

Village of McFarland

PERSONNEL POLICY MANUAL

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INTRODUCTION

This Personnel Policy Manual incorporates policies and procedures approved by the Village Board and are presented as a matter of information only. While the Village believes in the plans, policies, and procedures described herein, current guidelines are subject to change without notice. The Village reserves the right to modify, revoke, suspend, end, or change any or all of such plans, policies, or procedures at any time.

These plans, policies, and procedures are not contractual in nature and are not conditions of employment. The language used in this Manual is not intended to create, nor is it to be construed to constitute a contract between the Village and any one or all of its employees. No person or body other than the Village Board has the authority to make any agreement contrary to the foregoing.

CHAPTER 1 - PURPOSE AND SCOPE

1.01 Authority

The following plans, policies, and procedures have been adopted by the Village Board.

1.02 Purpose

(1) This manual documents an orderly system of personnel administration that has been developed to meet the organizational needs of the Village and the employment needs of its personnel. As an employer, the Village is committed to equitable personnel management policies. The purposes of this personnel policy manual are to:

- (a) Define expectations. Employees should know what they can expect of their employer and what their employer expects of them.
 - (b) Describe the rules and procedures that apply to employer and employee behavior.
 - (c) State policies of the employer which affect a broad spectrum of activities within its relationship to employees.
 - (d) Provide useful information about Village government.
- (2) The policies incorporated herein are designed to achieve the following objectives:
- (a) To recruit, select, and advance employees on the basis of their relative knowledge, skills, and abilities.
 - (b) To provide equitable compensation for all employees.
 - (c) To recognize good job performance, reward exceptional performance, and address inadequate performance in a fair and timely manner.
 - (d) To assure fair treatment of all applicants and employees in all aspects of personnel administration without regard to race, color, national origin, age, religion, sex, disability, or political affiliation, and with proper regard to their rights as citizens.
 - (e) To protect employees against coercive political activities and to prohibit the use of their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.
 - (f) To create a work environment free of all forms of harassment.

1.03 Scope

As an employer, the Village must abide by applicable federal and state regulations and collective bargaining agreements negotiated with employee unions. In the event that any policy or procedure should conflict with provisions found in federal law or state statutes or with administrative rules adopted by federal or state agencies governing municipal operations, the portion or portions found to be in conflict will be considered rescinded. In the event that any policy or procedure should conflict with applicable provisions of a collective bargaining agreement, the language of that agreement will prevail.

1.04 Employees Covered

All employees of the Village will be governed by the provisions contained herein, unless it is noted that a particular provision applies only to certain employees. Persons serving in the following capacities are not considered employees and hence are excluded from these provisions.

- (1) Elected officials.
- (2) Citizen appointees to authorities, committees, boards, or commissions.
- (3) Volunteers who perform tasks or provide services to Village Emergency Government departments.
- (4) Independent contractors providing services for the Village.
- (5) Employees of another unit of government providing services for the Village.
- (6) Persons providing services on a per diem basis and election inspectors who are compensated on an hourly basis.
- (7) Consultants.
- (8) Work relief or juvenile work program participants.
- (9) Interns
- (10) General community volunteers, defined as those who donate their services for the public benefit without contemplation of pay.

1.05 Employees-At-Will

Unless covered by a collective bargaining agreement or by just cause standards set forth in Wisconsin Statutes or Village ordinance, employees of the Village of McFarland are employee-at-will.

1.06 Exceptions

The Village Board may make exceptions to any of these standards in emergency or unusual situations if it is assured that granting such exceptions will not compromise the stated objectives of the personnel system.

1.07 Revisions

Any collection of rules, policies and procedures is part of a continuous improvement process. It can be affected by changes in State and Federal laws or a Village Ordinance. A policy that may have been effective and appropriate in one set of conditions may not be appropriate when conditions change. The Village Board and Personnel Committee are always open to new and better ways to improve the operation of Village government. All Village employees are encouraged to provide comments and ideas to strengthen existing policies, rules and procedures.

CHAPTER 2 - DEFINITIONS

These definitions will apply to the following words or phrases as used in the manual.

2.01 Acting Assignment

The formal assignment to an employee of some or all of the duties and responsibilities of another position on an interim basis, the planned duration of which would generally be for a period of 60-180 days.

2.02 Affirmative Action

Policies, procedures, and practices adopted to ensure equal employment opportunities for all persons.

2.03 Allocations

The assignment of a position to a class.

2.04 Anniversary Date

The date an employee is first hired or is rehired into Village employment.

2.05 Appointing Authority

A Village official who has the authority to appoint and remove individuals to and from positions in the Village service.

2.06 Bumping Rights

The process by which an employee affected by layoff will have the right to displace an employee with less seniority in a position of comparable or lower classification which the affected employee is qualified to perform.

2.07 Class

A group of positions sufficiently similar in respect to the duties and responsibilities to warrant using the same title, similar qualifications, selection procedures and the same pay range.

2.08 Class Specification

A written description of a class containing the class title, a general statement of the duties and responsibilities, examples of typical tasks performed, and minimum qualifications required.

2.09 Class Title

The official designation or name of the class as stated in the class specification. The class title will be used on all personnel records and other official personnel actions.

2.10 Classified Position

A position that is covered by a collective bargaining agreement or by the compensation plans for non-represented employees.

2.11 Conflict of Interest

A situation in which a Village employee has a real or apparent incompatibility between personal, financial, or associational interests and the discharge of professional or legal duties.

- (1) Personal Interest – Any interest arising from blood or marriage relationships or from close business, political or other associations, whether or not any financial interest is involved.
- (2) Financial Interest – Any interest that will yield, directly or indirectly, a monetary or other material benefit or loss to the employee or to any person employing or retaining the services of the employee.
- (3) Associational Interest – An interest arising with reference to any organization in which the employee or a member of the employee's immediate family is a director, officer or trustee, or of which the employee or a member of the employee's immediate family is an authorized agent, spokesperson or representative; or an interest arising out of an issue of a political party in which the employee or a member of the employee's immediate family is a member.

2.12 Demotion

The movement of an employee from one position to another position in a lower pay range.

2.13 Department Head

A Village official with the responsibility for directing the operations of a Village department.

2.14 Discharge

Involuntary separation or termination of employment.

2.15 Disciplinary Action

Any action taken to discipline an employee, including actions ranging from a written reprimand, suspension without pay, demotion, up to and including discharge.

2.16 Discrimination

Unlawful actions or practices which constitute unequal or different treatment of, or create an unequal or different effect on an individual or group of people, on the basis of age, race, creed or religion, color, handicap, sex, marital status, national origin or ancestry, political affiliation, arrest or conviction record, sexual orientation, and any other characteristic protected by law.

2.17 Eligible

A person certified as meeting the requisite job knowledge and experience requirements and as having successfully completed all parts of the selection process.

2.18 Employee

An individual who is legally employed by the Village and is paid through the Village payroll.

2.19 Equal Employment Opportunity

A condition of equality in all employment-related actions brought about by unbiased personnel practices, procedures, and methods.

2.20 Full-Time Employee

An employee who is regularly scheduled to work 2,080 hours per year based on a five day work week; police employees who are scheduled to work 1,950 hours per year based on a six day work week or EMTs who are scheduled to work 2,080 hours plus 840 overtime hours per year based on a 24/48 work schedule.

2.21 Furlough

A temporary unpaid leave of absence from employment initiated by the Village.

2.22 Grievance

A grievance is a formal written complaint by a Village employee regarding how the personnel rules and regulations of the Village or the department for which the employee works have been applied.

2.23 Layoff

The involuntary separation from employment for non-disciplinary reasons unrelated to the employee's performance, including due to lack of funds or work, reduction or elimination of service levels, or reorganization of work.

2.24 Manual

The Personnel Policy Manual of the Village of McFarland.

2.25 Non-Represented Employees

Employees who are not eligible under law or who have elected not to authorize an association or a union to be their sole and exclusive collective bargaining representative on questions of wage, hours, and conditions of employment.

2.26 Part-Time Employee

An employee who works year-round and has a work schedule which averages less than 2,080 hours or 1,950 hours for police employees or 2,080 hours plus 840 overtime hours for 24/48 hour EMTs.

2.27 Pay Day

Employees are normally paid via direct deposit every other Friday following the close of the two (2) week pay period. If the Friday pay day falls on a legal holiday, employees will be paid on the last work day prior to the normal pay day.

2.28 Pay Period

The pay period is a two (2) week period beginning at 12:01 a.m. every other Sunday and ending at 12:00 midnight on Saturday of the second week.

2.29 Performance Evaluation

A formal system to evaluate performance factors related to an employee's job duties, responsibilities, and related employment characteristics on a regular and systematic basis by supervisory personnel.

2.30 Permissive Reinstatement

The action by which a former employee may be permissively reappointed at the employer's discretion within eighteen (18) months of separation to a position with pay and/or fringe benefits comparable to that received at the time of separation or as may be appropriate at the time.

2.31 Political Activity

An effort to support or oppose the election of a candidate; a particular party in an election; or a referendum ballot question.

2.32 Position

A grouping of duties and responsibilities to be performed by an employee.

2.33 Position Description

A written description of the essential factors that distinguish one job from another, including the job title, duties and responsibilities, and minimum or desirable qualifications.

2.34 Probation

The trial period of employment during which the employee is trained and evaluated on fitness and abilities to perform the duties of the appointed position.

2.35 Probationary Employee

An employee who has not completed the prescribed probationary period for a particular position.

2.36 Probationary Period

A designated period of time, and any extension thereof, in which an employee is trained and evaluated for suitability to a position.

2.37 Promotion

The movement of an employee from one position to another in a higher class.

2.38 Reclassification

The reassignment of a position to a different class based on a change in duties and responsibilities.

2.39 Regular Appointment

The appointment of an eligible employee to a budgeted Village position that is budgeted for an indefinite period

2.40 Represented Employees

Employees who have authorized, pursuant to certification by the Wisconsin Employment Relations Commission, an association or a union to be their sole and exclusive collective bargaining representative on questions of wages, hours, and conditions of employment. Some Village employees are currently represented by the McFarland Professional Police Association and some are currently represented by Wisconsin Municipal Employees Local 60, AFSCME, AFL-CIO.

2.41 Resignation

Voluntary separation from employment.

2.42 Seasonal Employee

An employee who is hired to work for a specified period, less than eleven (11) months annually on either a full-time or part-time basis. The service of seasonal employees can be anticipated and may recur on a seasonal basis.

2.43 Selection Process

A formal process used to evaluate and/or rank applicants for Village positions which could include such selection devices as application screening, interviews, testing, background investigations, physical and psychological examinations, drug and alcohol screening, etc.

2.44 Supervisor or Supervisory Personnel

Any individual having authority in the interest of the Village, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in the connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

2.45 Suspension

The temporary removal of an employee from service, without pay, for disciplinary reasons and for a specific period of time.

2.46 Temporary Employee

An employee who works a limited number of hours for a specific reason or purpose which is expected to be of relatively short duration, six (6) months or less, upon the completion of which the employment is terminated.

2.47 Termination

The removal of an employee from the payroll for voluntary or involuntary reasons including, but not limited to, discharge, resignation, retirement, unauthorized leave of absence, or death.

2.48 Transfer

The movement of an employee from one position to another in the same class or to a class that has similar qualifications, duties, and responsibilities which does not result in reduction of salary.

2.49 Unclassified Position

A position that is not covered by a collective bargaining agreement or by the compensation plans for non-represented positions.

2.50 Vacancy

A position authorized by the Village Board which is unoccupied and has been approved by the Village board to be filled.

2.51 Village

The Village of McFarland.

2.52 Village Board

The elected Board of Trustees of the Village of McFarland.

2.53 Village President

The chief elected official of the Village of McFarland.

2.54 Volunteer

Persons who, of their own free will, donate their time to provide tasks or services to other Village departments.

2.55 Work Schedule

A listing of the specific days and hours each employee is assigned to perform normal work duties as determined by the supervisor.

CHAPTER 3 - ORGANIZATION AND ADMINISTRATION

3.01 Purpose

This chapter sets forth the delineation of authority and responsibilities in the administration of the Village personnel system.

3.02 Delineation of Authority and Responsibilities

(1) Village Board

The Village Board will be responsible for:

- (a) Approving the Departmental Tables of Organization as set forth in the adopted version of the annual Village Budget.
- (b) Authorizing the creation of any and all new classified positions.
- (c) Approving the compensation policies and pay plans for all Village employees.
- (d) Hiring and removing Department Heads consistent with applicable provisions of the Municipal Code. (Note: The Police and Fire Commission is responsible for the hiring and firing of the Police Chief and Police Officers and the Fire Chief and Fire Department employees. The Library Board is responsible for the hiring and firing of the Library Director.)
- (e) Conducting fourth step grievance hearings.
- (f) Approving Village personnel policies.
- (g) Delegating such duties and responsibilities as necessary to the Village Administrator.
- (h) Approving the filling of vacancies.

(2) Village Administrator

The Village Administrator will be responsible for:

- (a) Providing administrative direction to all Village employees in accordance with established organizational procedures.
- (b) Serving as personnel officer, administering the personnel policies adopted by the Village Board, establishing procedures consistent with such policies, and recommending changes to these policies as necessary. As personnel officer, the Village Administrator may modify specific benefits offered to an external experienced applicant for employment consistent with the provisions of these policies.

- (c) Reviewing and approving appointments and removal of non-Department Head personnel from Village positions.
- (d) Recommending adjustments in and administering the compensation plan and the fringe benefit program.
- (e) Coordinating collective bargaining negotiations with currently certified and representing employee unions on wage, fringe benefit, and working condition issues.
- (f) Maintaining complete employment and performance records of all Village employees.
- (g) Establishing and maintaining a roster of all employees in the Village service which will include the class title, pay status, and other pertinent data.
- (h) Making reports and recommendations to the Village Board as required.
- (i) Maintaining and recommending modifications to the classification plan.
- (j) Administering the recruitment and selection program.
- (k) Monitoring temporary and emergency appointments and overtime assignments.
- (l) Coordinating training programs to provide employees with adequate opportunities to maintain and improve their job related knowledge and skills.
- (m) Serving as Affirmative Action Officer for the Village and regularly reviewing and administering the program.
- (n) Establishing standards and procedures to insure uniformity in the application of discipline and the processing of employee grievances.
- (o) Conducting second step grievance hearings.
- (p) Preparing and implementing such forms, reports, and procedures necessary to carry out the Village personnel program.
- (q) Disseminating information regarding the personnel program, fringe benefits and conditions of employment to all employees and departments.
- (r) Investigating unemployment compensation claims and participating in unemployment compensation hearings.
- (s) Overseeing safety programs that serve the general needs of all Village departments.
- (t) Delegating appropriate authority to Department Heads and administrative personnel.

- (u) Conduct probationary and annual performance evaluations of Department Heads.
- (3) Department Heads**

Department Heads will be responsible for:

- (a) Enforcing the personnel policies, rules and regulations in their respective departments.
- (b) Keeping employees informed of current personnel policies.
- (c) Conducting performance evaluations of employees.
- (d) Conducting first step informal resolutions.
- (e) Notifying the Village Administrator of any proposed changes in personnel and, as appropriate, participating in the screening and selection process.
- (f) Developing appropriate employee orientation programs.
- (g) Assessing employee training needs and developing, conducting, or arranging for in-service training programs.
- (h) Administering discipline and delegating such authority to supervisory personnel as appropriate.
- (i) Recommending the appointment or removal of employees subject to the approval of the Village Administrator. .
- (j) Delegating appropriate authority to subordinate supervisory personnel.

(4) Supervisory Personnel

To the extent that Department Heads delegate authority to them, supervisors will be responsible for:

- (a) Implementing the personnel policies, rules and regulations in their unit.
- (b) Participating in the selection of new employees.
- (c) Participating in performance reviews of employees.
- (d) Administering discipline to employees.
- (e) Make work assignments for section employees and monitor work status and completion.

CHAPTER 4 - TRANSACTIONS AND RECORDS MANAGEMENT

4.01 Purpose

This chapter sets forth the basic personnel record keeping requirements and identifies procedures governing accessibility to such records.

4.02 Policy

The Village Administrator and Village Clerk will develop and maintain an effective personnel transaction procedure and personnel records management system. All appointments, separations, and other personnel transactions will be implemented using forms designated by the Village Administrator. The primary purpose of these systems and procedures will be to:

- (1) Establish and maintain clear lines of authority for the processing of personnel transactions and management of personnel records;
- (2) Establish and maintain uniform, easily accessible and complete employment records of all Village employees and employee transactions;
- (3) Maintain factual data regarding the employment history of all personnel;
- (4) Meet a variety of legal requirements.

4.03 Responsibility and Authority

(1) Village Administrator and Village Clerk

The Village Administrator and Village Clerk will:

- (a) Establish, maintain and coordinate personnel transactions and records management for all Village employees and positions.
- (b) Establish and maintain a personnel file for each Village employee.
- (c) Advise and assist Department Heads in all Village personnel transactions and records management systems and procedures.
- (d) Notify payroll department of all relevant changes.

(2) Department Heads

Department Heads will:

- (a) Initiate and process personnel transactions affecting their employees using forms provided by the Village Clerk.

- (b) Submit and approve a time sheet for each employee showing vacation time, sick leave and other forms of leave, overtime, and compensatory time accruals and usage for each pay period and report this information to the Village Clerk.
- (c) Notify the Village Clerk of all changes in permanent personnel records including changes in address, insurance coverage, and other relevant information.

(3) Employee

Each employee will be responsible for notifying their Department Head of any changes that affect their personal status.

4.04 Personnel Files

- (1) A personnel file will be maintained for each person employed by the Village. These files will be maintained by the Village Clerk. The active files will consist of the individual files of all persons currently on the Village payroll and those of employees in active employment status. The inactive files will consist of the individual files of all persons formerly employed by the Village.
- (2) At a minimum, the personnel files of all current employees will contain the following information:
 - (a) The full name, date of birth, current address, telephone number and Social Security number of the employee.
 - (b) The title of all past and present Village positions held.
 - (c) The employee's initial starting date.
 - (d) The current salary and salary history of the employee.
 - (e) Changes in status.
 - (f) The person's original application/resume for employment.
 - (g) Any required payroll deduction or withholding authorization forms.
 - (h) Payroll records indicating the total number of hours worked per day and per week.
 - (i) All appropriate fringe benefit enrollment and waiver forms.
 - (j) All personnel action forms and official correspondence relative to the person's employment with the Village.
 - (k) Any other pertinent information as may be necessary for effective personnel administration and for compliance with Federal law and state statutes.

(3) Individual records relating to employee grievances, records of training, and job performance will be maintained for all employees. Any such records, including individual files, will be considered confidential in order to prevent the invasion of privacy and will be made available to:

- (a) The employee;
- (b) An authorized representative of the employee as provided for in 4.05 below;
- (c) The Village President;
- (d) The Village Administrator;
- (e) The Village Clerk;
- (f) The Department Head and immediate supervisor(s) of the employee;
- (g) Authorized Federal and State representatives who have cause to review such records for official reasons.

4.05 Access to Personnel Files

(1) Employees throughout Wisconsin are governed by State laws guaranteeing their right to inspect and have copies of most personnel records held by their employer, including records used in determining matters like additional compensation, termination or disciplinary actions. As exceptions to this general rule, employees are not entitled to inspect records relating to criminal investigations which involve them, letters of reference written on their behalf, any portion of test documents used by the employer, materials used by the employer in planning future actions such as individual salary increases or job assignments, or information of a personal nature about another person. While employees are entitled to inspect their medical records, the employer may choose to release the records through the employee's physician.

No documents may be removed from individual personnel files without the expressed written permission of the Village Administrator. Copies of documents contained within an individual's personnel file will be provided to the individual or designated authorized representative upon request.

(2) A copy of any material placed in an employee's file that may affect their job performance evaluation will be presented to the employee involved within two (2) days. Receipt or review of such material will be acknowledged by the signature of the employee.

(3) Under State law all employees have a right to inspect and photocopy their personnel records twice during the calendar year. An employee may also designate a personal representative to inspect personnel records on their behalf. The Village, as an employer, is required to provide access to records within seven (7) working days after a request is received from one of its employees, at a time and place that are mutually convenient. Such inspection of personnel records will be done in the presence of a designated representative of the Village. The Village reserves the right to assess a reasonable fee for the cost of reproducing any such documents requested.

(4) If an employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the Village and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The Village will attach the employee's statement to the disputed portion of the personnel record. The employee's statement will be included whenever that disputed portion of the personnel record is released to a 3rd party as long as the disputed record is a part of the file.

4.06 Other Records

(1) The Village Administrator and Village Clerk will be responsible for the generation and maintenance of all Village payroll and leave records.

(2) All required employer records such as those relating to group occupational safety and equal employment opportunity will be maintained by the Village Administrator and Village Clerk.

4.07 Public Inspection

The public inspection of personnel records will be governed by Wisconsin Statutes.

4.08 Destruction of Records

Employment records relating to employee hire dates will be kept permanently. Payroll records will be kept for five (5) years. Applications and examinations may be destroyed in accordance with law.

4.09 Medical Records

The Village will maintain all employee medical records in locked file cabinets, separate from personnel records. Medical records will be maintained by the Village Clerk, and kept confidential as dictated by law.

4.10 Reports

The Village Administrator will provide the Village Board with appropriate reports and information relating to personnel actions.

CHAPTER 5 - POSITION CLASSIFICATION AND ADMINISTRATION

5.01 Purpose

This chapter sets forth the policies governing the creation, abolition, classification, and funding of positions within the Village organization and delineates related administrative responsibilities.

The purpose of the classification plan is to provide a standard system of titles and position descriptions for the effective administration of personnel activities such as workforce planning and budgeting, standards of job performance, fair and equitable pay, impartial recruitment and selection programs, training programs, and career development opportunities.

5.02 Authority

- (1) The Village Board will be responsible for approving the overall classification plan.
- (2) The Village Administrator will be responsible for developing, maintaining, and administering the classification plan.

5.03 Tables of Organization

The Tables of Organization, as set forth in and duly adopted as part of the annual Village budget, will serve as official documentation of the authorized number and classification of all positions within the Village organization. The Tables of Organization will identify the title and status of each classified position and will be maintained and updated by the Village Administrator. It will also set forth the functional relationship of positions within the organizational structure.

5.04 Creating/Abolishing Positions

- (1) The Village Board will, by formal action, add to or delete from the authorized position count as set forth in the Tables of Organization.
- (2) Any proposed action to create a position will contain the position title, its proposed classification and position description, the rationale for its creation, and all anticipated salary, fringe benefit and other related costs. The Village Board will consider the recommendation of the Village Administrator and the requesting Department Head prior to taking action.
- (3) The Village Board may abolish positions at any time but will consider the recommendation of the Village Administrator and the affected Department Head prior to abolishing any position.

5.05 Position Categories

Each position within the organization will be assigned to one of the following general categories based on the status of the position and not that of the incumbent.

(1) Full-Time Positions

These positions are authorized and funded to exist for an indefinite time period. Employees filling full-time positions are scheduled to work 2,080 hours per year based on a five day work week; police employees who are scheduled to work 1,950 hours per year based on a six day work week; or EMTs who are scheduled to work 2,080 hours plus 840 overtime hours per year based on a 24/48 work schedule.

(2) Part-Time Positions

These positions are authorized and funded to exist for an indefinite period of time. Employees filling part-time positions are scheduled to work less than average of less than 2080 hours or 1950 hours for police or 2,080 hours plus 840 overtime hours for 24/48 hour EMTs.

(3) Seasonal Positions

These positions are hired to work for a specified period, less than eleven (11) months annually on either a full-time or part-time basis. The services of seasonal employees can be anticipated and may recur on a seasonal basis.

(4) Temporary Positions

These positions are authorized and funded to exist for a limited period of time for a specific reason or purpose which does not exceed a maximum of six (6) months. Such purposes might include: to work on a specific project, to meet a peak workload demand, to fill a vacated position while a hiring process is underway, or to take the place of another employee who is on extended leave. Employees filling temporary positions have a regular work schedule which may equal or average less than the normal full-time work schedule of the employing department.

5.06 Position Descriptions

(1) The Village Administrator will oversee the development and modification of position descriptions for all classified positions and will maintain current position descriptions for all positions within the Village organization. A copy of the position description will be provided to every employee.

(2) In the event the permanent duties of a position change sufficiently to justify a reclassification, the Village Administrator will prepare a position description for the new class and present a recommendation to the Village Board for action.

5.07 Reorganization of Department

When a department or division is proposed to be reorganized, a new Table of Organization and position descriptions for all affected employees will be submitted to the Personnel Committee and the Village Board for review and approval as a part of such reorganization.

5.08 Review of Position Classification Plan

(1) As often as may be appropriate, the Village Administrator will review the classification plan to insure that the plan accurately reflects existing position responsibilities. The Village Administrator may require departments or employees to submit position descriptions when vacancies occur or any time there is reason to believe that there has been a significant change in the duties and responsibilities of one or more positions.

(2) The Village Administrator will recommend to the Village Board all amendments and updates to the classification plan. The Village Board may recommend review by other committees having an interest in the proposed changes before taking action.

(3) Department Heads are encouraged to offer suggestions or proposals regarding personnel issues for consideration by the Village Administrator and Village Board. Because of their potential fiscal impact, proposed changes in staffing or classification must be submitted to the Village Administrator by July 1 for consideration in the upcoming Village budget. Proposals for reclassification of a position should always be supported by appropriate documentation, such as an up-to-date job description or workload data, which will help the Board in its review.

5.09 Classification or Reclassification Consideration

(1) Classification or Reclassification Consideration

A request for reclassification of a current position or classification of a new position may be initiated by either a staff member or a Department Head. Requests for reclassification of a position must be submitted to the Administration office between August 1-31 in any budget year. Requests for classification of a new position may occur throughout the year.

Reclassification consideration for existing positions requires the employee and the Department Head to document that there have been substantial changes in existing duties since the most recent review. Changes in duties may result from substantial, immediate reassignment of duties from reorganization or from logical, incremental changes in responsibilities over a period of time. To be considered for reclassification, the greater responsibilities resulting from incremental changes must have been in effect since at least January 1 preceding the reclassification request so that it is clear that the changes that exist are likely to remain for some period of time. Reclassification will not be considered for temporary changes.

A request for classification or reclassification consideration will be in writing and include (1) New Position Classification Review Form, or an Existing Position Classification Review Form (see attached), and (2) a new Job Description Questionnaire with notes indicating duties that have changed since the last review. The Questionnaire must be completed and signed by the employee and reviewed and signed by the Department Head and the Village Administrator. At each level of review, the department head and the Village Administrator will verify or comment on the accuracy of responses.

(2) Review of Requests

The Village Administrator will submit the Questionnaire and any supporting documentation to the Village's compensation consultant for objective evaluation. The consultant will recommend a grade assignment appropriate for the position and, if requested, a new or revised position description. The consultant may request further information from the Village Administrator and may request that other positions affected by the reclassification changes be reviewed as well.

(3) The Village's Response to Consultant Recommendations

The Village will take final action on the matter within 30 days of the consultant's recommendations. The employee and the department head will be informed of the decision in writing. Reclassification decisions for existing positions will normally take place on January 1st of the upcoming year or later when the position is filled. The Village may consider immediate action at the discretion of the Village Administrator.

CHAPTER 6 - RECRUITMENT AND SELECTION

6.01 Purpose

This chapter sets forth the policies and practices governing the recruitment and selection of persons for employment in Village positions.

6.02 Policy

It will be the policy of the Village to recruit and select qualified persons for positions with the Village. The Village Administrator will develop and conduct an active recruitment and selection program designed to meet current and projected Village employment needs. (Note: The Police and Fire Commission is responsible for recruiting and selecting a qualified Police Chief and Police Officers and Fire Chief and Fire Department non-clerical employees. The Library Board is responsible for recruiting and selecting a qualified Library Director and library employees.)

6.03 Equal Opportunity

It is the official policy of the Village to provide equal employment opportunities for all qualified and qualifiable persons without regard to their race, color, national origin, age, religion, gender, disability political affiliation, or any other characteristic protected by law. This equal employment opportunity applies but is not limited to recruitment procedures, selection and placement, promotions, testing, training, job descriptions, compensation, layoff and recall, disciplinary action and termination. The Village will, however, only hire individuals who can document that they are legally authorized to work.

As permitted by law in making hiring decisions, the Village may consider prior arrest or conviction record if the nature of the prior offense is substantially related to the requirements of the job.

6.04 Methods

There are several methods by which a newly created or existing position can be filled. The methods of selection 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 Village Administrator and/or Board or committee that has jurisdiction in the matter. The methods by which a job may be filled include:

- (1) **The Examination Process.** Either a promotional examination or open competitive examination may be used and should include one 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. For positions having the same class specification, the written and performance tests will be the same across all departments.
- (2) **Transfer** of a present Village employee from a current position to a vacant position in either that department or a different department.
- (3) **Promotion** of a present Village employee from a current position to a vacant position in either that department or a different department.

(4) **Permissive Reinstatement** of a former Village employee, without examination, to a position that has the same or a comparable classification previously held by the individual.

6.05 Recruitment Procedures

The Village Administrator will coordinate and supervise the recruitment of eligible candidates for all Village positions for which no immediate internal promotion or transfer is authorized. The overall recruitment program will be designed to meet the current and projected personnel needs of the Village and will be directed to sources likely to yield qualified applicants. The nature of the recruitment process for an individual position will be tailored to the specific requirements of that position. (Note: The Police and Fire Commission coordinates and supervises the recruitment of candidates for Police Chief and Police Officers and Fire Chief and Fire/Emergency Medical Services (EMS) non-clerical employees. The Library Board coordinates and supervises the recruitment of the Library Director and library employees.)

(1) Job Announcements

All vacancies for which recruitment has been authorized will be simultaneously announced via internal posting on public bulletin boards at all Village facilities and on the Village website. All vacancy announcements will include the position title, department, salary range, and typical working days and hours.

(2) Paid Advertisements

The Village Administrator may authorize the use of paid newspaper and other media advertisements in the recruitment process. All position vacancies will be advertised at least one time in the local newspaper. For a limited number of positions requiring a level of skill and experience not readily found locally, the use of statewide or national publications and professional journals may be authorized.

(3) Application Form

All applications for employment will be made on forms prescribed by the Village Administrator and will meet State and Federal requirements. Applicants may be required to provide appropriate verification of any information made on employment applications.

(4) Notice of Rejection

Whenever an applicant has applied for a current vacancy and is rejected, notice of such rejection will be promptly mailed to the applicant.

6.06 Selection

The selection process will assess those attributes necessary for successful job performance. The process will be designed to maximize the reliability, objectivity, and validity of the results. The level of involvement by Department Heads and other staff will be determined by the Village Administrator.

(1) Selection Devices

The Village Administrator will be responsible for determining consistent methods to be used in screening applicants for job vacancies. In developing the selection devices, the Village Administrator may consult the position description, confer with Department Heads, consultants, and others familiar with the knowledge, skills and abilities required and devices to best measure these factors. Such methods or devices may include, but need not be limited to, one or more of the following: (Note: The Police and Fire Commission is responsible for the hiring and firing of the Police Chief and Police Officers and Fire Chief and Fire/Emergency Medical Services (EMS) non-clerical employees. The Library Board is responsible for the hiring and firing of the Library Director.)

- (a) Review of education, training and experience as shown on the application.
- (b) Validated written exercises, oral interviews, work samples, performance exercises, or assessment centers.
- (c) Physical exercises demonstrating required strength, stamina or dexterity.
- (d) Pre-employment health examinations, including drug screens.
- (e) Background and reference inquiries.
- (f) Police records check.
- (g) Oral interview(s).

(2) Confidentiality

All persons participating in the development and maintenance of selection materials will exercise every precaution to ensure the highest level of integrity and security. Only the Village Administrator and other designated individuals will handle confidential selection materials, except as such records may be subject to the Open Records Law.

(3) Notification of Applicants

Each person competing in the selection process will be given a written notice of the selection status within a reasonable period following the completion of the process.

6.07 Short Term Appointments

(1) Temporary Appointment

The Village Board may authorize the appointment of a qualified individual on a temporary basis when the need exists. Such appointments will generally not exceed 6 months in a calendar year unless authorized by the Village Board. All departments will coordinate their temporary employment needs through the Village Administrator so the Administrator can review the feasibility of temporary job sharing between departments.

(2) Persons Hired Under Federal or State Employment Programs

No persons will be hired under Federal or State employment programs without prior approval of the Village Board. Persons employed under such programs are generally hired for a limited, defined term and are not considered regular Village employees unless specific action is taken to appoint such employee to a regular Village position after the employee has been duly certified as eligible for such employment by the Village Administrator.

6.08 Interview Expenses

All applicants invited to participate in the Village's selection process will generally do so at their own expense. The Village may elect, however, to reimburse applicants for select positions for reasonable expenses incurred for travel, meals, and overnight accommodations in certain hiring processes. The parameters of these reimbursements will be determined by the Village Board on a case-by-case basis.

6.09 Hiring Relatives

(1) Application

This policy applies to all Village employees and elected officials. It governs the proposed hiring of individuals who are relatives, for full-time or part-time work as Village employees. For the purpose of this policy, a relative includes anyone related by blood, marriage, adoption, or legal guardianship.

- Husband or Wife
- Father or Mother
- Stepfather or Stepmother
- Daughter or Son
- Stepdaughter or Stepson
- Brother or Sister
- Stepbrother or Stepsister
- Half Brother or Half Sister
- Grandfather or Grandmother
- Grandchild
- Aunt or Uncle
- Nephew or Niece
- Legal Guardian
- In-laws (Father, Mother, Brother, Sister, Daughter, Son)

(2) Policy

- (a) Hiring a relative of any current elected official's immediate family, as a full-time or part-time employee, is considered contrary to good public policy and will not be permitted. This policy does not apply to non-elected officials who are asked to accept appointment as members of a village authority, board, 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 Village.
- (b) Neither Department Heads nor elected officials will participate in the hiring or supervision of any relative as defined above.

- (c) If a relative of another employee is hired, transferred or promoted:
- the employee will not be part of the hiring process involving another relative;
 - neither relative will be placed in a position where they will be in the chain of command of the other;
 - nor be in a position such that one relative could influence the status, compensation, progress or supervision of another relative;
 - nor work on the same team or within the same department or work unit.

Lobbying or attempting to influence other employees to hire a relative is prohibited.

- (d) Where situations currently exist violating the conditions set forth above, every reasonable effort should be made to change the status as transfer opportunities occur.

CHAPTER 7 - CHANGES IN EMPLOYEE STATUS

7.01 Purpose

The purpose of this chapter is to set forth those policies and practices that apply to various changes in employee status.

7.02 Probationary Period

(1) Purpose

The purpose of the probationary period is to evaluate the employee's ability to perform the assigned work in a satisfactory manner. A Department Head, in offering the prospective employee appointment to a position, is expected to make it very clear that a probationary period must be completed, the length of the period, and how the employee's performance on the job will be evaluated. The Department Head will make the decision that the probationary employee will or will not be retained as a Village employee.

(2) Duration

- (a) Unless specified differently by collective bargaining agreements, the Police and Fire Commission, the Library Board, or the Village Board, all full-time and part-time hourly employees will serve a probationary period of six (6) months and all full-time and part-time salaried employees will serve a probationary period of one (1) year. A probationary period may be extended for up to six (6) months at the discretion of the Department Head by giving written notice to the employee.
- (b) Time worked in a volunteer, temporary, or seasonal position will not be credited towards the required probationary period.

(3) Discharge During Probationary Period

- (a) Probationary employees may be discharged at any time prior to the completion of a probationary period. The employee will be notified in writing of the decision and the effective date of termination. The Village is an at-will employer and is not required to show cause for discharging a probationary employee.
- (b) Employees who do not complete their probationary period will receive compensation for unused vacation credits earned during the probationary period but not for unused floating holiday credits.

(4) Department Head Review

The performance of a new Department Head will be reviewed by the appointing authority prior to the end of the probationary period.

(5) Eligibility for Salary Increases

Those employees who are still on probationary status as of January 1 of the calendar year, will receive the Village salary review and any appropriate increase for the new year upon successful completion of their probation.

(6) Effect of Promotion

An employee who accepts promotion to a different position will be required to serve a partial or full probationary period in the new position to be determined at the discretion of the Department Head.

7.03 Conversion to Part-time Status

Employees in classified full-time positions who convert to part-time status will retain sick leave and vacation benefits earned previously, but will accumulate said benefits in the future in accordance with the fringe benefit policy for part-time employees.

7.04 Transfers

An employee in good standing may request to be considered for transfer to another comparable vacant Village position for which the employee is qualified when such vacancies are posted internally. Such request should be made to the Village Administrator. If the work performance of the transferred employee is not regarded as satisfactory, the Village Board, at its discretion, may agree to the return of the employee to their former department if a vacant position is available for which the employee is qualified.

7.05 Voluntary or Involuntary Demotions

(1) Demotions may be voluntary, may be used as a disciplinary measure, or may be made by the Village in lieu of layoff. Demotions must be approved in advance by the Village Board.

(Note: The Police and Fire Commission is responsible for demotions of the Police Chief and Police Officers and the Fire Chief and Fire Department employees. The Library Board is responsible for demotions of the Library Director and Library employees.)

(2) An employee who is promoted to a different position may ask to be returned in their previous position at the previous rate of pay if the employee fails to or chooses not to complete the probationary period required of the new position. Reinstatement will be at the discretion of the Village Board and may depend, in part, on whether or not the employee's original position has been filled.

7.06 Work Week Reductions

The Village Board may elect to utilize work week reductions in lieu of layoffs. Persons assigned to reduced work week in lieu of layoff will have their salaries and eligibility for benefits administered on a prorated basis effective from the date of work week reduction.

7.07 Furloughs

The Village Board may elect to utilize unpaid furloughs in lieu of layoffs. Furlough times will generally be structured in a manner that does not trigger adverse impacts under the Fair Labor Standards Act or make the employee eligible for unemployment benefits. The benefits of employees furloughed will not be prorated.

7.08 Layoffs

(1) Layoffs involving Village employees could become necessary when there is a lack of work, a significant change in work unit or department responsibilities, a lack of available operating funds, or other business reasons. To the extent possible, layoffs will be avoided through the transfer of the employee affected to a vacant position they might be qualified to fill.

(2) No layoffs will be initiated by Department Heads without a directive from, or the approval of, the Village Board. When final determination has been made by the Village Board that a layoff is necessary, the Department Head will provide the employee or employees affected with a letter citing the reason for the layoff a minimum of ten (10) working days in advance of the layoff. This letter will explain the employee's opportunities, if any, to seek transfer or to "bump" another employee having less seniority and currently filling a position that is in a lower but closely related classification. Upon receipt of the notice, each employee designated for layoff will be personally counseled by the Department Head. The Department Head will explain the options open to the employee in seeking to fill another position or the benefits to which the employee is entitled if employment must be terminated.

(3) Probationary, temporary, seasonal employees in the same classification will be laid off before any part-time employee or full-time employee. Part-time employees in the same classification will be laid-off before any full-time employee.

(4) Based on seniority and a capacity to perform the tasks required, a full-time employee selected for lay-off may be eligible to bump another full-time or part-time employee having less seniority and currently filling a position that is lower but has a closely related classification. A part-time employee will only be eligible to bump another part-time employee having less seniority and currently filling a position that is lower but has a closely related classification. Seasonal, temporary, and probationary employees are not eligible to bump other employees.

(5) Employees laid off will continue on the payroll beyond the date of layoff until all earned and accrued vacation and floating holidays benefits are exhausted. Laid off employees will not be eligible to use accumulated sick leave during the period of layoff.

(6) Employees laid off will be eligible to continue their participation in the group health insurance programs in accordance with State and Federal laws provided that they submit a written request and pay in advance to the Village the full premium for such coverage starting the first month following the month in which the layoff occurs. Employee premium payments will be made on a monthly basis. Failure to pay a premium within fifteen (15) calendar days of the due date will result in cancellation of group health insurance program coverage.

(7) Employees laid off will not accrue sick leave or vacation credits during any full month of layoff, but will retain all past sick leave accumulations for possible use following recall from layoff, and will retain seniority for vacation accumulation purposes following recall.

(8) Employees laid off may continue their participation in other insurance programs at their expense, in accordance with COBRA requirements or the terms established under the various insurance programs.

7.09 Recall From Layoff

(1) Employees laid off during the first twelve (12) months of employment are not eligible for recall. Employees laid off who have been employed by the Village for more than twelve (12) months may at the discretion of the Village be given preferential treatment for a period of up to twenty-four (24) months in recall and/or placement in their previous position or in other appropriate vacancies. Decisions regarding preferential treatment will be based upon an employee's qualifications relative to others, their demonstrated skills and abilities, and their past performance.

(2) It is the responsibility of laid off employees to keep the Village Administrator apprised of their current address and telephone number so that recall or other placement activities may be effectively handled. Any employee failing to do so may be considered to have forfeited the employee's recall or other placement rights.

(3) Any employee recalled from layoff will report for work as soon as possible following the date of recall notice, but no later than seven (7) calendar days therefrom. An employee who fails to report for work within the recall period will be considered to have voluntarily terminated their employment. Exceptions to the work return requirement may be made at the discretion of the Village Administrator for medical or other compelling circumstances.

(4) The salary assigned to an employee appointed to fill a vacancy other than the employee's former position will be within the salary range established for the vacant position.

(5) Employees laid off who have not been recalled to their former positions or placed in another appropriate position within a period equal to their length of service but not longer than in a period of 24 months from their date of layoff, will be considered to be terminated from Village employment.

(6) In the event that other appropriate employment is offered by the Village to a laid off employee, the employee is obligated to accept such employment in order to retain their employment status with the Village. Refusal of such employment will be considered to constitute a voluntary termination of employment.

CHAPTER 8 - TERMINATION OF EMPLOYMENT

8.01 Purpose

The purpose of this chapter is to set forth policies that govern all types of employment termination.

8.02 Notification

(1) Department heads and other employees holding management or supervisory positions, who are planning to voluntarily terminate their employment with the Village, are expected to provide the Village Administrator with an advance notice of a minimum of four (4) weeks to insure continuity of Village operations.

(2) Other employees planning to voluntarily terminate their employment are expected to notify their Department Head as far in advance as possible, but not less than ten (10) working days prior to their last day on the job.

(3) Vacation or other paid leave time may not be taken during the required minimum notification period except as may be approved by the Village Administrator.

8.03 Acceptance

(1) Once a resignation has been submitted, it cannot be withdrawn except upon mutual agreement of the employee, the Department Head, and the Village Administrator.

(2) Employee terminations will be reported to the Village Board in a timely manner.

8.04 Eligibility for Fringe Benefit Payouts

(1) Voluntary Termination/Retirement

Persons retiring for the purpose of establishing eligibility for annuity payment under the Wisconsin Retirement System and/or Social Security (including disability retirement annuity benefits), and other employees who terminate their employment, will be eligible for full payment for any accrued vacation hours and accrued floating holiday hours. Such payments will be made at the rate of pay in effect as of the employee's last day of work on the job.

(2) Upon Layoff

Employees laid off will be eligible to take full payment for any accrued vacation hours and accrued floating holiday hours at any time of the employee's choosing during the remainder of the calendar year in which the layoff occurs. At December 31 of that year of layoff, any remaining vacation or floating holiday hours will be automatically paid out to the employee.

8.05 Return of Village Property

Employees and volunteers leaving Village service must return all keys, tools, equipment and all other Village property in their possession to their supervisor or other designated personnel upon request. Uniform articles will also be returned if required by department policy. The checklist of property issued and returned will be completed and inserted into the personnel file of each terminating employee.

8.06 Health Insurance Continuation

Continuation of health insurance coverage or conversion from a group to an individual plan under the various kinds of insurance plans available to Village employees will be determined by the provisions of each insurance contract in effect at the time of termination. The Village Clerk will inform each terminating employee of the specific insurance continuation options available to the employee.

8.07 Retirement System Contributions

Treatment of an employee's contributions to the Wisconsin Retirement System will be determined by options open to municipal employees under applicable State Statutes and administrative rules in effect at the time of termination.

8.08 Exit Interview

(1) Purpose

An exit interview is used to gain insight into the effectiveness of Village personnel and managerial practices, to determine where personnel policies and procedures are in possible need of review or revision, and to determine where supervisory or managerial practices need modification or improvement.

(2) Conducting the Exit Interview

All employees who voluntarily terminate their employment with the Village will be requested to participate in a confidential exit interview with the Village Administrator or, at the request of the employee, a member of the Village Board. If any opportunities are discovered during the exit interview they will be reported to the Village Board by the Village Administrator. In the case of a Department Head who voluntarily terminates employment, the exit interview will be conducted by the Village President.

CHAPTER 9 - EMPLOYEE PERFORMANCE EVALUATIONS

9.01 Purpose

Performance evaluation reports will be considered in decisions affecting placement, salary adjustments, overtime assignments, promotions, demotions, discharge, order of layoff, re-employment, training, and other personnel related actions.

The objectives of performance evaluations include:

- (1) To determine how well the employee is meeting the job performance expectations of the Village.
- (2) To stimulate improved performance on the part of each employee, as well as better performance on the part of work units by identifying performance development needs and plans.
- (3) To provide employees and their supervisors with an opportunity to periodically discuss work-related issues and to work out solutions to problems.
- (4) To provide the Village an objective basis for deciding matters concerning retention, promotion, or wage increases.
- (5) To provide documentation of an employee's past performance to support decisions concerning promotion, discipline, or discharge.

9.02 Administration

The Village Administrator or designee will be responsible for the overall administration of the employee performance evaluation program and will advise and assist employees, evaluators, and Department Heads to insure that performance evaluation procedures are handled according to the provisions of this chapter. The evaluation formats and procedures to be utilized by each department will be based upon the needs of the department and the requirements of the job.

Each employee will be evaluated at the following periods.

(1) Probationary Period

- (a) All probationary employees serving a six (6) month probationary period will, at a minimum, have their job performance evaluated in writing by their immediate supervisor or Department Head every ninety (90) days until the probationary period is completed.
- (b) All probationary employees serving a twelve (12) month or longer probationary period will, at a minimum, have their job performance evaluated in writing by their immediate supervisor or Department Head every one hundred twenty (120) days until the probationary period is completed.

- (c) If circumstances warrant, a probationary period may be extended at the discretion of the Department Head for a period of time not exceeding one half of the duration of the original probationary period. The extension of the probationary period may also, however, be ended earlier at the discretion of the Department Head.

If a probationary period is extended by the Department Head, the reason(s) for the extension will be documented in writing. The employee will have their job performance evaluated in writing by the immediate supervisor or Department Head every thirty (30) days until the probationary period is completed or employment terminated.

(2) Annual Performance Evaluation

All post-probationary full-time, part-time, and seasonal Village employees will have their job performance evaluated in writing by their immediate supervisor or Department Head at least once each calendar year, said evaluation to cover the preceding twelve (12) month period. More frequent evaluations may be conducted as appropriate if performance problems should exist, if a change in job responsibilities should occur, or if the employee and the Village would benefit from more frequent evaluations.

(3) Department Head Evaluations

- (a) All Department Heads will have their job performance evaluated by the Village Administrator in writing at least once each calendar year, said evaluation to cover the preceding twelve (12) month period. More frequent evaluations may be conducted as appropriate if performance problems should exist, if a change in job responsibilities should occur, or if the employee and the Village would benefit from more frequent evaluations. The Administrator will report to the Village Board on an annual basis a summary of each Department Head's performance evaluation.

(4) Temporary Employees

For purposes of deciding eligibility for potential re-employment, a job performance evaluation is to be completed by the immediate supervisor for each temporary employee before leaving Village employment.

(5) Special Evaluations

A special performance evaluation will be completed:

- (a) Unless the requirement is waived by the Department Head due to unusual circumstances, whenever a supervisor voluntarily terminates employment, that supervisor, prior to separation, will complete a job performance report on each employee supervised whose performance has not been evaluated within the previous six (6) month period. Such performance evaluations will meet the same standards that apply to regular employee evaluations;

9.03 Evaluator

(1) The evaluator will normally be the employee's immediate supervisor. Evaluators will be responsible for completing a performance evaluation report at the time prescribed for each employee under their supervision.

(2) Any supervisor or Department Head who has not completed all required employee performance evaluations within the prescribed time frame will not be eligible for any wage adjustment. If performance evaluations are completed late, the supervisor or Department Head will not be eligible for a wage adjustment for the period during which the evaluation was overdue.

Extenuating circumstances may exist (e.g. leaves of absence) that would allow a supervisor or Department Head to receive a wage adjustment even though a performance evaluation was not completed within the required time frame.

9.04 Review of Performance Reports

Supervisors serving as evaluators will review all performance reports with Department Heads before discussing the report with the employee and subsequently filing the report in the employee's personnel file.

9.05 Evaluation Procedures

Evaluators will discuss performance evaluations with employees in private. The primary purpose of evaluations is to assist employees in better understanding what is expected and how the employees are measuring up to those expectations. Supervisors will encourage free discussion and genuine two-way communication so that employees feel free to express their points of view. After discussion, there should be a clear understanding regarding past performance and how any indicated improvement can be achieved. Specific performance goals will be established and recorded, including any recommended training needs.

Each employee will be shown the completed evaluation form after it has been signed by the evaluator and the employee must acknowledge the evaluation by signing and dating the completed form. A copy of the signed evaluation form will be given to the employee. A copy of the completed, signed evaluation will also be made part of the employee's personnel file. Employees who believe that their evaluation contains biased or unfair assessments of their performance will be allowed to add written comments on the evaluation form or have a separate statement attached to the form and retained as part of their personnel record.

CHAPTER 10 - TRAINING AND DEVELOPMENT

10.01 Purpose

Employee training and development programs are important functions of the Village organization. The purpose of such programs is to increase and improve the knowledge, proficiencies and skills of Village employees in order to keep them abreast of current developments in their occupational fields, to provide for career growth and advancement opportunities within the Village organization in accordance with affirmative action goals, and to improve the quality of services provided to the public.

10.02 Village Administrator

The Village Administrator will be responsible for the overall development and coordination of employee training and development programs. The Village Administrator will:

- (1) Assist Department Heads in coordinating the design and implementation of employee training and development programs to meet the current and future needs of their departments and to increase employee efficiency.
- (2) Conduct or coordinate employee training and development programs to meet the common needs of all departments.
- (3) Ensure that, through their immediate supervisors or Department Heads, all employees are informed of and receive equal consideration for training opportunities that are available to them and encourage their participation in programs that may enhance their potential for career enhancement and professional growth.
- (4) Foster a program for the cross training of employees when such training assignments are in the best interest of the Village.
- (5) Periodically analyze and evaluate the overall training and development needs of employees within the Village.
- (6) Maintain current information and materials on job requirements, training opportunities, employee development manuals, and other employee training and development literature.
- (7) Maintain a record of all training conducted and insure that all authorized employee training and development programs are properly administered.
- (8) Ensure that employee personnel files are updated upon successful completion of any employee training and development activity to insure equitable consideration for placements, transfers, and promotions.

10.03 Department Heads

Department Heads will provide active leadership in the development and advancement of employees under their supervision and will:

- (1) Cooperate with the Village Administrator to determine current and future employee training and development needs.
- (2) Suggest to the Village Administrator any particular training that would be helpful to employees in their departments.
- (3) Cooperate with the Village Administrator in organizing programs and encouraging employees to attend training sessions.
- (4) Assist in assessing the effectiveness of employee training programs and make recommendations for improvement and modifications.
- (5) Grant employees sufficient time to participate in training programs provided that such participation does not unduly interfere with the necessary operations of the department.

10.04 Employee Orientation Program

The Village Administrator will develop a program outline to orient new employees to the Village work force.

(1) Village Clerk

On the first day of employment, or as soon as possible during the first pay period, new employees will meet with the Village Clerk who will advise them of all general conditions of employment, including hours of work, fringe benefits, pay and pay periods, Village work rules, privileges and responsibilities. All required forms such as tax withholding, insurance enrollments, I-9s, etc., will be completed and signed and relevant benefit information furnished.

(2) Department Heads

The Department Head will orient each new employee to the specific conditions and requirements related to that employee's job and work site. Such orientation will include introductions to co-workers, work standards, safety regulations, break periods, supplies, etc. A checklist of all Village property issued to the new employee is to be completed and placed in the personnel file.

10.05 In-service Training

Some departments of the Village require special in-service training, and such training may be offered and/or coordinated by individuals assigned that responsibility within the departments.

Department Heads will keep the Village Administrator informed of such programs in order to keep personnel files up to date.

10.06 Continuing Education and Training

(1) Changes in job requirements, individual responsibilities or technology may warrant the Village providing assistance to employees who need to improve or develop new job-related knowledge and skills. To this end, the Village may pay the cost of tuition, required texts, laboratory materials and other fees associated with programs of instruction offered by the University of Wisconsin System, Madison Area Technical College or other accredited universities and colleges. A full-time or part-time employee may be eligible for reimbursement of these costs if:

- (a) The course of instruction is directly related to the specific job functions performed by the employee and is approved by the Department Head (by the Village Administrator if the employee is a Department Head or by the Village President if the employee is the Village Administrator) before the first day of class.
- (b) The employee provides evidence of successful completion of the course with a passing grade and of having paid in full the course related expenses for which reimbursement is being requested.
- (c) The employee is not eligible for full reimbursement of costs from any other source. (In the event partial reimbursement is received from another source, the Village may pay the difference between the amount received and the full cost of the program.)
- (d) The total reimbursement requested by the employee does not exceed the actual costs of the course or a maximum of \$1,500 per calendar year.
- (e) The employee agrees to repay the Village one hundred percent (100%) of the reimbursement amount if the employee leaves Village employment within 6 months of the date of completion of the course and fifty percent (50%) of the reimbursement amount if the employee leaves Village employment within twelve (12) months of the date of completion of the course. This amount will be deducted from the employee's final check.

Workshops, institutes or similar programs of instruction may also be attended if the purpose in attending them is to improve or develop new job-related knowledge and skills. For purposes of reimbursing the costs involved, the policies governing attendance at conferences and conventions will apply.

10.07 Conferences and Conventions

Village employees are encouraged to attend conferences and conventions if attendance is expected to significantly add to their job-related knowledge and skills.

Approval to attend conferences and conventions in Wisconsin and the four adjoining states (Illinois, Iowa, Michigan and Minnesota) is at the discretion of the Department Head for employees, at the discretion of the Village Administrator for Department Heads, and at the discretion of the Village President for the Village Administrator. Attendance at conferences in any other states requires the approval of the Village Administrator or the Village President.

To the extent possible, Department Heads will be expected to anticipate and plan for attendance at conferences and conventions as part of their proposed operating budget. Reimbursable costs that should be reflected in projected costs include travel or mileage costs, conference or convention registration fees, meals, lodging expenses, parking and toll fees.

In considering individual requests to attend a conference or convention, first priority will be given to conferences and conventions sponsored by Wisconsin associations representing local government interests or similar programs for local government employees conducted by other organizations in Wisconsin or the adjoining states. Second priority will be given to conferences and conventions that are national in character and conducted outside Wisconsin or the adjoining states.

10.08 Trade/Professional Associations

The Village may pay membership dues for administrative and technical personnel to join job related trade/professional organizations when such membership is reasonably expected to advance their professional development.

CHAPTER 11 - SAFETY

11.01 Policy

The Village is committed to providing safe and healthful working conditions for its employees and a workplace that is free from recognized hazards. The prevention of accidents and injuries to employees is of utmost importance, and is the first consideration in the operation of our business. A formal safety and health program will be maintained which conforms to the best practices of municipal governments, with an objective of reducing the number of injuries and illnesses to an absolute minimum.

11.02 Village Administrator

The Village Administrator or designee will be responsible for establishing and maintaining a Village-wide safety program that complies with all applicable state and federal occupational health and safety standards. This responsibility will include, but not be limited to: providing mechanical and physical safeguards; providing personal protective equipment; conducting safety inspections and accident investigations; developing and enforcing safety rules; providing safety training and offering a system of recognition and awards for outstanding safety performance.

11.03 Department Head

All Department Heads are responsible for the safety of employees under their direction. This responsibility will include, but not be limited to, the following areas: providing employees with a safe working environment; ensuring compliance with Federal, State and Village regulations and standards within their department; ensuring that their employees receive instruction in the safe performance of their jobs; supplying appropriate protective clothing and equipment; and seeing to it that employees perform their jobs with due regard for their own safety and for the safety of others.

11.04 Employee

All Village employees are responsible for performing their jobs with every possible regard for their own safety, for the rights and safety of others, and for compliance with all Federal, State and Village regulations and safety standards that apply to the performance of their job. This responsibility will include, but not be limited to: reading and following Village safety rules; wearing required personal protective equipment; immediately reporting all accidents and injuries; and watching out for and reporting all unsafe conditions they may observe.

11.05 Reporting Requirements

Any accident, injury, or debilitating illness, no matter how minor, must be reported as soon as possible to the immediate supervisor or Department Head, who will promptly secure medical aid for the employee. The employee should be advised to seek immediate medical aid if the injury cannot be treated on the premises. The supervisor or Department Head will also insure that all pertinent accident reporting forms are completed and forwarded to the appropriate personnel in a timely manner. The incident will be documented as required by state and federal safety regulations, and an investigation will be conducted as to the cause and possible preventability of the incident.

11.06 Access to Records

Employees, former employees, and their authorized personal representatives are entitled to request access to Village records of work-related injuries and illnesses and exposures to toxic and harmful substances or conditions, subject to certain limitations imposed by 29 CFR 1904.35(b)(2).

CHAPTER 12 - EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

12.01 Purpose

The activities of the various Village departments contribute toward the accomplishment of Village goals and the fulfillment of the Village's mission. This requires teamwork, efficiency, productivity, and a harmonious workplace. To ensure orderly operations and provide for the best possible work environment, the Village will create and communicate reasonable rules and standards for employee conduct. Disciplinary action may be taken for the purpose of modifying or eliminating unacceptable conduct on the part of an employee.

This chapter sets forth the general standards of conduct expected of all employees. It also outlines the general disciplinary policy of the Village and the procedures to be followed in the administration of discipline, and identifies aspects of behavior that may constitute just cause for disciplinary action.

NOTE: Discipline of sworn police employees and of non-clerical Fire Department employees is administered by the Police and Fire Commission. Discipline of Library employees is administered by the Library Board.

12.02 Policy

It is the policy of the Village to apply consistently certain minimum rules and standards of employee conduct across the entire organization. The Village will use disciplinary action whenever the behavior of an employee is such that it interferes with or adversely affects the efficient or effective operations of the department or that of the Village organization. It is the obligation of each supervisor or Department Head to enforce the standards of conduct outlined in Section 13.03 among their employees, and if appropriate, to take disciplinary measures when other actions are effective in producing desired results.

Disciplinary action will be taken only when just cause exists and such actions taken are to be applied fairly and are to be commensurate with the severity of behavioral problems giving rise to such actions. Disciplinary actions taken for repeated behavioral problems will generally be progressive in nature, however, progressive discipline as a process will not necessarily be followed in all cases. Serious offenses, such as insubordination, theft, etc., may be handled at advanced steps, eliminating the other steps. Written documentation must occur regardless of the entry point into the discipline process.

12.03 Standards of Employee Conduct

The Village expects all of its employees to work earnestly in promoting and protecting the interests of their employer and the public they serve. The following general principles of behavior are established to guide the conduct of employees in the workplace. In addition to these general standards, each work group may have its own set of work rules to further guide employee conduct in each department.

(1) Employees are expected to: listen to others; keep each other informed and communicate in a way that ensures mutual understanding; treat others with dignity and their property with respect; treat information as responsibility, not power; respect confidential information; and

(2) Employees are also expected to: perform diligently and productively in providing the highest quality of service to the public; give direct feedback; work as a team; value and protect the safety of co-workers and citizens; be open to change; contribute to each other's success; and

(3) Employees are also expected to: hold the public trust in highest regard and provide services impartially; avoid creating an actual or apparent conflict of interest between their activities and the unbiased performance of their duties; follow established policies and procedures; do things correctly the first time; encourage individual and team accountability and decision making; and behave in ways which support the organization's values.

(4) Employees are also expected to: timely and thoroughly report a violation of policy, rule, or law, gross mismanagement or a misuse of funds; abuse of authority, or a substantial and specific danger of public health or safety, to employee's supervisor, or if the violation is by the supervisor, then to the supervisor's supervisor. If the violation is by the Administrator, then such report must be made to the Board President.

12.04 Employee Rights

Just as the employer has the right to expect certain types of conduct and work effort from the employee, so has the employee the right to expect fair and impartial treatment in the administration of discipline. For this reason, each employee, who is not on probation, will be entitled to recourse under the Village's grievance procedure (see Chapter 14) in the event that the employee feels such disciplinary action to be unfair, unwarranted, or unduly harsh in terms of the infraction cited.

No such right of grievance will reduce any employee's obligation to continue performing work in accordance with department standards, to maintain internal harmony within the work place, and to promote and protect the interests of the Village.

12.05 Forms of Disciplinary Action

The forms of disciplinary action that may be taken include: one or more written reprimands; suspension without pay; transfer or demotion in classification; and discharge.

The form of disciplinary action taken and the severity of penalty assigned will be at the discretion of the supervisor based upon the seriousness of the infraction and the prior disciplinary record of the employee. The level of discipline applied should be the least severe form believed necessary to correct the problem.

When in doubt regarding the appropriate form of discipline or type of penalty to be taken, the supervisor will first consult with the Department Head and/or the Village Administrator.

Suspensions, demotions, and discharges must be discussed with the Village Administrator before such action is taken.

12.06 Disciplinary Procedures

(1) Investigation

- (a) In the event the supervisor or Department Head lacks firsthand knowledge of the incident or conduct leading to the potential disciplinary action, he or she will first verify the circumstances surrounding the incident or conduct by talking to witnesses and/or employee and gathering other factual information.

(2) Pre-Disciplinary Meeting

- (a) If as a result of the investigation the supervisor or Department Head determines that a violation of work rules or policies has likely occurred and disciplinary action is perhaps warranted, he or she will meet with the employee and give that employee a fair opportunity to hear and respond to each charge which might give rise to disciplinary action.
- (b) During this discussion of the charge(s), including the intent to potentially impose discipline, the employee is entitled to have a personal representative of their choice present at the meeting.

(3) Notification

- (a) The employee will be notified in writing of the reason or reasons considered to be just cause for taking disciplinary action and of the specific action to be taken.
- (b) Copies of written documentation of written reprimands, suspensions, demotions, and discharges will be provided to the Department Head and Village Administrator and kept in the employee's personnel file.

(4) Timing

- (a) Generally speaking, disciplinary action should be issued as soon as reasonably possible after the incident or knowledge of the incident is received. Delays in issuance may be warranted in situations requiring more extensive investigation and consultation or where the Village does not have immediate knowledge that the incident occurred.
- (b) Prior to a final determination any Department Head has the right to immediately place an employee on administrative leave if the continued presence of the employee at the work site threatens the health or safety of self or co-workers, threatens to disrupt ongoing operations, or follows a previously issued disciplinary action.

12.07 Potential Grounds for Disciplinary Action

The following constitutes a partial list of the most common grounds for disciplinary action. Other circumstances may also warrant disciplinary action and will be treated on a case-by-case basis.

(1) Official Capacity

- (a) Accepting or expressing a willingness to accept, either directly or indirectly, anything of value that could influence an employee's conduct, including decisions made in their capacity as public officials or employees.
- (b) Asking for or accepting any special privilege from a public entity.
- (c) Intentionally soliciting or accepting anything of value for performing a service or duty that is part of an official's office or an employee's responsibilities.
- (d) Intentionally failing or refusing to perform any lawful duty that is assigned or one that is required by law, administrative rule or ordinance.
- (e) Intentionally acting in excess of the authority an official or employee is entitled to exercise.
- (f) Bidding for, negotiating or entering into a contract that involves an expenditure of \$5,000 a year or more and in which the official or employee has a personal interest or may realize a personal gain.
- (g) Giving anything of value to another person for the purpose of securing the passage or defeat of a measure before the State Legislature or Village Board.
- (h) Violating any other ethical standards or requirements set forth in state statutes or Village ordinances.

(2) Attendance

- (a) Failing to be present at the time an employee is scheduled to begin work or leaving without permission before the scheduled quitting time.
- (b) Failing to notify a supervisor, Department Head or another responsible party when an employee expects to be late in reporting for work.
- (c) Failing to observe the time limits set for rest breaks and meals.
- (d) Absence without authorized leave, or misrepresenting the purpose of an authorized leave.
- (e) Unavailability for work because of such circumstances as incarceration or loss of driving privileges.

(3) Conduct on the Job

- (a) Refusing to carry out reasonable instructions given by an authorized supervisor or delaying without good reason the performance of an assigned task.

- (b) Being insolent, talking back, or verbally abusing or threatening a supervisor, co-worker, or member of the general public.
- (c) Negligence in performing assigned tasks.
- (d) Loafing, sleeping or engaging in personal business while on the job except during times set aside for rest breaks and meals.
- (e) Dishonesty or falsification of records.
- (f) Unauthorized disclosure of information or records.
- (g) Failing to give accurate, complete information, when authorized to do so on behalf of the Village, to individuals and groups served by the Village or to other governmental agencies.
- (h) Failing to comply with health, safety and sanitation rules set for Village employees.
- (i) Recklessness or endangering others.
- (j) Unauthorized or improper use of Village property.
- (k) Unauthorized possession, removal or sale of Village property or the property of another Village employee.
- (l) Unauthorized use, loan, borrowing or duplication of keys providing access to Village property and equipment.
- (m) Unauthorized entry to or on Village property, including entry outside of assigned work hours, or to restricted areas in which the employee or the public is not authorized entry without permission.
- (n) Unauthorized removal of official notices or signs from Village property, equipment or bulletin boards.
- (o) Failing to comply with established department work rules.
- (p) Engaging in work stoppages such as strikes or slow-downs.
- (q) Failing to immediately report a personal injury suffered on the job.
- (r) Engaging in any retaliatory conduct against an employee who reports in good faith any violation of policy, rule or law.

(4) Personal Behavior

- (a) Using intoxicants, illegal drugs, or controlled substances while on duty or being under the influence of intoxicants, illegal drugs, or controlled substances while on duty.

- (b) Failing to inform a supervisor or Department Head when called in for emergency duty that the employee has recently used intoxicants, illegal drugs, or controlled substances that might impair the employee's ability to perform the job.
- (c) Failing to inform a supervisor of any potential ill effects from over the counter or prescribed medication that may impair the employee's ability to perform the job.
- (d) Possessing illegal drugs on Village property, in Village vehicles, or while performing Village business.
- (e) Fighting or creating a disturbance among co-workers resulting in an adverse effect upon morale, productivity, of maintenance or proper order.
- (f) Disorderly, illegal, or immoral conduct which brings disrepute upon the individual or which reflects adversely upon the Village as an employer.
- (g) Knowingly making false or malicious statements with the intent to harm or destroy the reputation, authority or official standing of individuals or organizations.
- (h) Engaging in discriminatory or abusive conduct toward any employee.
- (i) Making sexual advances, gestures or comments; making or attempting to make physical contact of a sexual nature; engaging in the deliberate and repeated display of sexually graphic materials unrelated to Village purposes while on or in Village property; or engaging in any form of sexual harassment.
- (j) Village employees are prohibited from carrying a concealed weapon on their person or in any Village owned vehicle in the course of employment, or during any part of the course of employment, with the exception of sworn police personnel so authorized by the Police Chief.
- (k) Unauthorized or improper use of uniforms, badges, identification cards or permits.
- (l) Gambling on Village property, in Village vehicles, or while performing Village business.
- (m) Failing to report a conviction for a moving violation under the requirements of the Commercial Motor Vehicle Safety Act (applies to employees with a Commercial Driver's License).

CHAPTER 13 - GRIEVANCE POLICY AND PROCEDURE

13.01 Policy Statement

The Village has established this Grievance Policy and Procedure for an employee to utilize for situations concerning discipline, discharge or workplace safety. It is the policy of the Village to treat employees fairly and equitably and to provide employees with an opportunity to seek local administrative redress for alleged violations, misinterpretations or inequitable applications of the Village's policies, rule and expectations of conduct relative to employee discipline, discharge or workplace safety. The filing of a grievance by an employee will not reflect unfavorably on an employee's standing and will be without fear of reprisal.

13.02 Procedure Definitions

(1) "Days" means regular business days, Monday through Friday, other than weekends and legal holidays as defined in § 995.20, Wis. Stat., regardless of whether the employee or his or her classification is scheduled to work. The time within which an act is to be done under this policy will be computed by excluding the first day and including the last day. A grievance or request for an appeal is considered timely if received by the Village Clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.

(2) "Discipline" means any employment action that results in written disciplinary reprimands disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and discharges. The term "discipline" does not include verbal notices or reminders; performance evaluations; documentation of employee acts and/or omissions in an employment file; non-disciplinary demotions or adjustments to compensation or benefits; actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

(3) "Employee" will not include employees subject to a valid collective bargaining agreement addressing employee discipline or discharge, temporary employees, statutorily appointed individuals identified specifically in a statute as serving at the pleasure of an appointing authority, elected officials, and independent contractors.

(4) "Hearing Officer" means the impartial hearing officer required pursuant to § 66.0509 (1m)(d)2, Wis. Stat.

(5) "Discharge" means a termination from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "discharge" does not include: a voluntary quit; completion of seasonal employment; completion of temporary assignment; completion of contract; layoff or failure to be recalled from layoff at the expiration of the recall period; retirement; job abandonment ("no call, no show" or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary discharge.

(6) “Workplace safety” means those conditions related to physical health and safety of employees enforceable under federal or state law, or Village rule related to: safety of the physical work environment; the safe operation of workplace equipment and tools; provision of protective equipment; training and warning requirements; workplace violence; and accident risk. Workplace safety will be narrowly construed to apply to issues of concern over the safety of a person (no personal possessions) and is not intended to include basic conditions of employment unrelated to an employee’s physical health and safety, including but not limited to: hours; overtime; work schedules; breaks; sick, family or medical leave; vacation; layoffs; performance reviews; and compensation.

13.03 Grievance Requirements

(1) The grievance must be filed by the affected employee(s) [i.e., an employee may not file on behalf of another].

(2) The employee(s) filing the grievance must propose a specific remedy and the proposed remedy must be under the reasonable control of the Village.

(3) The grievance must be in writing using the forms attached to this policy and must contain the following information:

- (a) The name and position of the employee(s) filing the grievance;
- (b) The date the incident occurred or the date the alleged workplace safety concern was discovered;
- (c) The specific section of the Personnel Policy Manual violated by the act of discipline or discharge or workplace safety rule alleged to have been violated;
- (d) A clear and concise statement of the pertinent facts surrounding the circumstances of the grievance;
- (e) A description of the steps taken to resolve informally the grievance;
- (f) The specific remedy requested;
- (g) The signature of the employee(s) filing the grievance and the date.

13.04 Grievance Procedure Steps

(1) *Step 1 – Informal Resolution:* An earnest effort should be made by supervisors and employees to resolve any questions, problems or misunderstanding that have arisen. Accordingly, employees should first discuss complaints or questions related to discipline or discharge with their department head or his/her designee within five (5) days of the discipline or actual or responsible knowledge of the alleged workplace safety issue. If an employee is not comfortable talking with their department head about the situation they may proceed directly to Step 2. An employee who has been notified of discharge may process the grievance commencing at Step 3.

(2) Step 2 – Written Grievance: If the problem cannot be resolved with the employee’s department head, a written grievance may be filed by the employee with the Village Administrator or his/her designee, no later than ten (10) days from the date of the discipline or from the date that the employee had actual or reasonable knowledge of the alleged workplace safety issue.

The Village Administrator may schedule a meeting to review the matter within ten (10) days of receiving the written grievance. The Village Administrator will provide a written response within ten (10) days of receiving the grievance or within ten (10) days of the meeting, whichever is later. In the event the grievance involves a decision by the Village Administrator, the written grievance will be filed with the Village President.

If the decision at Step 2 is based in whole or in part on the basis of timeliness, scope of the grievance process, or other failure of the grievant to properly follow the process, the matter will be referred directly to the Village Board who will determine whether the matter should be processed further.

(3) Step 3 – Appeal to Impartial Hearing Officer: If the Step 2 decision is based on the merits of the grievance only, the written decision will be final unless the employee files a written request with the Village Clerk no later than five (5) days of the date of the response under Step 2, for a hearing before an impartial hearing officer.

The Village Board will appoint an impartial hearing officer who will not be an employee. Any costs incurred or charged by the hearing officer will be borne equally by the Village and the grievant. The hearing will be conducted as soon as practicable and may or may not be transcribed, subject to the hearing officer’s discretion. Witnesses may also present information but only in person and written documents may be submitted, subject to the hearing officer’s discretion. No factual conclusions may be based solely on hearsay evidence. The hearing officer may request oral or written closing arguments and replies.

Within thirty (30) days of the hearing, the hearing officer will issue a written decision which addresses the following questions:

- (a) Did the Village or its agent consistently follow the Village’s policies?
- (b) Is there a factual basis for the action taken by the Village or its agent?
- (c) Was the action taken by the Village or its agent reasonable?
- (d) Is the grievance sustained or denied, with the rationale for that decision?

In all cases, the grievant will have the burden of proof to support the grievance. The hearing officer will have no authority to direct, but may recommend, the expenditure of Village funds to remedy an issue. The hearing officer will not substitute his/her judgment for that of the Village or its agent.

(4) Step 4 – Appeal to Village Board Level: The decision of the impartial hearing officer will be final unless either the employee or the department head files with the Village Clerk an appeal for the decision to be reviewed by the Board no later than ten (10) days of the date of the decision issued by the impartial hearing officer.

The Village Board will within thirty (30) days after submission of the appeal request, schedule a review of the hearing officer's decision. The review will be conducted by the Board during a closed session meeting unless an open session is requested by the employee(s) who filed the grievance. Only the issues raised before the hearing officer may be appealed and those issues may not be modified in the appeal process. The Board will examine any records produced at the hearing before the impartial hearing officer and determine whether a rational basis exists for the written decision. The Board will not conduct a *de novo* (new) hearing or take new testimony, but simply review the existing record. A simple majority vote of the Board membership will decide the appeal and it will be final and not subject to further review. The Board's written decision must contain a decision as to whether the decision of the impartial hearing officer will be approved, reversed or modified and will be binding on all parties.

13.05 Grievance Timelines

The time limits set forth in this grievance procedure will be considered substantive. The number of days indicated at each step of the procedure should be considered a maximum. Failure to process a grievance by the grievant within the time limit, or agreed upon extensions, will constitute waiver of the grievance and will be considered resolved on the basis of the Village's last answer. Failure of a management representative to meet the time limits will cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner the time limits set by this procedure are intended to be strictly observed and may not be extended except upon the express written consent of the Village and the employee.

13.06 Grievance Representation and Costs

Both the employee and the Village may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process. Any expense incurred by an employee in investigating, preparing, or presenting a grievance will be the sole responsibility of the employee. Each party (employee and employer) will bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. Grievance meetings/hearings held during the employee's off-duty work hours will not be compensated.

13.07 Consolidation of Grievances

The Village and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists due to similarity of type or fact situations.

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

13.08 Limitations

- (1) A grievance that is subject to the jurisdiction of a governmental body or specific procedure by other Wisconsin Statutes will be governed by those statutes and not the Grievance Procedure.
- (2) A grievance that is subject to any other Policy or Ordinance for formal or information investigation or dispute resolution procedures may not be brought forth under this Grievance Procedure.

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

(4) The Grievance Procedure has been established to provide an organized method by which employees can discuss concerns and problems with the administration. It is expected that this process will be used as outlined above. Any employee who does not first attempt to resolve a grievance in accordance with this section may be subject to disciplinary action.

APPENDIX A - GRIEVANCE INITIATION FORM

Complete the original and two copies. Please print or type. Submit the original to the Village Administrator.

Keep one copy for your records.

EMPLOYEE'S NAME: _____

JOB TITLE: _____ DEPARTMENT: _____

GRIEVANT SUBJECT Workplace Safety Discipline Discharge

1. On what date did the above action or situation occur?

2. What provision of the Personnel Policy Manual do you allege was violated by the act of discipline or discharge or what workplace safety rule do you allege has been violated?

3. What is the action or situation about which you have a grievance? (Be specific as to names and locations.)

4. What informal steps have you taken to resolve your grievance with your department head?

5. What is the specific remedy that you seek to resolve your grievance?

6. What other person do you want notified regarding this grievance?

Name _____

Mailing Address _____

Describe that person's role in this grievance: _____

Employee Signature _____

Date _____

APPENDIX B - GRIEVANCE APPEAL FORM

Complete the original and two copies of this form. Submit the original to the Village Clerk. Retain one copy for your records. An appeal must be filed within the time limits provided or it will be dismissed with prejudice.

EMPLOYEE'S NAME: _____

JOB TITLE: _____ DEPARTMENT: _____

DATE OF GRIEVANCE INITIATION: _____

GRIEVANT SUBJECT Workplace Safety Discipline Discharge

1. I wish to appeal the grievance disposition signed by:

_____	_____	_____
Name	Title	Date

2. Nature of Grievance:

3. What provision of the Personnel Policy Manual do you allege was violated by the act of discipline or discharge or workplace safety rule do you allege has been violated?

4. Reason for Appeal:

Employee Signature _____ Date _____

CHAPTER 14 - GENERAL CONDITIONS OF EMPLOYMENT

14.01 Purpose

This chapter sets forth a definition of the relationship that exists between the Village and its employees. This chapter also defines other basic conditions of employment not set forth elsewhere in this manual.

14.02 Public Service Mission

Each employee of the Village is expected to deal with the public at all times in a prompt, polite, and helpful manner. Fulfillment of this requirement may mean occasional personal inconvenience.

14.03 Medical Examinations

(1) Applicants for Village positions may be required to undergo a pre-employment medical examination, including a drug screen, and/or a psychological examination. In designated positions, an annual medical examination may be required. Such exams will measure the individual's physical capabilities in terms of the job to be performed and will be consistent with the provisions of the Americans with Disabilities Act of 1990, as amended.

(2) The Village will pay the cost of any medical examination that it requires of an applicant or employee.

14.04 Background Check

Prior to employment, a background check of prospective employees will be conducted by the Police Department. The information resulting from the background check will be reported to the Village Administrator or Department Head prior to hiring.

14.05 Verification of Employment Eligibility

(1) As an employer, the Village will conform with the Federal Immigration and Control Act in its hiring procedures.

(2) Federal law requires that, within three (3) days following the start of employment, new employees provide evidence of their identity and of their eligibility to be employed in the United States. Such evidence may be established by providing one or more acceptable documents from the list prescribed by Federal law.

14.06 Work Permit – Hiring Employees Under Age 18

(1) Part-time or seasonal employees who have not reached their 18th birthday are required to have a work permit issued by the State of Wisconsin. The form used to apply for a work permit is available from any public high school. Each work permit covers only the position or specific kind of work for which it is issued.

(2) A Department Head intending to employ an individual less than 18 years of age, or another official acting on behalf of the Village, will need to provide the prospective employee with a letter stating the Village's intention to employ the minor, the title of the position in which the minor will be hired, and a description of the duties that will be performed in the position. An application must be approved and a work permit issued before a minor may begin work as a Village employee.

14.07 Personal Status

Employees are required to keep the Department Head and Village Clerk informed of their current residence address, home telephone number, and emergency contact information at all times. Any changes in status should be reported to the Village Clerk without delay so appropriate adjustments, if any, can be made in insurance benefits.

14.08 Outside or Incompatible Employment

(1) No employee may regularly engage in other remunerative employment or activity without prior approval of the Department Head and Village Administrator. Initial requests are to be made on an Outside Employment Approval Request form and must be renewed annually. The Department Head and Village Administrator may approve outside employment or activity if it is found to not interfere or conflict with the ability of the employee to perform their duties in an efficient and unbiased manner. Violations of this provision may be grounds for discharge.

(2) No employee will engage in or accept other employment or render service for any person or entity, when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair such employee's independence of judgment or action in the performance of their official duties, unless otherwise permitted by law and unless disclosure is made and approval granted by the Village Administrator as provided above.

(3) No person will hold more than one full or part-time Village position at the same time without the consent of the Village Board. This prohibition will not apply to volunteer positions as long as the volunteer position is in a different department than that to which the regular employment position is assigned.

(4) All fees, gratuities, honorarium or any other form of compensation for outside services performed during normal Village working hours or while being paid by the Village will be turned over to the Village and any such activities for which such compensation is paid will be reported to the Village Administrator. This subsection will not be construed to apply to activities performed after regular work hours, while an employee is on a bona fide vacation or floating holiday, or to part-time employees except during those times when they are actually performing services for the Village, nor will it apply to the reimbursement of actual and necessary expenses occurring under such circumstances. Failure to comply with these conditions will subject the employee to disciplinary action.

14.09 Liability and Representation

- (1) Public employees may be held liable for acts they perform or fail to perform in their official capacity. The Village carries professional "errors and omissions" liability insurance on its employees and officers. Generally speaking, if an employee is found liable and required to pay damages, the costs will be paid by the insurer.
- (2) There are instances, however, in which a court may require a public employee to pay damages, fines or forfeitures for which the individual may not claim reimbursement from either the employer or the insurer. Violations of the Wisconsin Open Meetings Law and the Public Records Law are two such instances.
- (3) Most legal actions claiming liability on the part of a Village employee will usually be handled by the Village Attorney, although in some instances special counsel may be hired to represent the Village. Any Village employee has the right, however, to seek representation by legal counsel of the employee's choice if the employee is willing to bear the expense.

CHAPTER 15 - WORKING CONDITIONS

15.01 Hours of Work

(1) Work Week

The normal work week for full-time Village employees will be a fixed and regularly occurring period of 168 hours, or 7 consecutive 24-hour periods.

(2) Work Schedule

(a) The work schedule of Village employees will be determined by the Department Head subject to review by the Village Administrator based upon the operational responsibilities and needs of the department. Any variations from a standard work week will comply with the requirements of the Fair Labor Standards Act. Department Heads and salaried persons in executive, administrative and professional positions may be allowed to work a flexible schedule of hours in order to accommodate fluctuations in their work loads. Such scheduling will be subject to the approval of the Village Administrator in the case of Department Heads and by the Department Head in the case of subordinate positions.

(b) To the extent reasonably possible the employer will provide hourly individual employees not less than five (5) days advance written notice prior to any change in the work day and/or work week.

(c) Overtime

Overtime will be approved in advance by the Department Head or supervisor and reviewed periodically by the Village Administrator. It will be the responsibility of every Department Head or supervisor to assign overtime work only when emergencies or other compelling circumstances prevent the reasonable accommodation of additional work through the reassignment of work priorities or through the rescheduling of hours within the same work week.

Overtime will be scheduled as fairly and equally as practical among the employees based on their qualifications to perform the job.

15.02 Lunch and Break Periods

(1) Lunch Periods

Lunch periods are normally scheduled near the mid-point of an 8-hour shift and, by mutual agreement of the employee and the Department Head may vary from thirty (30) to sixty (60) minutes in length. Lunch periods will be unpaid for all except public safety employees who are required to remain available for call during that portion of their shift.

(2) Break Periods

- (a) Employees who work a full eight (8) hour shift on a day are allowed a total of 30 minutes of paid break time during that shift. Break time will normally be taken in two (2) separate 15 minute periods, the scheduling of which will be subject to approval by the supervisor.
- (b) Employees who work at least three (3) hours but less than a full eight (8) hour shift on a day are allowed a total of 15 minutes of paid break time during that shift.
- (c) Break periods that are not taken during a given work shift are forfeited.

(3) Scheduling

The scheduling of lunch periods and break periods is to be arranged between the employee and the supervisor or Department Head. Since Village offices remain open continuously on normal work days between 8:00 a.m. and 4:30 p.m. (and longer in the case of the Police Department), it is the responsibility of the Department Head to assure that lunch periods and breaks are scheduled in a manner that provides adequate staff coverage at all times.

(4) Accumulation

Lunch periods and break periods may generally not be accumulated or lumped together for the purpose of extending lunch periods, shortening a work day or accrual of compensatory time.

(5) Cancellation

On occasion, at the express direction of the supervisor or Department Head, an employee may be required to work during a scheduled lunch period or break period due to peak work loads, staffing shortages, or emergencies.

15.03 Inclement Weather

In the event that inclement weather creates hazardous traveling conditions between an employee's home and the work site, an employee may be granted permission by a supervisor or Department Head to arrive at work late, to leave work early, or to not work at all that day. In such circumstances, the employee may elect to make up within a reasonable period the time not worked or to use vacation, holiday, or available comp time to compensate for the time not worked.

This policy will not apply to positions that are responsible for providing protective services or for improving driving conditions for the general public. Employees in such positions are expected to adjust their arrival and departure in accordance with predicted conditions and the requirements of their job.

15.04 Unscheduled Building Closures

In the event that a municipal facility is closed unexpectedly for all or a portion of a work day due to circumstances beyond the control of the Village, employees may be directed not to report for work or be sent home mid-shift if the reasons for the closure might affect the health or safety of the employees or make it unproductive for them to work. In such circumstances, the employee may elect to make up within a reasonable period the time not worked or to use vacation, holiday, or available comp time to compensate for the time not worked.

15.05 Dress and Grooming

All employees are to dress and to be groomed appropriately for the requirements of their jobs and to comply with departmental health and safety standards. All employees whose job requires that they wear special clothing or a uniform are expected to comply with those rules. Clothes should not be overly revealing, sheer, or sexually suggestive. All employees are representatives of the Village and are expected to dress in a manner that projects a positive and professional image.

Employee clothes or uniforms will be neatly pressed, well mended, and clean. In the event of any question regarding the appropriateness of a particular style of clothing or grooming, the Department Head will make the final determination.

15.06 Use of Facilities and Equipment

The personal use of Village-owned facilities and equipment will be governed by the policies set forth in Chapter 40.

15.07 Use of Telephones

Personal use of cell and department phones is permitted, although the purpose of such calls should be limited to emergencies and other essential matters.

If an employee needs to make a personal long distance call during working hours, the employee must call collect, or arrange for payment through a credit card or a third party.

15.08 Smoking Policies

(1) State Statutes prohibit smoking in all areas of public buildings except in those areas which the governing body designates and posts as a permitted smoking area. The Village Board has determined that it is in the public interest to prohibit smoking in all municipally-owned and/or operated buildings. This prohibition will apply to the Municipal Center, the Public Works Facility, the Library, well houses, lift stations, enclosed park shelters or restroom facilities, and any leased or rented building. The prohibited areas will include the foyer/vestibule, garage, and apparatus bay areas of these buildings, but not the exterior grounds.

(2) Smoking is prohibited in all types of vehicles and equipment, whether enclosed or open that are owned, leased, or borrowed by the Village.

15.09 Auto Insurance

All employees who drive their personal vehicles for Village business will be required to purchase and maintain at their own expense auto liability insurance with coverage levels that meet the minimum standards established by the Village.

15.10 Travel

(1) Policy

- (a) Village vehicles will be used for out-of-town travel whenever practical.
- (b) The Village will reimburse an employee for necessary and reasonable travel expenses incurred while on authorized Village business. All such travel must be authorized in advance by the Department Head in order to be eligible for reimbursement.

The Department Head will administer travel expenses approved by the Village Board in the adopted Village Budget. An extraordinary expense beyond the amount budgeted will require the prior approval of the Village Administrator.

- (c) Reimbursement will always be based upon the least expensive form of transportation available.
- (d) Travel will be by direct route, weather conditions permitting, in a minimum number of vehicles, with mileage payable only to persons whose personal vehicles are used during the authorized travel. The travel mileage to be reimbursed will normally be based on either the distance from work to destination or home to destination, whichever is shortest.

In the event two or more employees of the Village are scheduled to attend the same out-of-town function, such employees are encouraged to travel together in order to reduce the cost to the Village.

- (e) The Village will pay for travel time to and from meetings or conferences when the travel occurs outside the employee's normal working hours.
- (f) Commuting expenses for travel between an employee's residence and assigned place of work at the beginning and end of the normal work day are not reimbursable.

(2) Mileage and Other Ground Travel

- (a) The rate of reimbursement for mileage when employees use their own vehicle for official travel will be the rate per mile established by the IRS.
- (b) The Village Board may authorize employees in designated positions who are required to use their personal vehicle on Village business to receive a local mileage allowance in lieu of itemizing actual mileage.

- (c) When car rental is necessary or authorized, only the reasonable cost of renting a compact or subcompact model will usually be reimbursed, unless the non-availability of such less expensive models can be documented. Discounts or other special rates are often available if proof of employment by a unit of government is presented to the rental agent.
- (d) Ground transportation to and from an airport should be by public transportation or airport shuttle if available. The use of taxis is discouraged.

(3) Air Travel

Reimbursement for air travel expenses will be limited to the fare for the lowest coach class available or the fare actually paid, whichever is lower. Flight life insurance is not a reimbursable item.

(4) Parking Fees, Tolls, and Violations

- (a) The actual documented cost of parking fees, tolls, and other incidental authorized business will be reimbursed.
- (b) The Village will pay the full amount of the fine plus court costs and penalty assessments if an employee is issued a citation due to any of the following circumstances: poor or unsafe conditions of a Village-owned vehicle, improper or malfunctioning equipment; missing or non-functioning safety features, or an overloaded vehicle.
- (c) The cost of tickets or fines for moving violations where the driver is at fault in the operation of the vehicle will not be reimbursed.

15.11 Lodging

The Village will reimburse the employee for the actual single occupancy cost of lodging expenses incurred while traveling on authorized Village business.

- (1) Lodging should be at a hotel or motel reasonably close to the place at which an employee is expected to conduct business or attend a conference during the day so that additional public transportation costs are not incurred. First consideration should always be given to hotels and motels offering government rates to public employees.
- (2) Requests for reimbursement for lodging expenses will not be granted for employees who are attending meetings or conferences within a 50-mile radius of McFarland or their residence. Exceptions may be granted by the Department Head when nighttime activities are an important part of the conference or for other unusual circumstances.
- (3) Request for reimbursement of Wisconsin sales taxes related to lodging will not be granted. Employees are required to provide vendors with a Wisconsin Sales and Use Tax Exemption Certificate in advance of their stay.

(4) If a spouse or friend accompanies an employee on a trip, that employee must reimburse the Village for the difference between the cost of a single and a double room. No travel or meal expenses will be paid for the spouse or friend.

15.12 Meals

(1) Meal Allowances.

(a) The Village will reimburse the employee subject to the Authorized Reimbursement Allowances in Subsection (b) for the actual cost of Meals Authorized for Reimbursement defined in Section (2). Claims for reimbursement of meal costs are expected to represent reasonable and necessary costs and may include a maximum gratuity of 15% as well as any state or local tax.

(b) Authorized Reimbursement Allowances:

1. Breakfast: \$10.00
2. Lunch: \$15.00
3. Dinner: \$25.00

(c) Requests for reimbursement for amounts in excess of the above schedule must be accompanied by receipts for the entire day with a full explanation of the extraordinary reason for such expenses. Requests to exceed amounts in excess of meal allowances shall be approved by the Department Head or Village Administrator.

(2) Meals Authorized For Reimbursement

(a) Employees who are working overtime at the normal time for breakfast, lunch or dinner will be reimbursed with actual receipts for meals. Employees will not be eligible for breakfast unless they start work two (2) hours prior to their normal work schedule, and will not be eligible for dinner unless they work two (2) hours past their normal work schedule. Time spent eating a meal will be considered paid time, but such paid time will not exceed ½ hour.

(b) The maximum amount for one or more meals may be exceeded and the employee may claim the actual amount spent for each meal as long as the total amount claimed for the eligible meals is not greater than the combined maximum reimbursement rate for those meals. If meal maximums are not reached on one day, the excess amount does not accrue and cannot be applied to meals on another day or other costs incurred.

(c) If a meal is part of the conference, convention or instruction program being attended by the Village employee and a higher amount is charged each participant, the full amount will be reimbursed with proper documentation.

(d) When employees are traveling on authorized functions away from the Village.

- (e) It shall be responsibility of the Department Head or Village Administrator to approve all requests for reimbursements are in accordance with the policies outlined in this chapter.

(3) **Limitations.**

- (a) If meals are included in registration fees for a conference, the employee will not be eligible for a per meal rate for that meal.
- (b) No reimbursement will be claimed for meals that could have reasonably been consumed prior to departure or following return. The Department Head will review the particular circumstances of any questionable claims and determine whether or not reimbursement is appropriate.
- (c) Reimbursements shall not be made for expenses incurred in purchasing alcoholic beverages.
- (d) Reimbursements must be claimed with 60 days or reimbursement will be forfeited.
- (e) The Emergency Management Director, Fire & EMS Chief, Police Chief, Director of Public Works may authorize reasonable meal expenses for employees and volunteers staffing the emergency operations center or responding to an emergency situation.

15.13 Travel, Lodging, and Meal Reimbursement

Reimbursement for travel, lodging, and meal expenses will be claimed on a form provided by the Village Administrator and will be fully supported by receipts documenting actual expenditures.

15.14 Travel Advances

- (1) Travel advances may be requested when prepayment by the employee of anticipated expenses will create a financial hardship. To minimize financial hardship, employees are encouraged to arrange for prepayment by or billing to the Village of major expenses that may require significant personal outlays. Such expenses may include air travel, lodging, and conference registration fees.
- (2) If travel expenses, which cannot be prepaid by or billed to the Village, are expected to exceed \$100, an advance may be requested. Travel advances will not normally be made prior to ten days before departure and will not exceed 75% of the estimated expenses.
- (3) Receipt of a travel advance does not exempt an employee from the requirement to keep and submit accurate records following completion of travel detailing expenses incurred, the travel advance received and the additional amount claimed or to be repaid.

CHAPTER 16 - COMPENSATION

16.01 Time and Attendance Reporting

The time sheet for hourly employees is the primary record for reporting the hours that each employee works or is absent and for computing the amount of compensation due. It is the joint responsibility of the employee and the employee's supervisor or Department Head to truthfully and accurately report regular hours worked, overtime hours worked, and the number of hours to be charged to various kinds of absences (sick leave, vacation, holiday, etc.) for which an employee is entitled to compensation.

At the end of the last calendar day in a pay period, both the employee and the employee's supervisor or Department Head will sign the time sheet. An employee will not be expected to sign when absent from work during the entire pay period or is unable to sign the sheet because of an unexpected absence such as illness or injury. The completed, signed time sheet is to be turned in to payroll by 10:00 a.m. on the Monday before the payday, unless otherwise specified due to holidays.

16.02 Pay Period

Except as noted below, all Village employees will be paid via direct deposit bi-weekly on every other Friday. If a holiday falls on Friday, payday will be on the preceding work day. Each pay period ends at 12:00 midnight the Saturday preceding each pay day.

16.03 Overtime Pay

(1) Definition

Overtime for Fair Labor Standards Act (FLSA) non-exempt employees is defined as hours worked in excess of forty (40) hours per workweek, except for employees engaging in the performance of fire protection or law enforcement activities, wherein the Village may designate a longer work period of up to 28 calendar days, and overtime due under the law is based on time worked during that designated work period. An established work period may be changed at any time based on the needs of the Village and as permitted by law.

The Village provides certain premium rates of pay for certain hours worked when overtime is not required by law. These premium rates of pay are classified as extra compensation and are not included in the employee's regular rate of pay when determining overtime due under state and federal law. Such premium rates of pay serve as a credit against any FLSA overtime pay requirements.

(2) Eligibility

- (a) Eligibility for overtime compensation for eligible hourly employees will be determined by individual department policy and in accordance with the Fair Labor Standards Act and will be subject to approval by the Village Administrator.

- (b) Department Heads and salaried persons in exempt executive, administrative, or professional positions will be ineligible for any form of additional monetary compensation or compensatory time for additional hours worked but may be allowed to vary their work schedules to accommodate fluctuations in their work load. Exceptions to this general rule may be made by the Village Board, such as when the Village is reimbursed on a pre-arranged basis from outside sources for the overtime worked by the exempt employee.

(3) **Compensation**

- (a) An hourly employee will receive pay at the overtime rate of pay for hours in pay status, except for compensatory time used, which are in excess of eight (8) hours of the scheduled shift, or ten (10) hours of the scheduled shift for employees working ten-hour shifts, or in excess of forty (40) hours per workweek. For eligible hourly employees, overtime worked will be treated by granting one and one-half hours of compensation, either in the form of overtime pay or compensatory time off, for each hour of overtime worked. It will be the employee's option to select, within the limits set by Section 17.04, the form of overtime compensation to be given.

(4) **Minimum Call-in Pay**

- (a) Any non-exempt Employee who is ordered to report to work at any time when he/she is not regularly scheduled to work may be compensated a minimum of two (2) hours at time and one half (1 ½) at their regular hourly rate of pay or for all hours worked at time-and-one-half (1 ½) at their regular hourly rate of pay, whichever is greater. Minimum Call-In Pay will be paid at two (2) times the non-exempt Employee's regular hourly rate of pay on specified holidays.
- (b) Court time.
 1. Any non-exempt Employee who is required to report for Circuit Court duty outside of their regularly scheduled hours may be paid time and one-half (1 ½) at their regular hourly rate or accrue compensatory time at time and one-half (1 ½). A minimum of three (3) hours may be paid at a rate of time and one-half (1 ½) if Circuit Court is cancelled less than twenty-four (24) hours before the scheduled court time.
 2. Any non-exempt Employee who is required to report for Municipal Court duty outside of their regularly scheduled hours may be paid time and one-half (1 ½) at their regular hourly rate or accrue compensatory time at time and one-half (1 ½). A minimum of two (2) hours may be paid at the rate of time and one-half (1 ½) if Municipal Court is cancelled less than twenty-four (24) hours before the scheduled court time.
 3. Between twenty-four (24) hours and thirty-five (35) hours before the scheduled court duty, Employees shall be required to confirm with their immediate Supervisor whether Circuit Court and/or Municipal Court duty, as applicable, has been canceled or rescheduled.

(5) On Call Pay

- (a) Employees may be assigned to serve in an on call capacity to respond to an unforeseen circumstance and/or emergency situation and, if such circumstance/emergency situation arises, to report to work outside of their regularly scheduled shift(s).
- (b) Employees are expected to remain within a reasonable distance of the Village while assigned to on call duty. An Employee who is on call is to respond as quickly as possible to the unforeseen circumstance and/or emergency situation. Unless extraordinary circumstances such as weather prevent otherwise, Employees are expected to respond within 25 minutes upon receiving notification of the unforeseen circumstance and/or emergency situation that requires them to report for work.
- (c) Employees assigned to on call duty by their Supervisor are required to comply with all Village policies including the Village's drug and alcohol policy.
- (d) Any non-exempt Employee that is assigned to be on call shall be paid one (1) additional hour of compensation at time and one-half (1 ½) the Employee's regular rate of pay per 24-hour period they are assigned to be On Call. This payment shall occur regardless of whether the non-exempt Employee is actually required to report to work while assigned in an on call capacity.
- (e) Compensation shall be provided at two (2) times the non-exempt Employee regular hourly rate of pay for the one (1) additional hour of compensation paid when assigned on call if the 24-hour period falls on a holiday.

16.04 Compensatory Time

Eligible employees who receive compensatory time in lieu of cash payment for overtime worked may accumulate and use compensatory time subject to the following restrictions:

- (1) The maximum allowable accumulation of compensatory time will be forty (40) hours. Any overtime hours accumulated in excess of the maximum must be taken in the form of overtime pay unless authorized by the Administrator due to special circumstances. Compensatory time used or paid will not generate additional overtime payment to the employee and will not count as hours worked or hours paid for overtime calculation purposes.
- (2) Compensatory time must be used in the 12-month period it is earned unless authorized by the Administrator due to special circumstances. Any compensatory time that is not used by November 30 will be paid out to the employee at the rate of pay that was in effect for the last pay period of that year. The Village reserves its right to payout compensatory time at any time.
- (3) The taking of compensatory time off requires prior approval of the supervisor or Department Head. A Department Head may deny a request if the employee's absence will clearly impair the department's ability to meet its responsibilities or requires other employees to work overtime as permitted by law.

(4) The employee will show the number of hours of compensatory time earned or taken during each payroll period on the employee's time sheet. The Administration Department will maintain records of the running compensatory time balances of each employee.

16.05 Deferred Compensation

All full-time and part-time employees in regular positions will be eligible to participate in any Deferred Compensation Program sponsored by the Village. Participants in such a program may designate a portion of their income to be deposited into a special investment account for use in retirement years. Deferred Compensation Programs offer certain tax and retirement planning advantages to participants.

16.06 Payroll Deductions

The Village will administer payroll deductions that employees authorize to be made to participating financial institutions or those deductions that are required by law.

CHAPTER 17 - HOLIDAYS

17.01 Personal Holidays

- (1) Eligibility
 - (a) Full-time employees and part-time employees who are regularly scheduled to work at least twenty (20) hours per week will be eligible for personal holiday time.
 - (b) No employee will be eligible for pay for a holiday which occurs after that employee's last day on the job, except that a terminating employee who is entitled to a personal holiday(s) may convert that holiday(s) to pay upon termination.
 - (c) No employee will be allowed to take a personal holiday off until the employee has completed at least three (3) months of service.
- (2) Personal Holidays
 - (a) Each eligible employee will receive two (2) personal holidays per year.
 - (b) An employee hired between January 1 - March 31 will receive two (2) personal holidays for that year; an employee hired between April 1 - September 30 will receive only one (1) personal holiday for that year; an employee hired after September 30 will not receive any personal holiday for that year.
- (3) Scheduling
 - (a) Personal holidays will be scheduled by mutual agreement between the supervisor or Department Head and the employee.
 - (b) Personal holidays will normally be requested at least two (2) weeks in advance.
 - (c) Personal holidays must be taken in the calendar year they are earned or they will be forfeited. The employee will not be compensated for these forfeited hours.
- (4) Pay
 - (a) Full-time employees will be entitled to eight (8) hours of pay for each personal holiday.
 - (b) Part-time employees will be entitled to pay for personal holidays based on a pro-ration of their regular weekly work schedule compared to a full-time schedule. (Example: An employer who regularly works twenty-five (25) hours per week would receive five (5) hours of pay on a personal holiday).

CHAPTER 18 - VACATION POLICY FOR NON-REPRESENTED POSITIONS

18.01 Vacation Scheduling

- (1) Vacations will be scheduled by mutual agreement between the employee and their immediate supervisor.
- (2) Vacations in excess of two (2) days' duration will normally be requested at least two (2) weeks in advance.
- (3) The Village reserves the right to adjust the vacation schedule of a Department Head in the event of an emergency.

18.02 Use of Vacation for Sick Leave Purposes

- (1) A Department Head who is on authorized sick leave may elect to use earned vacation time in lieu of or in the absence of paid sick leave. For attendance review purposes, however, the reason for the absence will still be considered for sick leave purposes.

18.03 Determining Vacation for New Hires

- (1) Unless unusual circumstances exist as determined by the Village Administrator, new employees shall be provided at the time of hire the vacation allocation as approved by the Village Board and detailed within the Compensation and Benefits Manual.

CHAPTER 19 - SICK LEAVE

19.01 Authorized Uses

(1) Sick leave is intended for the use of employees in the event of personal illness, bodily injury, exposure to a contagious disease, or in the event of a serious illness or accident involving a member of the employee's immediate family. For the purpose of administering this policy, the definition of "immediate family" will include spouse, significant other, child/step-child, parent, or any other relative that resides in the employee's household.

(2) Sick leave may be used for pregnancy-related illness or disability of the employee and/or spouse or significant other.

(3) Sick leave may be used for doctor or dental appointments which cannot be scheduled during an employee's regular time off.

(4) An employee who becomes ill during a period of vacation will not be eligible for sick leave benefits for the time while on vacation unless the employee provides documentation of the illness or injury from a qualified medical doctor.

(5) The Department Head or the Village Administrator may investigate the alleged illness of an employee absent from work on sick leave. False or fraudulent use of sick leave will be cause for disciplinary action against the employee, up to and including discharge.

19.02 Sick Leave Procedures

(1) Employees who are absent from duty for reasons which entitle them to sick leave will notify their supervisor or Department Head no later than sixty (60) minutes prior to the scheduled start of their work shift, or in accordance with the policy of their department, if different.. Employees on short term sick leave will keep their supervisor or Department Head informed of their condition on a daily basis. Exceptions will be reviewed on a case-by-case basis.

(2) The Department Head or the Village Administrator may require a certificate from a qualified medical practitioner to justify payment of sick leave. Such instances may include, but are not limited to when the absence occurs before or after a scheduled day off; for sick leave in excess of three (3) days; when an employee has a record of repetitious usage of short amounts of sick leave over an extended period of time; and when an employee's pattern of illness otherwise raises some doubt as to the legitimacy of the illness. For longer term absences, the employee may be required to provide ongoing medical documentation from the attending physician.

A doctor's certificate will be considered acceptable when it spells out the type and term of illness or injury, substantiates the fact that the employee was too ill to work, and specifies either that the employee has recovered sufficiently from the recent illness or injury to resume the employee's normal duties or that the employee will be required to remain off work for an additional period of time. In the latter case, the attending physician should provide an anticipated return to work date.

(3) The Department Head or Village Administrator may also require an employee to take a medical examination upon returning from sick leave or on such occasions that it is in the best interest of the Village. The medical examination will be given by a qualified physician designated by the Village and the cost of the examination will be paid by the Village.

(4) When sick leave is used, each employee will be responsible for requesting sick leave pay on the time sheet. Sick leave will be charged in no less than two (2) hour increments.

CHAPTER 20 - BEREAVEMENT LEAVE

20.01 Immediate Family

In the event of the death of an employee's spouse, child/step child, parent/step parent, mother-in-law, father-in-law or significant other, the employee will be allowed to be absent from work without loss of pay for five (5) consecutive working days in order to make arrangements for the funeral, attend the service, and for travel time.

20.02 Intermediate Family

In the event of the death in an employee's intermediate family, the employee will be allowed to be absent from work without loss of pay for three (3) consecutive working days in order to make arrangements for the funeral, attend the service, and for travel time. Intermediate family is defined to include the employee's brother, sister, son-in-law, daughter-in-law, grandchild or grandparent or a relative living in the employee's household.

20.03 Extended Family

In the event of the death in an employee's extended family, the employee will be allowed to be absent from work without loss of pay for one (1) working day, provided the employee was scheduled to work that day and attends the funeral. Extended family is defined to include any other relative related by blood or marriage.

20.04 Friend or Non-Family Member

Employees wishing to attend the funeral of a friend or non-family member will be allowed to do so but must use vacation or personal holiday time if they wish to receive pay for the time taken off. If the employee desires to take leave without pay, they may do so with the permission of their supervisor but not to exceed three (3) days in duration.

20.05 Eligibility

No funeral leave will be paid to any employee while the employee is on vacation, sick leave, or any other leave of absence.

CHAPTER 21 - JURY DUTY/CIVIL LEAVE

21.01 Eligibility

(1) Employees who are selected for jury duty or who are required to make an appearance before a court, public body, or commission in an official capacity in connection with Village business or as an expert witness because of their professional knowledge will be considered on duty and will be granted leave with pay. If the employee is required to appear for jury duty but is not selected to serve, the employee must return to work if there are more than two (2) hours remaining in the employee's regular work day.

(2) A leave of absence without pay or paid vacation or personal holiday time will be granted an employee upon request to appear under subpoena or in the employee's own behalf in litigation involving personal matters or official misconduct.

21.02 Procedures

(1) In order to be eligible for paid time off for jury duty, an employee will notify their Department Head as soon in advance as possible as to the dates and times the employee is to report for jury duty. In addition, the employee will indicate on their time card those normally scheduled work hours not worked as the result of jury duty.

(2) Any fees paid the employee for jury duty or for an appearance in their official capacity or as an expert witness, exclusive of mileage, parking or other extraordinary expense, will be turned over to the Village.

If the employee does not remit the fee or make other arrangements for paid time off while in court, the employee will be considered to be on leave of absence without pay.

CHAPTER 22 - MILITARY LEAVE

22.01 General

(1) The Village will comply with the requirements of the Selective Service Act, as amended, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as they apply to its employees.

(2) An employee intending to use military leave is expected to give the Department Head reasonable advance notice of the period during which military duty will be performed and a copy of the military order requiring such duty.

22.02 Regular Military Leave

(1) A full-time employee who leaves the service of the Village to join the military forces of the United States will be granted a military leave without pay. This leave will extend for ninety (90) days beyond the date the employee is relieved from such service. Copies of induction and release papers must be filed on a timely basis with the Village Administrator.

(2) Such employee will be restored to the position vacated or to a comparable position with full rights without loss of seniority or benefits provided that:

- (a) The employee makes an application to the Village Administrator within ninety (90) days after the date of honorable discharge or fifteen (15) days after rejection for service;
- (b) The employee is physically and mentally capable of performing the work of the position with or without reasonable accommodation; and
- (c) The length of military service did not exceed four (4) years unless extended by law.

(3) Failure by an employee to notify the Village of their intention to return to work within the allotted time period will be considered as grounds for discharge from employment.

22.03 Reserve Military Annual Training Leave

(1) An employee, who by reason of membership in the National Guard or any recognized branch of the United States Military Reserve, is ordered by the appropriate authorities to attend a training session or encampment under the supervision of the United States Armed Forces, will be granted a leave of absence from the employee's position without loss of pay for a period not to exceed ten (10) working days in any calendar year.

(2) If the employee's base pay (military pay grade and years of service) as a member of the Armed Forces is less than the current rate of compensation as a Village employee, the employee is entitled to receive added compensation from the Village in an amount equal to the difference between the two rates of compensation for the period of time the employee is absent from work. A copy of the military pay voucher will be used to substantiate base pay earned as a member of the Armed Forces.

(3) An employee on military leave will not be compensated by the Village for travel time needed to accommodate the employee's personal preference for a mode of travel when travel time exceeds the amount of time authorized for travel in military orders issued to the individual and/or reflected on the military pay voucher. Such additional time away from work will be charged to vacation, compensatory time or leave without pay.

CHAPTER 23 - FAMILY AND MEDICAL LEAVE LAWS

The Village will follow the requirements of the Federal Family and Medical Leave Act (“FMLA”) and the Wisconsin FMLA. The Wisconsin and Federal FMLA laws differ, and the Village will comply with the more generous provision as required by law. Leave is available for one or a combination of the following circumstances:

<u>TYPE</u>	<u>ELIGIBILITY</u>	<u>MAXIMUM DURATION FOR STATE LEAVE</u>	<u>MAXIMUM DURATION FOR FEDERAL LEAVE</u>
Personal serious health condition; inpatient hospitalization, chronic condition or continuing care by a physician	Unable to work because of serious health condition	Up to two (2) weeks per calendar year	Up to twelve (12) weeks per rolling 12-month period
Birth, adoption, foster care	Birth of a child, placement of child for adoption or as pre-condition to adoption, or foster care placement	Up to six (6) weeks per calendar year	Up to twelve (12) weeks per rolling 12-month period
Family serious health condition, inpatient hospitalization, chronic or continuing care by a physician	Necessary to care for spouse, child or parent with serious health condition	Up to two (2) weeks per calendar year Also covers care for qualifying domestic partners	Up to twelve (12) weeks per rolling 12-month period
Leave to care for a seriously ill or injured military service member or covered veteran within five years of discharge (other than dishonorable) who is a spouse, son or daughter, parent, or next of kin.	Spouse, son, daughter, parent, or next of kin service member or covered veteran has been injured on active duty or aggravated an existing injury by service in the line of duty on active duty, and service member is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness	None	Up to twenty-six (26) weeks per rolling 12-month period, per service member, per injury.

<p>“Qualifying exigency” leave due to employee’s spouse, son, daughter or parent being on or called up for covered active duty in the Armed Forces.</p>	<p>Short-notice deployment to a foreign country, military events and related activities, childcare and school activities, parental care financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities where the employer and employee agree to the leave.</p>	<p>None</p>	<p>Up to 12 weeks per rolling 12-month period, which includes up to 15 days used to spend time with a military member on Rest and Recuperation leave.</p>
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1. Eligibility. An employee who has been on the Village payroll for 52 consecutive weeks and who has been paid for 1,000 hours during the preceding calendar year is eligible for Wisconsin FMLA. An employee who has been employed for 12 months and who has actually worked 1,250 hours during the 12 months before leave is requested is eligible for Federal FMLA.

2. Method of Calculating Leave Entitlement. The Village uses a rolling 12-month period, measured backward from the date an employee uses any FMLA leave. Pursuant to Wisconsin law, entitlement to State FMLA leave will be calculated based on the calendar year. Unless leave is taken on an intermittent or reduced schedule, as set forth below, leave will be taken on a continuous basis. Federal and Wisconsin FMLA run concurrently, not consecutively. When an employee is absent due to a work-related illness or injury which meets the definition of a serious health condition, the absence will be counted against the employee’s entitlements under the Wisconsin and Federal FMLA. In other words, FMLA and worker’s compensation leave will run concurrently to the extent permitted by law.

3. Employee Responsibilities – The Request for Family or Medical Leave. Except in situations where the employee is unable to provide a written request because of the need for emergency health care, the employee must provide his or her supervisor with a written application for FMLA leave prior to the requested commencement of the leave on the “Family and Medical Leave Request Form.” The request shall indicate the date the employee is expected to return to work. In cases where the need for the leave is foreseeable, the request must be made at least 30 days prior to the anticipated leave. If the employee gives less than 30 days notice of the need for leave, the Village may require the employee to explain why it was not practicable to give the 30 days notice. The Village may delay the taking of a requested leave until at least 30 days after the date the employee provides notice when the employee fails to provide proper advance notice, unless the employee was unable to comply because of the need for emergency health care or other reasonable excuse.

In cases of emergency, verbal notice of the need for leave should be given as soon as possible and in accordance with the Village’s applicable absence policy, but in no case later than two working days after the need for FMLA leave has become apparent. Calling in sick, without providing additional information, is not sufficient notice of the need for federal FMLA leave.

If an employee has been out for three or more days in a row, or if the Village has information that the employee is out for an FMLA-qualifying reason but has not requested FMLA leave, the Village may require the employee to complete an FMLA Request Form and Medical Certification so the leave may be properly designated.

The Village may also retroactively designate FMLA leave when it later learns that certain leave was FMLA-qualifying. The employee is to advise the supervisor if his or her return date changes. The employee who overstays a leave of absence will be considered to have voluntarily terminated unless the employee was unable, due to a health care emergency, to notify the employer.

Leave may only be used for its intended purpose as permitted by law. Misuse of FMLA leave is disruptive, inefficient, detrimental to the interests of the Village and others, and may subject an employee to discipline up to and including discharge when the Village has even an honest suspicion that FMLA is not used for its intended purpose.

4. Intermittent or Partial Leave. If an employee requires intermittent leave, then the employee must discuss this request with Village Administrator.
5. Medical Certification. When an employee requests medical leave for his or her own health condition or leave to care for a family member, the employee must provide medical certification from an appropriate health care provider on a form approved by the Village. This certification should be furnished at the time the leave is requested and at most 15 days from the date such medical certification is requested. In the case of unforeseen leave, the certification should be furnished as soon as practical. Failure to provide the requested medical certification may result in delay or denial of the leave. This means the absence may then be counted against the employee for purposes of discipline for attendance. Where medical leave is involved, the Village may, at its expense, require the employee or a family member to obtain the opinion of a second health care provider chosen by the Village. If a dispute exists, then a third opinion may be secured. The Village may also request re-certifications on a periodic basis as permitted by law.
6. Fitness For Duty Certification. If leave is due to your serious health condition, you may be required to present certification of fitness for duty upon returning to work.

The Village has a more detailed policy available for employees to review when Employees have questions about leave or if the need for leave arises. Employees must contact Human Resources to review this policy.

CHAPTER 24 - UNPAID LEAVES OF ABSENCE

24.01 Policy

- (1) It is the policy of the Village to grant unpaid leaves of absence of defined duration when required to do so by law.
- (2) Other unpaid leaves of absence are considered a privilege and will be granted only when it is in the best interest of the Village to do so and when the employee's absence is not likely to impair the ability of the Village to meet its responsibilities.

24.02 General Provisions

- (1) The need for and duration of leave is determined on a case-by-case basis. Except as required by law, unpaid leaves of absence will generally not exceed one year in duration.
- (2) The employee is expected to fully cooperate and thoroughly communicate with the Village during the leave request process, during the leave, and during the transition at the end of the leave.
- (3) Any request for an unpaid leave of absence must be submitted in writing by the requesting employee to the Village Administrator as far in advance of the anticipated leave dates as possible. The written request must specify the reason(s) the leave is being requested and the anticipated date of return. Except in unavoidable situations, no unpaid leave of absence will be granted retroactively.
- (4) No unpaid leave of absence will be granted unless the employee has first used all available paid time off, except for qualifying military leave and leaves under the Wisconsin or Federal Family and Medical Leave laws,
- (5) No unpaid leave of absence will extend beyond the amount of time actually needed for the purpose requested.
- (6) An employee granted an unpaid leave of absence will not be employed elsewhere during the leave period, except that this provision will not apply to military service or when not applicable by law.
- (7) If the leave is for medical reasons, then the employee may be required to periodically furnish medical reports from the physician to justify the need for continuing leave. An employee returning from an extended medical leave must furnish a physician's statement indicating that the employee is able to return to work and to fully resume all essential job duties, with or without reasonable accommodations.

24.03 Granting Authority

- (1) Unpaid leaves of absence that are not required by law and are thirty (30) consecutive calendar days or less require the approval of the Department Head and the Village Administrator, and by the Board if the request for leave is from the Village Administrator.
- (2) Unpaid leaves of absence that are not required by law and are in excess of thirty (30) consecutive calendar days require the approval of the Village Board in addition to the approval of the Department Head and Village Administrator.

- (3) Unpaid leaves of absences as required by law require the approval of the Village Administrator, and by the Village Board if the request is by the Administrator.

24.04 Return to Work from Unpaid Leave of Absence

- (1) An employee on an authorized leave of absence may return to the position held at the time the leave of absence begins or to a similar or lesser position if the position previously held is no longer available.

The Department Head is responsible to determine whether a position is available for the employee returning from leave. At the time the employee returns, the returning employee will be given first consideration in filling any other similar or lesser vacant position for which the employee is qualified. If no such position exists at the time the employee returns, then the layoff procedure will apply.

The position of an absent employee will generally not be filled on a permanent basis but can, at the Department Head's discretion, be filled on a temporary basis providing that the compensation paid to a temporary employee does not exceed the amount that would ordinarily be earned by the absent employee. Exceptions to the compensation rule may be granted by the Village Board in extenuating circumstances. The Board may authorize filling the position on a permanent basis.

- (2) With the approval of the Department Head and the Village Administrator, an employee may elect to return to work before the intended expiration of an unpaid leave of absence. Early return from an extended leave of absence for medical reasons will require supporting information from the employee's medical provider.

- (3) If an employee is unable to return to work on the date originally authorized, then the employee may submit a written request for an extension of the leave in advance of its expiration. If, within three (3) calendar days of the date following the expiration of the leave of absence, an extension is not requested and granted and the employee has not returned to work, then the employee will be considered to have resigned from Village employment.

- (4) Employees who are on a leave of absence are expected to make reasonable efforts to maintain the level of skills, proficiency, certifications, licenses, and fitness necessary to do the assigned job. Employees must request authorization before incurring any costs for maintaining any certifications or licenses.

24.05 Benefit Status During Unpaid Leave of Absence

- (1) Except as noted below, all paid benefits will continue in full force for the first ten (10) days of an unpaid leave of absence.

- (2) After the first ten (10) days of an unpaid leave of absence, the employee will cease to earn vacation and sick leave credits and all other benefits, unless required by law. Employees who want to retain health insurance benefits during an unpaid leave of absence that exceeds ten (10) days in duration may do so if the employee elects health insurance continuation benefits and assumes the full cost of any premiums due during the leave. Premium payments must be made as required by the insurer.

- (3) Holidays and other non-work days occurring during an unpaid leave of absence will be considered as days that are part of the approved period of absence. The absent employee will not be entitled to compensation for holidays that occur during the leave period.
- (4) An approved unpaid leave of absence of twelve (12) weeks or less will not be considered a break in service for purposes of determining the level of future vacation eligibility.

24.06 Unauthorized Absence

The effective operation of the Village necessitates that employees cooperate and communicate with the Village when the need for leave arises. An employee who fails to cooperate and communicate with the Village or is absent from duty without authorization may be subject to disciplinary action up to and including discharge and will receive no pay for the duration of the absence. The Village is cognizant that limited extenuating circumstances may prevent an employee from timely communicating with the employer, thereby causing an unauthorized absence. Due consideration may be given in such a case.

CHAPTER 25 - WORKER'S COMPENSATION AND WORKER'S COMPENSATION LIGHT DUTY

25.01 Policy

Village employees may be covered by applicable provisions of the Wisconsin Worker's Compensation laws. These laws generally provide medical and financial benefits for employees who, while performing duties within the scope of their employment, become temporarily or permanently disabled or die as the result of a job-related injury or disease.

25.02 Requirements

(1) Any employee who is injured on the job, no matter how minor the injury, is required to report the incident as soon as possible to the immediate supervisor. The supervisor should then notify the Department Head and the Village Administrator or designee without delay so that the proper reports can be submitted in a timely manner to the insurance carrier and the State.

(2) The Village may require any employee who wishes to file a Worker's Compensation claim to be examined initially by a physician that it designates.

(3) Employees who are absent and receiving Worker's Compensation benefits will be required to furnish a physician's certificate before returning to duty if they are absent three (3) or more consecutive days. Unless directed differently, employees who are absent for an extended period will also be required to furnish a physician's certificate every fourteen (14) days or as recommended by the physician. The cost of any required physical examinations or doctor's visits not covered by the employee's health insurance will be paid by the Village.

(4) Employees who are eligible for worker's compensation benefits from a work-related injury or illness should expect the Village to consider light duty to return the employee to work. The Village reserves the right to determine the assignment of light-duty status based on existing work, which meets the employee's job restrictions and does not interfere with the Village's normal operations for employees with work related injuries.

(a) The purpose of this policy is to help an employee return to the role of a productive work during a period of temporary disability. In no case, will a light duty assignment become a permanent position.

(b) Light duty assignments will generally not extend beyond thirty (30) days, as light duty work is generally episodic, temporary, and nonrecurring in nature. The Village will evaluate the continuation of light duty based on the needs of the Village and the employee's work restrictions. The Village does not guarantee light duty work will provide continuity of schedule or number of hours worked per week. Employees working light duty must meet all performance expectations of the light duty assignment, and the assignment may be modified or withdrawn at any time. Light duty may not be offered to an employee where the employee's temporary or permanent restrictions so impact the employee that non-disciplinary medical separation is considered.

- (c) Employees are expected to follow all restrictions as outlined by their physician and make the supervisor aware of any job duties that conflict with those restrictions.
- (d) Employees working light duty due to worker's compensation-related injuries shall receive preference over light duty due to non-work related injuries. The Village reserves the right to offer or deny light duty assignments based on various factors including quality of performance, skills, ability, compensation of the individual performing the light duty, and other legitimate nondiscriminatory reasons.

CHAPTER 26 - MISCELLANEOUS BENEFITS

26.01 Legal Protection

- (1) To the extent required by law, the Village will provide legal representation for employees acting within the scope of their employment as long as the employee's actions are not illegal, irresponsible, or grossly negligent.
- (2) The Village will pay the full amount of any forfeiture or fine, plus court costs and penalty assessment, assessed against an employee pursuant to the issuance of a citation due to the following circumstances: poor or unsafe condition of a Village-owned vehicle; improper or malfunctioning equipment; missing or nonfunctioning safety features; or an overloaded vehicle.

26.02 Personal Protective Equipment

- (1) The Village will furnish all personal protective equipment deemed necessary by management or required by law, subject to applicable cost sharing provisions.
- (2) The personal protective equipment or protective clothing furnished by the Village will be used only in the course of an employee's work.
- (3) Any employee who refuses or repeatedly fails to use the personal protective equipment furnished or required by the Village will be subject to disciplinary action, up to and including discharge.

26.03 Uniforms

- (1) If an employee is required to wear standard uniform articles as part of their job, the Village will supply the uniform items or provide the employee with an appropriate allowance with which to buy the uniform items.
- (2) The Village will determine the specific uniform articles, style, and color to be worn by employees and provide a list of uniform-related items that are eligible for purchase from a uniform allowance.
- (3) The Village will pay to repair or replace any uniform articles that are damaged on the job.
- (4) Employees will be responsible for laundering and minor repairs to uniform articles.
- (5) Uniform articles may be worn only during the course of work and for travel directly to and from the place of employment.

CHAPTER 27 - ETHICAL STANDARDS FOR EMPLOYEES

27.01 Purpose

(1) The proper operation of democratic government requires that public officials and public employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure, that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, the Village has established a Code of Ethics for all Village public officials and public employees, whether elected or appointed, paid or unpaid, including members of authorities, boards, committees and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village.

(2) The purpose of the Code of Ethics is to establish guidelines for ethical standards of conduct for all such public officials and public employees by setting forth those acts or actions that are incompatible with the best interests of the Village and by directing disclosure by such public officials and public employees of private associational, financial, personal or other interests in matters affecting the Village. The Code of Ethics, which is for the guidance of elected and appointed public officials and public employees, is intended to help them avoid conflicts between their personal interests and their public responsibilities, improve standards of public service, and promote and strengthen the faith and confidence of the citizens of the Village in their elected and appointed public officials and public employees. Each elected and appointed Village public official and public employee holds such position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust.

27.02 Applicability

All employees are subject to and expected to comply fully with Chapter 2, Article VIII – Ethics Code of the McFarland Code of Ordinances, the full text of which can be found in the Code of Ordinances. Employees who violate the Code of Ethics will be subject to the potential sanctions outlined therein.

CHAPTER 28 - POLITICAL ACTIVITY

(1) No employee is precluded from engaging in general political activity, provided the activity does not interfere with normal work performance, is not conducted during work hours, and does not involve the use of Village equipment, property, or other resources.

(2) Employees are, however, prohibited from participating in the following specific forms of political activity:

- (a) Personally soliciting from any other Village employee a contribution to a political campaign committee for which the soliciting employee is a candidate or treasurer.
- (b) Seeking contributions to political candidates during work hours and from directly or indirectly coercing any person to contribute monetary or other types of assistance to any political candidate, party, or purpose.
- (c) Using his/her official title, authority or influence for the purpose of interfering with or affecting the result of a local election or a local nomination for office.
- (d) Wearing for campaign purposes any uniform or clothing article or using any Village property in a manner that could normally be considered to depict or imply a direct connection to their employment with the Village. This policy is not intended to inhibit or infringe upon the rights of an employee to conduct lawful political activity, but rather to ensure that there can be no public inference made that the Village supports a particular political candidate(s) or position.

Village departments that have fully uniformed employees may have more detailed policies to give those employees more specific guidance on the subject of political activity.

- (e) If principally employed in a position that is financed in whole or in part by federal loans or grants that are subject to the provisions of the Hatch Act the employee may not become a political candidate in partisan elections to the extent prohibited by the Hatch Act.

CHAPTER 29 – UNLAWFUL HARASSMENT, DISCRIMINATION AND RETALIATION

29.01 Purpose

The Village is committed to providing a professional work environment. This means that the Village will not tolerate any form of unlawful harassment, discrimination, or retaliation, including conduct as defined in this policy directed at an employee or applicant for employment because of his or her sex (including sexual orientation, gender identity, transgender status, and pregnancy), race, color, national origin, age, ancestry, disability/handicap, religion, creed, ancestry, genetic information or history, marital status, participation in the military reserve and veteran status, arrest and conviction record, or any other legally protected characteristic.

The purpose of this policy is to provide procedures for reporting, investigating and resolving complaints of unlawful harassment, discrimination and retaliation. The Village will not tolerate unlawful harassment, discrimination or retaliation by any employee, elected or appointed officeholder, or non-employees who conduct business with the Village. The Village considers harassment, discrimination and retaliation of others to be forms of serious misconduct worthy of discipline up to and including termination or removal, and other remedial response designed to end the prohibited behavior.

Individuals protected under this policy include all employees and applicants. Any unwelcome conduct that originates from a non-employee (e.g., elected officeholders, contractors or visitors) will be investigated in accordance with this policy under the authority of the Village Board.

29.02 Discrimination

Discrimination may include, but is not limited to, any negative conduct or action: (1) directed toward or about any employee; or (2) taken with respect to any employee because of that employee's race, color, religion, age, sex, national origin, disability or handicap, veteran status, ancestry, marital status, or any other characteristic protected by applicable federal, state or local law.

29.03 Sexual Harassment

Sexual harassment may include, but is not limited to, any unwelcome or unwanted sexual advances, requests for sexual favors, or other acts of a sexual or sex-based nature between members of the same or opposite sex where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment is not limited to sexual advances or expressions of sexual desire. It may also include expressions of hostility or dislike or other inappropriate conduct toward another based on that individual's sex or gender. The offender or victim of sexual harassment may be of any gender and sexual harassment can occur between persons of the same or opposite gender.

29.04 Discriminatory Harassment

Discriminatory harassment may include, but is not limited to, any conduct relating to an

individual's race, color, religion, age, national origin, disability or handicap, veteran status, ancestry, marital status, or any other characteristic protected by applicable federal, state or local law, where the conduct: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Examples of inappropriate or offensive conduct, prohibited harassment or discrimination include, but are not limited to:

- Unwanted sexual advances, flirtations, innuendo, explicit sexual propositions or demands for sexual favors in exchange for favorable treatment or continued employment.
- Threats or insinuations that the individual's employment, wages, promotional opportunities, job or shift assignments or other conditions of employment may be adversely affected by not submitting to sexual advances.
- Sexually oriented kidding, teasing, practical jokes or horseplay, jokes about gender specific traits, sexually suggestive or obscene body language or gestures.
- Display of sexually suggestive, obscene or offensive printed or visual material including viewing or displaying such material on a computer via the Internet, e-mail or other electronic means.
- Physical contact, such as touching, patting, pinching or brushing against another's body.
- Teasing or jokes referring to race, national origin, ethnicity, age, or any other protected characteristic.
- Vulgar, obscene or other inappropriate language.
- Referring to an individual's race, age, physical or mental condition, particularly when making decisions affecting the individual in the workplace or which affect the individual's ability to perform his or her job.

This list describing discrimination, harassment and inappropriate conduct is not exhaustive. Because inappropriate conduct is not on this list does not mean the conduct is not harassing, discriminatory or inappropriate. The Village retains the right in all situations to discipline an employee that has been found to have engaged in harassing, discriminatory, retaliatory or other inappropriate conduct regardless of whether the conduct is specifically described above.

29.05 Retaliation

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

Retaliation is a form of misconduct. Employees who are found to have retaliated against a complainant or witness will be subject to discipline separate from, and in addition to, any discipline determined to be appropriate as a result of the Village's findings on the initial complaint. Because of the Village's commitment to prohibiting retaliatory behavior, employees should expect that consequences for retaliation will likely result in discipline up to and including discharge.

29.06 Reporting Procedures

- (1) Whenever an employee perceives conduct to be harassing or discriminatory, several options are available to address the problem.
 - (a) Any employee experiencing or observing harassment, discrimination, or retaliation is encouraged, but not required, to inform the person that his or her actions are unwelcome and offensive and that the person should stop such behavior. This initial contact can be either verbal or in writing. The employee should document all incidents in order to provide the fullest basis for investigation if needed.
 - (b) Any employee who believes that he or she is being harassed, discriminated, or retaliated against, or who witnesses such conduct is expected to report the incident as soon as possible to their immediate Supervisor. This is so that necessary preventive steps can be considered and taken to end any prohibited harassment, discrimination, or retaliation, and so that appropriate investigation and correction may be started according to Section 29.08. Supervisors receiving reported incidents of harassment shall notify their immediate Supervisor and the Village Administrator.
 - (c) Any employee who believes that he or she is being harassed, discriminated, or retaliated against or who witnesses such conduct, and has reported this conduct to their immediate Supervisor, may also report the incident as soon as possible to the following individuals if no or unsatisfactory action was taken by the Supervisor to address the harassment alleged:
 1. Village Administrator;
 2. Village Clerk/Treasurer;
 3. Village Board President or Village Administrator, if such conduct is engaged in by an elected or appointed officeholder of the Village; and/or
 4. Village Board President, if such conduct is engaged in by the Village Administrator.
 - (d) An employee who believes he or she is being harassed, discriminated, or retaliated against by an immediate Supervisor, may report the matter to any of the individuals identified in subsection (c).
- (2) An employee who becomes aware that another employee is being harassed, shall promptly report

those concerns as described in the immediately preceding paragraph. All employees, whether victims of harassment or not, are expected to bring violation of this policy to the attention of the Village by informing one of the individuals described above.

(3) Any unwelcome conduct that originates from a non-employee (e.g., elected officeholders, contractors or visitors) should also be reported.

The Village will determine the appropriate course of action to promptly and thoroughly address the complaint, including any immediate remediation of the behavior. The Village may initiate an investigation or have the victim and the accused engage in conciliatory efforts to resolve the matter if acceptable to the victim.

29.07 The Conciliation Process

(1) The conciliation process is a means to address potential complaints and concerns under this policy quickly and in an informal manner. This process is not appropriate for all situations and will not resolve all issues. It may be initiated before or after the employee has filed an internal complaint. The conciliation process is voluntary, and may be used only when agreed upon by the parties directly concerned: the complainant(s), management, and the accused.

(2) Conciliation seeks to resolve problems by allowing the affected parties to present their issues and then assisting them in arriving at effective, reasonable solutions agreeable to all. When solutions have been identified, management will follow up to ensure that the implementation has been carried out and is effective.

29.08 Harassment Complaint and Investigation Process

(1) A Village employee may report a complaint either verbally or in writing. Employees are encouraged to follow the process of first reporting their complaints to their Supervisor, however it is recognized that in some instances, including if their complaint is regarding their supervisor, they may feel the need to report elsewhere. In that instance, Employees may be asked for their reasons in choosing to report differently. No Employee will be penalized in any way for that choice.

(2) If it is determined that an investigation is required, the investigation will be conducted promptly, thoroughly and impartially. The investigation of harassment complaints will normally be conducted by the Village Administrator or a designee.

(3) The confidentiality of the investigation, the identity of the individual who submits a report, witnesses and the target of the complaint will be maintained throughout the investigatory process to the extent consistent with a thorough and impartial investigation.

(4) Private interviews will be conducted with the person filing the complaint, the alleged victim of the behavior (if different), the accused employee(s), and any witnesses.

(5) Findings will be documented and maintained in a secure location. Such records will not become part of a personnel file unless discipline is administered or an employee's status is changed as a result of

the complaint being filed.

(6) When the investigation is complete, to the extent appropriate, the person filing the report, the alleged victim (if different), and the person alleged to have committed the harassment will be informed of the findings.

(7) The Village will take immediate and proportional corrective action designed to end any prohibited behavior occurring, which may include appropriate disciplinary action, up to and including termination.

29.09 External Complaint Procedures

The internal complaint process is not meant to be a substitute for an employee's right to file a formal complaint with either the Equal Rights Division or the Equal Employment Opportunity Commission. However, the filing of a complaint with an external agency does not relieve the employee of the responsibility to also file an internal complaint pursuant to the Village's anti-harassment policy. The Village has a responsibility under the law to investigate claims of harassment and to take appropriate remedial measures, and is unable to do so unless the matter is brought to its attention through the internal complaint procedure.

Additional procedures for reporting complaints of harassment are available to employees through: The Equal Rights Division, Department of Workforce Development, 201 East Washington Avenue, P.O. Box 8928, Madison, WI 53708, Telephone: (608)266-6860. File within 300 days of the last violation.

The U.S. Equal Employment Opportunity Commission, 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203, Telephone: (414)297-1111. File within 300 days of the last violation.

CHAPTER 30 - ALCOHOL AND DRUG USE

30.01 Policy

The Village is committed to the safe operation and maintenance of Village facilities and the most productive and efficient utilization of Village employees. Consistent with the intent and spirit of this commitment, the Village states the following policy with respect to alcohol and drug use by any Village employee.

30.02 Prohibition on the Use of Alcohol

(1) Any Village employee determined to be using, possessing, distributing, selling or under the influence of alcohol during working hours (including lunch or break periods), or while on Village-owned property or private property under Village direction, or while operating or riding in a Village vehicle, will be subject to disciplinary action up to and including discharge. The only exceptions to this policy are as follows:

- (a) The use, possession, and/or distribution of alcoholic beverages during non-working hours at formally planned business, recreational or social events at designated locations on Village property may be permitted with the prior authorization of an appropriate Village official responsible for the Village facilities where the business, recreational or social event occurs;
- (b) The possession of unopened and/or sealed alcoholic beverages is permitted in personal vehicles on Village property. Possession of alcohol within Village-owned vehicles is prohibited unless the alcohol is being transported on Village business.

30.03 Prohibition on the Use of Drugs

(1) Any Village employee determined to be using, possessing, distributing, selling or under the influence of any illegal drug during work hours (including lunch or break periods), or while on Village property or on private property under the direction of the Village, except as noted below, will be subject to disciplinary action up to and including discharge. Illegal drugs include any "controlled substance" as defined by State Statute or federal laws. Examples of such illegal drugs include but are not limited to marijuana, hashish, amphetamines, barbiturates, tranquilizers, narcotics, cocaine, hallucinogens such as LSD or PCP, or non-authorized use of prescription drugs. The only exception to this policy is as follows:

- (a) The use of a "controlled substance" as prescribed for the employee by a medical or dental practitioner licensed to prescribe "controlled substances" will not subject any Village employee to disciplinary action. If the employee reasonably expects that such use will affect employee's faculties in any way contrary to safety, however, the employee must report such use to their supervisor or Department Head.

30.04 On Call Employees

(1) Employees who are compensated by the Village to be available for emergency call are prohibited from being under the influence of alcohol or drugs (illegal or prescription) during the time period they are subject to call.

(2) Employees who are not being compensated by the Village and are called to report to work on an emergency basis are expected to be free from the influence of alcohol or drugs. If the employee is under the influence of such substances when the call to report to work is received, the employee is required to identify the impaired condition and to decline the opportunity to work. Any employee who reports to work in an impaired condition caused by being under the influence of alcohol or drugs will be subject to all the provisions of this policy and subject to disciplinary action up to and including discharge.

30.05 Alcohol and Drug Testing

(1) Whenever an employee's supervisor or the Department Head has reasonable suspicion to believe that a Village employee is using and/or is under the influence of alcohol and/or drugs during working hours, the employee may be required to submit to a reasonable medical examination which may include a urinalysis, a blood test, and/or a breath screening test. Any employee who refuses to submit to a reasonable medical examination and/or who refuses to provide an urine, blood, and/or breath sample will be considered in violation of this policy and subject to disciplinary action up to and including discharge.

(2) Any employee who is accused of but denies using, possessing, distributing, selling or being under the influence of any alcoholic beverages or illegal drugs during Village working hours (including lunch or break periods) under the preceding paragraphs, may request, at Village expense, a urinalysis, blood test, and/or a breath screening test.

30.06 Public Perception

(1) Village employees are urged to avoid all activities which would create an apparent conflict with the intent of this Village policy. This includes consumption of any alcoholic beverages prior to normal work periods or any similar action that would cause the public to suspect that the employee was under the influence of alcohol or drugs or that the ability to perform work in a safe and responsible manner may be affected.

30.07 Treatment

Any employee experiencing a problem with alcohol or drug use is encouraged to utilize the group health insurance benefits provided by the Village for diagnosis and/or treatment of the problem. In addition, any employee experiencing a problem with alcohol or drug use is further encouraged to utilize all Dane County, State of Wisconsin, federal or health benefit programs as may be in effect from time to time, which are designed to provide assistance to alcohol and/or drug use abusers and their families in dealing with a wide range of personal problems including alcohol and drug dependency or abuse.

Village employees will not be disciplined for participation in any such county, state or federal programs. However, it is to be understood that if any Village employee engages in conduct which is in violation of this Village policy regarding alcohol and other drug use, participation in any Village group health

insurance funded program or any other county, state or federal program will not excuse the Village employee from the disciplinary consequences of such conduct.

30.08 Effect on Other Policies

This policy does not affect the status of any other policies or rules, including rules or policies concerning alcohol or other drug use, with more stringent requirements that may be promulgated by any other agency or department having jurisdiction within or over the Village, nor will it be interpreted as in any way limiting the Village's right to discipline or discharge employees for other reasons.

CHAPTER 31 - PERSONAL USE OF VILLAGE PROPERTY

31.01 Authorized Uses

With prior permission of the Department Head, employees may use Village-owned facilities, equipment, and other property for the following personal purposes.

- (1) Use of computers and printers for job-related educational courses.
- (2) Use of telephones to make local calls, although such calls should be limited to emergency and other essential matters.

31.02 Restrictions

The following restrictions will apply to authorized uses of Village-owned property for personal purposes.

- (1) Access to a particular facility during off-duty hours will be limited to employees who normally work in and are therefore familiar with that facility. The employee will be responsible for properly securing any facility that is used during off-duty hours.
- (2) Equipment may not be removed from Village facilities unless it is assigned to employees to be used as part of their regular job duties (uniforms, radios, pagers, weapons, etc.).
- (3) Vehicles may not be used for any personal purpose.
- (4) Employees must pay the normal rental fee for the use of any Village facility where such fees are charged to the general public.
- (5) The Village will not be liable and employees will not be eligible for Worker's Compensation payments for any personal injury incurred when using Village-owned property during off-duty hours.

31.03 Unauthorized Uses

- (1) Any improper or abusive use of Village-owned property or any types of use other than those specifically authorized in this policy may result in appropriate disciplinary action, including suspension or discharge of the employee.
- (2) Improper uses of Village property include, but are not limited to, the following examples:
 - (a) Unauthorized or improper use of Village property including vehicles, office and other equipment, photocopiers, telephones and data processing systems. No one other than Village employees or volunteer workers should be transported in a Village vehicle without prior approval of the Department Head.
 - (b) Unauthorized possession, removal or sale of Village property or the property of another person or resident.

- (c) Unauthorized use, lending, borrowing or duplicating of keys providing access to Village property and equipment.
- (d) Unauthorized entry to Village property, including entry outside of assigned work hours or entry to areas in which another employee or the public is not authorized to be without permission.
- (e) Unauthorized removal of notices or signs from Village property, equipment or bulletin boards.

CHAPTER 32 - ELECTRONIC COMMUNICATION AND INFORMATION SYSTEMS POLICY

32.01 Electronic Communications

(1) Purpose

To better serve our citizens and give our workforce the best tools to do their jobs, the Village-continues to adopt and make use of new means of communication and information exchange. This means that many of our employees have access to one or more forms of electronic devices, media and services, including, but not limited to, computers, e-mail, telephones, cellular telephones, wireless devices, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, the Internet, text messaging, and all forms of social media (collectively referred to, where appropriate, as “electronic communications,” “electronic communications systems” or “electronic communications devices”).

The Village encourages the use of electronic communications for Village business purposes, because these devices, media, and services can make communication more efficient and effective, and because they are valuable sources of information. However, each person subject to this Policy must remember that electronic communications provided by the Village are Village property and their purpose is to facilitate and support Village business and the Village’s interests as an employer. It is the responsibility of all employees to ensure these resources are used in an efficient, ethical, and lawful manner in the interests of the Village. No expectation of privacy in regards to use of the Village’s electronic communication systems exists or should be expected by the employee in any respect related to accessing, transmitting, sorting or communicating information.

This policy cannot identify specific rules to cover every possible situation. The purpose of this policy is to express the Village’s philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy, it is the Village’s intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others, or contrary to the best interest of the Village. Traditional high expectations of professionalism, full regard for the Village’s best interest, and decorum serve as sound and appropriate guidelines when an employee may identify a concern regarding use.

(2) Applicability

This policy applies to all officers, employees, volunteers, and contracted and consulting resources. Each person is responsible for complying with this policy. Department Heads and supervisors are responsible for the implementation of and adherence to this policy within their departments.

This policy applies to all electronic communications that are:

- (a) Created, transmitted or accessed on or from Village premises;
- (b) Created, transmitted or accessed using Village equipment or Village-paid access methods;
- (c) Used in a manner that identifies the individual as acting for or on behalf of the Village; or
- (d) in any way identifies the Village.

(3) Policy

It is the policy of the Village to follow this set of procedures for the use of electronic communication media and services.

Reference: Electronic Communications Privacy Act of 1986 (18 U.S.C. §§ 2510 – 2711); Wis. Stats. §947.0125.

(4) Procedures

(a) Access and Authority

1. Each Department Head will determine which employees in their department will have access to the various electronic communications, based on business practices and necessity, and which employees will have authority to communicate on behalf of the Village, if any.
2. This Policy applies to the use of Village-owned or provided equipment from home or other locations off Village premises, and to personal equipment used for Village-business purposes. Village-owned equipment (e.g. laptops) may be removed from Village premises solely for Village work-related purposes and only with prior authorization from the Department Head.

(b) Prohibited Use

1. Electronic communications cannot be used for transmitting, retrieving or storing any communication that is:
 - a. Personal use on Village time (e.g. shopping, personnel correspondence or other non-Village-business-related communications), except as otherwise allowed under Section 4(c) below;
 - b. Obscene as defined in Wis. Stats. § 944.21;
 - c. Illegal, including engaging in the unlawful use of the e-mail system as set forth in Section 947.0125 of the Wisconsin Statutes (Unlawful use of computerized communication systems);
 - d. Contrary to the Village's policies, rules, expectations, or best interest;
 - e. Offensive, annoying, harassing, disruptive, obscene, or defamatory material, including, but are not limited to any materials which contain profanity, sexual information, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's protected status, including age, race, creed, color, sex, ancestry, religious or political beliefs, marital status, national origin, disability or sexual orientation;

- f. Using another individual's account or identity without explicit authorization;
 - g. Attempting to test, circumvent, or defeat security or auditing systems, without prior authorization;
 - h. Accessing, retrieving or reading any communications sent to other individuals, without prior authorization from the Administration Department; or
 - i. Permitting any unauthorized individual to access the Village's e-mail system and other electronic communications
2. For the protection, integrity, and security of the Village's system, electronic communications will not be used to download or transfer software unless authorized by the Administration Department.
 3. Employees must comply with existing federal, state or local laws and regulations regarding usage of electronic communications devices. Employees whose job responsibilities include regular or occasional driving or the operation of equipment are discouraged from using electronic communications devices while driving or operating equipment. Regardless of the circumstances, including slow or stopped traffic, employees are expected to pull off to the side of the road and safely stop before using the device.
 4. Use of picture technology or any other camera or recording device technology that may capture video, picture or audio recordings in restrooms, locker rooms, sleeping facilities, and other areas where one may have a reasonable expectation of privacy is strictly prohibited.

(d) Personal Use

1. Except as otherwise provided, electronic communications are provided by the Village for the Village's business use during Village time. Limited, occasional, or incidental use of electronic communications (sending or receiving) for personal nonpecuniary or nonbusiness purposes is permitted as set forth below:
 - a. Personal use is limited to designated breaks, unpaid lunch, or 15 minutes before or after designated work hours;
 - b. Personal use must not interfere with the productivity of the employee or his or her coworkers;
 - c. Personal use does not involve any prohibited use or activity;
 - d. Personal use does not consume system resources or storage capacity on an ongoing basis;

- e. Personal use does not involve large file transfers or otherwise deplete system resources available for Village purposes.
2. Village telephones, cellular phones, printers, and fax machines are to be used for Village business. However, brief, limited, and infrequent personal use is permitted during the work day. Personal long distance calls are only permitted with the use of a personal 1-800 calling card, or with the understanding that such calls must be reported to the Village and all costs reimbursed to the Village.
 3. Employees should not have any expectation of privacy with respect to personal use of electronic communications.
- (e) Access to Employee Communications
1. Electronic information created or communicated by an employee can be accessed and monitored by the Village at any time and for any lawful reason. The Village respects its employees' desire to work without surveillance. However, the Village reserves and exercises the right, at its discretion, to review, monitor, intercept, access and disclose all messages created, received or sent over the electronic communication systems for any lawful purpose including, but not limited to system security; cost analysis; resource allocation; optimum technical management of information resources; records retention; public records compliance; litigation compliance; detecting use which is in violation of Village policies or may constitute illegal activity; and any other reasons as determined by the Village. Disclosure will be decided by the Village, but will generally not be made except when necessary to enforce the policy, as permitted or required under the law, or for other Village purposes.
 2. Any such monitoring, intercepting and accessing will observe and comply with any confidentiality regulations under federal and state laws.
- (f) Confidentiality/Security/Appropriate Use
1. Many electronic communications containing sensitive information are transmitted by the Village and its employees. Employees must respect the confidentiality of all electronic communications—particularly since an individual employee may not know whether the communication is confidential, is intended to be confidential, or contains confidential information. Except in cases in which explicit authorization has been granted by the Administration Department, employees are prohibited from engaging in, or attempting to engage in:
 - a. Monitoring or intercepting the files or electronic communications of other employees or third parties;
 - b. Hacking or obtaining access to systems, files, or accounts they are not authorized to access;
 - c. Using other people's log-in information or passwords without authorization;

- d. Breaching, testing, or monitoring computer or network security measures; and
 - e. Compromising the confidentiality of or disclosing communications to persons or employees who have no legitimate Village interest as determined by the Village.
2. No e-mail or other electronic communications can be sent that hides or attempts to hide the identity of the sender or represent the sender as someone else.
 3. Electronic communications should not be used in a manner that is likely to cause network security issues, network congestion or that hampers the ability of other people to access and use the system.
 4. Anyone obtaining electronic access to another organization's, business', municipality's, or individual's materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.
 5. Employees must understand that the unauthorized use or installation of non-authorized or non-standard software or data may cause computers and networks to function erratically, improperly, or cause data insecurity or loss. Therefore, before installing any new software or data, users should seek authorization of the Administration Department or Information Technology Consultant. Users cannot install or download software to networked storage devices without the assistance and approval of the Administration Department or Information Technology Consultant.
 6. Most of the Village's computing systems automatically check for viruses before files and data are transferred into the system from external sources. On computers where virus scanning takes place automatically, the virus scanning software must not be disabled, modified, uninstalled, or otherwise inactivated. If you are uncertain as to whether the workstation you are using is capable of detecting viruses automatically, or you are unsure whether the data has been adequately checked for viruses, you should contact the Administration Department.
 7. Anyone receiving an electronic communication in error must notify the sender immediately. The communication may be privileged, confidential or exempt from disclosure under applicable law. Such privilege and confidentiality must be respected.
 8. Employees may not knowingly violate software licenses or copyrights during the course of their job duties or at any time while using Village equipment or software. Employees are responsible for producing proof of license for any non-Village software installed on their Village-supplied device. Software that is licensed to the Village may not be installed on employee-owned devices unless it will be utilized for Village-related business or as allowed by the software vendor.

9. Employees may not knowingly allow unauthorized persons access to Village data by sharing their login or password.
10. Employees who leave their computers running while unattended must password protect or shut down their desktop if there is potential for access by others.
11. Any device containing Village data must be totally erased or rendered unreadable before it is disposed of.
12. Employees must take appropriate measures to secure portable devices including radios, pagers, portable devices, laptop computers, tablets, cellular phones and other electronic communications devices when unattended. Each department will develop appropriate security policies for portable devices based on the circumstances and risks presented by their usage.
13. Damage to an electronic communications device must be reported to the employee's supervisor. Lost or stolen electronic communications devices used in any manner for Village business must be reported immediately to the employee's supervisor. When permitted by law, an employee may be financially responsible for the replacement if the equipment is lost or damaged while in the care of an employee as a result of the employee's negligence or intentional damage, the equipment is not returned within 24 hours by an employee upon request of the Village or at separation of employment, or is found to be damaged upon its return, or the equipment is damaged due to failure to adhere to safety, maintenance, or operational policies. The Village assumes no responsibility for the loss, theft, or damage of a personal device. Repair and replacement is at the sole expense and discretion of the user or owner of the personal device.
14. The Village has the right to send a remote wipe to a Village electronic communications device whenever it is believed that the electronic communications device has been compromised or could be compromised. All information on the device may be eliminated including photos, videos, emails, contacts, and other stored information. Employees are responsible for backing up any personal information they do not want subject to a remote wipe.
15. Employees who use their personal device or service for Village business agree to, in exchange for being able to use their personal equipment in lieu of using Village-provided equipment, cooperate with and assist the Village in obtaining records from the employee's device or service provider for legitimate Village interests, including, but not limited to, work-related use, public records law compliance, preserving records for litigation involving the Village, or conducting an investigation. The employee must cooperate with the Village to obtain these records, to maintain these records, and consent to the release of these records, regardless of whether the employee receives a stipend for the device.

(g) Encryption

Employees should not assume electronic communications are private or secure. Employees with a business-need to encrypt messages (e.g. for purposes of safeguarding sensitive or confidential information) will submit a written request to their supervisor and the Administration Department. When authorized to use encryption by their supervisor and the Administration Department, employees must use encryption software supplied to them by the Administration Department. Employees who use encryption on files stored on a Village computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords or encryption keys necessary to access the files. All passwords and encryption keys are the sole property of the Village.

(h) Participation in on-line forums

1. Employees should remember that any messages or information sent on Village-provided facilities to one or more individuals via an electronic network (for example, Internet mailing lists, bulletin boards, and on-line services) are statements identifiable and attributable to the Village.
2. The Village recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a group devoted to the technical area.
3. Employees will include the following disclaimer in all of their postings to public forums: *"The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the Village of McFarland."*
4. Employees should note that even with a disclaimer, a connection with the Village exists and a statement could be imputed legally to the Village. Therefore, employees should not rely on disclaimers as a way of insulating the Village from the comments and opinions they contribute to forums. Instead, employees must limit their discussion to matters of fact and avoid expressing opinions while using electronic communications systems or a Village-provided account. Communications must not reveal confidential information and must not otherwise violate Village policies.
5. Employees must receive authorization from their Department Head prior to participating in an on-line forum. The employees will be required to review the provisions of this section before they receive such authorization.

(i) Policy Violations

Employees who abuse the privilege of Village-facilitated access to electronic media or services risk having the privilege removed for themselves and possibly other employees, are subject to discipline, up to and including discharge, and may be subject to civil liability and criminal prosecution.

(5) E-Mail

The Village provides certain employees with systems to send and receive electronic mail (e-mail) so they can work more productively. E-mail gives employees a useful way to exchange ideas, share files, and keep in touch with colleagues, whether they are located in the next room, another Village building, or thousands of miles away.

The Village's e-mail system is a valuable business asset. The messages sent and received on the e-mail system, like memos, purchase orders, letters, or other documents created by employees in the course of their workday, are the property of the Village and are subject to disclosure under Wisconsin Public Records Law. This policy explains rules governing the appropriate use of e-mail and affirms the Village's rights to monitor and access messages on the email system. No expectation of privacy in regards to use of the Village's e-mail system should be expected by the employee in any respect.

(a) Access to employee e-mail

1. Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the Village's electronic communications systems. E-mail and files, like other types of correspondence and Village documents, can be accessed and read by authorized employees or individuals. Authorized access to employee e-mail by other employees or outside individuals includes, but is not limited to, the following:
 - a. Access by the Village Administrator's office during the course of system maintenance, monitoring, or administration;
 - b. Access approved by the employee, the employee's supervisor, or an officer of the Village when there is a legitimate work-related reason to access the employee's mailbox (for example, if an employee is absent from the office and the supervisor has reason to believe that information relevant to the day's business is located in the employee's mailbox);
 - c. Access approved by the employee's supervisor, the Village Administrator, or an officer of the Village when there is reason to believe the employee is using e-mail in violation of the Village's policies or applicable law;
 - d. Access approved by the Village Administrator or the Village Attorney in response to the Village's receipt of a court order or request from law enforcement officials for disclosure of an employee's e-mail messages.
 - e. Access by the Information Technology Consultant to randomly check for appropriate usage.
2. Except as otherwise noted herein, e-mail should not be used to communicate sensitive or confidential information. Employees should anticipate that an e-mail might be disclosed to or read by individuals other than the intended recipient(s), since e-mail can be easily forwarded to other individuals. In addition, while the Village endeavors to maintain the reliability of its electronic communications systems, employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosures of e-mail.

3. The confidentiality of any e-mail should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.
 4. Employees should understand that e-mail is a written form of communication, just like a paper letter. Though e-mail is relatively spontaneous compared with regular mail, employees should take care to use the same level of professionalism, discretion and forethought before executing e-mail.
- (b) Passwords
- Each user accesses electronic communications systems by means of a personal log-in name and password, which will be selected by the Village or employee and disclosed to the Village. Passwords and login information are the property of the Village.
1. Passwords are intended to keep unauthorized individuals from accessing the system. From a systems security perspective and from the perspective of an e-mail recipient, passwords also establish the identity of the person sending an e-mail message. The failure to keep passwords confidential can allow unauthorized individuals to read, modify, or delete email messages; circulate email forgeries; and download or manipulate files on other systems.
 2. The practice of using passwords should not lead employees to expect privacy with respect to messages sent or received. The use of passwords for security does not guarantee confidentiality.
 3. Passwords should never be given out over the phone, included in e-mail messages, posted, or kept within public view.
 4. Employees are prohibited from disclosing their password except when required by the Employee's supervisor or authorized Village representative. Employees also should not disclose their password to other employees, except when required for Village business purposes.

32.02 Electronic and E-mail Record Retention Policy

(1) Purpose

The purpose of this policy is to emphasize that certain types of e-mail as defined in Wis. Stats. §19.32(2) are public records. The same rules which apply to record retention and disclosure for other Village documents apply to such electronic records.

(2) Applicability

This policy applies to all officers, employees, volunteers, and to contracted and consulting resources. Department Heads and supervisors are responsible for the implementation of and adherence to this policy within their departments.

(3) Policy

It is the policy of the Village to follow this set of procedures for electronic and e-mail record retention.

(4) Procedures

(a) Nature of electronic and e-mail records

As a general rule, an electronic record or e-mail is a public record whenever a paper message with the same content would be a public record. See Wis. Stats. §19.32(2) for definition of a record.

(b) Components of an e-mail record

The e-mail record is defined to include the message, the identities of the sender and all recipients, the date, and any non-archived attachments to the e-mail message. Any return receipt indicating the message was received by the sender is also considered to be part of the record.

(c) Saving and indexing e-mail records

Initially the custodian (that officer, department head, division head, or employee of the Village who keeps or is in possession of an e-mail) bears the responsibility for determining whether or not a particular e-mail record is a public record which should be saved and ensuring the record is properly indexed and forwarded for retention as a public record. E-mail which is subject to records retention must be saved and should be indexed so that it is linked to the related records in other media (for example, paper) so that a complete record can be accessed when needed. E-mail records to be retained will be archived to an archivable media, network drive or printed out and saved in the appropriate file. Any officer, department head, division head, or employee of the Village may request assistance from the Legal Custodian of records (the Village Clerk or the Clerk's designee, except that the Chief of Police is Legal Custodian of Police Department records) in determining whether an e-mail is a public record.

(d) Responsibilities for e-mail records management

1. Legal Custodian. E-mail records of a Village authority having custody of records will be maintained by the designated Legal Custodian, pursuant to Village policy.
2. Information Technology Consultant. If e-mail is maintained in an on-line data base, it is the responsibility of the Village's network service provider to provide technical support for the Legal Custodian as needed. When equipment is updated, the Administration Department will ensure that the ability to reproduce e-mail in a readable form is maintained. The Administration Department will assure that e-mail programs are properly set up to archive e-mail.

(e) Public access to e-mail records

If a Department receives a request for release of an e-mail public record, the Legal Custodian of the record will determine if public release is prohibited by law, in whole or in part, pursuant to law, consulting the Village Attorney, if necessary. As with other records, access to or electronic copies of disclosable records will be provided as soon as practicable and without delay.

(f) Violation

Employees violating this policy are subject to discipline up to and including discharge. In addition, violations of this policy may be referred for civil and/or criminal prosecution, where appropriate.

32.03 Employee Consent Agreement

The Village will require employees to read and signify acceptance of the terms of this policy by signing the following Consent Agreement before making electronic communications and information systems available.

E-MAIL AND ELECTRONIC COMMUNICATIONS POLICIES - EMPLOYEE CONSENT AGREEMENT

As an employee of the Village of McFarland, I recognize and understand that the Village's electronic communication systems are provided for conducting the Village's business. However, Village policy does permit some limited, occasional, or incidental personal use of the equipment and services under certain circumstances. I understand that all equipment, software, messages, accounts, files, and passwords are the exclusive property of the Village. I agree not to use the electronic communication systems in a way that is in violation of Village policies, rules, or expectations or professionalism, or that is illegal, disruptive, offensive, illegal, or harmful to others or to the Village. I agree not to use passwords, access a file or retrieve any stored communication other than with authorization. I agree not to copy, send or receive confidential information without prior authorization from my immediate supervisor and the Administration Department.

I am aware that the Village reserves and may exercise its right to monitor, review, audit, intercept, access and disclose all matters on the Village's electronic communications systems at any time and in the Village's sole discretion. I am aware that the Village exercises these rights with or without employee notice, at any time. I am aware that use of a log-in name and password do not guarantee confidentiality, guarantee privacy, or restrict the Villages' right to access electronic communications. I consent to the review, access and release of Village information and records on my personal devices that I use for Village-related purposes, and I will fully cooperate with the Village to ensure full disclosure of Village information and records to the Village for its use and disclosure in its discretion. I am aware that violations of this policy may subject me to disciplinary action, up to and including discharge from employment, as well as civil or criminal liability.

I acknowledge that I have read and that I understand the Village's policies regarding e-mail and electronic communications, and have been afforded an opportunity to ask questions regarding the policy. I also acknowledge that I have read and that I understand this notice.

Signature of Employee

Date

Signature of Supervisor

Date

PASSWORD PROTECTION POLICY – EMPLOYEE CONSENT AGREEMENT

Password Protection Policy

I, _____, understand that every 90 days from the receipt of my
(print name)
initially assigned password, I must create a new password in order to access Village e-mail and computer systems.

- * Complexity requirements: eight characters consisting of a combination of at least three lower and upper case alphabetic characters plus a combination of at least three numeric characters and/or special characters (~!@#\$\$%^&*)
- * At least 10 days prior to the password expiration date, notification of the pending expiration date will appear during computer login. If you do not change your password by the expiration date, computer access will be denied by the system.
- * Your password will not be accepted unless it has been changed from a previous password and meets the complexity requirements listed above.

I have read, understand, and will comply with the Password Protection Standards listed below;
I am the sole authorized user of this password;
I am responsible for keeping my password secure;
I am not to share my password with anyone;
I will password protect any file on the computer system containing any passwords;
I acknowledge that the Village may impose disciplinary sanctions on employees who violate this policy.

Date

Signature

Password Protection Standards

Do not share your Village of McFarland passwords with *anyone*.
All passwords are to be treated as sensitive and confidential Village of McFarland information.

Do not:

1. Reveal a password over the telephone to anyone.
2. Reveal a password in an e-mail message.
3. Talk about the password in front of others.
4. Hint at the format of a password (e.g., "my family name").
5. Reveal a password on a questionnaire or security form.
6. Share a password with family members.
7. Reveal a password to co-workers while on vacation.
8. Write passwords down and store them openly in your office.

If someone demands a password, refer them to this document or have them contact the Village Administrator or Village Clerk.

If an account or password is suspected to have been compromised, report the incident to the Village Administrator or Village Clerk.

Instructions for Changing Password

Complexity requirements: eight characters consisting of a combination of at least three lower and upper case alphabetic characters plus a combination of at least three numeric characters and/or special characters (~!@#\$%^&*)

1. Log on to your computer.
2. Hold down the **Ctrl**, **Alt**, and **Delete** keys on your computer pad.
3. Click on **Change password**.
4. Complete the fields shown (**Old Password:**, **New Password:**, and **Confirm New Password:**).
5. Click on **OK**.

Please note that your old password is required in order to enter your new password. If do not have your old password, please contact the Village Clerk.

CHAPTER 33 - POLICY ON USE OF SOCIAL MEDIA

33.01 Purpose

This policy provides guidelines and procedures to Village staff in determining the proper utilization of social media. Social media consists of networks and online publications that enable individuals and groups to communicate between one another for different purposes. Examples of these online tools include Facebook, Instagram, Twitter, LinkedIn, YouTube, blogs and several others. The Village may use certain social media sites in order to reach out to the public and educate individuals on events, activities, awards, and other news releases. Social media can help the Village and its departments to connect in different ways with other organizations and businesses in the community. This policy outlines the proper content and uses for social media since the Village has a significant interest and expectation in regulating the content that is posted on its sites.

33.02 General Village Use of Social Media Policy

- (1) Village Departments wishing to establish a social media site must submit a plan for approval to the Administrator and Communications and Technology Director that explains how the site will be used and identifies the Staff responsible for updating and monitoring the site. The request must also explain the ways that the Department plans to utilize its social media site.
- (2) All social media sites must be monitored and posts should be done regularly according to best analytic practices for each platform as directed by the Communications and Technology Director.
- (3) Each social media site must clearly state that it is Village-operated and maintained by Village staff. Sites must also include the Village of McFarland logo as well as any other branding or logos that identify the involved party.
- (4) All social media sites should include a link back to the Village of McFarland website: www.mcfarland.wi.us.
- (5) All Village staff must adhere to the Policy on Use of Technology Resources along with any other related federal, state, or local regulations.
- (6) The Village reserves the right to take down any abusive or inappropriate posts that violate this policy.
- (7) Village of McFarland social media sites are subject to State of Wisconsin public record laws. Any content on these sites related to Village business is considered public record. All social media sites maintained by the Village shall have archival technology to retain all posts to maintain compliance with public records law.

Content can range from messages, list of subscribers, images, videos and any other content that exists. The department that creates a social media site is responsible for responding to any public records request in coordination with the Clerk/Deputy Treasurer. If possible, each social media site should remind its viewers through a disclaimer that content on the site is considered public record.

(8) Employees managing Department social media sites are representative of the Village and are expected to conduct themselves accordingly. All posts by employees must be completed in a professional manner that is strictly used for informative purposes related to Village business. Employees who fail to conduct themselves in an appropriate manner may be subject to disciplinary action.

(9) The Village encourages all departments and staff to adopt and use the following disclaimer for their Department social media sites:

“The Village of McFarland requires all viewers to use proper content. Any abusive or inappropriate content that violates the Village of McFarland Policy on Use of Social Media will be removed from the site. All information posted on this site is subject to public record.”

33.03 Comment Policy

(1) Any comment posted by a resident or member of the public is solely an individual’s opinion. Allowing posts by the public does not imply that the views or opinions expressed are representative of or endorsed by the Village of McFarland. Comments and posts created by Village staff may only provide information regarding Village business and must be fact-based and professional.

(2) The Village reserves the right to remove any inappropriate or abusive content. This includes but is not limited to content which:

- (a) Discriminates against others based on race, creed, color, sex, gender, national origin, religion, age, sexual orientation, marital status, or mental or physical disability;
- (b) Makes threats towards an individual or organization;
- (c) Supports or opposes a political campaign or ballot measure;
- (d) Solicits commerce;
- (e) Violates any federal, state, or local law;
- (f) Encourages illegal activity;
- (g) Contains sexual content (including links);
- (h) Contains profane or abusive language and/or images;
- (i) Violates the legal ownership interest (such as copyright) of any party;
- (j) Or any other comments that do not relate to the original topic.

(3) The Village reserves the right to remove or block any members of the public who repeatedly violate this policy.

(4) If content is removed, Village staff must document the violation while notifying the involved party/individual that their content was removed. The following message should be sent out to any members of the public that violate the policy:

“The Village of McFarland removed your recent content from its social media site because it was in violation of the Village’s Policy on Use of Social Media. Please avoid from posting any inappropriate content in the future. Thank you for your cooperation.”

(5) All sites must have one or more staff designated to update content on the site, respond to any requests or questions asked by the public, and monitor regularly the content posted on their social media sites. Only Village employees authorized under Section 33.02(1) are permitted to remove content posted on Village media sites by the Village or the public, and any such removal must be in accordance with Chapter 33 and all other Village Policies.

33.04 Personal Use of Social Media

(1) The Village recognizes employees may choose to have their own personal social media sites and accounts unrelated to their work as an employee of the Village. These sites, as applicable, are private and are intended to share their own personal information as the employee elects to regarding nonwork related information.

(2) Village employees are prohibited from use of their Village account or password for a personal social media account.

(3) Employees who misuse the Village’s image or likeness through their personal social media accounts, whether on- or off-duty, such as posting offensive, lewd, or unbecoming photographs while wearing Village insignia, may be subject to disciplinary action, up to and including termination of employment.

(4) Employees on- and off-duty personal use of social media that violates the grounds for disciplinary action outlined in Chapter 12 of the Personnel Policy manual regarding personal behavior may be subject to disciplinary action, up to and including termination of employment.

33.05 Professional Use of Social Media

(1) Only individuals authorized by the Village may publish content on behalf of the Village in their work capacity as a Village employee. Permission to create accounts/sites to publish content on behalf of the Village shall be approved by the Village Administrator. All approved social media sites shall identify themselves as approved accounts of the Village of McFarland.

(2) Employees approved to publish content on behalf of the Village shall create a new account with their Village email address, if applicable, and ensure the account is linked to the Village’s electronic archival software to ensure compliance with public records law.

(3) Employees must provide their Department Head with the applicable username and password used for any Village account setup by an employee. Any updates to such username(s) or password(s) following

the creation of a Village social media account shall also be provided to the Department Head by any employee who sets up a Village social media account pursuant to this Chapter.

- (4) All posts or communications must maintain a high level of ethical conduct and professional decorum. Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, avoid jargon, obscure terminology or acronyms. Failure to do so may be grounds for revocation of authorization to hold a Village social media account.
- (5) Posts that are for political purposes or any private related activities or transactions are prohibited.
- (6) Inappropriate usage of a Village social media account shall be grounds for disciplinary action up to and including termination.
- (7) Inappropriate usage of a Village social media account shall be grounds for removal of the account under the discretion of the Village Administrator.

CHAPTER 34 - VIOLENCE IN WORKPLACE POLICY

34.01 Purpose

The Village of McFarland is committed to providing, in so far as it reasonably can, a safe environment for working and conducting business. The goals and objectives of this policy are to achieve the following: reduce the potential for violence in and around the workplace; encourage and foster a work environment that is characterized by respect and healthy conflict resolution; and mitigate the negative consequences for employees and volunteers who experience or encounter violence in their work lives.

34.02 Policy

The Village will not tolerate or ignore acts of violence committed by either employees, contractors or volunteers while on Village property or while performing Village business at other locations. The Village intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees, volunteers and members of the public.

34.03 Definition of Violence

The word violence in this policy will mean an act or behavior that:

- (1) Is physically assaultive;
- (2) Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an employee, volunteer or member of the public.
- (3) Would be interpreted by a reasonable person as carrying potential for physical harm to the individual;
- (4) Is a behavior or action that reasonable person would perceive as menacing;
- (5) Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or,
- (6) Consists of a communicated or reasonably perceived threat to destroy property.

34.04 Exception to Weapons Prohibitions

The weapons prohibition policy does not apply to employees who are armed in the line of duty, such as Police Officers, except in designated restricted areas unless otherwise directed by the Police Chief. Also, employees required to utilize knives or jackknives on the job within the normal scope of their employment as authorized by their department head are not considered to be in violation of this policy.

34.05 Responsibilities

- (1) All employees and volunteers are responsible for:
 - (a) Refraining from acts of violence and for seeking outside assistance to resolve personal issues that may lead to acts of violence in the workplace; and
 - (b) Reporting to department head/supervisor any dangerous or threatening situations that occur in the workplace.
- (2) Employees and volunteers are encouraged to report to their department head/supervisor situations that occur outside of the workplace which may affect workplace safety, i.e., instances where protection orders have been issued, etc.

34.06 Procedures and Guidelines

When a violent act occurs:

- (1) If the act or altercation constitutes an emergency, CALL 911. In instances that are not emergency situations, contact your department head or supervisor. When 911 is contacted, contact your department head/supervisor after contacting 911.
- (2) If possible and **safe**, separate the parties involved in the altercation. If the parties cannot be separated, or it would be too dangerous to you or the department head/supervisor to attempt to separate the parties, CALL 911.
- (3) You or the department head/supervisor should contact the Village Administrator.
- (4) The Village Administrator will take responsibility for coordinating response to the non-emergency incident.
- (5) In instances that involve **emergency** situations or **criminal** activity, the Village Administrator will contact the Police Department.
- (6) In instances when it is not appropriate to refer an incident to the Police Department, the Village Administrator will evaluate the situation and determine if further action is required. If an internal investigation is recommended, the Village Administrator will coordinate the investigation process.

CHAPTER 35 - LIBRARY EMPLOYEES

The Library Board has statutory control (Wisconsin Statutes 43.58) over the establishment of personnel policies and procedures for employees of the E.D. Locke Public Library. In the interest of maintaining consistency in the personnel policies for all Village employees, however, the Library Board has adopted most of the policies and procedures outlined in this Manual. The separate statutory authority and specialized staffing needs of the Library require, nonetheless, that certain modifications be made to those policies and procedures. For ease of reference, this Chapter summarizes those instances where the personnel policies for Library employees differ from this Manual.

35.01 Section 3.02(1)(a-e) Delineation of Authority and Responsibilities

The Library Board will be responsible for approving the Library's organization chart, creating or abolishing positions, confirming personnel appointments, approving wage rates and compensation policies, and hiring/firing the Library Director.

35.02 Section 4.03(4) Personnel Files

The Library Director will maintain the personnel files and original applications/resumes of all employees except for the Library Director position. Records related to the hiring of the Library Director and the personnel file of the Library Director will be maintained by the Library Board or the Village Administrator.

35.03 Section 5.04 Creating/Abolishing Positions

The Library Board will have the authority to create or abolish positions based upon the recommendation of the Library Director.

35.04 Section 6.02 Responsibility and Authority for Administering Compensation Plan

The Library Board will be responsible for approving the compensation plan for Library employees and the Library Director will be responsible for developing, maintaining, and administering the compensation plan.

35.05 Section 7.05 Employee Recruitment Procedures

The Library Director will coordinate and supervise the recruitment of candidates for Library positions.

35.06 Section 8.02(2) Duration of Probationary Period

The probationary period for all Library employees, both salaried and hourly, will be one (1) year.

35.07 Section 8.02(5)(c) Regular Status for Library Director

The performance of the Library Director will be reviewed by the Library Board prior to the end of the probationary period.

35.08 Section 10.02(3)(b) Performance Evaluations of Department Heads

The job performance of the Library Director will be evaluated by the Library Board and the Village Administrator.

35.09 Section 18.02(1) Eligibility for Fringe Benefits

Part-time Library employees in qualified regular positions who are regularly scheduled to work at least fourteen (14) hours per week will be eligible to receive fringe benefits on a prorated basis, except for health insurance coverage which is detailed in Chapter 12 of the Compensation Plan.

35.10 Section 19.01(1) and (2) Legal Holidays

(1) The following paid legal holidays will be observed by the Library and will be celebrated on the following dates:

- New Year's Day
- Easter Sunday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day

(2) Designated legal holidays will be celebrated on the actual day of the week they fall, including Saturdays and Sundays.

(3) Whenever a designated legal holiday falls on an eligible employee's scheduled day off, an additional personal holiday will be granted in lieu thereof.

35.11 Section 19.02 (1) Personal Holidays

(1) Each eligible Library employee will receive three (3) personal holidays per year.

35.12 Section 19.04(2) Holiday Pay

Eligible part-time Library employees will be entitled to pay for legal and personal holidays based on a pro-ration of their regular weekly work schedule as a percentage of a full-time schedule. (EXAMPLE: An employee who regularly works twenty-five (25) hours per week would receive five (5) hours of pay on a holiday.

35.13 Section 19.05(1) & (2) Eligibility for Holiday Pay

Only full-time Library employees and part-time employees who are regularly scheduled to work at least fourteen (14) hours per week will be eligible for pay on legal holidays and for personal holidays.

CHAPTER 36 – LIGHT DUTY POLICY FOR NON-WORKER’S COMPENSATION RELATED ILLNESS/INJURY

36.01 Policy/Purpose

It is in the best interest of the Village and its employees to have injured or ill employees return to work as soon as they are physically capable to temporarily perform meaningful beneficial assignments as they are available. Light duty assignments will generally not extend beyond thirty (30) days, as light duty work is generally episodic, temporary, and nonrecurring in nature. The Village will evaluate the continuation of light duty based on the needs of the Village and the employee’s work restrictions.

36.02 Applicability

This policy shall be applicable to off-the-job injury/illness for an employee who is deemed to be capable of working at some level and capacity other than his/her normal capacity. The employee may be assigned such work as may be beneficial to the Village. An employee who, because of a temporary medical restriction, is unable to perform his/her regular job duties may be assigned to temporary light duty status. Light duty may consist of a change in job assignment, modification of job duties, and/or a combination of these changes.

36.03 Procedures

Employees seeking light duty status shall submit the request for light duty to the employee’s Department Head in writing as soon as the need for light duty is known and at least 24 hours before the expected start of light duty. The Department Head shall forward the request to the Village Administrator.

(1) A licensed physician shall be provided a copy of the Village’s job description for the employee and provide a clear outlining of all job restrictions, the duration of restrictions, and job duties that cannot be performed by the employee as a result of the temporary medical condition. Failure to provide the required information to a satisfactory level may result in a delay of starting light duty assignment or denial of assignment. The Village shall not be liable for lost wages during this delay.

(2) Any medical information received that relates to medical history or disabilities must be treated as confidential medical records and should be provided directly to the Village Administrator or the Administrator’s designee. The Department Head or Supervisor may be informed about the necessary restrictions or accommodations. Medical information may be shared as permitted by applicable law.

(3) After reviewing the information received from the physician, the Department Head shall make a decision in consultation with the Village Administrator as to whether to classify the employee in light duty status. The determination of whether to put an employee on light duty status shall be made based on whether there is meaningful assignments available that fit within the restrictions provided. Work assignments must adhere to the physical restrictions provided to avoid reinjuring or aggravating the condition.

(4) Once an employee is authorized and assigned light duty status, they shall continue in their status as an employee of the Village with the same wages and fringe benefits as previously assigned based on the hours worked by the employee and paid time off used, if applicable. The Village may alter the

employees work hours based on the time light duty is performed. Failure to report for or to carry out the assignments of light duty status shall be grounds for termination of light duty status and discipline depending on the circumstances.

(5) An employee may request to be removed from light duty status at any time as long as they provide at least 48-hour notice.

(6) It is the employee's responsibility to provide timely medical information regarding their continued need for light duty or any changes to their condition and/or restrictions as applicable. Failure to provide documentation may result in the termination of light duty status.

(7) Employees are expected to follow all restrictions as outlined by their physician and make the supervisor aware of any job duties that conflict with those restrictions.

(8) Employees working light duty due to worker's compensation-related injuries shall receive preference over light duty due to non-work related injuries. The Village reserves the right to offer or deny light duty assignments based on various factors including quality of performance, skills, ability, compensation of the individual performing the light duty, and other legitimate nondiscriminatory reasons.

36.04 Other Provisions and Limitations

(1) Nothing in this policy shall constitute continued employment for any duration, a guarantee of work or pay in lieu of work during the period of temporary disability, or any other rights.

(2) Light duty assignments shall be based upon existing work, which meets the employee's job restrictions and does not interfere with the Village's normal operations. Additionally, the Village does not guarantee light duty work will provide continuity of schedule or number of hours worked per week. An employee must use accrued sick leave, vacation or compensatory time to supplement a part-time schedule.

(3) The purpose of this policy is to help an employee return to the role of a productive work during a period of temporary disability. In no case, will a light duty assignment become a permanent position. Light duty assignments will generally not extend beyond thirty days. The employee must make a new request for light duty upon expiration of the authorized assignment.

(4) Light duty assignments may span across different Village Departments. Employees should not expect light duty assignment within the Department worked by the employee.

(5) Employees working light duty must meet all performance expectations of the light duty assignment.

(6) Light duty assignments may be modified or withdrawn by the Village at any time.

(7) Light duty may not be offered to an employee where the employee's temporary restrictions so impact the employee that non-disciplinary medical separation is considered. Light duty may not be offered to an employee where the employee's permanent restrictions so impact the employee that non-disciplinary medical separation is considered. A medical leave of absence may also be requested as outlined in the personnel manual. Appropriate time limits under these documents will be applied.