment or collective bargaining contract. Whenever rules and policies of the City are broken or an employee unsatisfactorily performs, the following disciplinary procedures will be followed. In each instance, the disciplinary action taken is to be fair, just and in proportion to the seriousness of the violation.

- (2) Whenever an employee violates any of the rules and regulations outlined in this Personnel Manual, the City may begin progressive disciplinary action in any of the steps listed below, depending on the seriousness of the offense committed and provided that immediate discharge is not warranted by the seriousness of the violation. Employees will be informed of City standards and administrative rules of conduct and performance, and will have access to all disciplinary actions recorded in their personnel files.
- (3) Nothing in these disciplinary rules and procedures shall be construed to limit the management prerogative of the City and its' supervisory employees to take corrective action whenever appropriate, or to prevent the City or the hearing authority from filing formal charges against a City employee.

(b) **Classification of Misconduct.**

- (1) Minor Offenses. Violations or conduct which are unacceptable if repeated, but for which the employee will not be discharged for the first offense.
- (2) Serious Offenses. Willful or deliberate violations or conduct of such a nature that the first offense may indicate that continued employment of the employee may not be in the best interest of the City.

(c) **Disciplinary Considerations.**

- (1) Prior to taking disciplinary action, the Department Head or other authority reviewing the violation should give full consideration to the following guidelines:
 - a. Do the reviewing officials know all the facts accurately?
 - b. Is the rule that has been violated reasonable?
 - c. Did the employee know the rule or should they reasonably have known it?
 - d. Has the rule been strictly enforced in the past? If not, what recent notice to employees warned of enforcement on violations of certain rules?
 - e. In this instance, is the rule being applied reasonable?
 - f. Is this employee personally guilty of the violation or are they only guilty by association with another?
 - g. Can the employee's guilt be proved by direct, objective evidence, or is the evidence hearsay?
 - h. Does the employee have a reasonable explanation for the infraction of this rule or not following a direction of their supervisor?

- i. What is the employee's record of past violations, warnings, disciplinary action, etc?
 - j. What is the employee's length of service?
 - k. Is the employee receiving the same treatment others received for the same offense?
 - l. Does the discipline fit the offense?
- (2) Employees in their probationary period can be discharged without recourse to these disciplinary procedures. An employee whose performance is unsatisfactory may be terminated if they fail to demonstrate ability or desire to perform at an acceptable level.
- (3) Warning notices shall be placed in the applicable employee's personnel file; should further violations occur, such warnings shall remain as a basis for progressive disciplinary action.
- (d) **Progressive Disciplinary Procedures.** If, in the opinion of the supervisor, immediate discharge is not warranted by the seriousness of the violation, the following progressive disciplinary measures shall be followed:
- (1) Verbal Warning - Step One.
 - a. After a minor offense has been investigated and discussed with the employee, the employee will be given a verbal warning from the supervisor. A notation shall be placed in the employee's personnel file. The reasons for the verbal warning should be explained by the supervisor following a minor offense in an effort to eliminate possible misunderstandings and to explain what constitutes proper conduct.
 - b. The employee shall be advised that another offense may result in reprimand, demotion, suspension or dismissal. If this does not correct the situation within a reasonable length of time, the second step of this procedure will be followed.
 - (2) Written Warning/Reprimand - Step Two. For the second offense or when the seriousness of the offense committed is such that the warning should be in writing, the warning shall include the nature of the offense and extent of the warning. Written warnings shall be issued, as applicable, to employees by the employee's supervisor. The written warning/reprimand shall include reference to the prior discussion and verbal warning. The employee shall acknowledge receipt of the warning by signing and dating the notice of written reprimand. A copy of the reprimand shall be placed in the employee's personnel file. The purpose of a written warning/reprimand is to make certain that the employee understands the seriousness of the misconduct and that further misconduct could result in suspension or discharge. The written warning/reprimand is intended to assist the employee in avoiding a recurrence of the problem.
 - (3) Suspensions - Step Three.

- a. Any action on the part of any employee which is in violation of the orders of their supervisors or contrary to the Wisconsin Statutes, City ordinances or policies/rules of the City, but not serious enough to warrant immediate dismissal; may be disciplined by suspension without pay by the City Administrator after being provided written notice of the City's intent to suspend and the grounds for suspension. Such notice shall be personally delivered or by certified mail. In the case of suspensions of any sworn officer, the procedures in Sec. 62.13 Wis. Stats., shall be followed.
 - b. A law enforcement officer may be suspended by the Chief of Police from duty without pay after being provided written notice of the City's intent to suspend and the grounds for suspension. Such notice shall be personally delivered or by certified mail. The suspension shall then be subject to the review procedures established in Section 62.13 (5), Wis. Stats.
- (4) **Dismissal - Step Four.** The City Council may discharge a non-law enforcement City employee as a result of a serious offense or as the final step in the accumulation of minor offenses. Prior to dismissal, the employee shall be given an opportunity to discuss the reason(s) being considered for their dismissal in a meeting with the City Council. The notice of dismissal shall be in writing and shall state the specific charges with such clarity and particularity that the employee will understand the charges made against him and will be able to answer them if they so desire. The Chief of Police and/or other law enforcement officers may only be dismissed if the procedures in Section 62.13, Wis. Stats., are complied with.
- (e) **Serious Violations.** It should be emphasized again that the City is not required to go through all the steps (Steps One - Four) above involved in this disciplinary procedure. Discipline may begin at any step in the procedure depending on the seriousness of the offense committed. Any discipline should be commensurate with the offense committed. In addition, the City may repeat any of the first three steps of this procedure when it feels it is necessary, so long as the discipline is commensurate with the offense committed.
 - (f) **Appeal from Disciplinary Action.** City employees may appeal any disciplinary action as outlined in Section 5.19 of this manual, except that law enforcement officers appealing Steps Three or Four shall be subject to the review procedures in Section 62.13, Wis. Stats.
 - (g) **State Law.** The requirements of the Wisconsin Statutes shall supersede the provisions of this Section when in conflict.

SEC. 5.19 GRIEVANCE PROCEDURES.

- (a) **Definition.** A "grievance" is a complaint an employee may have about hours of work, workplace safety, rights under personnel policies, wages, seemingly unfair or unequal treatment, discipline, termination, or other problems related to their employment.

- (b) **Policy.** It is the policy of the City to ensure that employees receive fair and equitable treatment; to provide employees with an easily accessible procedure for expressing dissatisfaction; and to foster sound employee-supervisor relations through communication and reconciliation of work-related problems. The employee Grievance Procedure described herein has been established as a primary means of meeting these policy objectives. If, however, the employee has already used another grievance procedure, such as one available under a collective bargaining agreement or one provided under laws and administrative rules of the state or federal governments, the grievance procedure described here cannot be used. Required time lines in the grievance process are strict and each step must be done in writing.
- (c) **Procedures.**
- (1) Every reasonable effort should be made by supervisors and employees to resolve any questions, problems and misunderstandings that have arisen. Accordingly, employees should first discuss any complaints or questions they may have with their immediate supervisor, and are urged to initiate such discussions at the time the dissatisfaction or question arises. Supervisors, in turn, should take positive and prompt action to answer employees' questions and resolve complaints presented to them.
 - (2) The employee shall notify their supervisor in writing within five (5) calendar days following the day the employee first became aware of the particular problem or complaint. The employee shall be specific that they want to enter a grievance with a summary of the facts, the date(s) the event occurred, the steps taken to informally resolve the grievance and the remedy requested. If such grievance is not presented within the specified time period, then it shall be deemed waived and abandoned and shall not hereafter form the basis of a grievance between the parties hereto.
 - (3) Within ten (10) calendar days after receiving the grievance, the Department Head shall investigate the complaint and will talk with the employee. Within five (5) calendar days after the meeting between the employee and the Department Head, the Department Head, shall give an answer in writing.
 - (4) Where a grievance has been initiated by a probationary employee, decision of the Department Head at Section 5.18(c)(3) of the procedure is final.
 - (5) If the grievance has not been satisfactorily resolved between the Department Head and the employee, the grievance may then be presented in writing to the City Administrator, within five (5) calendar days of the Department Heads decision.
 - (6) If the grievance has not been satisfactorily resolved by the City Administrator within ten (10) calendar days, the grievance may then be presented in writing to the designated impartial hearing officer within five (5) calendar days of the City Administrator's decision .
 - (7) The impartial hearing officer will review the grievance and make a written recommendation to the City Council. The City Council will only review the notes and recommendation of the hearing officer, they will not hear any additional testimony. The City Council's decision is final.

CHAPTER 6

Retirement and Resignation

Sec. 6.1	Retirement
Sec. 6.2	Resignation
Sec. 6.3	Computation of Final Paycheck
Sec. 6.4	Disposition of Final Checks
Sec. 6.5	Final Compensation Upon Death of an Employee

SEC. 6.1 RETIREMENT.

Forced retirement at any age is not a violation of the law if an employee is unable to perform adequately or is discharged for good cause, or if the position is eliminated. The City Council's decision shall be based on the mental alertness and physical ability of the employee to perform their essential duties as indicated by work record, doctor's examination and other pertinent evidence.

SEC. 6.2 RESIGNATION.

- (a) An employee shall file a written letter of resignation with the Department Head stating the reason(s) and the effective date. Employees shall provide written notice a minimum of ten (10) working days prior to their termination date. Once a resignation has been submitted, the action cannot be withdrawn except upon mutual agreement by the employee and the City Administrator.
- (b) The workdays required for proper notice shall exclude vacation and holidays and any other paid time off. Failure to provide the proper notice of resignation as identified in this section shall cause the employee's personnel record to indicate that the employee did not leave the City in good standing. The City Council retains the right to waive the resignation notice requirement if it is in the best interest of the City to do so.
- (c) Upon notice of termination of any employee, the Administrator will inform the employee of their right to and purpose of an exit interview. The exit interview shall be conducted by the City Administrator.
- (d) Upon termination the employee and their family will be entitled to remain on the City health and dental insurance plans for up to eighteen (18) months, as provided by COBRA law. The former employee will be responsible for all premium and deductible cost associated with the insurance plan. Premiums must be paid in advance or coverage will be canceled.

SEC. 6.3 COMPUTATION OF FINAL PAYCHECK.

Any employee who either retires or resigns from the City shall be paid for all hours worked up to and including their last day of employment including regular and overtime compensation.

SEC. 6.4 DISPOSITION OF FINAL CHECKS.

The final paycheck for employees who have retired, resigned or been dismissed shall be computed and ready to be picked up in the Administrator's office only on the regular scheduled pay day following the termination date. The final paycheck shall also include payments for accrued vacation time and any other accrued benefits. If the check is to be mailed, address notification shall be submitted to the Administrator. The final pay check shall not be released to the employee until:

- (a) A separation check list, if applicable, of items and equipment previously issued has been sent by the employee's Department Head to the Administrator. All City employees leaving the service of City Hall shall be responsible for returning any City property that they may have in their possession. Upon termination of service, any such property must be returned to the Department from which the employee was assigned. Failure to return City property will result in the final paycheck being reduced by the amount of the outstanding property. For sworn personnel, all uniforms and equipment owned by the City must be returned before the final paycheck will be issued.
- (b) All deductions for amounts owed by the employee to the City have been computed and deducted from the final paycheck.

SEC. 6.5 FINAL COMPENSATION UPON DEATH OF AN EMPLOYEE.

If an employee dies, the City may pay all wages due per Wisconsin State Statutes to survivors, after at least five (5) days have passed after death and before probate proceedings have commenced. In any case, the wages become due and payable upon death, and if the employee's spouse, children or dependent demands them before the employer has voluntarily made payment, the City shall pay them to that person. In either case, payment constitutes a full discharge of the employer's obligation. The amount of wages due includes unused vacation allowances.

State Law References: Section 109.03(3), Wis. Stats.

EMPLOYEE ACKNOWLEDGMENT

I have received a copy of the Policy Manual. I have read and I understand its contents. I acknowledge that it is my responsibility to ask questions about anything I do not understand.

I understand that it is my responsibility to comply with all Employer policies, rules and expectations as set forth in this Manual, as well as policies, rules and expectations that the Employer may otherwise establish or change from time to time. I further understand and acknowledge that this Manual provides guidelines and information, but this Manual is not, nor is it intended to constitute, an employment contract of any kind. I understand that any contract or employment agreement must be authorized and approved by the City Council at a duly noticed meeting. I acknowledge that I have not entered into any such individual agreement or contract by acknowledging receipt of this Manual or by following any of the provisions of this Manual. I understand that the contents of this Manual and my compensation and benefits may be changed by the Employer at any time, with or without notice to the extent permitted by law.

I understand that my employment can be terminated at the option of either the Employer or me, at any time for any reason. I understand that this Manual and the Acknowledgment Form do not vary or modify the at-will employment relationship between the Employer and me.

Supervisor's Signature

Date

Employee's Signature

Date

After you have read and signed this page, please detach the page from the manual and return to the City Clerk, who will place it in your personnel file.