

CITY OF MERRILL



PERSONNEL POLICIES

Employee Handbook

April, 2012

EMPLOYEE HANDBOOK

Table of Contents

INTRODUCTORY MATTERS

General Policy Statement

1. Introduction
2. Purpose and Scope
3. Organization and Administration

OPERATIONS

4. Position and Administration
5. Recruitment and Selection & Checklists
6. Compensation Administration
7. Scheduled Hours and Overtime
8. Employment Conversion to Part-time Status, Continuance, Layoff,
And Recall from Layoff
9. Employment Termination
10. Records Management

CONFLICT OF INTEREST

11. Conflict of Interest

LEAVES

12. Paid Leaves
13. Unpaid Leaves

EMPLOYEE BENEFITS

14. Fringe Benefits
15. Employee Assistance

DISCIPLINARY POLICY

16. Disciplinary Action – Work Rules
17. Discipline Policy
18. Grievance Procedure

WORKPLACE SAFETY/PROTECTIONS

19. Workplace Protections
20. Zero Tolerance (Violence) Policy
21. Zero Tolerance (Weapons) Policy
22. Sexual Harassment
- Employee/Supervisor Reporting Form
- Investigation Form

MISCELLANEOUS CONDITIONS OF EMPLOYMENT

23. Miscellaneous

DEFINITIONS

24. Definitions

INTRODUCTORY MATTERS

GENERAL POLICY STATEMENT

It is the policy of the City of Merrill to provide equal opportunity in employment to all qualified employees and applicants for employment. Positive action is required from all employees to help ensure that the City of Merrill complies with its obligations under state and federal law.

This Handbook is not a contract of employment; the Handbook supersedes and replaces provisions previously found in collective bargaining agreements that have expired and/or found in personnel policies and procedures that require modification due to the recent legislative enactments. The Handbook applies to non-represented employees as well as general municipal employees previously covered under collective bargaining agreement. For employees who remain covered under a collective bargaining agreement, the terms of the bargaining agreement supersede the terms of the Handbook.

This employee Handbook acquaints employees with the City of Merrill and its policies and benefits provided to all employees. Although supervisors and City administration may also provide such information, it is hoped that this Handbook will be a ready reference to assist from time to time as the need arises. It does not and is not intended to cover these matters in detail or serve as a contract between any employee and the City.

The contents of this Handbook are presented as a matter of information only. While the City believes in the plans, policies, and procedures described herein, they are not intended to be, nor do they constitute, contracts of employment with individual employees. The City reserves the right to modify, revoke, suspend, terminate, or change any or all of such plans, policies, or procedures, in whole or in part, at any time. **The language used in this Handbook is not intended to create, nor is it to be construed to constitute a contract between the City and any one or all of its employees.**

No person other than the Common Council, Library Board, Police and Fire Commission, Transit Commission, Parks and Recreation Commission, and Airport Commission has authority to make any agreement for employment for any specified period of time or to make any agreement contrary to this Handbook. Non-represented employees of the City of Merrill are employees-at-will; that is, employment may be terminated for any reason and with or without notice at any time by the employee or by the City of Merrill. Nothing in the employee Handbook or any other document or statement limits the right to terminate employment at-will. No express or implied agreement to the contrary may be made unless it made by the Common Council either through the Ordinances or by an express written agreement signed by the employee and appropriate officials authorized by action of the Common Council, Library Board, Police and Fire Commission, Transit Commission, Parks and Recreation Commission, and Airport Commission.

This Handbook does not supersede the rights granted by State Statutes or City Ordinances to the Common Council, Library Board, Police and Fire Commission Transit Commission, Parks and Recreation Commission, and Airport Commission, or any employee covered by this Handbook.

INTRODUCTORY MATTERS

INTRODUCTION

1-1 City of Merrill Employee Team Values

As employees of the City of Merrill, we are dedicated and hard working. We strive to perform in a high quality manner. We seek to do a good job, make positive contributions, and grow as public servants. Most importantly, we must treat each other and the citizens with mutual respect, trust and dignity.

To support this philosophy, it is necessary for us to enhance Merrill's quality of life by effectively managing its resources today and in the future. It is also necessary to provide a work environment that is conducive to learning, to improving one's skills and abilities, to promoting teamwork, and encouraging the use of creativity and innovation.

1-2 City of Merrill Employee Team Principles

As public servants, we foster the belief that each of us must treat each employee and citizen with the same respect, trust and dignity that we personally desire.

City employees want to do a good job, are hard working, and can improve the services and programs provided by the City of Merrill.

We never compromise our personal and organizational integrity, while acknowledging that the public interest is always paramount to personal or private interests.

Working together as a team is essential to our success as a City. Teamwork requires full participation and collaboration of all employees.

Everyone in the City organization is an important member of the City of Merrill team.

1-3 City of Merrill Employee Nine Tools of Civility

1-3-1. **Pay Attention.** Be aware and attend to the work and the people around you.

1-3-2. **Listen.** Focus on others in order to better understand their points of view.

1-3-3. **Be Inclusive.** Welcome all groups of citizens working for the greater good of the community.

1-3-4. **Don't Gossip.** And don't accept when others choose to do so.

1-3-5 **Show Respect.** Honor other people and their opinions, especially in the midst of a disagreement.

- 1-3-6. **Be Agreeable.** Look for opportunities to agree; don't contradict just to do so.
- 1-3-7 **Apologize.** Be sincere and repair damaged relationships.
- 1-3-8 **Give Constructive Criticism.** When disagreeing, stick to the issues and don't make a personal attack.
- 1-3-9 **Take Responsibility.** Don't shift responsibility and blame onto others; share disagreements publicly.

INTRODUCTORY MATTERS

PURPOSE AND SCOPE

2-1 PURPOSE. This handbook represents the formal documentation of an orderly system of personnel administration that has been developed to meet the organizational needs of the City of Merrill and the employment needs of its personnel. The system set forth herein is consistent with the following principles:

- 2-1-1 Recruitment, selection, placement and advancement of employees is based upon their relative ability, knowledge and skills as determined through open competition.
- 2-1-2 Recognition of employee performance which exceeds normal performance.
- 2-1-3 Marginal and/or substandard employee performance is discouraged and corrective action taken to ensure its discontinuation.
- 2-1-4 Fair treatment of job applicants and employees in all aspects of personnel administration shall be provided and is based solely upon a consideration of factors except where physical requirements constitute a bona fide occupational qualification.

2-2 EQUAL OPPORTUNITY: Qualified applicants are considered for all positions, and neither the City, nor its agents discriminates against any employee on the basis of race, color, religion, gender, sexual preference, age or national origin. The City only hires individuals who are legally authorized to work with proper documentation.

2-3 POLITICAL ACTIVITY: No person while employed by the City, during duty hours, may engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold public political office or public election referenda. Any violations of this section may result in disciplinary action, up to and including termination.

- 2-3-1 Definition of “Employer Resources”: employees may not use employer resources for political activities. Employer resources include office supplies, electronic equipment including e-mail, facsimile and photocopying machines, bulletin boards and other public spaces.
- 2-3-2 Definition of “Political” Activities: Partisan “political” activities must be conducted independent of your role as an employee. The following guidelines are not exhaustive, but are intended to help in differentiating between those activities that may be viewed as harmful to workplace functioning and those activities that

generally fall outside the “political” activities subject to employer restrictions and intervention. Employees are expected to avoid the following political activities:

- a. Using working hours or employer resources to solicit money or signatures or to make political contributions;
- b. Using non-working hours to solicit contributions, signatures or services from other employees who are on work time;
- c. Posting political materials in areas open to the public (generally, individual work stations that are not available to the public are exempt from this restriction);
- d. Using the employer’s mailing address as the return address for political solicitations;
- e. Providing employee mailing lists to any individual or organization for political solicitations if this information is not generally available to the public. (Note; the use and distribution of employer mailing lists to outside parties always requires prior authorization including an assessment of whether fees should be charged to cover production costs);
- f. Providing a forum for an individual candidate to promote his or her campaign without giving an equal opportunity to other candidates, for the same office, to participate in the forum;
- g. Political advocacy in the form of clothing items, armbands and buttons that cause a disruption in operations and/or violates the rights of others including the right to be free from discrimination, harassment and intimidation in the workplace.

2-4 EMPLOYEES COVERED: Unless excluded from coverage, in one of the categories listed and described below, all non-represented employees of the City of Merrill are covered under the policies of this handbook.

2-5 EXCLUSIONS: In addition to persons represented by collective bargaining units, persons in other employment or quasi-employment positions within the City organization may also be excluded from one or more of the provisions of this handbook. Persons in the following capacities are excluded from these provisions:

- 2-5-1 Members of the City of Merrill Common Council.
- 2-5-2 Elected City officers.

- 2-5-3 Non-City employee members of committees, boards or commissions.
- 2-5-4 Independent contractors providing services with City facilities.
- 2-5-5 Volunteer workers.
- 2-5-6 Persons providing services on a per diem basis.
- 2-5-7 Work relief participants.
- 2-5-8 Employees of another unit of government.
- 2-5-9 Consultants.
- 2-5-10 Students engaged in field training.

2-6 EXCEPTIONS: The Mayor or Common Council may make exceptions to any of these policies (e.g. employment situations, or where specific Federal or other funding requirements must be met) when it is assured that granting such exceptions is not detrimental to the system or in conflict with Wisconsin Statutes or Federal laws or regulations.

INTRODUCTORY MATTERS

ORGANIZATION AND ADMINISTRATION

3-1 PURPOSE. This chapter sets forth the delineation of authority and responsibilities in the administration of the City of Merrill personnel system and program. Effective and efficient delivery of City services requires appropriate organization and assignment of responsibilities.

3-2 CITY ADMINISTRATOR The Administrator is responsible for carrying out the directives and policies of the Mayor and Common Council, subject to statutory limits which may apply. The Administrator shall have clear authority to coordinate and administer the day-to-day operations of municipal government.

3-3 CITY OF MERRILL MAYOR: The Mayor is the Chief Executive of the City of Merrill. As Chief Executive, the Mayor exercises day to day responsibility for the operation of City Government. The Mayor is responsible to ensure that the ordinances and policies adopted by the Common Council are carried out by the Departments, officials and employees of the City of Merrill. The Mayor also serves as the chair of the Common Council.

3-4 CITY OF MERRILL COMMON COUNCIL. *The Common Council:*

- 3-4-1 Acts to approve the Departmental Organization as set forth in the adopted version of the Annual City Budget.
- 3-4-2 Authorizes the creation of any new classified positions.
- 3-4-3 Confirms department head appointments, promotions and terminations, except as otherwise provided for by Ordinance or State Statute.
- 3-4-4 Approves the compensation policy for non-represented employees and all labor agreements.
- 3-4-5 Reviews and approves City personnel policies, including amendment of this handbook. Any changes to this handbook may be done by resolution.
- 3-4-6 Delegates such duties and responsibilities as necessary.

3-5 ROLE OF MANAGEMENT --- *Department Heads*

Certain rights and responsibilities are imposed by State and Federal laws and regulations. Many of these rights and responsibilities have implications for policies and

procedures governing employment. For this reason, the Employer reserves and all management rights regarding employees' employment status.

Management rights include, but are not limited to, the right to:

- 3-5-1 Enforce the personnel policies, rules and regulations in their respective departments, establish reasonable work rules, regulations and schedules of work.
- 3-5-2 Keep employees informed of current personnel policies.
- 3-5-3 Manage and direct the employees, conduct complaint investigations/resolutions.
- 3-5-4 Hire, promote, schedule, transfer and assign employees.
- 3-5-5 Immediately notify the Personnel Director of any proposed changes in personnel and participate in selection of replacements.
- 3-5-6 Appoint or remove employees from positions.
- 3-5-7 Evaluate the performance of employees on a regular basis.
- 3-5-8 Lay off and recall employees.
- 3-5-9 Immediately notify the Personnel Director of any proposed changes in personnel and participate in selection of replacements.
- 3-5-10 Discharge employees or take disciplinary action.
- 3-5-11 Schedule overtime as required.
- 3-5-12 Develop job descriptions.
- 3-5-13 Assign work duties.
- 3-5-14 Introduce new or improved methods or facilities or change existing methods or facilities.
- 3-5-15 Contract out for goods and services.
- 3-5-16 Discontinue operations.
- 3-5-17 Direct all operations, assign duties and related work as may be necessary to fulfill the responsibilities and the needs of the City.

3-6 SUPERVISORY PERSONNEL. To the extent that department heads delegate authority to them, supervisors may:

- 3-6-1 Implement the personnel policies, rules and regulations in their unit.
- 3-6-2 Assign duties and related work as may be necessary to fulfill the responsibilities and the needs of the City.
- 3-6-3 Administer discipline to employees.
- 3-6-4 Participate in the selection of new employees.

OPERATIONS

POSITION AND ADMINISTRATION

4-1 PURPOSE. This chapter sets forth the policies governing the creation, abolition, classification, and funding of positions within the City organization and delineation of administrative responsibilities therein.

4-2 ORGANIZATION CHARTS. The Personnel Director maintains Organization Charts listing the authorized positions, and the functional relationship of positions with the City organizational structure. The Personnel Director presents the Organization Charts to the City's Personnel and Finance Committee for approval on an annual basis and inclusion in the City Budget.

4-3 POSITION CREATION/DELETION/MODIFICATION. The Common Council adds to, deletes, or modifies the Organization Charts List in the Annual City Budget.

The Common Council may add/delete/modify positions at any time, but considers the recommendation of the affected Department head prior to acting.

4-4 RESIDENCY.

- (a) Residency requirements apply to all law enforcement personnel, fire personnel and the Utilities Superintendent, hired after July 1, 2013. Such personnel shall reside within 15 miles of the jurisdictional boundaries of the City of Merrill no later than the end of their probationary period.
- (b) Any change in residence for any law enforcement personnel, fire personnel and the Utilities Superintendent shall be in conformity with the above residency requirements. (Res. #2329 9-10-2013)

4-5 PROBATIONARY PERIODS.

(a) ***Probationary Period Required.***

(1) The employee is required to serve a 6-month probationary period commencing on his/her date of employment or promotion, except that new department heads, by transfer, promotion or newly hired, and law and fire personnel shall serve a twelve (12) month probation. The employee shall have employment-at-will status during the probationary period.

These probationary periods may be extended up to an additional six (6) months by the Common Council or its Personnel and Finance Committee by written notice to the employee.

(b) **Reduction of Probationary Period.** At any time during the probationary period, the Common Council or the Personnel and Finance Committee may reduce the probationary period.

(c) **Dismissal During Probationary Period.** During the Performance Probationary Period, the employee has the obligation to demonstrate proper attitudes and abilities for the position for which employed. The employee may be dismissed by the Common Council or the Personnel and Finance Committee without prior notice, hearing, or cause during the Performance Probationary Period. Within thirty (30) days after the expiration of the probationary period, the Common Council or its Personnel and Finance Committee shall make a determination as to retaining the probationary employee.

(New Probation Periods Res. #2329 09-10-13)

4-6 PHYSICAL EXAMINATIONS. New full-time and part-time employees are required to undergo a pre-employment physical and drug testing at City expense after the position is offered but before the employee begins work. If available, the City's Health Officer or his or her designee will administer the physical

4-7 BACKGROUND CHECK. A background check is conducted by the City of Merrill Police Department prior to employment for all new full-time and part-time employees. The information resulting from the background check is reported to the Department head prior to hiring, and placed in the personnel file.

4-8 REGULAR FULL-TIME. Persons employed full-time (forty or more hours per week), as established by the Common Council action and defined in City ordinances. These persons receive full fringe benefits as specified in this manual.

4-9 REGULAR PART-TIME. Persons employed less than full-time, in positions established by Common Council action. Those persons receive either pro-rata or no fringe benefits as specified in this manual.

Personnel and Finance Committee authorization is required for all employees working thirty (30) or more hours per week on a regular basis.

4-10 LIMITED TERM EMPLOYEES. A Limited Term Employee is defined as an employee not occupying positions established by Common Council action. Limited Term Employees are seasonal and temporary employees that have a clear start and end date.

Limited Term Employees are not eligible for any fringe benefits as specified in this manual unless required by federal or state law.

No such employee may be employed in violation of Section 13-4 (Nepotism) of this manual.

4-11 FILLING VACANCIES. The Common Council is empowered to authorize or deny the filling of positions as they become vacant.

Upon occasion it is necessary that a City Department shall be in need of an employee to perform certain services for the City, not to exceed 1200 hours per year, and assuming there are sufficient funds in the department's budget to pay for the same, no Common Council and Committee authorization shall be required.

The following process will be followed for hiring of persons to fill existing Authorized Positions and newly created positions:

4-11-1 ***Existing Authorized Position***

The first step in the process when a vacancy occurs in an existing Authorized Position is for the Department Head to report the vacancy to the Personnel Director.

When the Personnel Director determines that a vacancy exists, the matter shall be referred to a Committee of the Whole meeting for consideration and that committee shall make a recommendation to the Common Council.

4-11-2 ***Newly Created Position/Hire***

The Personnel Director shall take a request for a new position/hire to a Committee of the Whole meeting for consideration. That Committee shall make a recommendation to the Common Council.

The authorization of the new position automatically includes lifting of the hiring freeze and authorization to recruit to fill the position;

4-12 POSITION DESCRIPTIONS. The Personnel Director oversees the development and modification of position descriptions for all positions within the City organization. Department Heads may modify position descriptions or job titles subject to the approval of the Personnel Director. The Personnel Director maintains current position descriptions for all positions within the City organization.

OPERATIONS

RECRUITMENT AND SELECTION

5-1 PURPOSE. This chapter sets forth the policy and practices of the City of Merrill governing the recruitment and selection of persons for placement in employment positions.

5-2 POLICY. It is the policy of the City of Merrill to recruit and select the most qualified persons for the positions in city services in accordance with the City's Equal Opportunity Policy. Recruitment and selection activities reflect the affirmative action goals of the City of Merrill. Promotional and internal transfer opportunities for existing personnel are actively encouraged.

5-3 RECRUITMENT. The Personnel Director coordinates and supervises the recruitment of candidates for all City positions for which no immediate internal promotion or transfer is authorized. The Personnel Director is notified of vacancies in City positions prior to any steps taken to fill the position. The recruitment program is designed to meet the current and projected personnel needs of the City, is tailored to each individual position to be filled, and is directed to sources likely to yield applicants. The Personnel Director authorizes newspaper and other media advertisements. For a limited number of positions requiring a level of skill and experience not readily found locally, including, but not limited to department heads, statewide publications and professional journals may be authorized.

5-4 JOB VACANCIES AND INTERNAL NOTIFICATIONS. When the Employer determines that a vacancy or new position shall be filled, the Employer shall post a notice, in a prominent location throughout the City facilities, of such vacancy or new position, for a minimum of five (5) working days. The notice shall include the date the position is to be filled, title of position, requirements, rate of pay and benefits. The Employer retains the right to determine whether and when to recruit outside applicants.

All employees who meet the minimum qualifications for the position, will be given the opportunity to interview for the opening. All employees who interview for a position will be notified of selection result.

5-5 APPLICATION. All applications for employment are made on forms meeting State and Federal Requirements. Applicants may be required to provide proof in verification of applications statements made.

5-6 REJECTION OF APPLICATION. The City of Merrill may reject any application for employment. The basis may include but is not limited to the following:

- 5-6-1 Improperly completed or falsified the application.
- 5-6-2 Has been convicted of a crime which renders him/her unsuitable for the position. (Determination of this basis is contingent upon the nature of the

offense, date of occurrence, eligibility for surety bond, and other legally relevant considerations).

- 5-6-3 Does not meet, or will not meet at the time of placement, the required minimum age for the position.
- 5-6-4 Has an unsatisfactory employment record which indicates unsuitability for the position.
- 5-6-5 Applies after the published deadline for application submission.
- 5-6-6 Is a member of an organization which advocates the violent overthrow of the government of the United States.
- 5-6-7 Is physically or mentally unable to perform the duties of the position, and such inability cannot be reasonably accommodated by the city.
- 5-6-8 Does not meet the minimum skill or experience requirements of the position.
- 5-6-9 Does not pass drug screen evaluation.
- 5-6-10 Does not pass employment physical as required by the City.

5-7 NOTICE OF REJECTION. Whenever an applicant has applied for a current vacancy and is rejected, notice of the rejection is mailed to the applicant.

5-8 INTERVIEW. Only the best qualified applicants are selected for interviews and final consideration. The Personnel Director will develop policies for conducting interviews with applicants for City positions.

5-9 INTERVIEW EXPENSE. Applicants who are called into interview will normally do so at their expense. The City may elect to reimburse an applicant for all or part of reasonable expense incurred in conjunction with interviews including travel, meals, and overnight accommodations. Payment for such expense must be approved in advance by the Personnel and Finance Committee.

5-10 SELECTION DEVICES. The Personnel Director is responsible for determining methods to be used to screen applicants for job vacancies, except to the extent reserved to other bodies of the City by ordinance or State Statute (e.g., the Police & Fire Commission). In developing the selection devices, the Committee confers with department heads 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 the following;

- 5-10-1 Review of education, training and experience as shown on the application.

- 5-10-2 Practical written or oral tests, work samples or performance test if job related.
- 5-10-3 Physical tests of strength, stamina or dexterity and pre-employment health examination when job related.
- 5-10-4 Background and reference inquiries.
- 5-10-5 Personal interviews.
- 5-10-6 Drug screening for new employment.

5-11 CONFIDENTIALITY. All persons participating in the development and maintenance of selection materials must exercise every precaution to ensure the highest level of confidentiality and security.

5-12 NEW EMPLOYEE ORIENTATION. The orientation of a new employee is the final step in the hiring process. Without a planned orientation program, employees would be compelled to ask their co-workers for the information they need, and might be misinformed. A well-organized orientation program enables new employees to be sure that they are getting all the facts firsthand, increases morale, and contributes to a more positive attitude toward the City.

The City has devised a formal Orientation Program for all new employees. It consists of two (2) phases:

- Phase I -- Personnel Department
- Phase II -- Immediate Supervisor

It is important that each phase of the two (2) phases of the Orientation Program be completed (see attached checklists). If you do not receive the proper forms, contact the Personnel Director at once to secure them. The orientation of new employees is very important and should be carried out conscientiously. Every effort should be made to make them feel comfortable and welcome. The checklists on the following pages, or a version as modified to match existing policies, is used by the Personnel Director and the employee's immediate supervisor. Please note that the attached forms are intended to provide a template of the issues to be covered in orientation. Actual orientation checklists may vary depending on specific departmental and/or personnel department practices and procedures.

PERSONNEL ORIENTATION CHECKLIST
 (COMPLETED BY: PERSONNEL DIRECTOR OR DESIGNEE)

Employee Name _____

Department _____ Hire Date _____

The following items are to be discussed with the new employee upon his/her successful completion of physical exam and drug test.

	✓ = Done <u>Discussed</u>	✓ = Done <u>Sign up Employee</u>
1. W-4 Withholding Tax Form (Federal).	_____	_____
2. WT-4 Withholding Tax Form (State).	_____	_____
3. Form I-9 Employment Eligibility Verification. **Copy of Passport or Drivers License & Social Security Card	_____	_____
4. Medical Report.	_____	_____
5. Life Insurance Application w/booklet. ** Advise of Coverage for Spouse/Dependents ** Additional Employee Coverage	_____ _____ _____	_____ _____ _____
6. Retirement Form w/booklet. ** Application for Variable Participation ** Additional Contributions Booklet ** Beneficiary Designation	_____ _____ _____ _____	_____ _____ _____ _____
7. Health Insurance Application w/booklet. ** Creditable Coverage Notice	_____ _____	_____ _____
8. Dental Insurance (Give Benefit Book if Enrolled).	_____	_____
9. Health Insurance Incentive Plan.	_____	_____
10. Cobra Information. ** Health Insurance (1-emp & 1-spouse)	_____ _____	_____ _____
11. Deferred Compensation Program. ** (PEBSCO & WI Deferred & Roth Pretax)	_____	_____

- 12. Safety Guidelines. _____
- 13. First Aid Policy. _____
- 14. Best Flex – Employee Benefits Cooperative. _____
- 15. Disability Insurance (1200 hrs & over are eligible). _____
- 16. AFLAC Information / Waiver. _____
- 17. Employee Assistance Program. _____
- 18. Benefit Information Request Form. _____
- 19. Emergency Contact Form. _____
- 20. **Direct Deposit of Payroll Check – Voided Check Required** _____
 ** Savings, Checking, Loans as direct deductions – ACH
- 21. Personnel Policy Booklet – Non-Union Pers. Only. _____
- 22. Post Employment Health Plan – Police Union Officers & Fire Union. _____
- 23. Department Head/Supervisor Orientation Check List _____

QUESTIONS

I have been advised and I understand all information covered above. I have also been issued copies of the Personnel Policies and Insurance booklets, and General Safety Rules checklist.

 Signature of Employee _____
 Date

Personnel Representative: _____
Signature _____
Date

Place Completed form in Employee's Permanent File.

DEPARTMENT ORIENTATION CHECKLIST
(COMPLETED BY: DEPARTMENT HEAD OR SUPERVISOR)

Employee Name _____

Department: _____

Department Supervisor: _____

Date: _____

This checklist is to insure that all necessary supplies, tools, information, and safety equipment have been given to your new employee.

Welcome new employee and put him/her at ease.

Discuss:

✓ = Done

- | | | |
|-----|---|-----|
| 1. | Hours of work | [] |
| 2. | Lunch/Break provisions - time and place | [] |
| 3. | Overtime policy. | [] |
| 4. | Attendance – Proper Reporting | [] |
| 5. | Pay procedures: when, where, how. | [] |
| 6. | Vacation/Holiday/Sick leave eligibility | [] |
| 7. | Bulletin boards & restrooms: where located | [] |
| 8. | Parking | [] |
| 9. | Telephone Call – Emergency or Other | [] |
| 10. | Department rules and regulations. | [] |
| 11. | How to get tools and supplies. | [] |
| 12. | City Safety Policy: | |
| | a. Review department safety rules and record. | [] |
| | b. Inquire about employee's past safety record. | [] |
| | c. Explain procedures to follow in case on-the-job injury occurs. | [] |
| 13. | Importance of good housekeeping and elimination of scrap. | [] |

Provide employee with:

✓ = Done

1. Employee's job classification (title). []
2. Initial assignment and necessary training. []
3. Explain/show new employee his/her job. []
4. Goals of the first few months - what he/she should learn. []
5. Introduce employee to department head. []
6. Introduce employee to his/her training instructor. []
7. Required Uniforms/Safety Shoe requirements. []
8. Provide lock with key, where applicable. []
9. Required tools. []
10. Required safety equipment. []
11. Type of on-the-job training/possible promotional opportunities he/she will be given. []
12. Introduce employee to Steward(if applicable). []

Employee questions, if any:

Employee Signature

Date

Signature of Department Head/Supervisor

Date

Return completed and signed form to the Personnel Department.

OPERATIONS

COMPENSATION ADMINISTRATION

6-1 PURPOSE. This chapter sets forth the basis of authority and the delineation of responsibilities in the City Administrative Compensation Plan.

6-2 ADMINISTRATIVE COMPENSATION PLAN. The Administrative Compensation Plan covers all regular positions not covered by a collective bargaining agreement, professional services agreement, or grant agreement. The principal objectives of the plan are the following:

- 6-2-1 To provide for a competitive compensation structure and practice in order to enhance the recruitment and retention of a fully competent work force.
- 6-2-2 To provide for a high level of internal equity in compensation administration in order to foster the purpose of rewarding and encouraging job performance of a superior or exceptional quality.
- 6-2-3 To be sensitive to the local economy and budget.
- 6-2-4 To recognize the contributions of part-time employees who provide essential City services on a long-term basis often with the same professional qualifications and performance standards as Regular Full-Time Employees

6-3 POLICY. The City of Merrill's Personnel and Finance Committee establishes the general policy governing the administration of the plan and through the Budget and Tax Levy Ordinance or by resolution confirmed by the Common Council, establishes the amount of pay increase (if any) employees receive.

6-4 ADMINISTRATION. The Personnel and Finance Committee establishes specific rules and procedures governing the overall administration of the plan. The Committee determines the specific wage rates individual employees receive, consistent with the rules and procedures established. The Personnel Director and Finance Director oversee the day-to-day administration of the plan, implement compensation adjustments approved by the Common Council, and certifies the compliance of any such adjustments with the established rules and procedures.

6-5 COMPENSATION RANGE ASSIGNMENT. Compensation ranges may be assigned to individual positions, on an annual basis, by the Personnel and Finance Committee with confirmation by the Common Council. The Personnel and Finance Committee may establish a compensation scale to ease the administration of compensation changes.

6-6 INITIAL COMPENSATION ASSIGNMENT. Upon hire, an employee is advised, in writing, as to their beginning compensation. The beginning compensation is within the compensation range established for the position and is normally the minimum rate in the range. A Department Head may request that a particular appointment be made above the entrance pay rate. Such requests must be made in writing and approved by the Personnel & Finance Committee, with Common Council confirmation.

6-7 REGULAR PART-TIME EMPLOYEE COMPENSATION ADJUSTMENTS. Regular Part-Time Employees routinely working ten or more hours per week in a position that has been classified in the Non-Union Compensation Schedule, are eligible for pro-rated step adjustments based upon percentage of position (e.g. twenty hours would be 50%) and length of service.

6-8 ANNUAL COMPENSATION REVIEW AND ADJUSTMENTS. Following the annual revision of the plan, the Personnel and Finance Committee may authorize compensation adjustments to employees in accordance with the rules established in the plan. In so doing, the Personnel and Finance Committee takes into consideration the recommendation of the Department Head regarding the demonstrated job performance of the employee.

6-9 OTHER ADJUSTMENTS. The following personnel actions may require a compensation adjustment for an affected employee:

- 6-9-1 TRANSFER. When an employee is transferred from one department to another having the same job content, the compensation range in effect for the employee prior to the transfer remains in effect.

- 6-9-2 PROMOTION. When an employee is promoted to a position having a higher job classification, the employee is eligible for a compensation adjustment upon promotion. The terms, conditions, and amounts of any such adjustment are approved by the Personnel and Finance Committee. Such adjustment is usually to the closest step in the pay grade of the new position above the employee's compensation before the promotion.

- 6-9-3 DEMOTION. When an employee is demoted to a position having a lower job content, the employee assumes to the compensation on the new position compensation scale based on the number of years of employment with the City, subject to review and adjustment by the supervising committee of the position.

- 6-9-4 TEMPORARY CLASSIFICATION. When a Supervisory Employee is absent from his/her position for a period exceeding 20 working days for medical or other reasons (excluding vacations),

and if a department employee, as designated by the Personnel Director, assumes those duties during that absence, that employee shall be paid at a rate equal to one compensation grade higher than their normal compensation. Such additional compensation shall be retroactive to the first day of assumption of additional duties. This adjustment shall cease upon the return to work by the Supervisory Employee. Such temporary classifications will be reviewed by the Personnel and Finance Committee prior to payment.

6-10 LONGEVITY. All full time employees hired prior to January 1, 1998, except elected officials, who are under the Wisconsin Retirement System with five or more years of continuous paid service with the City receives a longevity payment of two dollars and twenty-five cents (\$2.25) per month of paid service retroactive to the first day of employment. The longevity payment is based on the employee's anniversary date plus any additional months from such date to the end of December of the current year. The check for longevity pay is issued on or about the Friday before Thanksgiving. Retiring employees receive such payment for longevity prorated on the basis of percentage of the calendar year served (figured to the end of the month in which they retire) at the time of retirement. Persons who terminate service with the City do not receive any pro-rated longevity payment, except in the case of death. Police Supervisory employees who entered City service on or after January 1, 1994 under the contract between the City and the Merrill Professional Police Association shall not be eligible for longevity pay under this paragraph.

Employees whom previously received a longevity payment, who are working less than full-time, such as under an ADA work accommodation or whose position is reduced from full-time due to fiscal constraints, will receive pro-rated longevity pay.

Pursuant to Common Council action January 10, 2012, no additional employees will be added to the list of those eligible for longevity and all future longevity payments will be frozen at the 2011 dollar amount for those employees who received longevity payments in 2011.

Former Fire Captains removed from the Fire Union **after** October 1, 2012 will receive Longevity compensation frozen at the 2012 amounts. Former Fire Captain removed from the Fire Union **prior** to October 1, 2012 will receive Longevity compensation frozen at the 2011 amounts. (Res. #2330 09-10-13)

6-11 GARNISHMENTS. Definition: A garnishment is a court order to an employer to withhold a sum of money from an employee's wages or compensation. A federal levy, which takes precedence over all other garnishments, can take 100 percent of all money due to an employee as of that date. It is quite common for the employee to be allowed to work out an arrangement for paying in installments. Child support orders take precedence over garnishments due to debts, judgments, or other attachment orders.

- 6-11-1 POLICY: The City conforms to applicable federal or state laws and regulations relating to garnishments.
- 6-11-2 PROCEDURE:
- (a) All garnishments are handled by the Finance Director. An employee's department head is notified of any garnishment orders in order to promptly notify the affected employee.
 - (b) The Finance Director consults with the Mayor or City Attorney before action is taken.
 - (c) The Finance Director immediately notes the date when withholding is to begin and ensures that the garnishment begins by that date.
- 6-11-3 RESPONSIBILITY: The Finance Director and department heads implement the policy after consultation with the City Attorney.

OPERATIONS

SCHEDULED HOURS AND OVERTIME

7-1 PURPOSE. This chapter sets forth the policy and practice governing the establishment of work schedules, the scheduling of overtime, and forms of overtime compensation.

7-2 SCHEDULED HOURS. The normal scheduled hours for each full-time position is forty hours per week in accordance with City policy. Part-time employees work a normal schedule of hours averaging less than those established for full-time position within the department.

7-2-1 Normal operating hours for City Hall and other City administrative offices is from 8:00 a.m. until 4:30 p.m. Offices in City Hall are generally open during these hours. Offices may be closed during lunch, with the exception of the Police and Fire Departments; and City Clerk/Director of Finance Offices.

7-2-2 Notwithstanding the foregoing, regular full-time employees may arrange an alternative schedule with the approval of the department head and Personnel Director provided that the schedule allows for forty hours of work per week and service to the public is not diminished.

7-2-3 *Library*, hours and work schedules for library staff members is established by the Library Board.

7-2-4 *Parks and Recreation Department*, hours will be 7:00 A.M. to 3:30 P.M. Monday through Friday. Arena Specialists position will work on as needed basis with primary hours scheduled for evenings (i.e. after 3:30 P.M.) and weekends.

7-2-5 *Garbage and Recycling Department*, Pickup Crew Only: 6:00 A.M. to 2:30 P.M., Monday through Friday.

7-2-6 *Street Department*, the regular schedule hours shall be from 7:00 A.M. to 3:30 P.M. Monday through Friday.

7-2-7 *Utilities Department*, from 7:00 A.M. to 3:30 P.M. and one (1) employee on call from 3:30 P.M. on Friday to 7:00 A.M. the following Monday.

There will be one person from the water and sewage department on call from 3:30 P.M. Friday until 7:00 A.M. the following Monday. There will be assigned scheduled work on Saturday morning starting at 7:00 A.M. for the on call person. Once the assigned work for that day has been completed the employee may punch out

for the day without further pay. The on-call employee shall be given a cellular telephone for use and if contacted regular overtime and call time provisions would apply. In recognition of the employee's weekend call time service, the City will provide a paid day off on the following Friday.

7-2-8 **Wastewater Treatment Plant**, there will be a rotating schedule regarding the water and sewer department work on weekends. For payroll purposes their work week will be, Friday at 12:00 midnight through Friday at 11:59 P.M. work week, with scheduling set up by the Department Head.

For Parks and Recreation Department and Street Department (except Garbage and Recycling) employees, an alternative four (4) day, ten (10) hour per day schedule may be established by the Parks & Recreation Director and Street Commissioner for their department upon approval of the City Administrator/Personnel Director.

7-3 LUNCH PERIODS. A non-paid one-half hour lunch period is normally provided midway through an employee's shift. A different time for lunch break is permitted provided that it is approved by the employee's department head, service to citizens is not harmed, and the employee's schedule is such to accommodate a 40-hour work week. This section does not apply to police and fire personnel who are required to remain on duty and respond to calls during any lunch break.

7-4 OVERTIME/COMPENSATORY. Each position is designated as either "Non-Exempt" or "Exempt" from the Federal Fair Labor Standards Act and state wage and hour laws. Employees in "non-exempt" jobs are paid on an hourly basis and are entitled to overtime pay for hours worked in excess of 40 hours per week. Employees in "exempt" positions are generally paid on a salary basis and are excluded from specific provisions of federal and state wage and hour laws and are not eligible for overtime pay. Employees should contact their supervisor if they are unsure of their position's designation.

Any paid leave time shall be counted as hours worked for overtime purposes.

All overtime must be approved in advance by management.

All City employees, unless exempt, are paid at time and one-half the regular rate of pay for all time worked in excess of their regular work week. For purposes of this manual, a work week begins at 12:01 a.m. on Monday and run through 11:59 p.m. the following Sunday, except Wastewater Treatment plant employees.

City employees, upon the approval and in the discretion of their department head, may receive overtime pay in the form of compensatory time at the rate of time and one-half. Compensatory time may be accumulated up to a maximum of 80 hours and a maximum of 40 hours annually may be paid out by December 15th, if requested by the

employee prior to October 15th. In addition a maximum of 24 hours of compensatory time may be carried over into the following calendar year.

7-5 POLICE SUPERVISORY PERSONNEL. Police Supervisory Personnel, not covered by the collective bargaining agreement, have the following work hours:

7-5-1 Police Supervisory Personnel. The following rules apply to non-union police supervisory personnel except for the Police Chief, Captain, and Investigative Lieutenant.

- (a) Except for changes necessitated by training and departmental manpower needs, the normal work day consists of a twelve hour shift. The normal work schedule shall be 2 days on duty, followed by 2 days off duty followed by 3 days on duty, followed by 2 days off duty, followed by 2 days on duty followed by 3 days off duty on a continuing 2-2, 3-2, 2-3 schedule. In the event that this schedule differs from the schedule under the contract between the City and the Merrill Professional Police Association (the Union Schedule), it shall be adjusted to match the Union Schedule.
- (b) The schedule shall provide an additional 12 hours off per month and 48 additional hours per year, when circumstances permit, as determined and administered by the Chief of Police. Non-union supervisory personnel receive an additional 16 hours off per year. After eighteen (18) years of service, all non-union supervisory personnel receive an additional 8 hours each year in addition to the above described days off.

7-5-2 Fire Department Supervisory Personnel. Fire department supervisory personnel not covered by the collective bargaining agreement work a 40 hour week,

- (b) All Fire department employees not covered by union contract are entitled to one (1) Kelly day per year. Employees must have at least one (1) full year of service to be eligible for a Kelly Day. In addition, employees with eighteen (18) years of service receive one (1) additional Kelly Day each.

7-6 DEPARTMENT HEADS. Department heads and other exempt employees, as executive or professional staff, work such hours and times as necessary to complete their duties.

OPERATIONS

EMPLOYMENT CONVERSION TO PART-TIME STATUS CONTINUANCE, LAYOFF, RECALL FROM LAYOFF

8-1 PURPOSE. The purpose of this chapter is setting forth the policies and practices regarding employment conversion to part-time, continuance, layoff, and the recall of laid off employees.

8-2 CONVERSION TO PART-TIME STATUS. Employees in regular full-time positions, who convert to part-time status, retain sick leave and vacation benefits previously earned, per the fringe benefit policy for part time employees.

8-3 LAYOFF. The Employer retains the right to lay off employees, in whole or in part, and to retain those employees who are most qualified to perform the available work, regardless of their previous length of employment.

In the event of lack of work or lack of funds, employees may be laid off based upon the nature of the duties to be consolidated or eliminated, funding levels and the past performance of the individual employees involved. Under certain circumstances, as determined by each Department Head, workweek reductions may be imposed in lieu of layoff. Part-time, and other Limited-Term Employees in the same classification are laid off before any regular, full-time employee.

The rehiring of employees that have been laid off shall be determined by the Employer based on the need for the most qualified person to perform the available work.

- 8-3-1 Employees laid off are eligible for continuation of their participation in the Group Health Insurance Programs in accordance with State and Federal Laws, provided that they submit a written request, and pay the full premium to the Treasurer starting the first month following the month in which the layoff occurs. Employee premium payments must be made on a monthly basis. Failure to pay premium within 30 calendar days will result in group health insurance program cancellation.
- 8-3-2 Laid off employees may not accrue sick leave or vacation credits during any time of layoff, but retain all past sick leave accumulations for possible use following recall from layoff, and retain seniority for vacation calculation purposes following recall.
- 8-3-3 Laid off employees may continue their participation in other insurance programs at their expense for up to eighteen months

following the first day of the month following the date of layoff, in accordance with the terms established under the various insurance programs.

- 8-3-4 Laid off employees may continue on the payroll beyond the date of layoff until all earned and accrued vacation and floating holidays benefits are exhausted.
- 8-3-5 Laid off employees may be given preferential treatment in recall and/or placement in other appropriate vacancies based upon their demonstrated abilities and past performance.
- 8-3-6 Laid off employees who have not been recalled to their former positions or placed in another appropriate position within 6 months from their date of layoff, are considered terminated from City Employment.
- 8-3-7 It is the responsibility of laid off employees to notify the Personnel Director as to their current address and telephone number so that recall may be effectively handled. Any employee failing to do so may be considered to have forfeited his/her recall or other placement rights.
- 8-3-8 Persons assigned to reduced work weeks in lieu of layoff have their salaries and benefits eligibility administered on a prorated basis effective from the date of work week reduction.

8-4 RECALL FROM LAYOFF. Any employee recalled from layoff shall report for work as soon as possible following the date of recall notice but no later than seven calendar days therefrom. An employee who fails to report for work within the recall period shall be considered to have voluntarily terminated his/her employment. Exceptions to the work return requirement may be made at the discretion of the Personnel Director for medical or other compelling circumstances. In the event that other appropriate employment is offered by the City to a laid off employee, the employee is obligated to accept such employment in order to retain his/her employment status with the City. Refusal of such employment shall be considered to constitute a voluntary termination of employment

OPERATIONS

EMPLOYMENT TERMINATION

9-1 PURPOSE. The purpose of this chapter is that of setting forth policies governing employment termination of all types.

9-2 NOTIFICATION. Employees planning to voluntarily terminate their employment with the City of Merrill are requested to notify their department head as far in advance as possible, but not less than two weeks prior to their last day on the job. Department Heads, and others holding top administrative positions, are requested to provide an advance notice of three months.

9-2-1 Once a resignation has been submitted, it cannot be withdrawn except upon mutual agreement by the employee and the Department Head.

9-2-2 Persons dismissed or involuntarily terminated from employment do not normally receive advance notice of termination.

9-2-3 Terminating employees must turn in all keys and other City properties in their possession immediately to their supervisor or other designated personnel as directed.

9-3 RETIREMENT. For the purpose of establishing eligibility for annuity payment under the Wisconsin Retirement System and/or Social Security persons retiring are eligible for a payment of all earned and accrued benefits, such as vacation and sick leave, which shall be pro-rated to the date of retirement. No employee may carry over more than 40 hours per year. Sick leave payouts shall be calculated as per Section 15-2-8 of the Personnel Policies, Nonunion Employee Manual.

9-4 RESIGNATION. After a minimum of 1 year employment, employees voluntarily terminating their employment for purposes other than retirement and who provide proper notice in accordance with provisions of this article are eligible for a payout of all vacation time accumulated up to the employee's last day on the job. No other benefits are paid out.

9-5 DISMISSAL. Persons involuntarily terminated (dismissed) from City employment for misconduct are ineligible for any form of termination pay other than payment for regular time worked.

9-6 HEALTH INSURANCE CONTINUATION. Persons terminating their employment for any reason are eligible to continue their participation in the City's group health insurance program in accordance with State and Federal Laws.

OPERATIONS

RECORDS MANAGEMENT

10-1 **PURPOSE.** Written personnel records are essential to the establishment of formal data regarding the employment history of all personnel. In addition, for the purpose of meeting a variety of legal requirements, the establishment and maintenance of records relative to all personnel department activities is essential. This chapter sets forth the basic personnel record keeping requirements and identifies procedures governing accessibility to such records.

10-2 **INDIVIDUAL PERSONNEL FILES.** An individual personnel file is maintained for each person employed by the City of Merrill.

10-2-1 The active files consist of the individual files of all persons currently on the City payroll. The inactive files consist of the individual files of all persons formerly employed by the City.

10-2-2 Individual records relative to employee discipline, complaints, physical fitness, occupational injury, and job performance should be maintained for each employee. Any such records, including individuals files, should be considered confidential to the extent permitted by the Wisconsin Open Records Law and should be provided only the employee or his/her authorized representative, the City Personnel Director, the individual's department head and immediate supervisors and authorized Federal and State representatives who have reason to review such official records for official reasons.

10-3 **ACCESS TO INDIVIDUAL FILES.** Reasonable access to individual personnel files will be authorized in accordance with State Laws. Any/all personal medical information will be secured in an area separate from the personnel record, with strictly controlled and limited access, in order to protect confidentiality. No documents may be removed from individual personnel files without the express written permission of the Personnel Director. Copies of documents contained within an individual's personnel file should be provided to the individual or his/her authorized representative upon written request.

10-3-1 The requesting party is assessed a reasonable fee for the cost of reproducing any such document. Such access may be granted under certain conditions in accordance with procedures established by the City Attorney.

10-3-2 Employees, and other authorized viewers of records, shall have the authority to review and copy, but not remove or alter, personnel records. If an employee disagrees with any information in his/her personnel file, the employee may submit a written statement explaining his/her position which shall be included in the file.

10-3-2 The Office of the Director of Finance is accountable for the generation and maintenance of all City payroll records and related reports. In addition, all required employer records such as those relating to group safety and equal opportunity are maintained by the Director of Finance.

10-4 **PUBLIC INSPECTION.** Public inspection of personnel records is permitted in accordance with State Law. The requesting party is assessed a reasonable fee for the cost of reproducing the requested documents.

CONFLICT OF INTEREST

CONFLICT OF INTEREST

11-1 **PURPOSE.** Democratic government requires that employees be independent, impartial and responsible to the people they serve. It is important that the public have confidence in the integrity of its government. The policies outlined in this chapter are intended to be in addition to, supplement and elaborate on, the requirements of the City's Ethics Code.

11-2 **CONFLICT OF INTEREST.** No City employee may use his/her office or position for personal financial gain or the financial gain of his/her family. No employee may engage in his/her own business activity, accept private employment or render services for private interests which such employment, business activity or service is incompatible with the proper discharge of his/her official duties or would impair his/her independence of judgment or action in the performance of his/her official duties. No employee may use or disclose "privileged information" gained in the course of or by reason of his/her official position or activities.

11-3 **POLITICAL ACTIVITY.** No employee is precluded from engaging in political activity provided that such activity does not interfere with normal work performance and is not conducted during normal working hours and does not involve the use of City equipment or property.

11-3-1 Any City employee declaring their intention to seek a political office is expected to take an administrative leave of absence and/or use accumulated vacation if the time and effort required to conduct an election campaign is likely to affect the performance of their duties as a City employee. In any case, City employees seeking either partisan or nonpartisan political office may not engage in any kind of political activity while on City property or engaged in work as a City employee.

11-3-2 A City employee elected to a full-time partisan or non-partisan political office, except Mayor, Alderperson, Clerk, and Street Commissioner, is expected to either terminate their employment with the City or request an administrative leave of absence, not to exceed two years. If serving in the office is expected to benefit the employee's performance upon their return from leave, department heads may recommend a leave of absence for Council approval. Furthermore, it is inconsistent to hold the office of Mayor or Alderperson and any other City employment position. Upon election to the office of Mayor or Alderperson, any person presently holding a position as a City employee must resign that position.

11-3-3 A City employee elected to a part time political office may continue their employment with the City, but are expected not to conduct business related to their elective position while on City property or engaged in work as a City employee.

11-4 NEPOTISM. Members of immediate families may not be employed in a direct superior-subordinate relationship. When applicants who are relatives of the selecting official, are reached for appointment in the conventional manner, the selection should be deferred to the next higher administrative level. This policy is not for the purpose of depriving any citizen of an equal opportunity to City employment. It is solely to eliminate the possibility of preferential treatment in favor of relatives or to subject the employing authority to possible criticism. Nothing in this policy affects persons so employed prior to the effective date of this policy.

PAID LEAVES

VACATIONS AND PAID LEAVES

12-1 ELIGIBILITY. Regular full-time employees are eligible for full leave benefits. Regular part-time employees, working twenty (20) or more hours per week (excluding summer recreation employees) are eligible for pro-rated leave benefits.

12-2 VACATION. The City accrues vacation on a monthly basis based upon anniversary date of hire. New employees are not allowed to take vacation time during their first six (6) months of employment.

The City believes that adequate time must be provided to employees annually for rest and relaxation. For this reason, all employees are encouraged to take their full allotment of vacation days each year.

Additional vacation time is not generally granted if the employee is sick during the vacation period. If, however, the employee becomes seriously ill and requires hospitalization, the Personnel & Finance Committee, upon recommendation of the department head or the City Administrator/Personnel Director may consider this as sick time and not vacation time.

12-2-1 *Non-union personnel including Police Support Positions.*

The following vacation schedule applies to all non-union City personnel (except for Administrative, Professional, Supervisory, Technical Personnel and police and fire non-union personnel working other than a standard 40 hour per week Monday through Friday schedule). A work week is defined as five working days.

1 st year of service	40 hours
2 nd to 8 th years of service	80 hours
9 th to 13 th years of service	120 hours
14 th to 17 th years of service	160 hours
18 th and after years of service	208 hours

12-2-2 *Administrative, Professional, Supervisory and Technical Personnel.*

The following vacation schedule applies to all Administrative, Professional, Supervisory and Technical Personnel (except for police and fire non-union personnel working other than a standard 40 hour per week Monday through Friday schedule). A work week is defined as five working days.

1 st year of service	40 hours
2 nd to 6 th years of service	80 hours
7 th to 13 th years of service	120 hours
14 th to 17 th years of service	160 hours
18 th and after years of service	208 hours

12-2-3 Non-union police personnel (except Support Positions).

The Chief of Police reserves the right to determine the number of personnel on vacation at any one time in order to insure maximum protection and safety of the City. A work week for Police Department Supervisors working the same shift as union police personnel shall be defined consistent with the definition of the work week in the police union contract and this policy shall be applied consistent with the police union contract. Police supervisors, on a Monday-Friday, 40 hours schedule, have a five (5) day work week, said work week being defined as 40 hours. The vacation policy for the Police Department Supervisors is as follows:

1 st year of service	40 hours
2 nd to 6 th years of service	80 hours
7 th to 13 th years of service	120 hours
14 th to 17 th years of service	160 hours
18 th and after years of service	208 hours

12-2-4 Non-union fire personnel.

The Fire Chief reserves the right to determine the number of personnel on vacation at any one time in order to insure maximum protection and safety of the City.

Chief and Captains - Administration:

1 st year of service	5	Days
2 nd to 6 th years of service	10	Days
7 th to 13 th years of service	15	Days
14 th to 17 th years of service	20	Days
18 th and after years of service	25	Days

Captains - Operations:

1 st year of service	72	Hours
2 nd to 6 th years of service	120	Hours

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7 th to 13 th years of service	192	Hours
14 th to 17 th years of service	240	Hours
18 th and after years of service	312	Hours

(Res. #2332 09-10-2013)

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12-2-5 When a holiday falls during an employee’s vacation, he/she receives an additional day of vacation. This subsection does not apply to non-union police and fire personnel eligible for holiday pay.

12-2-6 In the event an employee is on authorized sick leave and has insufficient sick leave credits to cover the period of his/her absence, earned vacation time may be used for this purpose if the employee so elects.

12-2-7 An employee who moves from one position to another in the City service, is credited with his/her accumulated vacation leave in his/her new position.

12-2-8 Vacation credits are not earned by an employee during their leave of absence without pay, a suspension without pay, or when an employee is otherwise in a non-compensable status, should such period without pay exceed ten working days in any calendar year.

12-2-9 Use of vacation time must be approved in advance by the department head in accordance with Department policy.

12-2-10 Regular employees may bank up to 40 hours of unused vacation from one calendar year to the next. Employees wishing to bank vacation under this policy must first receive written approval from the Department Head. Department heads wishing to bank vacation under this policy must first receive approval from the City Administrator/Personnel Director. Copies of the written approval of banked vacation is given to the City Administrator/Personnel Director and Payroll Clerk.

12-3 SICK LEAVE. Sick leave for all regular employees is accumulated at a rate of one work day for each month of continuous service. Upon termination of an employee, any accumulated sick leave, except for retirement or employee death as provided below, is forfeited and not paid.

12-3-1 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 an unexpected serious illness or accident involving a member of the employee's immediate family.

Unpaid leave must be granted for any of the following reasons: to care for the employee’s child after birth, or placement for adoption

or foster care; to care for the employee's spouse, son or daughter or parent who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job.

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

- 12-3-2 Newly hired employees are not eligible to use any sick leave until they have completed six months of service.
- 12-3-3 A Department head may require the employee to submit a medical statement, stating the specific illness, period of treatment, and date that the employee may return to work from sick leave when it occurs before or after a holiday or other scheduled days off, for sick leave in excess of three days or when an employee has a record of repetitious usage of short amounts of sick leave over an extended period of time. The department head may 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 City. The medical examination is given by the City's Health Officer and paid for by the City.
- 12-3-4 Employees who are going to be absent from duty for reasons which entitle them to sick leave must notify their department head or supervisor one hour before the start of scheduled work hours when possible.
- 12-3-5 The Department head may investigate the alleged illness of an employee absent from work on sick leave. False or fraudulent use of sick leave may result in disciplinary action against the employee, up to and including dismissal.
- 12-3-6 Sick leave may be used in no less than one half hour units.
- 12-3-7 A regular employee who moves from one department to another by transfer, promotion, or demotion may have his/her total sick leave credits transferred to the new department. Upon retirement employees eligible for a pension under the Wisconsin Retirement System and the employee's spouse may remain a member of the City's Group Health Insurance until the employee or the employee's spouse is eligible for Medicare, whichever occurs later. Said employee is responsible for the entire premium as deducted from the total amount due the employee from the funds available from the converted sick leave accumulation. In the event that the retired employee exhausts the converted sick leave benefit, the

retired employee shall pay any premiums which come due within 30 calendar days. Failure to pay premium within 30 calendar days will result in group health insurance program cancellation. For purposes of this section, "retire" is defined as drawing a monthly pension check from the Wisconsin Retirement System. (Said payments do not include any separation benefits).

12-3-8 Sick leave accumulation upon retirement is set at a maximum of the employee's total accumulated sick leave hours or 1,300 hours, whichever is less. Accumulated sick leave may be converted to a sick leave cash equivalent based on the employee's hourly rate at the time of retirement times the sick leave accumulation. The sick leave cash equivalent may only be used to purchase health insurance coverage under the City's health insurance plan, or as a cash payout.

12-3-9 Sick leave accumulation upon employee death before retirement is set at a maximum of the employee's total accumulated sick leave hours or 1,300 hours, whichever is less. Accumulated sick leave may be converted to a sick leave cash equivalent based on the employee's hourly rate at the time of death times the sick leave accumulation. The sick leave cash equivalent may only be paid as a cash payout to the estate of the deceased employee. The effective date of this provision is April 1, 2013. (Resol 2289 dated 2-12-13)

Employees who retire for medical/disability reasons or when the WRS allows for early window period retirements shall not be subject to this restriction.

Employees eligible for a cash payout must make an irrevocable election prior to retiring to accept either extended health insurance coverage or the cash payout. The sick leave cash equivalent is taxed in accordance with State and Federal law, as applicable. In the event that the retired employee leaves the City's health plan before exhausting the sick leave cash equivalent, or chooses not to remain a part of the City's health care plan after retirement, any amount in the retired employee's sick leave cash equivalent is forfeited to the City, provided that the employee was not eligible for a cash payout as provided above. Failure by the retired employee to notify the Personnel Department in writing of the employee's desire to remain a part of the City's health insurance plan before the retired employee's coverage lapses shall result in the forfeiture of the retired employee's sick leave cash equivalent.

12-4 FUNERAL LEAVE. Funeral leave is granted to all regular full-time and, to regular part-time employees in accordance with the following provisions.

12-4-1 Immediate Family. In the event of a death in an employee's immediate family, an employee may be excused from work for up

to three working days without loss of pay to attend the funeral and to attend to matters of the estate.

- (a) Immediate family is defined as spouse, child/step-child, spouses of children/step-children, parent, brother, sister, mother-in-law, father-in-law, or any person who has resided with the employee immediately preceding the person's death.

12-4-2 Extended Family. In the event of the death in the extended family of an employee, the employee may request funeral leave from the department head, or if the employee is a department head, the Mayor, and upon such request be granted funeral leave of up to one working day for attending the funeral.

- (a) Extended family includes the aunt, uncle, niece, nephew, brother-in-law, sister in law, grandchildren, and grandparents.

12-4-3 Attendance other than Family. Employees wishing to attend the funeral of a friend must use earned vacation.

12-5 PAID HOLIDAYS; PERSONAL DAYS. Employees in regular positions and working a Monday through Friday schedule except sworn Police and Fire non-union personnel, receive paid time off for recognized holidays which occur after their first full day on the job. No employee is eligible for holiday pay for a holiday which occurs after his/her last day on the job. Sworn Police and Fire non-union personnel are governed by the terms of Section 15-5 below.

12-5-1 The following holidays are granted to full-time employees in regular positions, at eight hours wages, and to regular part-time employees, on a pro rata basis:

New Year's Day
Friday Before Easter Sunday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
The Day After Thanksgiving
Christmas Eve
Christmas Day

In addition, Easter Sunday shall be considered a holiday for purposes of overtime compensation (i.e. non-union sworn Police

and Fire employees whom work shall be paid double-time for hours worked).

12-5-2 After six months of service, in addition to the above holidays, each regular full time employee receives two (2) additional personal days off during the year. Regular part-time employees receive personal days off on a pro rata basis.

12-5-3 Each employee qualifies for holiday pay, if that employee has reported for work on the last scheduled workday before, and the first scheduled workday after the holiday. This provision is waived if the employee is on authorized vacation or sick leave.

12-5-4 If paid holiday falls on a Saturday, it is observed on the Friday before. If a holiday falls on a Sunday, it is observed on the Monday following the holiday.

For Wastewater Treatment Plant Operators: If the City Holiday falls on a scheduled off-day, the employee shall have the last regularly scheduled work-day prior to the City Holiday as paid day off.

12-5-5 Double time - Nonunion Employees. Non-Union employees, except for police and fire management whom receive Holiday Pay under Section 12-6, required to work on a holiday as listed in this section are paid double time.

12-6 HOLIDAY COMPENSATION-NON UNION POLICE AND FIRE PERSONNEL. Holiday pay compensation for police and fire employees not covered by a collective bargaining agreement is as follows:

12-6-1 Police personnel. All sworn police personnel receive holiday pay on the same basis as provided for under the union contract with the Merrill Professional Police Association.

12-6-2 Firefighters. All sworn fire department personnel receive holiday pay on the same basis as provided for under the union contract with the Merrill Firefighters, International Associations of Professional Firefighters Local 847.

12-7 DISABILITY LEAVE. Disability is defined as a temporary physical or mental disability impacting the employee's ability to fully perform their duties. An employee who becomes disabled must notify his/her supervisor at the earliest date possible. Such notification must be completed by the employee's physician and must include any temporary physical limitations placed upon the employee relative to the

performance of his/her job. Follow-up reports may be required from time to time by the City.

12-8 FAMILY & MEDICAL LEAVE ACT. Sick leave and disability leave as provided for under this manual is administered by the City in compliance with the Federal and State Family and Medical Leave Acts. (See UNPAID LEAVE section for additional information and forms.)

12-9 JURY DUTY. Employees covered by this chapter who serve on a jury or are subpoenaed to appear as a witness before a court or administrative tribunal are paid the difference between the jury or witness duty fees and their regular earnings up to a maximum of ten (10) work days per calendar year, if scheduled to work, provided that the employee remits all compensation received for such duty (exclusive of travel pay or actual expenses) within three (3) days of receipt thereof. Employees when released from jury or witness duties must immediately return to their job and complete the scheduled work day. Employees are not entitled to overtime or shift differential under this provision.

12-10 MILITARY SERVICE PROVISIONS.

- 12-10-1 While on active military duty or training of 6-months or less, the Employer shall make up the difference between the military compensation received and the employees current salary.
- 12-10-2 In addition to the above, employees requesting an unpaid leave of absence for military service are covered consistent with Federal Law.

12-11 DONATION OF TIME. Employees will be allowed to donate vacation time to another employee who may have exhausted their sick leave and is in need of additional sick leave as follows:

- 12-11-1 All requests to donate vacation time or receive time to be credited to sick leave must be submitted on the attached form and be pre-approved by the City Administrator/Personnel Director or his/her designee.
- 12-11-2 Donation of time can only be accepted if the receiving employee has 40 or less hours of sick time remaining and employee will be in need of additional sick leave hours in the foreseeable future.
- 12-11-3 An Employee cannot receive an amount of donated time greater than the number of hours worked during a normal payroll pay period.
- 12-11-4 All donated time must be calculated in complete hours (no fractions of an hour).
- 12-11-5 An employee's sick leave balance must be depleted before donated leave time can be utilized.

12-12 VACATION DONATION POLICY

The donation of vacation time by employees to other employees who are off work for periods of time due to serious illness or injury of a family member (as defined in the Federal Family and Medical Leave Act (FMLA) is authorized under the following conditions:

- 12-12-1 The employee receiving the donated vacation time would have exhausted all of their accrued vacation benefits, personal days, compensatory time and sick leave time.
- 12-12-2 The employee donating vacation time would sign a Waiver relinquishing all rights and claims to donated vacation. This form can be obtained at the Clerk-Treasurer office. Participation is done on a strictly voluntary basis.
- 12-12-3 During the use of donated vacation time, other benefits would continue to accrue to the employee (i.e. sick leave, vacation, health and dental insurance benefits, etc.).
- 12-12-4 This policy shall be administered by the City Administrator/ Personnel Director.

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VACATION DONATION WAIVER FORM

I, (*donating employee*) _____ hereby donate
_____ hours of vacation time to (*receiving employee*)

in the Department of _____

I relinquish all rights and claims to this donated time.

I authorize these hours to be deducted from my eligible vacation balance and used to increase the sick leave balance of:

_____ (*employee receiving donation*).

Signed _____ Date _____

Please return this completed form to the City Administrator/Personnel Director.

UNPAID LEAVES

UNPAID LEAVE OF ABSENCE

13-1 PURPOSE AND POLICY. The City of Merrill allows unpaid leaves of absence of defined duration when required by law; otherwise it is considered a privilege granted by the City, not a right of the employee.

13-2 GENERAL PROVISIONS. The following relates to requests for, and the granting of, all unpaid leaves of absence. Except as required by law, no unpaid leave of absence in excess of one year is granted.

- 13-2-1 Any request for an unpaid leave of absence is submitted in writing by the requesting employee to his/her department head as far in advance of the anticipated leave dates as possible. Except in unavoidable situations, no unpaid leave of absence is granted retroactively.
- 13-2-2 Except for military leave or disability insurance coverage, no unpaid leave of absence is granted unless the employee has first used all available vacation, floating holidays.
- 13-2-3 An employee granted an unpaid leave of absence may not be employed elsewhere during the leave period. (This provision does not apply to military service).
- 13-2-4 A return to work on an earlier date than scheduled may be arranged between the employee and the department head.
- 13-2-5 Employees seeking a disability annuity under the Wisconsin Retirement System are automatically placed on an unpaid leave of absence upon the exhaustion of all paid time off benefits and until a final determination is issued by Wisconsin Retirement System.

13-3 FAMILY AND MEDICAL LEAVE. The terms and requirements of the State and Federal Family and Medical Leave Acts apply to requests for unpaid leave for situations covered by those acts.

The City of Merrill complies with all applicable state and federal laws relating to family and medical leave, and will not discriminate against or interfere with the rights of an employee to take such leave. Employees should work with the Department Head and/or City Administrator/Personnel Director to coordinate FMLA leave.

- 13-3-1 ***Eligibility*** Any employee who has been employed by the City of Merrill for at least 12 months and who has worked at least 1,250

hours within the previous 12-month period is eligible for federal FMLA. Any employee who has been on the payroll for 52 consecutive weeks, and has worked at least 1,000 hours in the preceding 52-week period is eligible for Wisconsin FMLA.

Employees eligible for federal FMLA may take up to 12 weeks of leave in a 12-month period for the employee's own serious health condition; the serious health condition of an employee's spouse, dependent child, or parent; the birth, adoption or foster placement of a child with the employee; or for a qualifying exigency related to a spouse, child, or parent's active duty or call to active duty in the Armed Forces. If both parents work for City of Merrill, leave for the birth or adoption or to care for a sick parent will be limited to 12 weeks total between the 2 employees. Up to 26 weeks of leave (inclusive of the 12 weeks noted above) in a 12-month period are available to care for a spouse, child, parent, or next of kin in connection with a serious injury or illness incurred while on active duty.

Employees eligible for Wisconsin leave may take up to 2 weeks of leave for the employee's own serious health condition; 2 weeks for the serious health condition of an employee's spouse, dependent child, parent or parent-in-law; and 3 weeks for the birth or adoption of the employee's child.

A "serious health condition" is any condition requiring inpatient care in a hospital or residential care facility; a condition lasting more than three calendar days with either: two or more treatments either by or under the supervision of a health care provider, or one treatment by a health care provider with a continuing regiment of treatment (e.g. prescription meds); condition involving pregnancy or prenatal care; a chronic, permanent, or long-term condition under the supervision of a health care provider; or a condition that would likely result in incapacity for more than three days if left untreated. In order to take military-related leave to care for an injured family member, the serviceperson must be undergoing medical treatment, recuperation, or therapy, otherwise in outpatient status, or on the temporary disability retired list, for a serious injury or illness as defined by the Department of Defense.

The employee may be eligible to take intermittent or reduced-schedule leave in the event of his/her serious health condition or that of the employee's family member; contact the Department Head and/or City Administrator/Personnel Director for more information. Employees taking intermittent or reduced-schedule leave must consult with their supervisor to schedule the leave so as

not to unduly disrupt City of Merrill's business operations. City of Merrill may transfer an employee on intermittent or reduced-schedule leave to a different position (keeping the same rate of pay and benefits) that would better accommodate the employee's leave.

13-3-2

Notice of Certification City of Merrill administers its 12-month period for purposes of both laws on a calendar year basis. Leave that qualifies under both the federal and state FMLA is to be used simultaneously. An employee needing to take FMLA leave must notify the Department Head and/or City Administrator/Personnel Director, who will determine the employee's eligibility and provide the employee with the necessary paperwork. If the need for FMLA leave is foreseeable, it must be requested by the employee in advance at least 30 days prior to a federal FMLA leave unless it is not practicable to do so. If the need for leave is unforeseeable, the employee must notify the Department Head and/or City Administrator/Personnel Director as soon as practicable. Specifics should be worked out with the employee's immediate supervisor in advance of the leave, wherever possible.

Any employee requesting leave for the serious health condition of the employee or the employee's family will be required to have the serious health condition certified by the affected individual's health care provider. The form will be provided by the Department Head and/or City Administrator/Personnel Director, and must be returned within 15 days of the request, or the employee's leave may be delayed. Second or third opinions may be required in certain circumstances, and the employee may be asked to have his or her health care provider recertify the original condition from time to time during the leave. Any employee taking leave because of the employee's serious health condition will also be required to provide a "Fitness for Duty" certification filled out by the employee's health care provider prior to returning to work.

Any employee requesting leave to care for an injured or ill serviceperson will be required to present certification from the Armed Forces of the individual's serious illness or injury.

13-3-3

Paid Leave and Benefits FMLA leave is unpaid leave. Any employee using Wisconsin FMLA leave may choose to substitute any of the employee's accrued paid leave for unpaid FMLA leave. Once the period of Wisconsin leave has expired, any employee using federal FMLA leave will be required to substitute any remaining accrued paid leave for unpaid FMLA leave. During FMLA leave, an employee's group health benefits will be maintained, provided that the employee continues to pay required

employee premium contributions during the leave. If a required employee contribution is more than 30 days late, the employee's health care coverage will terminate. Additional information regarding premium payments will be provided by the Department Head and/or City Administrator/Personnel Director upon an employee's request for leave.

- 13-3-4 ***Reinstatement*** An employee returning from FMLA leave will be reinstated to the employee's prior position, or if that position is no longer available, an equivalent position with the same pay, benefits, and other terms and conditions of employment. Employees' benefits will be reinstated after FMLA leave as though a leave had not been taken. If an employee wishes to return to work before the leave was to end, the employee must notify the Department Head and/or City Administrator/Personnel Director at least two days prior to the desired return date.
- 13-3-5 ***Failure to Return After FMLA Leave*** If an employee, without approval from the Department Head and/or City Administrator/Personnel Director, does not return from FMLA leave on the day indicated on the original application (or any approved change of that date), or within three days of release by the employee's health care provider if such release is required, the employee will be considered to have voluntarily resigned from employment with City of Merrill as of the day on which the employee's FMLA was to end. In the event this occurs, City of Merrill reserves the right to collect from the employee any employer-paid benefits payments made while employee was on leave, unless the employee's failure to return to work is due to circumstances outside of the employee's control (e.g., the continued serious health condition prevents returning to work).
- 13-3-6 ***Failure to Meet Policy Requirements*** If an employee fails to meet the requirements laid out in this policy, the request for family or medical leave may be denied or delayed until the requirements are met.

CITY OF MERRILL

EMPLOYEE REQUEST FOR FAMILY/MEDICAL LEAVE

Employee Name (Print): _____

Department/Position: _____

Date Leave Request Submitted: _____

I am requesting family/medical leave pursuant to the federal Family and Medical Leave Act of 1993 and state law. The purpose of the leave is:

- The birth of a child, adoption, or the placement of a child for adoption or foster care;

Expected date of event: _____

- Employee medical leave as a result of a serious health condition which has rendered me unable to perform my job functions;

State condition: _____

- A serious health condition affecting my spouse; child; parent; parent-in-law (maximum of 2 weeks in calendar year); for which I am needed to provide care.

State medical condition and care required: _____

- To provide care for a recovering military service member who is my: spouse; child; parent; nearest blood relative; and who suffered an injury or illness while on active duty that rendered the member unable to perform the duties of the member's office, grade, rank, or rating.

State medical condition and care required: _____

- As a result of a qualifying exigency of a service member who is my: spouse; child; parent; and who has been called to active duty or has been notified of an impending call or order to active duty in the Armed Forces.

State nature of qualifying exigency: _____

I understand that each time I need FMLA leave that I should advise the City as soon as possible of the need for that leave. I would like to commence my leave on _____, 20____ and expect the leave to continue through _____, 20____. While I am on leave, I would like to use the following paid time off provided by the City that I have accrued (e.g., vacation):____

Other Comments With Regard to Leave:

Approved Denied

Employee's Signature

By: _____
(Signature/Title)

Date: _____

CITY OF MERRILL

RESPONSE TO EMPLOYEE REQUEST FOR LEAVE UNDER THE
FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993

TO: _____
(Employee's Name)

Department/Position: _____

FROM: _____
(Name of Employer Representative)

SUBJECT: Request for Family/Medical Leave Under Federal Family and Medical Leave Act
of 1993

On _____, 20____, you notified us of your need to take family/medical leave. Except as explained below, you have a right under the federal Family and Medical Leave Act (FMLA) of 1993 to take up to twelve (12) weeks and, with military FMLA leave to care for certain service members who is a relative, possibly up to twenty-six (26) weeks, of unpaid leave the calendar year. While on leave under the FMLA, your coverage under our health plan must be maintained during any period of unpaid leave under the same conditions as if you continued to work and, in general, you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave.

If you do not return to work following FMLA leave for a reason other than: (1) the continuation, reoccurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

The following sets forth our expectations, and your obligations, with respect to your leave under the federal law. If a provision does not apply to you, it has been marked as "N/A".

1. You are eligible for leave under the federal law for the following purpose:
 - Birth of a child, or placement of a child for adoption or foster care;
 - A serious health condition affecting your spouse; child; parent; parent in-law (total of two [2] weeks in calendar year) for which you are needed to provide care;
 - Employee medical leave as a result of a serious health condition which has rendered you unable to perform your job duties.
 - To provide care for a recovering military service member who is your: spouse; child; parent; nearest blood relative; and who suffered an injury or illness while on active duty that rendered the member unable to perform the duties of the member's office, grade, rank, or rating.

As a result of a qualifying exigency of a service member who is your:
 spouse; child; parent; and who was called to active duty or has been notified of an impending call or order to active duty in the Armed Forces.

2. Your leave will commence on _____, 20__, and terminate on _____, 20__. You are expected to return to work on _____, 20__.

Intermittent Leave Dates: _____

If you decide to return early from your leave, you are to provide us with two (2) business days' advance notice of your early return date.

3. Your leave will will not be counted against your annual federal FMLA leave annual Wisconsin FMLA leave entitlement.

4. You may elect to substitute (i.e., use) certain accrued paid leave we provide for unpaid FMLA leave. You have requested to substitute _____. That request is granted denied for the following dates: _____.

5. Under the federal FMLA, we have the right to require you to substitute (i.e., use) certain leaves we provide such as vacation. We are requiring that you utilize your accrued _____ while solely on the leave under the federal law.

3. Based upon Items 4 and 5 above, the following leaves or benefits will run concurrently with the leave you are taking under the federal law:

a. Leave provided for Family and Medical Act purposes under state law: _____
_____ of employee medical (maximum of two [2] weeks in calendar year); _ of family illness leave (maximum of two [2] weeks in calendar year); or _____ of child rearing leave (maximum of six [6] weeks in calendar year).

b. Employer Leave: _____

7. You will will not be required to furnish medical certification of the serious health condition entitling you to the leave you have requested. If certification is required, a form is attached for that purpose. If required, you must furnish the certification within fifteen (15) days of the date of this Notification. Failure to provide a properly completed certification may result in the delay or denial of your leave.

8. Under certain circumstances, we may request recertification of any serious health condition. You will will not be required to furnish recertification every thirty (30) days relating to a serious health condition.

9. While you are on leave, your health insurance coverage will be maintained on the same monetary basis that existed prior to your leave. If you normally pay a portion of the

monthly premiums for your health and dental insurance, these payments will continue during the period of the FMLA leave. You will make premium payments as follows:

Monthly Amount to be Paid: \$ _____

Dates to be Paid: _____

You have a thirty (30) day grace period in which to make payment. If payment has not been timely made, your group health insurance may be canceled or, at our option, we may pay your share of the premiums during the FMLA leave and recover these payments from you upon your return to work or failure to return from leave. We will provide fifteen (15) days' notice prior to termination of your health insurance benefits. We will will not pay your share of the premiums for your health insurance while you are on leave if you fail to do so.

10. We will will not pay the monthly premium costs for other insurance benefits (e.g., life insurance, if applicable) while you are on FMLA leave. If we do so, when you return from leave or if you fail to return from leave, you will be expected to reimburse us for the payments made on your behalf.
11. Under the federal FMLA, an employer can request a "return-to-work" certificate from a health care provider when an employee has been absent from work due to a serious health condition which has caused the employee's absence. You will will not be required to present a return-to-work certificate prior to being restored to employment. If required, the return-to-work certificate will be related solely to the particular "serious health condition" which entitled you to the leave. If the certification is required but not received, your return to work may be denied until such certification is provided.
12. You will will not be required to furnish us with periodic reports of your status and intent to return to work every thirty (30) days while on FMLA leave.

Should you have any questions in regard to the above or your rights and responsibilities under the law, you should contact the City Administrator/Personnel Director at Merrill City Hall.

BENEFITS

FRINGE BENEFITS

14-1 PURPOSE. This chapter sets forth the description of fringe benefits not described elsewhere in this manual, and their eligibility criteria.

14-2 GENERAL ELIGIBILITY. Fully paid fringe benefits in which there is some City cost participation are generally available only to persons employed in regular positions. Exceptions to this policy may be made by action of the Common Council, or as provided for in these policies. Collective bargaining provisions governing unionized employees may differ from the eligibility standards and City contribution levels set forth herein. Regular part-time employees working more than 30 hours per week on a regular basis (i.e. excluding summer recreation employees) are eligible for fringe benefits on a pro rata basis based on the number of hours worked per week.

14-3 PENSION. All persons employed in qualified positions are enrolled in the Wisconsin Retirement System, which serves as the City's pension program. The Wisconsin Department of Employee Trust Funds, requires participation when any employee hired prior to July 1, 2011 exceeds 600 hours or 1,200 hours for employees hired after June 30, 2011 during a rolling 52 week timeframe.

14-3-1 City will pay Employer-Required Contributions for all employees.

Employees in General Classification and Elected are required by Wisconsin Statutes to contribute the Employee-Required Contributions as are Protective Classification employees hired after June 30, 2011.

Non-Union Protective Classification employees hired before July 1, 2011 will pay the same percentage of Employee-Required contributions as in force through contracts with the Merrill Professional Police Association or Merrill Firefighters – International Association of Firefighters Local 847.

14-4 SOCIAL SECURITY. All persons employed are enrolled in the Social Security System except firefighters. All employees participate in Medicare except firefighters hired before April 1, 1986.

14-5 GROUP HEALTH INSURANCE PROGRAM. Employees in full time regular positions may participate in the Health Insurance single or family plan on the first day of the month following the first day of work for the City. Notwithstanding Section 2-5, the City Clerk and Street Commissioner are eligible for full single or family health insurance coverage beginning the first day of the month after assuming office.

Regular part-time employees working thirty (30) or more hours per week on a regular basis may also participate on a pro-rata basis upon the % of a full-time position (e.g. prorated health insurance benefits for an employee working thirty hours per week would be calculated by taking the premium amount, less the employee deduction amount, the City paying 75% of the balance of the monthly premium cost and the employee paying 25% of the monthly premium balance). Employee coverage is subject to the terms and limitations contained in the group health insurance policy adopted by the City. In the event that an employee's spouse is also a City employee, that employee and the employee's spouse will be entitled to only one family health insurance contract between them from the City. The City reserves the right to change insurance coverage or insurance policies at any time in its sole discretion. (*City has family or single coverage.*)

14-5-1 *High Deductible Health Plan – Health Savings Account (HSA) Eligible.* The Employees are offered a High Deductible Health Plan - Health Savings Account (HSA) Eligible with \$1,250 individual and \$2,500 family deductible levels. In addition the Employee will pay 20% of the next \$2,000 individual and \$4,000 family coinsurance. The Employees will pay eight and ninety-eight hundreds (8.98) percent of the monthly premium per pay period not to exceed 24 pay periods per year, and the City agrees to pay the remaining amounts of the High Deductible group health insurance. (*res 2256 – 12-2012) (Res. 2351 – 01-2014)*

14-5-2 *Group Health Insurance Incentive Plan.* In the event that any regular full-time employee eligible for the City's group health insurance program obtains coverage under another health insurance plan through employee's spouse or family member not sponsored by the City, and the employee provides written evidence of such other coverage and declines coverage under the City's group health insurance program, the City will pay the employee \$3,000 if the employee would have been eligible for the family group health insurance plan or \$1,500 if the employee would have been eligible for the single group health insurance plan as an incentive. Such incentive payment is paid by the City at the same time that longevity payments are made under Section 6-9 of this manual. This incentive program is available on a first-come, first-served basis to the first fifteen-percent (15%) of eligible regular full-time employees who register for the program. At any time, a maximum of fifteen-percent (15%) of regular full-time city employees eligible for the City's group health insurance program may be enrolled under this incentive program.

14-5-3 *Group Health Insurance Coverage for Retirees.* In the event that an employee or official who qualifies for the Group Health Insurance Program leaves City service and is eligible for and receives a pension from the Wisconsin Retirement System, the employee or official may remain a

member of the City's Group Health Insurance Program until the latter of the employee/official or the employee/official's spouse becomes eligible for Medicare, at the employee/official's cost. The retired employee or official must pay the monthly premium on a timely basis as established by the City's group health insurance carrier either from the employee/ official's own funds or, to the extent available, accumulated sick leave benefit under Secs. 15-2-7 and 15-2-8. Failure to pay premiums when due will result in cancellation of coverage for the retired employee/spouse.

14-6 GROUP DENTAL INSURANCE PROGRAM. All City employees working thirty (30) or more hours per week on a regular basis may participate in the Group Dental Insurance single or family plan on the first day of the month following thirty (30) days of work for the City. Notwithstanding the foregoing, employees participating in the group dental program are subject to any waiting periods required by the Group Dental Insurance single or family plan. Employees bear the full cost of the insurance which is deducted from the employee's paycheck. Employee coverage is subject to the terms and limitations contained in the group health insurance policy adopted by the City. The City reserves the right to change insurance coverage or insurance policies at any time in its sole discretion. For purposes of this section only, the term "employees" includes the City Clerk and Street Commissioner.

14-7 UNEMPLOYMENT COMPENSATION. Employees are eligible for unemployment compensation benefits.

14-8 WORKER'S COMPENSATION. Employees are eligible for benefits under Worker's Compensation laws of the State of Wisconsin. Employees injured on the job are required to report any injury immediately to the supervisor and the City Clerk's office.

14-8-1 If an injury sustained while off the job prevents an employee from working, they may use accrued sick leave, vacation, holiday time to cover the absence from work and loss of earnings.

14-9 DEFERRED COMPENSATION. Employees in regular positions working thirty (30) or more hours per week on a regular basis are eligible to participate in the City's Deferred Compensation Program. Under this program any employee may designate a portion of his/her income to be deposited into a special Investment account for use in retirement years. The program offers certain tax advantages to participants.

14-10 LIFE INSURANCE. The City provides Life Insurance through the Wisconsin Department of Employee Trust Funds for regular employees eligible under Section 14-3 -Pension, including the City Clerk and Street Commissioner (Mayor Williams presently grandfathered). The premium is paid in full by the City of Merrill for

Basis Group Life and Supplemental Group Life Insurance. Employees must pay the full cost for Additional Group Life Insurance coverage that they choose.

14-11 NEW PAYROLL DEDUCTIONS. New payroll deductions after January 1, 2003, shall be added to the City payroll system only if the computer system will accommodate the new payroll deduction and a minimum of 20% of all eligible employees request the new deduction

14-12 LONG-TERM DISABILITY INSURANCE. All full time and regular part-time City employees working thirty (30) or more hours per week on a regular basis may participate in the Long-Term Disability Insurance program on the first day of the month following the first day of work for the City. Notwithstanding the foregoing employees participating in the Long-Term Disability program are subject to any waiting periods required by the Long-Term Disability plan. Employees bear the full cost of the insurance which is deducted from the employee's paycheck. The City reserves the right to change insurance coverage or insurance policies at any time in its sole discretion.

BENEFITS

EMPLOYEE ASSISTANCE PROGRAM

15-1 PURPOSE The City of Merrill provides an Employee Assistance Program to promote the mental and physical well-being of its most important resource, its employees. This chapter sets forth the objectives of the Employee Assistance Program. It defines referral procedures.

15-2 PROGRAM OBJECTIVES. The City of Merrill recognizes that a wide-range of problems, although sometimes not directly associated with one's job responsibilities, can have an adverse effect on an employee's job performance, and that such problems may be a result of stress experienced in the course of employment. In most instances, employees overcome such personal problems independently and the effect on job performance is negligible. In other instances, normal supervisory assistance is required so that an employee's job performance returns to an acceptable level. In some cases, however, neither the efforts of the employee nor the supervisor have the desired affect of resolving the employee's problem and unsatisfactory performance persists over a period of time, either constantly or intermittently. The Common Council believes that it is in the interest of the employee, the employee's family and the City to provide employee services which deal with the problems of alcoholism, drug abuse, and personal problems. The purpose of this policy is to assure that employees experiencing any of these illnesses receive the same careful consideration and offer of treatment that is presently extended to employee's having any other illnesses. Similarly, an employee's job performance may also be affected when a member of his/her family is afflicted with alcoholism, drug dependency, or emotional problems. In that interest, the City extends the same offer of information referral, and assistance to employee's immediate family members. The illnesses of alcoholism, drug dependency, and emotional disorders will receive financial benefits and insurance coverage in accordance with established employee benefit plans or relevant statutory provisions.

15-3 ADMINISTRATIVE STRUCTURE. The City of Merrill recognizes that the behavior-medical problems of alcoholism, drug dependency and emotional illness are highly complex illnesses that can be successfully treated. It is recognized that the social stigma often associated with alcoholism, drug dependency and emotional illness has no factual basis. It is believed that an enlightened public attitude and a realistic acceptance of these behavioral-medical problems as illnesses will encourage employees who suspect that they may have such an illness, even in its early stages, to take advantage of the diagnostic, counseling, and treatment services available. Therefore it is the policy of the City of Merrill to handle such problems within the following framework.

15-3-1 Implementation of this policy should not require, or result in, any special regulation, privileges or exemptions from the standard administrative practices applicable to job performance requirements. Nor shall there be

any inconsistency with Labor Agreements.

- 15-3-2 The City of Merrill believes that supervisory use of this program should be based on confronting the employee with unacceptable job performance criteria.
- 15-3-3 It is the option of the employee to either accept or reject referral for diagnosis or professional treatment. The City of Merrill encourages employees to seek help on their own initiative and nothing in this policy negates that right.
- 15-3-4 The fact that an employee accepts, rejects, or fails to respond to treatment for alcoholism, drug abuse, or other personal behavior-medical problems, in no way diminishes the employee's responsibility to meet required job performance standards.
- 15-3-5 It will be the responsibility of all management and supervisory personnel, to follow procedures which assure employees with behavior-medical problems that their job security or promotional opportunities will not be jeopardized by a request and/or referral for diagnosis and treatment.
- 15-3-6 All records on employees referred, and actions taken under this program, are to be maintained in the strictest of confidence. Violation of this provision may result in disciplinary action, up to and including discharge.
- 15-3-7 Discussion and speculation about an employee's suspected personal problems which betrays personal information expressed to management or fellow personnel can have the effect of creating gossip and rumor within the organization and as such is prohibited. Such communications are contrary to the intent of the Employee Assistance Program and will certainly undermine the confidence that employees must have if the program is to be effective.

15-4 COORDINATOR RESPONSIBILITIES. The Personnel Director is designated coordinator of the Employee Assistance Program. The Personnel Director is responsible to:

- 15-4-1 Establish procedures that ensure counseling, treatment and referral to outside agencies when necessary.
- 15-4-2 Ensure that discussion between the employer and the employee during the evaluation and referral interviews remains confidential.
- 15-4-3 With the employee's approval, confidentially inform the employee's supervisor as to the progress of the employee.

- 15-4-4 Conduct a back-to-work interview with the employee and supervisor when in-patient treatment has occurred.
- 15-4-5 Consult regularly with the management and staff concerning actions taken under this program.

15-5 MANAGEMENT RESPONSIBILITIES. All department heads will continue to fulfill their personnel management responsibilities with regard to performance efficiency through normal procedures. Such procedures shall include, but not be limited to the following.

- 15-5-1 Documenting specific instances where an employee's work performance, behavior or attendance fails to meet acceptable levels or where the employee's pattern of performance appears to be deteriorating.
- 15-5-2 Advise the Personnel Director of the employee's performance problem and the possibility of a referral. Department Heads must be able to describe behavior but should not attempt to diagnose or draw conclusions. This is a medical or counseling responsibility.
- 15-5-3 As soon a department head recognizes that the employee has a continuing performance problem, the department head shall conduct an interview with the employee, focusing on poor work performance, and shall informally suggest to the employee that he/she seek assistance in dealing with his/her problem. At this point, it will be left up to the employee whether or not to obtain assistance. If the unsatisfactory work performance ceases, no more need be done.
- 15-5-4 When an employee's conduct or job performance remains below acceptable levels and the informal suggestion fails to result in satisfactory improvement, the department head shall do the following:
 - (1) Formally document all of the events which have lead to the Department Heads recognition of the problem. Including the following:
 - (a) Incident description, numbers and dates, such as frequency and reasons for absences, discrepancies in job performance, etc.
 - (b) Number of informal referrals.
 - (2) Report the information in a memorandum to the Personnel Director.
 - (3) Set up a mutually acceptable appointment time for the employee to meet with the supervisor and the Personnel Director.
 - (4) If the employee is uncooperative by failing to keep or reschedule the appointment or refuses to enter the program, and the employee's performance continues to be unac-

ceptable, the department head shall initiate progressive disciplinary action to correct the poor job performance. Information recorded in this report shall include attempts by the department head to formally or informally refer the employee to diagnostic or treatment assistance.

15-5-5 Employees who have made the decision to accept professional treatment which will require absence from work, will be granted sick leave for this purpose. In case of insufficient sick leave, consideration will be given to granting an employee additional leave of absence without pay. This does not negate the possibility of the employee seeking any other benefits available under relevant statutory provisions.

15-5-6 The Department Head and Personnel Director shall have authorization to review all medical and/or counseling records in order to make a determination if the employee is able to return to work.

DISCIPLINE AND GRIEVANCE

DISCIPLINARY ACTION / WORK RULES

16-1 REASONS FOR DISCIPLINARY ACTION. Disciplinary action against employees may be taken for violations of standards of conduct, violations of policies and procedures, or for unsatisfactory work performance. Disciplinary action will only be taken after a full investigation and after giving the employee an opportunity to respond to any and all allegations.

The level of discipline imposed will take into consideration the seriousness of the infraction as well as the employee's performance record. When appropriate, discipline should be corrective in nature. At the employer's sole discretion, various types of employee discipline may be imposed which include, but are not limited to the following: verbal warning, written warning, or suspension. None of these disciplinary measures are required to be used before discharge from employment occurs nor are the listed disciplinary actions required to be used in any specific order. The Employer may repeat disciplinary action.

Employees are expected to work in a competent and conscientious manner which reflects favorably upon the employee and the City of Merrill. The following is a list of examples of behavior which would normally justify disciplinary action.

Infractions include, but are not limited to:

- 16-1-1 Dishonesty or falsification of records, fraud in securing employment, or falsification of timekeeping records.
- 16-1-2 Insubordination or willful misconduct (refusal to carry out a reasonable order, insolence, talking back, arguing, verbal or physical assault of a supervisor, co-worker, or member of the general public).
- 16-1-3 Theft or inappropriate removal or possession of property.
- 16-1-4 Incompetency/inefficiency.
- 16-1-5 Neglect of duty.
- 16-1-6 Failure to obtain and maintain a current licenses or certifications as required by law or the City of Merrill.
- 16-1-7 Destruction, negligent, or improper conduct or use of City equipment or property.
- 16-1-8 Abuse or unauthorized use of City equipment or property.

- 16-1-9 Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or closely preceding duty to the extent that the effects on the user are apparent on the job (including abuse of prescription or other medications) or while operating employer-owned vehicles or equipment.
- 16-1-10 Smoking or tobacco use, while on duty, in City owned property or in/on City owned equipment.
- 16-1-11 Discourteous treatment of the public or fellow employees.
- 16-1-12 Failure to maintain effective working relationships with other employees or the public.
- 16-1-13 Workplace violence, fighting or creating a disturbance among co-workers resulting in an adverse affect upon morale, production, or maintenance or proper order.
- 16-1-14 Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace. The City strictly prohibits concealed carry by its employees during the course of employment.
- 16-1-15 Disorderly or unreasonable conduct including off-duty conduct which brings disrepute upon the individual or which reflects adversely upon the City as an employer thereby affecting employee's ability to perform.
- 16-1-16 Conviction of a felony or misdemeanor that is substantially related to the employee's position and duties performed.
- 16-1-17 Unavailability for work because of incarceration.
- 16-1-18 Absence without authorized leave, or misrepresenting the purpose of an authorized leave.
- 16-1-19 Unauthorized absence from workstation during the workday.
- 16-1-20 Abuse of sick leave.
- 16-1-21 Habitual tardiness.
- 16-1-22 Use of official position or authority for personal profit, sexual purpose, or political advantage.
- 16-1-23 Sexual or other unlawful or unwelcomed harassment.

- 16-1-24 Engaging in discriminatory or abusive conduct with respect to employees protected by equal opportunity laws.
- 16-1-25 Gambling on City property.
- 16-1-26 Disregard or repeated violation of safety rules and regulations.
- 16-1-27 Knowingly make false or malicious statements with the intent to harm or destroy the reputation, authority or official standing of individuals or organizations.
- 16-1-28 Acceptance of any gift, favor, or service in return for performing duties that might reasonably be viewed as tending to improperly influence an employee in the discharge of his/her duties.
- 16-1-29 Violation of established personnel policies, including, but not limited to, this manual.
- 16-1-30 Negligence or willful damage to property.
- 16-1-31 Negligent work performance or failure to perform duties in accordance with department standards.
- 16-1-32 Violation of personnel policies.
- 16-1-33 Unsatisfactory performance or conduct.
- 16-1-34 Unauthorized disclosure of proprietary or confidential information.
- 16-1-35 Violation of any lawful order, directive, policy or work rule.

The offenses listed above are not intended to be all-inclusive, and discipline or discharge may occur for any other reason depending upon the seriousness of the offense and the particular circumstances involved.

16-2- Documentation All discipline shall be documented with a copy provided to the employee and a copy placed in the employee's personnel file.

16-3 Employee Warning Notice. The following form may be used to document disciplinary actions:

CITY OF MERRILL

EMPLOYEE WARNING NOTICE

EMPLOYEE _____
SHIFT _____ TIME _____ a.m. DATE OF
p.m. WARNING _____

DATE OF VIOLATION _____
_____ 1st Notice
_____ 2nd Notice
_____ 3rd Notice

LOCATION VIOLATION OCCURRED _____

NATURE OF VIOLATION

____ SUBSTANDARD WORK ____ CONDUCT ____ TARDINESS
____ CARELESSNESS ____ DISOBEDIENCE ____ ABSENTEEISM

PUNCHING OUT PUNCHING OUT INTOXICATION
____ AHEAD OF TIME ____ WRONG TIME CARD ____ OR DRINKING/DRUG USE
OTHER: _____

ADDITIONAL REMARKS

Supervisor:

Employee:

SIGNATURES:

EMPLOYEE Date

SUPERVISOR Date

PERSONNEL DIRECTOR Date

DISCIPLINE AND GRIEVANCE

DISCIPLINE ACTION POLICY

17-1 DISCIPLINE ACTION POLICY. While it is the hope of the City that discipline will be rarely necessary, when it is determined that an employee is not fulfilling the responsibilities of the position to which he or she is assigned, reasonable steps should be taken prior to discharge. In order to determine objectively that the employee has been given an opportunity to correct a deficiency, the following policy has been established. Notwithstanding the City's goal to provide a progressive discipline procedure, it is within the sole discretion of the City to determine when more severe discipline, including dismissal/termination, is warranted. This policy is subject to change and modification.

Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is detrimental to the interests of the City of Merrill. Disciplinary action may call for any of four steps – verbal warning, written warning, suspension (with or without pay) or dismissal/termination of employment – depending on the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or dismissal/termination of employment without going through progressive discipline steps. The City of Merrill reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

17-2-1 Policy Guideline: New Employees

A new employee usually of six months or less (one year or less for Department Heads) whose performance is unsatisfactory should be dismissed/terminated if he or she fails to demonstrate ability or desire to perform at an acceptable level.

17-2-2 Policy Guideline: Other Employees

Disciplinary situations involving employees who have been employed usually for longer than six months (one year for Department Heads) should be dealt with by progressive discipline. Consistently applied progressive discipline will assure equitable treatment and encourage acceptable performance.

These steps are suggested in the discipline procedure. Discharge/termination is recommended when the employee does not respond to these steps:

Step 1: Informal Discussion

When a performance problem is first identified, the problem should be thoroughly discussed with the employee. Bringing the problem to the attention of the employee is often enough to prompt him or her to correct it willingly.

Step 2: Counseling

If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and: (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action which may include discharge, and (e) issue a counseling notice to the employee.

Step3: Reprimand

If satisfactory performance and correction action are not achieved under Steps 1 and 2, the supervisor and his or her superior should meet with the employee in private and proceed via (a) through (d) above, and issue a reprimand notice to the employee. .

Step 4: Termination

In the event that a reprimand does not restore satisfactory performance, discharge/termination may result. Discharge/termination will be the removal of an employee from the payroll.

DISCIPLINE AND GRIEVANCE

GRIEVANCE PROCEDURE

18-1 Grievances. This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. “Employee” does not include: statutory or political appointees, limited term employees, seasonal employees, casual employees, temporary employees and independent contractors. An employee may appeal any level of discipline under this grievance procedure. For purposes of this policy, “workplace safety” is defined as conditions of employment affecting an employee’s physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same. This policy is subject to change and modification.

Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

18-1-1 **Step 1 – Written Grievance Filed with City of Merrill Administrator or Personnel Director.** The employee must prepare and file a written grievance with the City of Merrill Administrator or Personnel Director within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The written grievance must contain the name and position of the employee filing it, a statement of the grievance, the issue involved, the relief sought, the date the event giving rise to the grievance took place, the employee’s steps to orally review the matter with the employee’s supervisor and the employee’s signature and the date. The City of Merrill Administrator or Personnel Director or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his or her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the City of Merrill Administrator or Personnel Director, the grievance shall be filed with the Mayor and the Mayor or his/her designee shall conduct the Step 1 investigation.

18-2-2 **Step 2– Impartial Hearing Officer.** If the grievance is not settled at the first step, the employee may request in writing, within five (5) business days following receipt of the City of Merrill Administrator or Personnel Director’s decision, a request for written review by an impartial hearing officer. The Clerk for the City of Merrill or his/her designee shall select the impartial hearing officer. The hearing officer shall not be a City of Merrill employee. The impartial hearing officer will determine whether the City of Merrill acted in an arbitrary and

capricious manner. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.

The Hearing Officer shall be compensated at the Hearing Officer's regular rate for the hearing, travel time, and time spent preparing a written decision. The compensation for the Hearing Officer will be split evenly between the parties.

- 18-2-3 **Step 3 – Review by the Governing Body.** If the grievance is not resolved after Step 2, the employee or the City of Merrill Administrator or Personnel Director shall request within five (5) business days of receipt of the written decision from the hearing officer a written review by the Governing Body. For Library employees, the appeal shall be filed with the Library Board. For all other employee, the appeal shall be filed with the City of Merrill Common Council. The City of Merrill Common Council shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be scheduled for the City of Merrill Common Council's next regular meeting. The City of Merrill Common Council will inform the employee of its findings and decision in writing within ten (10) business days of the City of Merrill Common Council meeting. The City of Merrill Common Council shall decide the matter by majority vote and this decision shall be final and binding.

If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved.

WORKPLACE SAFETY/PROTECTIONS

DISCRIMINATION, HARASSMENT & RETALIATION-FREE WORK PLACE

It is the policy of the City of Merrill to maintain a safe workplace environment that is free from discrimination, harassment and retaliation. Every employee has a personal responsibility to help maintain a safe and healthful workplace environment. Under Federal and State Fair Employment laws, members of protected classes are shielded from unlawful discrimination, whether engaged in by employees, supervisors, or members of the public, will not be tolerated and will subject offenders to disciplinary action or discharge from employment. Retaliatory acts taken against employees for reporting workplace safety issues, harassment or discrimination will also not be tolerated and will subject the offender to disciplinary action or discharge from employment.

19-1 Responsibility to Report. It is the responsibility of each and every employee to immediately report to management any and all health and safety issues, discriminatory, harassing or retaliatory conduct which may relate to the work environment whether it occurs on or off the job. Such conduct includes conduct by employees toward other employees, by employees toward the general public and members of the general public toward employees which relates to their work.

19-2 Definition of Protected Class. State and Federal law prohibits discrimination and harassment based on any protected class including, but not limited to, age, color, creed, disability, religion, sex, national origin, ancestry, arrest record, conviction record, marital status, sexual orientation, genetic testing, membership in the national guard, state defense force or any other reserve component of the military forces, for use or non-use of lawful products off the employer's premises during non-working hours.

19-3 Definition of Harassment and Acts of Discrimination: Harassment and acts of discrimination to be reported by employees can include, but are not limited to:

- 19-3-1 Unsolicited and repeated derogatory epithets, derogatory statements or gestures made to a person because of his/her protected status.
- 19-3-2 Any attempt to penalize or punish a person because of his/her protected status.
- 19-3-3 Creating an offensive and hostile working environment for a person because of his/her protected status, including sexual harassment.

19-4 Reports and allegations of workplace harassment and/or discrimination will be subject to investigation by management as soon as reasonably possible. If an employee is found to be responsible for harassment or other discriminatory conduct, then appropriate disciplinary action may be taken, up to and including termination from employment. However, such action cannot be taken if management is not first made aware of the complaint.

An employee who has a harassment, discrimination, or retaliation complaint should immediately report it to the City Administrator/Personnel Director. The report may be made verbally or in writing. The allegations should provide sufficient information and detail so that City Administrator/Personnel Director can thoroughly investigate the complaint. If the City Administrator/Personnel Director is the object of the complaint, then the employee should report directly to the Mayor.

Upon receiving an employee report of harassment, discrimination, or retaliation, the City Administrator/Personnel Director will take appropriate steps to investigate the complainant's allegations. Such reports shall be kept confidential to the maximum extent possible. An investigation may include interviewing other employees, speaking with the complainant, interviewing members of the public and reviewing documents such as e-mails, letters or memos. Based upon the investigation's outcome, management will take appropriate action to resolve the complaint. A resolution may or may not result in disciplinary action being taken by the employer.

19-5 Definition of Workplace Safety: ANY unsafe practice or condition, affecting persons, property, or equipment, must be reported immediately to City Administrator/Personnel Director. Should a hazardous situation exist, safety concerns always take precedence over continuing operations. Any employee who identifies new ways to increase workplace safety, should make those recommendations known to City Administrator/Personnel Director.

WORKPLACE SAFETY/PROTECTIONS

ZERO TOLERANCE (VIOLENCE) POLICY

20-1 It is the intent of the City to provide a safe work environment. Conduct, whether intentional or unintentional, that constitutes threats/acts of violence, as defined below, will not be tolerated.

20-2 INSIDE THE WORKPLACE. The City will not tolerate any threats, threatening behavior, verbal abuse or acts of violence directed by one employee towards another or by non-employees towards employees with the workplace. Violence is defined to include, but is not limited to: Physical assault, aggressive behavior at another individual, purposeful destruction of City property, intimidation through verbalization, implied threats, threatening or harassing telephone calls or written communications, and destruction of another's property. Implied threat and threatening behavior are defined to include, but are not limited to, verbal remarks, physical acts or actions which express the intention to hurt, destroy or punish.

20-3 OUTSIDE THE WORKPLACE. As acts of violence in the workplace may also be perpetrated by people from outside the workplace, it is the City's policy to require any employee who feels an outside threat poses a risk with the workplace to report the situation to their supervisor.

Each supervisor has the responsibility to maintain his or her workplace free of violence. This duty includes discussing this policy with all employees and assuring them that they are not required to tolerate any threats or acts of violence but are required to make a report to the City if they are recipient or witness of a threat of violence or victim of an act of violence.

20-4 PROCEDURE. Any employee who has been a recipient or witness of a threat or violence or witness to or victim of an act of violence is to make a report to their supervisor. The supervisor will forward a copy of the report immediately to the City Administrator/Personnel Director. The City Administrator/Personnel Director will consult with the Police Department on questionable reports of violence.

Any restraining orders shall be filed with the Police Department and supervisors shall be notified of such restraining orders. Any act or threat of violence posing immediate danger should be reported directly to the Police Department by calling 911. Threats from people outside of the workplace must be reported to the City Administrator/Personnel Director and the Police Department will assess the need for special safeguards.

20-5 NON-RETALIATION: This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint.

20-6 DISCIPLINARY PROCEDURES. Any reported act or threat will be investigated by the Police Department as a criminal act or by the City Administrator/Personnel Director as a serious violation of City policy.

Any confirmed act or threat by an employee will be grounds for disciplinary action, up to and including termination of employment.

When appropriate, an employee violating this policy will be referred to the Employee Assistance Program (EAP) for evaluation and recommendations.

WORKPLACE SAFETY/PROTECTIONS

Zero Tolerance (Weapons) Policy

21-1 No City employee, Alderperson, Commissioner, Committee/Board member, Mayor, customer, visitor, guest, vendor or anyone else the City deals with in the course of business may possess, or use a weapon of any kind while on City property or conducting City business. In addition, the weapons that employees or other legally have in their vehicles while on City property, conducting business with the City, or attending a City sponsored event, must remain in the vehicle and in their proper carrying case.

Weapons may not be transported in City owned vehicles. Examples of weapons are all firearms, compressed gas operated weapons, any electric weapons as defined in Section 941.295(4) of the Wisconsin Statutes, bows and arrows, crossbows, knives (other than small pocket knives), explosives, or any other device which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm, or any other device which the City, in its sole discretion, shall deem dangerous. Pepper spray may not be carried by staff.

21-2 ***EXCEPTION.*** Tools used on the job in accordance with employment requirements are exempt from this policy. Possession, transport or use of small pocket knives, or knives designed and used for the preparation of food is not prohibited, provided that such possession, transport or use is not intended or likely too produce bodily harm and is not deemed by the City to be dangerous.

21-3 ***POLICE OFFICERS.*** Possession, transport, or use of weapons by individuals who are required to carry a weapon as part of their employment, such as a Police Officer, is not prohibited, provided that such possession, transport, or use is in accordance with all applicable laws and regulations, and is in accordance with employment requirements.

21-4 ***PROCEDURE.*** Any employee who has been a recipient or witness of a threat or violence or witness to or victim of an act of violence is to make a report to their supervisor. The supervisor will forward a copy of the report immediately to the City Administrator/Personnel Director. The City Administrator/Personnel Director will consult with the Police Department on questionable reports of violence.

Any restraining orders shall be filed with the Police Department and supervisors shall be notified of such restraining orders. Any act or threat of violence posing immediate danger should be reported directly to the Police Department by calling 911. Threats from people outside of the workplace must be reported to the City Administrator/Personnel Director and the Police Department will assess the need for special safeguards.

21-5 ***NON-RETALIATION:*** This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint.

21-6 ***DISCIPLINARY PROCEDURES.*** Any reported act or threat will be investigated by the Police Department as a criminal act or by the City Administrator/Personnel Director as a serious

violation of City policy.

Any confirmed act or threat by an employee will be grounds for disciplinary action, up to and including termination of employment.

When appropriate, an employee violating this policy will be referred to the Employee Assistance Program (EAP) for evaluation and recommendations.

WORKPLACE SAFETY/PROTECTIONS

SEXUAL HARASSMENT

22-1 POLICY. Sexual harassment is a violation of Section 7.03 of Title VII of the Civil Rights Act 1968. The City of Merrill maintains and provides a working environment free of any form of employee harassment, including sexual harassment or intimidation. Unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct which creates for our employees an offensive working environment, or interferes with their ability to perform their jobs, constitute serious violations of this policy and will not be tolerated under any circumstances. Any employee who violates this policy, whether intentionally or not, will be subject to appropriate sanctions up to and including discharge.

22-2 VERBAL BEHAVIOR AND/OR NONVERBAL BEHAVIOR. Harassment and intimidation can arise from a broad range of verbal or non-verbal behavior.

22-2-1 Such verbal behavior can include, but is not limited to, the following depending upon the circumstances:

- a. Making sexual comments or innuendoes, such as about a person's body
- b. Turning work discussions to sexual topics
- c. Telling sexual jokes or stories
- d. Asking personal questions about social or sexual life
- e. Repeatedly asking out a person who is not interested
- f. Making kissing sounds, howling and/or smacking lips
- g. Telling lies or spreading rumors about a person's sex life
- h. Request for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.

22-2-2 Such non-verbal behavior can include, but is not limited to, the following depending on the circumstances:

- a. Looking a person up and down
- b. Staring at someone
- c. Blocking a person's path; hindering a person's movement
- d. Following a person
- e. Displaying sexually suggestive visuals
- f. Sending unwanted letters, gifts or material of a sexual nature
- g. Invading a person's "space" – standing closer than appropriate for the work being done, or placing oneself at closer distances to people of their gender
- h. Giving a massage around the neck or shoulders.

These activities are offensive and inappropriate in the work place. This is a serious issue. It is the responsibility of management, supervisors, and all employees to ensure these prohibited activities don't occur. An employee or supervisor may be held individually liable as a harasser and subject to the same penalties which may be imposed upon employers under state or federal law.

22-2 HANDLING SEXUAL HARASSMENT. If an employee feels that he/she is being subjected to sexual harassment by his/her supervisor, fellow employees or the public the following action is recommended:

22-2-1 If possible, the employee should politely but firmly confront whomever is doing the harassing and state how he/she feels about his/her behavior. The person may be unaware that his/her behavior is offensive. If practical, a witness should be present for this discussion. At a minimum, the employee should document the incident of sexual harassment, provide a synopsis of the conversation with the person, and the person's reaction when confronted.

22-2-2 If the employee is unable to confront the person or if the harassment continues, the employee should contact the City Attorney. This contact will result in a prompt and confidential investigation.

22-3 REVIEW OF CASES. The City Attorney will review each reported case of sexual harassment. This is done on a case-by-case basis. Should a complaint be substantiated, the employee's supervisor and City Attorney will meet with the accused individual to discuss the case. Any subsequent discipline is handled by the Supervisor. In the event that the accused is the employee's supervisor, the Mayor and the City Attorney meet with the supervisor to discuss the case. Any subsequent discipline is handled by the Mayor, or, if the accused is a member of the Police or Fire Departments, by the Police & Fire Commission.

22-4 DISCIPLINE. Violations of this policy may result in disciplinary actions.

22-5 MISUSE OF POLICY. Any employee who intentionally falsifies reports or otherwise attempts to utilize this policy for purposes other than those for which it was intended, shall be subject to disciplinary action, up to and including discharge.

WORKPLACE SAFETY

INVESTIGATION FORM

(City Administrator/Personnel Director)

Name: _____

Date: _____

Employee Telephone Number: _____

Immediate Supervisor: _____

1. What Happened? (Objectively state details): _____

2. Who was involved? (Include witnesses): _____

3. Where did the incident take place? _____

4. When did it take place? (date and time): _____

5. Does this situation constitute a complaint? (Policy violation, criminal investigation, other management decision): _____

6. Dates of investigation of complaint: _____

7. Date of final report: _____

8. Date of follow-up conference with employee: _____

9. Results: _____

10. Date of follow-up conference with employee: _____

11. Results: _____

WORKPLACE SAFTY REPORT

Name: _____

Department: _____

Job Title: _____

Immediate Supervisor: _____

1. Who was responsible for violating the Workplace Safety Policy(s):

2. Describe the incident. Include time, date(s) and location for each incident.

3. What was your reaction:

4. List any witnesses to the incident:

I UNDERSTAND THAT THESE INCIDENTS WILL BE INVESTIGATED AND THAT THIS FORM WILL BE KEPT CONFIDENTIAL TO THE EXTENT POSSIBLE.

Employee Signature

Date

MISCELLANEOUS CONDITIONS OF EMPLOYMENT

MISCELLANEOUS CONDITIONS

23-1 PURPOSE. This chapter sets forth a definition of the relationships that exist between the City of Merrill and all of its employees who are not covered by a collective bargaining agreement or an individual employment contract. This chapter also defines other conditions of employment not set forth elsewhere in this manual.

23-2 EMPLOYMENT STATUS. All employees other than those covered by a collective bargaining agreement or an individual employment contract are considered to be employed at will, meaning that there exists no contractual employment relationship between the City of Merrill and the employee, either expressed or implied, and meaning further that such employment relationship may be terminated at will by either the City or the employee, subject, however, to the other provisions of this manual, City of Merrill Code of Ordinances, and State and Federal Law.

23-3 PUBLIC SERVICE MISSION. Each employee of the City of Merrill is expected to deal with the public at all times in prompt, polite, and helpful manners. Fulfillment of this requirement may mean occasional personal inconvenience.

23-4 DRESS AND GROOMING. All employees are to dress and be groomed appropriately for the job in accordance with department requirements and health and safety standards.

23-4-1 Employees' clothing must be neat and clean. In the event of any questions regarding the appropriateness of any particular style of clothing or grooming, the Department Head makes the final determination.

23-4-2 Employees in the positions of Utilities Operator, Public Works Supervisor, Public Works I, II and III will be provided coveralls or uniforms, and fluorescent type t-shirts for the summer purchased by the City. Uniforms/shirts shall be worn by all employees to whom they are issued.

23-4-3 Safety Toe Boots shall be worn by all employees in the positions of Utilities Operator, Public Works Supervisor, Public Works I, II and III. The City will reimburse the employee up to one hundred fifty dollars maximum (\$150.00) per calendar year to purchase safety toe boots.

23-5 USE OF EQUIPMENT. Employees are not to use City equipment for non-city purposes without permission from the Department Head. Employees may not use personal equipment in connection with their jobs unless they obtain prior approval from their department head. The City is not responsible for any damages or repairs to personal equipment of employees used in connection with their jobs unless the use of the

equipment for City purposes was approved in writing by the Mayor and Director of Finance and the repairs are approved by the Director of Finance. In no event may damages or repairs exceed \$500 without prior approval of the Common Council.

23-6 CITY VEHICLES. Use of City Vehicles by employees is only for the benefit and convenience of the City. Employees may not use City vehicles to travel to and from their homes unless they are subject to emergency call at any time or their work schedules require them to leave directly from a work site related to their position away from their personal vehicle or travel directly to a work site away from their normal office or work site and the use of the City vehicle is for the City's convenience and benefit.

12-7 USE OF TELEPHONE. Personal use of department telephones is permitted. However, care should be taken to limit calls to emergencies and other essential matters.

23-7-1 If an employee needs to make a personal long distance call during working hours, they may call collect, use a pay phone, or arrange for payment through a credit card or a third party. Under no circumstances may an employee charge personal long distance calls to the City, even if the employee intends to reimburse the City for the cost of the call.

23-7-2 Some City employees, in order to better accommodate service to the public, have been assigned cell phones. City cell phones assigned to employees are for City business purposes. It is recognized that some personal telephone calls are necessary, but these should be kept as brief as possible. In the event that such personal calls have no relation to City business, the employee must reimburse the City for the cost of those calls, plus applicable taxes. Long distance personal toll calls should not be charged to the City's cell phones unless City business has taken the employee outside of the area and detained the employee beyond the expected return time. In that event, a brief telephone call to the employee's family may be permitted to inform the employee's family of the employee's whereabouts. Employees are required to keep track of all such personal toll calls and reimburse the City for those costs. All cell phones are subject to audit. In the event that an employee is found to have made excessive personal calls on a cell phone, the employee's privilege to use the cell phone may be discontinued and further disciplinary action may be taken.

23-8 MAIL. Employees are expected to use common sense in the use of the mail system. The City's paramount goal is to communicate efficiently and effectively with our constituents and vendors. As a courtesy, employees are permitted to send and receive a reasonable amount of personal mail at the office.

- 23-8-1 **Contracts.** All contracts are to be confirmed by mailing signed originals via the United States Postal Service.
- 23-8-2 **Harassment.** In keeping with the City policy of treating everyone with respect for their dignity, the mail system may not be used to harass or embarrass anyone. Anonymous letters are not to be sent. Any employee who is subjected to harassing mail or interoffice, memos should report such events to his or her supervisor, the department head or any officer of the City, in keeping with the City's harassment policy.
- 23-8-3 **Mail-Covers.** To ensure compliance with City policies, the identity of the sender, the date, the recipient, and the volume or size of mail may be monitored.
- 23-8-4 **Opening Mail.** Unless clearly marked "personal," all mail is treated as intended for the City and may be opened by departmental personnel. To ensure compliance with City policies, even personal mail may be subject to inspection. Your use of the City's mail service is treated as permission for such inspections. Employees should review the City policies regarding harassment, moonlighting, conflict of interest, solicitation, and confidentiality, as all apply to our mail services.
- 23-8-5 **Personal Mail.** Personal mail is to be kept to a minimum. It should only be sent when absolutely necessary. All City mail is given priority over personal mail. Employees should review the City policies regarding harassment, moonlighting, conflict of interest, solicitation, and confidentiality, as all apply to facsimile transmissions.
- 23-8-6 **Postage Meter.** The postage meter may not be used for personal mail. All metered mail is treated as City mail and is subject to inspection. No employee may use the postage meter for personal mail even if the employee intends to reimburse the City for the cost of postage used.
- 23-8-7 **Certified Mail.** All certified mail is to be documented as to the date mailed, where mailed and by whom. Whenever proof of mailing is required, the item will be sent via certified mail. Whenever proof or receipt is required, the item will be sent certified mail, return receipt requested.
- 23-8-8 **Summons.** All mail that appears to contain legal papers being served upon the City will be opened and logged in. If not

addressed to the City Attorney's Office or the City Clerk's, a copy will be made for both offices. The original and the copy shall be delivered within the hour.

- 23-8-9 **Mail for Former Employees.** Mail received for former employees that is clearly personal will be forwarded unopened for three months following termination. A notice to the former employee requesting he or she notify the sender of a change of address and the three-month limit will accompany the forwarded item. After three months, personal mail will be returned to the sender. All mail addressed to a former employee that is not clearly personal will be opened to determine whether it is for the City or the former employee, and if personal, the foregoing policy applies.
- 23-8-10 **Mail for Employees on-Leave.** All personal mail received for employees on leave is forwarded. When reasonable, the employee on leave may be requested to send a change of address.
- 23-8-11 **Overnight Mail.** Generally short documents, less than 50 pages, should be sent via facsimile rather than overnight mail, which is more expensive than long distance charges. If a document is to be signed, regular or overnight mail is to be used. Facsimile signatures on contracts are not to be accepted.
- 23-8-12 **Junk Mail.** Mail that is clearly advertisements unrelated to City business is returned unopened to the sender, or destroyed.
- 23-8-13 **Discipline.** Any employees who violate any City policy with respect to the use of mail services are subject to discipline, up to and including discharge.

23-9 FACSIMILE TRANSMISSION. Employees are expected to use common sense with the use of facsimiles. Our paramount goal is to communicate efficiently and effectively with citizens, contract vendors and others doing business with the City.

- 23-9-1 **Contacts.** Generally, contracts should not be entered into via facsimile. Prior approval of any proposed contractual agreement by facsimile must be obtained from the City Attorney. All contracts are to be confirmed by mailing signed originals via United States Postal Service.
- 23-9-2 **Graphic Signatures.** Those employees who have facsimile boards in their computers may at the City's expense obtain a graphic file containing their signature. These graphic files are password protected. The passwords are to be changed each quarter. Employees are not to provide this password to anyone

else. Individuals with check signing authority may not obtain graphic files of their signature.

- 23-9-3 **Harassment.** In keeping with the City policy of treating everyone with respect for their dignity, facsimile transmissions may not be used to harass or embarrass anyone. Any employee who is subjected to harassing facsimiles or anonymous facsimiles should report such events to his or her supervisor or any officer of the City, in keeping our harassment policy.
- 23-9-4 **Facsimile Covers.** Facsimile cover sheets are optional. Every facsimile should identify either on the first page or on the cover sheet the total number of pages being sent, the identity of the sender, his or her correct file number, the date, the time, the intended recipient, and the file reference.
- 23-9-5 **Personal Facsimiles.** Personal facsimile messages are prohibited.
- 23-9-6 **Fax/modem Boards.** Employees should not give out the telephone numbers to outsiders to send facsimiles to the fax modem boards. Fax/modem boards should normally be used only to send outgoing facsimiles. In this fashion, when you are out of your office, out ill, on vacation, or otherwise not available, important messages will not be left on your machine, but instead will come into the facsimile-receiving equipment and routed through an individual who can respond to the facsimile in your absence. This policy also reduces the "junk" faxes on your machine and thus reduce wasted space on your hard disk.

23-10 ELECTRONIC MEDIA AND SOCIAL MEDIA POLICY.

Information, in all its forms, written, spoken, recorded electronically, or printed, will be protected from accidental or intentional unauthorized modification, destruction, or disclosure. All electronic media must be protected from misuse, unauthorized manipulation, and destruction. It is further the policy of the employer that employees may not use social media technology to engage in or post communications or material that would violate any Handbook policy, including, but not limited to, using technology to post communications or materials that are derogatory or offensive with respect to race, religion, gender, sexual orientation, national origin, disability, age, or any other legally protected class status.

- 23-10-1 **General Guidelines – Electronic Media:**
- a. All employer-provided electronic media systems are the employer's property. Additionally, all messages and files composed, sent or received on these systems are and remain the property of the employer. They are not the private property of any employee.

- b. The use of our electronic media systems is reserved solely for the conduct of business, during work hours. However, if employees wish to use these systems during breaks, lunch periods, or before and after regular working hours, they may do so, but employees are specifically prohibited from using these services for any illegal, illicit, immoral or offensive purposes.
- c. The electronic media systems may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations.
- d. The electronic media systems are not to be used to create any offensive or disruptive messages or documents.
- e. The electronic media systems may not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization.
- f. The employer reserves and intends to exercise the right to review, audit, intercept, access and disclose all internet activity and any messages or documents created, received or sent over the employer's electronic media systems for any purpose.
- g. The confidentiality of any message cannot be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to management or they are invalid and cannot be used.
- h. Employees may not modify, delete, or destroy any Employer document created by any electronic media unless specifically authorized to do so.

23-10-2

General Guidelines – Social Media:

- a. ***Only on Your Own Time.*** Unless you have received advance permission from your supervisor or unless such activity is directly related to the performance of your job, you may not engage in social media activity on work time.
- b. ***Post as Yourself.*** Make clear that you are expressing your personal views alone, not those of your employer.
- c. ***Be Respectful and Nice.*** Do not post communications or material that is disparaging, obscene, profane, vulgar, bullying, threatening, or inappropriately inflammatory.
- d. ***Use Good Judgment.*** Because what you say online is accessible to the public, use good judgment in your communications.
- e. ***Obey the Law.*** Do not post any material that violates the

law, such as material that is obscene, profane, defamatory, threatening, harassing, or that violates the privacy rights of someone else. The posting of such material may subject you to criminal and civil liability.

- f. ***Don't Expect Privacy.*** Because your social media communications are publicly available, you should not expect that your communications are private in any way. Once you post something online, it is completely out of your control and generally available to anyone in the world.
- g. ***Ask for Guidance.*** If you have any questions about what is appropriate to include in social medial communications, ask your manager.
- h. ***Comply with Harassment and Other Policies.*** Team members may not use social media technology to engage in or post communications or material that would violate any other Handbook Policy, including, but not limited to, Workplace Safety, Discrimination, Harassment and Retaliation policy.
- i. ***Keep Secrets.*** You must not disclose confidential information.

23-10-3 **Duty to Report:** All employees have a duty to report any discovered or suspected unauthorized or improper usage of electronic media or social media with impact on the workplace.

23-10-4 **Policy Violations:** Employees who violate this policy may be subject to discipline, up to and including immediate termination of employment.

23-11 INCLEMENT WEATHER. In the event that bad weather (such as snow or freezing rain) creates hazardous traveling conditions between an employee's home and his/her work site, and the employee cannot make it to work, vacation time may be used by the employee for time missed. In order for an employee to utilize vacation time, he or she must notify the department head or the personnel director's office of the employee's inability to travel safely to work. In the event that the employee has no vacation time to use, the employee may use vacation available in the next year or may make up the time lost, but only if such time can be made up within the same work week and with the approval of the employee's department head.

23-12 TRAVEL POLICY. It is recognized that certain employees are required to travel in order to satisfy the responsibilities of their jobs. The City has therefore established the following policy regarding travel, travel expenses, and related matters.

23-12-1 **Travel Time.** If it is necessary for a nonexempt employee to travel, a record must be kept and payment made for all hours spent in actual travel and for time worked outside normal working hours,

in addition to those hours considered as normal working hours. In the event such travel and work time results in hours over and above normal working hours, such hours are paid at a rate in accordance with the overtime pay policy.

23-12-2

Use of Personal Auto. It is the personnel director's responsibility to ensure that all employees who utilize their personal vehicles for business use are properly notified of certain conditions and requirements as reflected in this policy. (Notification may be accomplished by means of issuing a copy of this policy to those employees who have occasion to travel.)

- (a) **Voluntary Use.** The use of a personal automobile in the performance of City business is entirely voluntary.
- (b) **Auto Insurance.** The City does not provide insurance coverage for any employee who uses his or her personal auto for business purposes. The mileage allowance policy is provided to cover the cost of gas, maintenance, repair, and insurance while on City business. Since the City assumes no responsibility beyond making available mileage reimbursement allowance, it is the employee's responsibility to protect against damage to his or her auto and legal liability in such form and amount as the employee deems adequate. It is suggested that those employees who have occasion to use their personal auto for business purposes carry a minimum coverage of:
\$100,000/\$300,000 bodily injury \$100,000 property damage

However, it is highly recommended that employees consult with their own insurance agent and consider carrying liability coverage in excess of this to ensure avoidance of a situation which could potentially be a financial burden to the employee. Note: it is possible that an employee's carrier will deny coverage due to misrepresentation regarding the usage of an automobile. It is therefore essential that employees who use their personal auto on City business properly inform their carrier accordingly, to ensure complete coverage.

23-13 TRAVEL, LODGING AND MEAL REIMBURSEMENT. The City reimburses an employee for necessary and reasonable travel expense incurred while on authorized official City business. All such travel must be authorized by the employee's department head in order to be eligible for reimbursement.

23-13-1

The department head approves travel expenses as set forth in the

budget approved by the Common Council. An extraordinary expense beyond the amount budgeted requires the approval of the Common Council.

23-13-2 Travel advances may be requested by the employee when the total of such expenses is anticipated to exceed \$50.00.

23-14 MILEAGE. The City reimburses employees at the standard IRS mileage rate, as amended from time to time when employees use their own vehicles for official travel.

23-15 LODGING. 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. Prior approval is required from the Mayor when overnight lodging is requested at a place less than 50 miles from the City of Merrill. If more than one employee from the same department attends a meeting or conference, room sharing is encouraged. Request for reimbursement of hotel expense may not be granted if the location of the conference is less than two hours from location of work site, unless a work related purpose exists for overnight lodging.

23-16 MEALS. Although any claims for the reimbursement of meal costs are expected to represent actual, reasonable and necessary expenses, including tips at a maximum rate of 15 percent, receipts are not required provided the maximum allowances set for breakfast, lunch and dinner are not exceeded, except if required by individual department standard operating procedures approved by the department head. The current rate of reimbursement for meals, including tips, provides a maximum of \$7.50 for breakfast, \$10.00 for lunch and \$12.50 for dinner. If a meal is part of the conference, convention or instructional program being attended by the employee and a higher amount is charged each participant, the higher amount is reimbursed upon documented receipts. If the meal is part of the conference fee, the total meal reimbursement for that day without receipts is reduced by the maximum allowance for the meal provided.

23-16-1 **Documentation Requirements.** Receipts for meals are not required except for any unusual amount in excess of the maximum-permitted amounts, which must be accompanied by a receipt and explanation. Such costs may be allowed when they are outside the employee's control (i.e., the mandatory meal cost at a meeting or conference approved by the state). When claiming reimbursement for meal expenses incurred while attending a conference, employees shall be required to attach a copy of the conference brochure to the travel voucher.

23-16-2 **Eligibility Requirements.** Reimbursement for meals will be allowed on trips which require overnight lodging expenses as well as non-overnight trips in accordance with the following time

requirements:

- (a) **Breakfast**; provided the employee is on work status before 6:00 a.m.
- (b) **Lunch**; provided the employee leaves the city before 10:30 a.m. and returns after 2:30 p.m.
- (c) **Dinner**; provided the employee leaves directly from work and returns home after 7:00 p.m.

Note: If an employee on travel status is working other than a day-shift (8:00 a.m. - 4:30 p.m.), reimbursement maximum limits shall be based on the type of meal appropriate to the time of day.

Even if the time requirements are satisfied, the reimbursement will NOT be allowable when the employee is within the boundary of the City. All claims must normally meet the above criteria. Modifications under unique work situations are possible, such as business luncheons where the employees presence is required for the benefit of the City.

23-16-3

Reporting Taxable Travel Expense Reimbursements for Non-Overnight Trips. The City is required to report as taxable income, all reimbursed meal expenses when the employee does not stay overnight. A supplemental W-2 form will be provided to employees for these reimbursements

23-17 AUTO INSURANCE. All Employees who drive their personal vehicle for City business are required to purchase and maintain at their own expense auto insurance at a level which meets the City's minimum standards.

23-18 SMOKING. All City of Merrill buildings and City owned equipment are smoke or tobacco free. As a result, smoking and tobacco use are not permitted inside City owned buildings or in City owned equipment. Pursuant to Section 16-1-10, there shall be no smoking or tobacco use, while on duty, in City owned property or in/on City owned equipment.

23-19 LICENSES AND CERTIFICATION. Any employee, in order to operate a city vehicle or equipment, must possess an appropriate and valid operator's license complying with the State of Wisconsin requirements for that occupation and submit a photocopy of that license as proof. The cost of obtaining and maintaining a commercial driver's license when required by State law for operating City vehicles is reimbursed by the City. The City also pays for any professional licenses or certifications required of an employee to fulfill the requirements of his or her position.

If an employee's Commercial Driver's license is revoked or suspended, the employee may be assigned other work, which may or may not be at the employee's pay rate, or if

no alternative work is available, the employee will be placed on lay-off until such time the employee is able to obtain a CDL or other work becomes available.

23-20 NON-UNION POLICE PERSONNEL. The following provisions apply to police department employees not covered by a collective bargaining agreement, including sworn and non-sworn personnel as applicable.

- 23-20-1 Clothing Allowance: As per the current Merrill Professional Police Contract for sworn personnel.
- 23-20-2 In recognition that sworn police personnel are required to maintain proficiency or certifications in work related fields, each sworn officer shall receive the same amount as per the current Merrill Professional Police Contract annually based on certifications maintained in the previous year, as determined by the Chief.

In addition, all police personnel who are trained and certified in CPR and first aid, as determined by the Chief, shall receive \$100 certification pay annually. Certification pay should be paid at the same time as union personnel receive such pay.
- 23-20-3 Officers attending or instructing training sessions, approved by the Chief, while off-duty will receive two (2) hours straight time pay plus any additional time spent at the training.
- 23-20-4 Night Shift Differential: Non-Union Police Personnel working the same shift as union personnel shall receive the same shift differential per the current Merrill Professional Police contract.
- 23-20-5 Call Time Emergency: Two hours straight pay for call time plus time and one-half for actual time spent with no minimum.
- 23-20-6 Court Time: If called to testify in court while off-duty, police personnel receive pay at the rate of time and one-half with a two hour minimum.
- 23-20-7 Sworn police personnel who have obtained at least an Associates Degree in Police Science or a related field shall receive an annual education benefit as per the current Merrill Professional Police Contract to be paid at the same time as union personnel receive such pay.

23-21 NON UNION/NON-EXEMPT PERSONNEL – CALL-TIME AND SHIFT DIFERENTIAL. The following provisions apply to non-union personnel except police personnel covered by Section 23-20.

Any non-exempt employee called in to work outside of their normally scheduled hours, shall receive two (2) hours of call time (at regular rate of pay) plus time and one-half for actual time worked with no minimum.

Any full-time non-exempt employee working outside their normally scheduled hours, shall receive forty cents (0.40) per hour as shift differential pay. This shift differential pay shall also be included when calculating overtime pay.

23-22 NON-UNION FIRE PERSONNEL. The following provisions apply to fire department employees not covered by a collective bargaining agreement, including sworn and non-sworn personnel as applicable.

23-22-1 **Clothing Allowance.** Captains - Administration and Operations shall receive a clothing allowance as per the current Merrill Firefighters Local 847, International Association of Firefighters Contract. (Res. #2331 09-10-13)

The City provides the Chief with a uniform and pay for its upkeep, including, but not limited to repair, replacement and cleaning.

23-22-2 Firefighters who have obtained at least an Associates Degree in Fire Administration, Fire Prevention Technology, Fire Science or a related field shall receive an annual education benefit of \$360.00 to be paid at the same time as union personnel receive such pay.

DEFINITIONS

Definitions

- 24-1 ANNIVERSARY DATE.** The date a fulltime employee begins City Employment (as may be modified by personnel actions).
- 24-2 APPOINTING AUTHORITY.** A City Official or Committee, Commission or Board who has the authority to appoint and remove individuals to and from positions in the City service.
- 24-3 CLASS.** One or more positions which are sufficiently alike in duties and responsibilities to warrant using the same title, similar qualifications, selection procedures and the same pay range.
- 24-4 CLASS SPECIFICATIONS.** A written description of a class containing the class title, a general statement of the duties and responsibilities, examples of typical duties performed and minimum qualifications required.
- 24-5 CLASS TITLE.** The official designation or name of the class as stated in the class specification. The class title is used on all personnel records and other official personnel files.
- 24-6 CLASSIFICATION PLAN.** The sum total of all job class specifications in the City service and a system showing salary and classification relationships.
- 24-7 COMMON COUNCIL.** The Common Council is the governing and policy making body of the City of Merrill and is composed of the eight Alderpersons and Mayor. Its powers and composition is defined in Wis. Stat. Sec. 62.11, as amended from time to time, which section is incorporated into this definition by reference.
- 24-8 COMPLAINT.** A formal written complaint of a regular City employee regarding working conditions, applications of discipline, any application or violation of the personnel rules and regulations of the City or the department for which the employee works.
- 24-9 DEMOTION.** The assignment of an employee from one class to another class with a lower pay range.
- 24-10 DEPARTMENT HEAD.** A City Officer with the responsibility for the operation of a City Department.
- 24-11 DISCIPLINARY ACTION.** The action taken to discipline an employee, including any action from a verbal reprimand, written reprimand, suspension with pay, suspension without pay, demotion, up to and including discharge.

24-12 EMERGENCY APPOINTMENTS. An appointment which may be made in case of unforeseen emergency and when necessary to prevent impairment of City service.

24-13 EMPLOYEE. An individual who is legally employed by the City.

24-14 ENTRANCE PAY RATE. The rate at which an individual not currently on the payroll is to be employed.

24-15 EXEMPT EMPLOYEE An employee of the City who is not subject to the overtime rules and regulations of the Fair Labor Standards Act (the FLSA), as amended from time to time. It shall also intended to include non-covered employees as defined in the FLSA.

24-16 LAYOFF. The involuntary separation of an employee because of reasons unrelated to an employee's performance.

24-17 LIMITED TERM EMPLOYEE. An employee not occupying positions established by Common Council action. Limited Term Employees are seasonal and temporary employees that have a clear start and end date. Limited Term Employees are not eligible for any fringe benefits as specified in this manual unless required by federal or state law.

24-18 NON-EXEMPT EMPLOYEE A City employee subject to the overtime rules and regulations of the FLSA.

24-19 PAY PLAN. A schedule of pay ranges for all classes of positions in the City services.

24-20 PAY RANGE. The minimum through maximum rates of pay established for each class of positions.

24-21 PERSONNEL DIRECTOR The City Administrator or other City official designated by the Common Council by ordinance to manage personnel issues for the City.

24-22 POSITION. A grouping of duties and responsibilities to be performed by an employees. A position may be filled or vacant, full-time or part-time, regular, seasonal or temporary.

24-23 POSITION DESCRIPTION. A written description of all the major duties and responsibilities of a specific position within a class.

24-24 PROMOTION. The assignment of an employee from one class to another class with a higher pay range.

24-25 RECLASSIFICATION. The reassignment of a position from one class to another to recognize a change in the duties and responsibilities of a position or to correct an error in the original assignment.

24-26 REINSTATEMENT. The action by which a former employee may be reinstated 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.

24-27 SUPERVISOR. The person responsible for the assignment, direction and the work of another employee, usually a full-time City employee.

24-28 TERMINATION. The removal of an employee from the payroll for voluntary or involuntary reasons, including dismissal, resignation, retirement, or death.

24-29 TRANSFER. The assignment of an employee from one position to another in the same class or to a class with the same pay range.