City of Fond du Lac
Department of Public Works Employee Work Policies
(Supplement to City of Fond du Lac Personnel Handbook)
As of February 6, 2019

The purpose of this document is to define procedures and policies that meet the specific needs of the various divisions within the Public Works Department. This is a supplement to the official City of Fond du Lac Employee Handbook and all provisions of the Handbook supersede these policies.

1. **ORGANIZATION**
   The City of Fond du Lac Department of Public Works is divided into the following Divisions and Sub-Divisions:

   Construction & Maintenance
   - C&M Section
   - Solid Waste Section

   Water
   - Water Plant Section
   - Meter Shop Section
   - Construction Section

   Wastewater Treatment & Resource Recovery Facility (WTRRF)
   - Operations Section
   - Maintenance Section
   - Laboratory Section
   - Administration Section

   Fleet/Electrical
   Parks
   Engineering
   Transit

   The structure of the Department of Public Works is designed to promote the efficient and effective accomplishment of the Department's mission. The Department also maintains a chain of command policy consistent with the above organization as well as the City's chain of command policy set forth in the Employee Handbook.

   Hourly Transit employees are represented by the American Federation of State, County and Municipal Employees (AFSCME). In the event that these work rules and the AFSCME contract are at odds, the Union contract will govern.

   Public Works Director: The Department of Public Works is headed by the Public Works Director. The Director reports directly to the City Manager and frequently presents information to the City Council. The Public Works Director is generally responsible for supervision, direction, and coordination of all City public works functions.

   Division Managers: Each of the Divisions within the Department of Public Works is headed by a Division Manager. Division Managers report directly to the Public Works Director, and occasionally present information to the City Council at the Public Works Director's request. Each of the Division Managers are responsible for supervising, directing, and coordinating the functions assigned to his/her division by the Public Works Director, City Manager, or City Council. Currently the City has seven Division Managers in charge of Construction & Maintenance, Engineering, Parks, Transit, Water Utility, Wastewater Utility, and Fleet/Electrical.

Foremen/Section Managers: Each division contains various frontline supervisors who directly supervise the day to day tasks assigned to the subdivision. Foremen/Section Managers report directly to the Division Managers within the Chain of Command.

Temporary Supervisors: The City expects that occasionally employees will take on additional responsibilities. This may include filling a supervisory role when circumstances warrant. Serving as a temporary supervisor serves two important functions. First, it ensures that the City mission continues to be carried out even when a regular supervisor is unexpectedly unavailable. Second, it provides employees a chance to expand their working knowledge of City operations and gain valuable experience in a position they may seek on a permanent basis in the future. Within the Department of Public Works there are generally two types of temporary supervisors: Crew Leader and Acting Foreman.

a. Crew Leader
   1. The position of crew leader is considered a temporary appointment under the City's Employee Handbook.
   2. Employees may serve as a crew leader for any length of time. However, generally appointment as a crew leader will not exceed six months.
   3. Appointment as a crew leader may include an increase in pay of $1.00 per hour while serving in that capacity. Prior to making an appointment the Division Manager will recommend to the Public Works Director whether a particular appointment to crew leader warrants additional pay. Employees will be notified at the time of appointment whether they will receive additional compensation for serving as a crew leader.
   4. One Parks employee will be designated as the Pool Operator for each pool season. This person will receive crew leader pay while serving in this role.
   5. The Facility Maintenance lead technician will receive an additional $0.30 per hour and the Facility Maintenance administrative assistant will receive an additional $0.30 per hour for all hours worked.

b. Acting Foreman
   1. Various divisions in the Department will appoint Acting Foremen to fill in for and supplement the other supervisors. The intent of this act is to develop current staff into a pool of qualified candidates to fill future supervisory positions. Additionally, the intent is to expand and enhance the existing Crew Leader roles, to include on-call duties, participation in daily and weekly staff meetings, and offer input toward preparation of the annual budget.
   2. The City posts an invitation to apply for the position of Acting Foreman.
   3. Acting Foremen will maintain their original position, job description and pay rate, but will be paid an additional $3.00 per hour while serving as Acting Foreman.
   4. The employee will perform as an Acting Foreman when designated by a supervisor and receive the pay increase set forth in the above referenced invitation during that period for hours worked.
   5. In most divisions, Acting Foremen should be in that role for no less than four hours at a time, and should be notified of this designation at least one day in advance. Filling minor supervisory roles for a shorter time period is considered a normal part of one's duties.
   6. Within WTRRF, Acting Foremen should be in that role for no less than a full workday, and only when the Assistant Superintendent is absent. During shorter periods, employees shall complete work as assigned in advance by the regular supervisor, or as directed by other supervisors within the division.

7. In some divisions, the Acting Foremen will take turns in the On-Call rotation, completely filling the role of supervisor.
8. The Acting Foreman will be responsible for documenting performance quality and incidents potentially leading to discipline, performing accident investigations and determining post-accident drug testing, all to be implemented after a reasonable training period.
9. Off-shift hours worked as Acting Foreman will not count toward balancing at the end of the year.
10. Employees will not automatically fill the Acting Foreman role simply because the supervisor is absent. They should be actively overseeing the work of others and completing out-of-the-ordinary duties.

2. OVERTIME

The Department of Public Works follows the City's policy regarding overtime and compensatory time off as set forth in the Employee Handbook. Due to the unique nature of work performed by the various Divisions of Public Works Department employees, and at the discretion of the Division Head, the following provisions outline procedures for overtime, or more accurately, off-shift assignments:

a. Divisions are encouraged to flex an employee's time when off-shift hours are known about in advance. This reduces overtime payments and often allows the employee to enjoy a longer weekend or other longer periods of time off. The use of flex time should be established between the supervisor and employee in advance. Employees will not automatically be sent home at the end of eight hours in a day or 40 hours in a week, assuming that there are essential duties still to be performed during the rest of the normal shift. Such use of flex time may be initiated by the employee or by the supervisor (in which case it may be referred to as "shift modification").
b. For the purpose of balancing off-shift hours, certain Divisions of the Department of Public Works will be divided into the following Sub-Divisions:

   Construction & Maintenance –
   The sub-divisions will be combined for the purpose of off-shift hours balancing.
   C&M
   Solid Waste
   Wastewater –
   The sub-divisions will not be combined for the purpose of off-shift hours balancing.
   Operations
   Maintenance
   Laboratory
   Administration
   Parks—Overtime is equalized through full-time employees within the Division.

c. All employees within a Division are automatically on a list to work off-shift hours within their respective Division. In the event of an operational emergency, such as a snow storm, all employees are expected to be available.
d. Acceptable Response Rate: Acknowledging that a standard expectation of many roles in Public Works is that employees may be called to respond to an emergency situation, employees should make every effort to answer off-shift work-related calls and alarms. An employee may face discipline if he or she **fails to answer the phone or return a message from a supervisor in a timely manner** five times or more in a 12-month period. Failing to answer due to an illness or injury that qualifies under the Family & Medical Leave Act (FMLA)—or when on prescheduled time away from work on vacation, holiday, flex, sick or compensatory time—will not count against the employee.

In addition, supervisors are encouraged to closely review the overall performance of an employee who **consistently** fails to report to work when called—unless excused—and to reflect any concerns about acceptable completion of duties and dedication in his or her annual performance evaluation.

e. Off-shift hours should be offered first to employees within the sub-division who are not limited by a personal illness or work restriction. If contacted, an employee on vacation has the option to accept off-shift hours. The employee will be compensated for hours worked or vacation used, but not both. If an employee is called in from vacation during normal work hours, he will receive pay in lieu of using that vacation. If an employee is called in from vacation after normal hours, he may choose whether to use eight hours of vacation and get paid for the extra hours worked, or to reduce his vacation used by the hours worked.

f. A seniority based list will be established for those employees wishing to work off-shift hours in other Divisions. In order to remain active on an out of Division list, an employee will need to respond to an offer of work on a frequent, but not every time basis.

g. Hours offered off-shift will be divided as equally as possible among qualified employees. Qualification of an employee is determined by the supervisor.

h. Employees who perform work outside of their division on an overtime basis are eligible to accept those hours as compensatory time off. The using division shall be charged for this work in the pay period in which the work is completed even if the employee chooses to save it as compensatory time.

i. If a work restriction may be anticipated to limit an employee's ability to complete duties he/she may encounter, that employee on light duty is not eligible for off-shift hours.

3. CALL-IN PAY

a. Employees that must physically report to a work location to resolve an issue will be compensated at the Premium Rate for hours worked off shift. The current two-hour minimum rule from the Employee Handbook will remain in effect, with that time starting when the employee clocks in. If it is a Critical Event, the Premium Rate applies to the two-hour minimum.

b. Employees that are able to resolve the issue without physically reporting to a work location (via remote access) will continue to receive a one hour minimum of pay at their regular rate. The one hour will continue to be compensated in accordance with the FLSA OT Regulation.

c. On Call hours plus hours worked shall not exceed 24 hours in a one day period and cannot be used simultaneously. On Call pay ends when call in pay starts and resumes at the completion of the Call In task.

d. The two-hour minimum provision does not apply to hours worked consecutively prior to, or subsequent to, the employee's normal work schedule.

4. CRITICAL EVENT PAY/COMPENSATORY TIME

1. Purpose: The purpose of this rule is to recognize the sacrifice made by employees who respond to critical events. The City will pay a premium for the hours an employee works after being called back or required to respond to a critical event.
2. Overview: When an hourly employee responds to a Critical Event outside of his/her normal work shift, he or she will be compensated at a Premium Rate.
3. Definitions
    i. <u>Call In/Alarm Response</u> – When a Supervisor and/or Foreman calls in an employee outside of his/her normal work schedule for a Critical Event and that

employee reports to work, or when an employee that is On Call reports to a work location in a mandatory response to an electronic notification of an alarm.

ii. Critical Event - An unexpected event that requires immediate attention, is vital to protecting health, life and safety, and requires employees to be called into work outside their normal work schedule.

iii. Critical Event Shift Extension – Occasions when a Supervisor and/or Foreman directs an employee to remain at work after the end of their normal work schedule for a Critical Event.

iv. Fair Labor Standards Act (FLSA) OT Regulations – Hours compensated at the regular rate of pay will continue to be used in determining overtime in excess of the 40 hour workweek and in computing the regular rate of pay. Hours compensated at the Premium Rate, where that Premium Rate is not less than one and one-half time the rate established, will not be included in computing the regular rate of pay and may be offset against overtime compensation due under FLSA.

v. Premium Rate – Rate paid at 150% of the regular hourly rate or compensatory time earned at 150% for hours worked outside a normal work schedule in response to a Critical Event.

4. Pay Rates, Scheduled Work, Work on Vacation

i. Pay Rates: Hours worked during the normal shift and shift extensions for non-critical events/work will be compensated at the regular rate in accordance with the FLSA OT Regulation. During a Critical Event Shift Extension, hours worked after the normal work schedule to address the Critical Event will be compensated at the Premium Rate.

ii. The Premium Rate will not apply to pre-scheduled work (defined as an employee having been notified no later than at the end of the previous normal work shift).

iii. If an employee is on vacation and is called in during normal work schedule hours, the employee will receive regular pay in lieu of using vacation time. If an employee is on vacation and gets called in outside of the normal work schedule, vacation time will be paid for the normal work schedule and the Premium Rate will be used for hours outside the normal work schedule.

iv. If a Critical Event occurs during an identified or observed Holiday, employees will be paid in accordance with the Holiday Pay provisions of the Employee Handbook.

v. When a Premium Rate code is used in payroll software, the appropriate type of Critical Event should be indicated.

5. ON-CALL PAY

a. Employees designated to be on-call during off shift hours will be compensated $1.75 per hour for every hour on-call. (This includes Wastewater/Water, Fleet, Electrical, and C&M/Parks non-represented employees. Any on-call pay for non-represented, non-exempt Transit employees will be compensated at a rate of $3.00 per hour to recognize the persistent and geographically limiting nature of their duties. The Transit employee will instead receive pay for hours worked if he/she reports to work or makes follow-up phone calls after receiving updates from drivers while on-call.) The on-call hours will not count toward the forty (40) hour work week for purposes of overtime pay. On-call employees shall ensure that they are able to be contacted—and are in a condition to report as needed—for the period that they are on call. The on-call employee must notify a supervisor if he/she is sick and unable to perform the duties, and the employee will be relieved. If an employee is out of work due to sickness he/she is not eligible to be on-call

that day. The on-call employee will not be paid for on-call time not worked due to absence, illness or other emergency.

b. Employees designated to be on-call in the Wastewater Treatment Plant (WTRRF) division of the Public Works Department are subject to the following provisions:

The on-call work period for Wastewater Treatment Plant Operators will be as follows: It will begin at the start of the scheduled workday on Friday, and end at the beginning of the scheduled workday the following Friday. While on-call, the Operator will be required to respond to an alarm call within 30 minutes.

For the purpose of the WTRRF on-call the operators will receive a letter designation; ex. A and B.

Starting on a Friday, Operator A will be assigned. In ascending order, the eligible employees will work as follows:

- Operator A will work 7 days.
- After completion of the cycle, the rotation will begin with Operator B starting the rotation and working 7 days.

All eligible Operators will participate in the on-call program. Operators on the list may trade on-call assignments among themselves by notifying, in writing, the Assistant Superintendent a minimum of 48 hours in advance. In the case of an emergency of the absence of an on-call Operator, the Assistant Superintendent may schedule any Operator, whether they are on the on-call list or not, to cover for a scheduled on-call Operator. The on-call Operator will not be paid for on-call time not worked due to absence, illness, or other emergency.

The on-call Operator will also work the weekend/holiday hours required during his or her rotation. If the on-call Operator declines to work those days, the hours will be filled using the overtime equalization list. Operators should provide two weeks notice for non-emergency variations from this schedule. Operators will not receive on-call pay for hours worked on weekends and holidays.

When an on-call Operator receives a call and is required to physically report to the plant, the employee is then subject to the Call-In section of this policy.

c. Employees designated to be on-call in the Construction & Maintenance (C&M), Parks Division, Fleet, and Water Utility are subject to the following provisions:

The on-call work period for C&M, Parks and Water Utility employees will be 7:00 a.m. Monday to 7:00 a.m. the following Monday. There will be one C&M/Park employee on duty each week, one Water Operator, one Water Distribution Worker or Foreman, and on an intermittent basis, one Fleet Acting Foreman.

On-call employees, after suitable training, will respond to emergency calls for service for their Division of responsibility, call in other staff as necessary and consult with senior management for support as appropriate.

While on-call, the Employee will respond to request for service, or an alarm, within 30 minutes.

6. VACATION SELECTION

Employee seniority status will be the basis of vacation selection from January 1 to February 28 each year. Between January 1 and January 31 employees may sign up for a maximum of ten (10) days paid leave (vacation, floating holidays and/or comp time) to be taken throughout the year. Seniority continues to determine selection from February 1 to February 28 as employees may sign up for their remaining paid leave. Time requested after February 28 will be granted on a first come, first serve basis.

7. REIMBURSEMENTS

a. Tools: The City will reimburse up to $225 per year to individuals employed in the classification of mechanic, mechanic's helper and fabricator/welder for tools used in City employment and up to $125 per year to the designated Park Trade Technicians for tools used in City employment. Employees will receive the reimbursement after the employee submits a copy of the receipt for the tool purchased and the appropriate form to the Division Manager. These payments are intended to reimbursements. However, they may be subject to taxation if required by state or federal law.

b. Safety Glasses: The City will provide a pair of non-prescription safety glasses with frames to all Public Works employees. If safety glasses with prescription lenses are required to perform your City employment as determined by your supervisor, the City will pay fifty percent (50%) of the total cost up to one hundred dollars ($100.00) of the lenses and frame for the original pair of prescription safety glasses. The eye examination and fitting will be the expense of the employee. The employee will receive the reimbursement after the employee submits a copy of the receipt for the safety glasses purchased to the supervisor. These payments are intended to be reimbursements. However, they may be subject to taxation if required by state or federal law.

8. WORK PRACTICES

The employee handbook outlines many standards for all City employees to follow. The following general guidelines are intended to add details to some of these standards for Public Works employees. If employees have a valid reason to deviate from these guidelines, they should get approval from their supervisor in advance.

a. Breaks: If an employee's work site is six blocks or more from the shop, morning breaks should be taken on site unless legitimate work needs require a return to the shop.
b. In general, employees should not return to the shop until 10-15 minutes prior to the end of their shift. A maximum amount of work should be accomplished before traveling to the shop, cleaning up, and planning for the next day.
c. Employees shall strive to minimize unnecessary trips by immediately bringing all materials and tools needed for the jobs scheduled for that day, and to combine duties and trips where feasible.
d. Showers: Work-provided showers should only be taken on work time if the employee's duties of that day exposed him or her to high heat, heavy volumes of dirt or dust, or unsanitary conditions.
e. Cell Phones: While it is appreciated that employees' personal cell phones are often a helpful form of communication for work issues, their use during work hours should be limited in duration and frequency. No calls or texts should be taken during work hours for a side job, and such calls should never compromise the ability of the employee to complete their work safely and efficiently. It should be noted that an Information Technology Acceptable Use Policy from many years ago states that "City cell phones are not to be used by a driver in a moving vehicle of any type unless the vehicle or phone is equipped with a hands-free device." Further, "personal cell phones are not to be used at any time during City business hours except lunch, recognized breaks, or in extenuating or emergency situations. The use of personal cell phones while operating City vehicles and machinery is specifically prohibited."

f. To be conscious of public perception, work vehicles should not be taken to an employee's home or side job, and breaks taken on a work site should be taken in or near the employee's work vehicle.

g. Dress Code: In addition to the dress code requirements outlined in the safety handbook—related to safety hazards—the following clothing guidelines should be followed to ensure a professional appearance. Public Works employees contribute to the City culture and reputation in the way they present themselves. Good grooming and appropriate dress reflect employee pride and create a favorable impression with coworkers and the public. Division Heads and foremen may exercise reasonable discretion to determine appropriateness in employee dress and appearance. Employees who do not meet a professional standard may be sent home to change, and nonexempt employees will not be paid for that time off. Basic elements for appropriate work attire includes—as a minimum—the following:

    1) Clothing that is in neat and clean condition.
    2) No ripped or cut-off clothing. Sleeveless shirts shall be hemmed, and the arm openings shall be minimal.
    3) No flip-flops or floppy sandals.
    4) Faded clothing shall not be considered reflective for the purposes of the safety policy.
    5) Proper footwear shall be worn at all times.
    6) No tank tops, halter tops, crop tops, or low-cut blouses or sweaters.
    7) Shorts are only allowed for duties which require active work in warm weather. In other words, shorts should be worn for ease of movement and to prevent heat exhaustion, not just for comfort or style. Shorts should not be worn for any duties which may expose the employee's legs to skin injuries. Shorts shall be hemmed, and shall not end more than 2" above the knee.
    8) Shorts or pants shall be worn above the waist or hip line.
    9) Shirts with inappropriate slogans are prohibited.

h. Except when responding to an emergency or as approved by a supervisor, no less than a 30-minute lunch break shall be taken by any employee working an uninterrupted six-hour shift or greater.