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# **i. INTRODUCTION**

## A. INTRODUCTORY MESSAGE

The Fond du Lac City Government is committed to providing and promoting a high quality of life, safety, and business success to residents, visitors, and future generations, and thus making Fond du Lac an excellent place to work, play and raise a family.

City departments and employees are vital to the City's ability to carry out these goals. City employees' status in the governmental hierarchy, and the daily exposure to public scrutiny, comment and criticism requires City employees to be mindful of how their conduct and appearance may reflect on the City. Although the amount of public exposure may be limited for your position, you have a vital role in presenting the City in a favorable light. You may be the first point of contact when the City provides services to the public or responds to citizen inquiries/requests. Thus, you have a unique responsibility to make a positive impression with the citizens of our community.

Being an employee of the City of Fond du Lac puts you in a unique position of trust. Therefore, it is important that you fully understand the emphasis the City places on maintaining the public's trust in the City and its employees. The City expects that you will conduct yourself, personally and professionally, in a manner that will help maintain that trust.

This Handbook was created to provide guidelines to aid all employees of the City of Fond du Lac in understanding policies, benefits, and procedures that relate to their employment with the City. It contains general statements of City policy and should not be read as including the fine details of each policy, nor as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The City may add to these guidelines or revoke or modify them from time to time. The City will try to keep these guidelines current, but there may be times when a policy will change before this material can be revised, published and communicated. The most up to date version of this Handbook can always be found on the Human Resources page of the City's Website.

**Notice: This handbook generally applies to all employees. However, in some instances employees who were hired before January 1, 2012 may be entitled to certain benefits that are not contained in this handbook. The Human Resources Department is available to answer any questions regarding all human resources issues including benefit eligibility questions.**

## **B. PURPOSE OF THE HANDBOOK**

This Employee Handbook contains many of the policies and procedures you are expected to follow as an employee of the City of Fond du Lac. The City has developed this Handbook to provide general information to its employees regarding topics that commonly arise during a person's employment. This Handbook is not meant to include all of the many policies that may apply to you in your specific role with the City.

This handbook should be viewed as serving two important purposes: **first**, the handbook sets forth the City's expectations for you as an employee; **second**, the handbook is meant to educate you on what you can expect from the City in your employment relationship. The overall intent is to assure fair, equitable, and open relations between you and the City.

As you review your Handbook, consider how the policies further the City's goals, including, but not limited to:

1. assuring the prudent use of the City's resources; its personnel, its property and equipment, and its funds;
2. assuring the recruitment, retention, and development of employees of the highest quality and loyalty to the City and the citizens we serve;
3. assuring maximum responsiveness to the legitimate demands of our public constituency.

The City expects its employees, when dealing with the public during the course of their employment, to respond to the public as the situation would dictate in a manner which will uphold the public image and traditions of the City. Through this cooperative and collaborative relationship between all employees, the reputation and traditions of the City for providing quality services will continue to be achieved.

Unless otherwise provided for in a collective bargaining agreement, your employment with the City is "at-will". This means that you or the City may choose to end the employment relationship at any time. Nothing in this Handbook should be construed as altering the "at-will" relationship in any manner. This Handbook is not an employment contract nor is it intended to be construed as such. It does not guarantee any rights to employees, but serves as a valuable resource document for employees of the City.

Unless otherwise prohibited by law, final interpretation and implementation of the policies contained in this Handbook is vested solely with the City of Fond du Lac through the City Manager. The Handbook is subject to change at any time and will be reviewed and revised periodically.

These human resources policies clarify the behavior expected of you. These policies do not, however, contain all the procedures and regulations which may be applicable to a particular position with the City of Fond du Lac. More detailed Departmental and Divisional regulations

may be adopted which are not inconsistent with these policies.

It is your responsibility to read and understand these policies. It is also your responsibility to ask questions regarding portions of the Handbook or other policies that are applicable to your position in the City that you do not understand.

To the extent this Handbook conflicts with specific language in applicable collective bargaining agreements covering certain employees, the specific language of the collective bargaining agreement shall control over the language of the Handbook when required. Additionally, any wages, hours, and working conditions referenced in this Handbook that are subject to a mandatory duty to bargaining are not binding on those parties unless permitted by the collective bargaining agreement or upon fulfillment of the duty to collectively bargain between the Union and City, or upon waiver.

## C. VALUES / MISSION / RESPONSIBILITY OF MANAGEMENT

Our Values guide everything we do. They are:

Excellence in Service • Honesty • Integrity • Personal Accountability

Our values define our organizational culture in support of our Mission, to provide excellent local government through responsiveness and accountability to the citizens of Fond du Lac.

In order to achieve its Mission, the City has broad authority to manage its operations and functions. These responsibilities include, but are not necessarily limited to the following:

1. Prescribing and administering rules and regulations essential to accomplishing the services desired by the City Manager, City Management Team, and the City Council;
2. Managing and otherwise supervising all employees;
3. Hiring, promoting, transferring, assigning and retaining employees;
4. Taking disciplinary action such as suspension, demotion, termination or any other disciplinary action deemed appropriate by the City;
5. Relieving employees of duties because of lack of work or for other legitimate reasons;
6. Maintaining the efficiency and economy of operations entrusted to the City administration;
7. Determining the methods, means and personnel by which such operations are to be conducted; and
8. Establishing the kinds and amounts of services to be performed and the employees to perform those services.

The above responsibilities may be limited by the laws of the State of Wisconsin and the United States of America. Many of these laws are referenced in other portions of this Handbook.

## **D. CHAIN OF COMMAND**

Operation of any government agency depends on an effective chain of command and the City of Fond du Lac is no exception.

**City Council:** The ultimate decision concerning policy in the City of Fond du Lac resides by law with the City Council (elected officials) under the leadership of its elected president who serves a one year term and is elected from among the City Council members.

**City Manager:** The City Manager is an employee of the City who is appointed by the City Council. The City Manager is the chief executive officer of the City. As head of City Administration, the City Manager is authorized to exercise all of the executive and general administrative powers granted under Section 64.11, Wis. Stats.

**Department Directors:** The Directors of the designated Departments of the City are part of the senior management team of the City and report to the City Manager.

**Division Managers:** The Division Managers of the designated Departments of the City are part of the management team and report to their designated Department Director.

**Supervisors:** Supervisors subordinate to the Department Directors are also members of the management team.

The management team concept is the process by which a recommendation for any action, program, service, etc. is developed and the decision implemented. This system represents a means of establishing orderly lines of organization and communication as management personnel unite with the employees of the City to promote and deliver effective services to the community.

The City Manager is responsible for the development, supervision, and the operation of the City and its personnel and facilities. Employees have an obligation to assist the City Manager in providing professional advice to the City Council through the chain of command. The City Manager is given the latitude to determine the best method of implementing the policy decisions of City Council.

All employees and supervisors shall be responsible to the City Council through the City Manager. Each shall refer matters requiring administrative attention to his/her supervisor, who shall refer such matters to the next higher authority, when necessary, and through the City Manager to the City Council.

Each employee is to keep the person he/she reports to informed of his/her activities by whatever means the supervisor deems appropriate. If an employee has any questions, opinions or suggestions about the information contained in this Handbook or about any other aspect of



his/her job, then those questions, opinions or suggestions should be directed through the chain of command.

**The City recognizes that many employees handle directives or requests from the Public on a daily basis as part of their positions. The City expects that employees will use sound judgment and common sense to determine which directives or requests are inappropriate and should be reported to a supervisor. If an employee is unsure of whether a directive or request should be reported, the employee should discuss it with his/her supervisor. Any employee who receives inappropriate directives or requests for special treatment from an individual citizen, business representative or elected or appointed official must immediately report such directive or request to his/her supervisor. No specific directives or requests covered by this policy should be fulfilled unless permission to do so is given by the employee's supervisor.**

# **II. WORKPLACE ENVIRONMENT**

## **A. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The City of Fond du Lac is an equal opportunity employer. Employment decisions are based on merit and operational needs. The objective of the City's employment practices is to employ individuals who are qualified for specific work by such job-related standards as work experience, demonstrated attitude and skill, education, training, overall ability and other job relevant considerations.

The City employs people who are concerned with the success of Fond du Lac; people who care first about the highest quality public service and the interests of the public; people who can carry on their work with skill and ability; and people who can work well with our City team.

**Policy: The City provides equal employment opportunities for all qualified persons without regard to age, race, creed, color, disability, marital status, gender, national origin, ancestry, arrest record, conviction record, military service, or any other basis protected by State or Federal law.**

**The City complies with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA) and other laws. The City will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided any accommodations made do not impose an undue hardship on the City.**

Equal consideration shall be given to all qualified persons without regard to his/her protected status when making employment decisions including, but not limited to, the following:

1. Recruitment for employment
2. Hiring, placement, promotion, transfer or demotion
3. Compensation
4. Conditions of employment
5. Training and development
6. Involuntary layoff or separation from employment, and
7. All other components of the City's human resources system

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

## **B. HARASSMENT & RETALIATION-FREE WORKPLACE**

**Policy:** It is the policy of the City 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.

In keeping with this commitment, the City will not tolerate harassment of City employees by anyone, including any supervisor, co-worker, vendor, client or customer of the City. This policy provides each employee of the City of Fond du Lac the protection necessary to function in a productive environment.

**Harassment defined:** Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status as defined by law, such as sex, color, race, ancestry, religion, national origin, age, medical condition, disability, marital status, veteran status, citizenship status, sexual orientation, arrest record, conviction record, or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment.

**Sexual harassment defined:** Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex, whether or not such conduct is repeated, constitute sexual harassment when:

Submission to such conduct is an explicit or implicit term or condition of employment;

An individual's submission to or rejection of such conduct becomes the basis for employment decisions affecting that individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include, but is not limited to, explicit sexual propositions, sexual innuendos, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body. Sexual harassment also includes conduct directed by a person at another person of the same or opposite gender.

All City employees are responsible for helping to prevent harassment. If you feel you have experienced or witnessed harassment, immediately notify your supervisor, the City's Human Resources Department, the City Manager, or any other managerial employee of the City. Employees may make harassment complaints in confidence. However, confidential complaints may be more difficult for the City to fully investigate.

**No Retaliation Policy:** The City strictly prohibits retaliation against anyone who reports harassment or who cooperates in the investigation of a harassment complaint.

The City takes harassment complaints very seriously. Therefore, the City will investigate all harassment complaints thoroughly and promptly and take all appropriate action that may be necessary to end the harassment and prevent this misconduct from reoccurring. To the fullest extent practicable, the City will keep complaints and the terms of their resolution confidential. After the investigation is completed, the City will advise the complainant of the result of that investigation. If an investigation confirms that harassment has occurred, the City will take corrective action, which may include discipline as appropriate, up to and including immediate termination of employment.

## C. VIOLENCE IN THE WORKPLACE

The City of Fond du Lac is committed to providing a safe and healthy work environment free from any threats or acts of violence.

**Policy:** The City will not tolerate violence, threats of violence, harassment or intimidation in and around the workplace, or among individuals conducting City business. The City will intervene in situations involving such acts that it becomes aware of and will take appropriate action to resolve issues when necessary. The City reserves the right to address any off-premises conduct involving violence, threats of violence, harassment or intimidation that has or may have an impact on the workplace or an employee.

**Violence:** Violence is defined to include, but is not limited to: physical assault, aggressive behavior towards another individual, purposeful destruction of City property, intimidation through verbalized or implied threats, carrying weapons of any kind in the workplace, and destruction of another's property. Reported acts or threats will be investigated as a possible serious violation of City policy. Any confirmed act or threat will be grounds for disciplinary action, up to and including immediate termination of employment. When appropriate, an employee may be referred to the Employee Assistance Program for evaluation and recommendations.

**Employee Responsibility:** Any employee who has been a recipient of a threat of violence or victim of an act of violence is to make a report to his/her immediate supervisor and the Human Resources Director. Such reports will be kept confidential to the extent possible. The City will investigate such reports and take action as appropriate to the situation. The City may involve and cooperate with local law enforcement representatives if it is determined that such action is warranted.

As acts of violence in the workplace may also be perpetrated by people from outside the workplace, the City requests any employee, who feels an outside threat poses a risk within the workplace, to report such a situation to his/her immediate supervisor and to the Human Resources Director. The City will assess the need for special safeguards or other considerations.

The City of Fond du Lac prohibits all individuals entering City buildings from carrying a handgun, firearm, knife, or other weapon of any kind regardless of whether the person is licensed to carry the weapon or not. Further, the City prohibits its employees from carrying weapons in the course of their employment for the City including employees who are licensed to carry a weapon by the State of Wisconsin. This prohibition includes while operating City owned vehicles and while performing work outside of City buildings. The only exception to this policy is for sworn law enforcement officers or other persons who act in the interests of the City and have the legal authority to carry a weapon, or who have been given written consent by the Chief of Police to carry a weapon on the property.

Nothing in this policy prohibits a licensed individual from keeping a concealed weapon in his/her personal vehicle or from keeping a concealed weapon in his/her personal vehicle while using that vehicle to travel in the course of his/her employment as required by law.

**D. PRE-EMPLOYMENT PHYSICAL EXAMINATION**

**Policy: It is the policy of the City of Fond du Lac to hire employees who are able to meet the physical requirements of the job for which they are being hired.**

All applicants who are offered employment with the City of Fond du Lac must complete a physical examination before commencing employment with the City. This will be coordinated through the Human Resources Department with a health care professional chosen by the City, and at the City's expense.

All applicants must be certified by the health care professional chosen by the City as being able to perform the functions of the position being offered in order to be employed by the City.

The City may require an employee at any time during the course of their employment to have a physical examination at City expense with reasonable notice, if in the opinion of the City the employee's health or physical condition presents a hazard to the employee, fellow employees, or the public; or if the employee's health or physical condition can reasonably be expected to present a liability to the City.

## **E. DRUG-FREE WORKPLACE**

The purpose of this policy is to ensure a drug-free and tobacco-free workplace; to eliminate and/or discourage drug/alcohol use and abuse in the workplace; and, to assure delivery of services to the public in a safe, professional and conscientious manner.

**Policy: It is the policy and intent of the City of Fond du Lac to maintain a drug-free and tobacco-free workplace for all of its employees and the public. Therefore, no employee shall report to work or be under the influence of alcohol or illegal drugs during working hours. This policy includes: any paid or unpaid lunch periods; training sessions; and the working hours of conferences attended as a representative of the City. The sale, possession, transfer or purchase of illegal drugs while in the course and scope of employment with the City is also prohibited.**

It is the policy of the City of Fond du Lac to prohibit smoking, smokeless tobacco use and vaping on all City premises/vehicles, unless specifically permitted by this policy, to provide a safe, professional and healthy work environment for all employees and the public.

Each City employee must be able to work in a drug-free environment and themselves be free from the effects of alcohol and other mood-altering substances and adulterants when reporting for work and during the workday. In order to ensure that the City remains a drug-free environment, the distribution, sale, possession or use of alcohol, other intoxicants, drugs, narcotics, or any other controlled substance in the workplace without a valid prescription is prohibited. Further, employees are prohibited from being under the influence of any drugs, intoxicants, narcotics, alcohol or any other controlled substance while in the workplace.

**Testing:** The City conducts Drug and Alcohol testing pursuant to the Fond du Lac Drug & Alcohol Testing Program Guidelines. All City employees and job applicants who are offered employment with the City are subject to Drug & Alcohol Testing Program Guidelines. Use of adulterants to conceal drug or alcohol use will be considered a positive drug test. **For specific questions about drug and alcohol testing, employees should refer to the Drug & Alcohol Testing Program Guidelines applicable to their position.**

Any employee found to have used, sold, distributed, possessed, or been under the influence of drugs or alcohol in the workplace or otherwise failing to comply with any drug-free workplace requirement may be subject to disciplinary action up to and including immediate termination of employment.

**Reporting of medication use:** City employees using medications prescribed by a doctor that may affect work performance should inform their supervisor, in writing, of the possible side effects, performance limitations, or any other safety hazards that may occur from the use of prescribed medication. Based upon this information, the supervisor may reassign the employee, transfer the employee, or modify the employee's job to ensure the safety of the employee, co-workers, and the public, or relieve the employee of his/her duties until such time that the medication no longer affects his/her performance.

This policy is not intended to needlessly intrude on employees' privacy. Rather, the City needs to know about employee medications so it can prevent placing employees in situations that are unnecessarily dangerous to themselves and their co-workers. All disclosures of medication use will remain strictly



confidential like other employee health information.

**Legal Hemp and CBD Products:** These products may contain varying amounts of THC, which is the active ingredient in marijuana. If they have over 0.3% THC, they may trigger a positive drug test. Employees should be cautious in their use of these products. Use of CBD or Hemp products that have over 0.3% THC may be a violation of this drug-free workplace policy.

**Employee Assistance:** The City recognizes that alcohol and substance abuse are serious matters and will offer appropriate assistance, as it is available for other employee issues. Information concerning drug abuse counseling, rehabilitation programs or any other employee assistance is available to employees by contacting the Employee Assistance Program or the Human Resources Department.

Any employee convicted of using, selling, distributing or possessing a controlled substance while employed by the City shall notify the City Human Resources Department within five (5) calendar days of that conviction.

The City of Fond du Lac, as the employer, is required to report any workplace drug crimes to the United States Department of Labor within ten (10) days of conviction.

**Tobacco Usage:** Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars. Smokeless Tobacco is defined as "A type of tobacco that is not smoked or burned. It may be used as chewing tobacco or moist snuff, or inhaled through the nose as dry snuff."

Smokeless tobacco contains nicotine and many harmful, cancer-causing chemicals. Using it can lead to nicotine addiction and can cause cancers of the mouth, esophagus, and pancreas. It may also cause heart disease, gum disease, and other health problems.

Vaping using e-cigarettes, juuls, etc. can expose your lungs to carcinogens, nicotine, heavy metals, chemicals and formaldehyde which may damage the cilia lining the lungs and airways, increasing the risks of asthma, heart disease and chronic obstructive pulmonary disease (COPD).

This tobacco policy applies to:

- All City property. "Property" means the City's facilities including offices, grounds adjacent to City facilities, adjacent sidewalks, parking lots/ramps, all vehicles owned or leased by the city, and employee vehicles parked on City-owned and/or leased property.
- All city-sponsored offsite conferences and meetings.
- All city employees.
- All contractors and consultants and/or their employees working in city facilities.
- All temporary/seasonal employees.
- All student interns.

Employees may use tobacco products in designated areas. Designated tobacco areas will have a sign and a receptacle to put cigarette butts and spittoons. These designated areas are an exception to the tobacco products prohibition on City property. Various departments may have additional rules regarding designated tobacco areas in their work rules, for example, allowing smoking outside while on a break at a City construction or maintenance project. This policy does not override any job specific requirements or union agreements regarding tobacco usage.

Any employee violations of this policy will be handled thru the discipline process in the employee handbook or the appropriate union contract.

## **F. WORKPLACE SAFETY/WORKERS COMPENSATION**

The City of Fond du Lac is committed to furnishing a safe place of employment that includes the use of safety devices and safeguards, methods and processes reasonably adequate to render employment safe, and other things reasonably necessary to protect the life, health, safety, and welfare of such employees.

**Policy:** The City of Fond du Lac subscribes to and follows the requirements of the law that relate to the protection of the life, health, safety, and welfare of City employees.

The City of Fond du Lac has developed and maintains a comprehensive safety program conforming to tried and accepted safety practices. This program encourages proper attitudes toward injury and illness prevention on the part of both management and employees. It also requires cooperation in all safety and health matters, not only between supervisors and employees, but also between each employee and his/her co-workers. It is the major objective of the safety program to protect the City of Fond du Lac's most valuable asset – its employees.

**Workplace Safety:** Any unsafe practice or condition, affecting persons, property or equipment, must be reported immediately to your supervisor. Should a hazardous situation exist, safety always takes precedence over continuing operations.

**Employee:** Job safety is everyone's responsibility. You, as a City employee, are required to follow all safe work procedures and must conduct yourself carefully at all times. Most accidents are caused by carelessness and horseplay. When you observe unsafe working conditions, it is your obligation either to correct the problem or to report it to your supervisor. It is not your responsibility to attempt a job which appears to be unsafe; ask your supervisor for instruction or clarification. Similarly, all work areas are to be kept clean and free from debris, and tools and equipment are to be kept clean and in good repair. Failure to follow safe work procedures may result in disciplinary action, up to and including immediate termination of employment.

**Please refer to the City of Fond du Lac Safety Handbook** for more detailed information about safety procedures.

**No Retaliation:** Retaliation against employees for reporting workplace safety issues or a work-place injury is prohibited and will not be tolerated. Offenders will be subject to disciplinary action up to and including immediate termination of employment.

**City employees are encouraged to submit suggestions** to their supervisor or to Human Resources regarding ways to increase workplace safety. It is our collective workplace and any suggestion to make it safer will receive careful consideration.

**Worker's Compensation:** The City carries Worker's Compensation insurance to protect its employees against losses due to injury or illness caused while in the performance of his/her duties. In addition to Worker's Compensation coverage, the City provides a supplement to the benefits paid by the Worker's Compensation insurer. Employees who suffer a compensable injury under Worker's Compensation are

eligible to receive income continuation equal to 90% of their normally scheduled wages for six (6) months, or until the employee is able to return to work, whichever occurs first.

**In Case of Injury in the Workplace**

1. All injuries, no matter how slight, must be reported immediately to your supervisor. The supervisor will in turn immediately report to Human Resources using the City Employee Accident Investigation Form.
2. If immediate medical attention is required, the injured employee shall be sent to the nearest medical facility capable of handling the type of injury involved.
  - a. If the injury demands immediate emergency medical treatment, the employee shall be sent to the emergency room at the nearest hospital.
  - b. If an ambulance is needed, 911 shall be dialed.
3. A return-to-work slip shall be provided to the employee's supervisor directly following a doctor visit. A copy shall immediately be sent to Human Resources.

## **G. LIFE-THREATENING ILLNESS**

The City of Fond du Lac recognizes that employees with life-threatening illnesses including, but not limited to, cancer, heart disease, and AIDS may wish to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to meet acceptable performance standards, and medical evidence indicates that their conditions are not a threat to themselves or others, the City of Fond du Lac shall be sensitive to their conditions and ensure that they are treated consistently with employees, co-workers and the public. Every precaution should be taken to ensure that an employee's condition does not present a health and/or safety threat to other employees or customers.

**Policy: The City will do its best to allow employees with Life-Threatening Illnesses to continue their work schedules with the City, acknowledging that it may not be possible to do this in all situations.**

Consistent with this concern for employees with life-threatening illnesses, the City of Fond du Lac offers the following range of resources through the Human Resources Department:

1. Referral to agencies and organizations which offer supportive services for life-threatening illnesses (i.e. Employee Assistance Program);
2. Benefit consultation to assist employees in effectively managing health, leave, and other benefits.

# **iii. PERSONAL CONDUCT POLICIES**

## **A. GENERAL STANDARDS OF PROFESSIONAL & ETHICAL CONDUCT**

City employees are expected to follow general work rules that are promulgated by their employer. Many of the City's work rules are covered in this Handbook. However, City employees' unique position of trust with the public requires them to embody a heightened level of professional and ethical conduct. The City expects you to honor that trust by holding yourself and your fellow employees to these high ethical and professional standards.

**Policy: The City holds its employees to high standards of professional and ethical conduct in their employment.**

City employees shall conduct themselves in a manner that will reflect favorably upon the City and shall show respect toward other employees and the public. Employees in their capacity with the City shall not make comments or disseminate information which portrays any group or individual in a derogatory way or that creates a disparaging image, nor shall City employees use their position or City resources to promulgate information, which is disrespectful toward any group or individual.

The following policies address common situations that arise for many City employees, and give you general guidance. These policies are not meant to cover every possible scenario that could arise. The standards set forth in the following policies are intended to eliminate conflicts of interest, improve standards of service, and promote and strengthen the faith and confidence of the citizens in their City. If you ever have questions about the appropriate course of action for a specific situation that is or is not covered in this Handbook, you should discuss it with your supervisor or with the City's Human Resources Department.

**B. POLITICAL ACTIVITIES WHILE ON THE JOB**

The City encourages employees to be active citizens and engage in the political process. However, City employees are expected to recognize the unique position they hold as a public employee. The City serves all citizens without regard to political affiliations.

**Policy: City employees shall not take part in any political campaigning in their capacity as a City employee.**

When engaging in political activity or engaging in discussion of issues of public importance, you are expected to ensure that your actions and positions are not attributed to the City.

City resources may not be used for promoting a particular candidate or a political party.

The distribution or wearing of political badges, buttons or printed matter during working hours or their placement on City property is prohibited at any time with the exception of bulletin boards in employee work areas out of view of the general public.

With due consideration for the spirit and letter of this policy, political activities outside of working hours not otherwise attributable to the City or your employment with the City are within the proper exercise of citizenship.



### C. INCOMPATIBLE OUTSIDE EMPLOYMENT

The City does not prohibit employees from accepting outside employment or following economic pursuits that do not interfere or conflict with the full and faithful discharge of their duties with the City. Employees shall not engage in outside employment which may tend to impair their independence of judgment, and shall not engage in outside employment which is unlawful. Outside employment is prohibited if it would affect the employee's ability to perform City duties or responsibilities.

**Policy: City employees shall not participate in outside employment or actively participate in an outside business that is incompatible or creates conflicts of interest.**

You are required to notify your immediate supervisor and the Human Resources Department prior to accepting outside employment that may be incompatible with your City employment. If you are uncertain regarding the compatibility of outside employment with your City employment, you should consult with the Human Resources Department.

The City is required by law to prohibit those activities that will cause a conflict of interest to the employee or to the City. In general, City employees otherwise have all of the rights and privileges accorded to other citizens of the City.

**D. CONFIDENTIAL/PRIVILEGED INFORMATION**

The City of Fond du Lac is bound by Wisconsin’s Open Meetings and Public Records law to provide certain information to the public. It is the City’s policy to follow these laws to their fullest extent. However, City employees often receive information that would be inappropriate for them to disclose. City employees must be aware of the confidential information that they receive and refrain from disclosing it unless directed by a supervisor.

**Confidential/privileged information is defined** as any information which is obtained by reason of an employee's job position with the City that by law or practice is not available to the public.

**Policy: City employees shall not disclose any information gained during the course of or by reason of their employment with the City in a confidential capacity, unless expressly authorized to do so or as required by Wisconsin’s public records law.**

**Employees shall not use any information gained during the course of their service in a confidential capacity for their own personal financial gain unless such information is, or becomes, a public record.**

In instances where you are uncertain regarding whether information is confidential or not, consult with your immediate supervisor or the Department Director for a determination. The City’s policy on public records is further spelled out in Section 1.11 of the City Code. The Department Director or other authorized employee may contact the City Attorney or the Assistant City Attorney for assistance in interpreting the public records law.

## **E. GIFTS & FAVORS**

City employees are trusted to act in the public's best interest when fulfilling their employment duties. It is inconsistent with that trust to accept gifts or favors for the execution of their duties.

**Policy: City employees shall not directly or indirectly solicit or accept any personal gifts, favors, services, money or anything with an individual or cumulative value of \$50.00 or more from the public or any organization. Employees shall not accept gifts, money or anything of value for services which they are employed by the City to provide (e.g. enforcing City/State laws and/or codes, enforcing City contracts, inspections, citizen assistance, etc.).**

**Disclosure: Employees are required to immediately disclose to their Supervisor and the Human Resources Department any offer or receipt of a gift of money or anything of value which may tend to influence the impartial discharge of the employee's duties from any person, business entity or other organization to the employee or a member of his/her immediate family (i.e. father, mother, brother/sister, spouse, children).**

Employees with enforcement/inspection/decision-making responsibilities should bear in mind that the donor of gifts, presents or favors may come to expect or seek preferential treatment later. Gifts from "grateful/appreciative" citizens are to be discouraged. If gifts cannot be declined gracefully, the employee should report receipt to his/her immediate supervisor who will coordinate appropriate disposition.

## F. USE OF CITY PROPERTY OR EQUIPMENT

**Policy:** City property shall be used by employees only in conjunction with the performance of City operations and duties. City property shall **not** be used by City employees for personal purposes unless such City property is generally available for use by the public.

**City Property:** Offices, computers, desks, lockers and equipment provided to employees by the City to assist employees in performing their work are considered the property of the City and may be opened, reviewed, or examined by a City representative at any time, without infringing on any employee's right to privacy or reasonable expectation of privacy. City property also includes written materials such as personnel policies, written agreements, contracts, project reports, formal City documents, financial information, etc. No employee may remove City property from the premises without a supervisor's knowledge and approval.

City property should be used for City business purposes. Personal use of City property including photocopiers, postage machines, fax machines, office supplies, and telephones should be kept to a minimum, and only with prior permission from your supervisor.

In instances when City employees are uncertain regarding whether use of City property for personal purposes is appropriate, they should consult with their immediate supervisor for a determination.

**Personal Property:** The City will provide a place where employees can keep personal property while at work. Employees are encouraged to exercise care and attention in safeguarding personal property brought to the workplace. If personal property is brought to work for use in the course of employment the City may compensate an employee if the item is lost or stolen. The City reserves the sole discretion to determine the amount of compensation you may receive for a lost or stolen item.

When determining the amount of compensation an employee may receive for a lost or stolen item, the City may consider many factors including, but not limited to, the value of the item, the age of the item, the condition of the item when it was lost or stolen, and the care and attention the employee exercised to prevent the item from being lost or stolen. The City does not assume responsibility for the loss or theft of personal belongings that are not used in the course of employment. You are advised not to bring large sums of cash or other valuables with you to work.

**G. REQUESTING SPECIAL PRIVILEGE/REPRESENTING PRIVATE INTERESTS**

**Policy: City employees shall not use their office, title, position or status as a member of City staff to obtain financial or personal gain, exemption, or any other special privilege not generally available to the public; or to obtain advantage for any person beyond that which is generally available to the public.**

As a City employee you are prohibited from representing any private interest before any City agency or governing body. Further, you may not review or approve work you perform for private individuals or organizations outside of your employment with the City, or cause co-workers or subordinates to review such work if it may tend to compromise the professional credibility of other City employees or the City in general.

## H. NEPOTISM

All City employees can expect fair and impartial treatment from supervisors or employees with oversight authority. A familial, close personal, or financial relationship between a supervisor or employee with oversight authority and an employee whom they have direct influence over exposes them to possible charges of conflict of interest, favoritism, bias, and inappropriate conduct that may adversely impact the performance of City functions or the working environment. In the public sector, it is essential to avoid situations which may lead to real or perceived favoritism, bias, conflict of interest or inappropriate conduct.

**Policy: City employees shall not be involved in any decision-making by the City relating to the hiring, appointment, promotion, evaluation, or any other employment action of any person related to them by blood or marriage.**

The City shall attempt to avoid placing family members in direct or indirect supervisory/subordinate employment relationships within a department and/or division or in positions where the relationship has the potential for creating an adverse effect on supervision, safety, security, or morale. Where a marriage occurs between two City employees and creates such a situation, reasonable efforts will be taken to move one or the other so as to comply with the intent of this policy. (Seasonal employees will generally not be assigned to work in the same department with other family members.) When potential nepotistic situations arise as a result of organizational restructure, marriage or other development, the employees involved have an obligation to immediately inform their Department Director or supervisor.

Violations of this policy including, but not limited to, failure to disclose nepotistic relationships, will be investigated by the Department Director or the Human Resources Department. Policy violations may result in discipline of employees up to and including immediate termination of employment. Supervisors and lead workers may also be disciplined for taking employment actions based upon nepotistic relationships.

## **I. SOLICITATION (NON-POLITICAL)**

In order to help maintain a work environment that protects City employees from undue interference while performing their jobs, a no-solicitation policy has been put in place.

**Policy: City employees may not orally solicit or distribute written materials for any organization, fund, activity or cause to other employees in work areas while either employee is on working time.** Employees may solicit other employees or distribute written materials before or after the normal work day, during normal break or lunch times, and any other time when they are not working.

The City may authorize a limited number of fund drives by employees on behalf of charitable organizations. Employee participation in such drives is completely voluntary. Employees seeking authorization for such a charitable fund drive should contact the City Manager's office.

## **J. TECHNOLOGY USE POLICY**

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

**Policy: City technology is provided to employees to assist with the performance of City operations and duties. Personal use of City technology must be kept to a minimum in order to ensure efficient and effective City operations.**

**Monitoring:** In order to protect its interests, the City reserves its right to monitor all use by employees of technology. No employee should expect privacy or secrecy in the use of technology. Employee use constitutes acceptance of the City's monitoring and disclosure of the employee's use. Use of the City's technology can be limited by the City at any time for any reason. The City may consent to the disclosure of information from use of technology or any other property as required by law or otherwise deemed appropriate by the City.

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

No written policy can list every conceivable circumstance that relates to proper use. The City's employees are professionals who are expected to exercise responsible professional judgment. The City has complete and sole discretion to determine whether any use or access is inappropriate, even if the use is not expressly prohibited or addressed in this policy or the **City's Acceptable Use Guidelines**, which are separate from this Handbook.

The City may ask employees to stop any use it believes is improper. In addition, the City may block access to any content it believes is not appropriate. Employees who do not adhere to this policy may be disciplined, which can include restriction of internet use or discipline up to and including termination. If you have a question about whether a particular use of the City's technology is proper, you should consult with your supervisor before engaging in such use.

**Electronic Communication:** The City provides some of its employees with electronic communication tools such as email, voicemail, cell phones, text messaging, pagers, computers and other communication tools and devices so they may better perform their job-related duties. The City's electronic communications system includes all messages sent through the City's computer network either externally via the internet or internally and through City issued communication devices and networks.

Electronic communications should be courteous, concise, focused and written or spoken in proper business English. The same care should be used in drafting electronic communications as is expected



for drafting any other written communication. All electronic communications are unavoidably attributed to the City. When composing electronic communications, employees should keep in mind that personal comments may be perceived as comments made on behalf of the City.

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

No one should expect privacy or secrecy in the use of City technology or City-issued communication devices such as email, text messages, cell phone messages, or calls. The City does not condone "snooping"; employees should not read or review communications not sent to them except for legitimate business reasons. If an internal communication is confidential, it should be distributed personally or by a confidential routing envelope and not by e-mail. Employees should not presume an electronic communication sent via the internet is confidential unless it has been encrypted by the City.

**Social Media:** The City recognizes that technology is changing at a rapid pace and the City and its employees must adjust to an ever changing world. The City also recognizes that not all employees use social media. For employees who use social media, the City expects them to do so in a responsible and respectful manner.

**Policy:** It is the policy of the City that 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.

The City reserves the right to review employees' use of social media and determine if abuse is occurring. Social media under this policy includes participation in a listserv. Participation in listservs should be limited to those used for business purposes. Employees should be mindful that postings to a listserv are distributed to many unknown readers and can later be quoted in public materials. Employees must understand and comply with the guidelines and protocols of each listserv to which they subscribe.

Under no circumstances should employees use social media to engage in or post communications or material that would violate any Handbook policy, including, but not limited to, the Harassment & Retaliation Policy, the Confidential/Privileged Information Policy, or the City's Work Rules. If you have a question about whether a particular use of electronic communication or social media is appropriate, you should consult with your supervisor or the City's Human Resources Department before making such communication. **Please refer to the City's Acceptable Use Guidelines for more information.**

**IV. WORKPLACE  
POLICIES**

## A. RULES OF CONDUCT

### Overview

Public service as an employee of the City is a privilege and not a right. The City strives to employ public servants who serve the public, who protect and further the trust and confidence the public has placed in its public servants, who help their fellow public servants as a team member, and who seek professional growth and effective service.

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

Actions of employees that are inconsistent, incompatible, or in conflict with the values established by the City negatively affect its reputation and that of its employees. Such actions and inactions thereby detract from the City's overall ability to effectively and efficiently serve the public and conduct other essential business of the City.

The following policies address common situations that arise for many City employees both while working (on-duty) and while away from work (off-duty), and are intended to give you general guidance. These policies are not meant to cover every possible scenario that could arise. The standards set forth in the following policies are intended to eliminate conflicts of interest, improve standards of service, and promote and strengthen the faith and confidence of the citizens in their City. If you ever have questions about the appropriate course of action for a specific situation that is or is not covered in this Handbook, you should discuss it with your supervisor or with the City's Human Resources Department.

The City reserves the right to take disciplinary action should an employee's off-duty conduct negatively affect the City and the employee's future ability to serve the public and/or conduct business on behalf of the City.

**Policy: The City shall set forth work rules to guide employee behavior and outline the processes to be used in its relations with its employees. Many of these work rules are contained in this Handbook. However, each Department and Division may set forth certain work rules and procedures for employees to follow that are specific to that Department or Division and are consistent with the City's policy.**

**Rules of Conduct:** Your primary objective is to protect and further the public's trust and confidence and to perform at a high quality level so that our citizens, businesses, representatives of other entities, coworkers, and visitors receive high quality services from each employee. Conduct that is inconsistent with those objectives, or in violation of Policy or general expectations of professional conduct is forbidden and will be subject to discipline, up to and including termination. The City has established these Rules of Conduct to demonstrate its expectation of employees and assist them in having a successful career.

No list of rules or types of unacceptable conduct can substitute for the sound and reasonable judgment expected of each employee. It is impossible to list every conceivable type of unacceptable conduct that is contrary to the interests of the City. The following non-exhaustive list of conduct is illustrative of the types of conduct that could warrant discipline up to and including termination:

1. Dishonest, misleading, or deceptive conduct
2. Circumventing the chain of command
3. Undermining the authority of a supervisor
4. Refusing or failing to follow an order or directive
5. Theft or misappropriation of City property or the property of others, including theft of work time, excessive time at break periods, misuse of sick leave or other designated leave, misrepresenting work time, or failing to accurately record work time
6. Failing to completely and accurately document relevant information
7. Leaving the job without permission
8. Causing or working unauthorized overtime
9. Failing to cooperate with others
10. Engaging in conduct that creates an unsafe work environment
11. Fighting, threats, intimidation or harassment of others
12. Damage or defacing of City or employee property
13. Misuse or unauthorized use of City property
14. Possession, use, or being under the influence of drugs or alcohol while on duty
15. Engaging in immoral conduct - The measuring of immoral conduct is defined by Wisconsin statutes and case law (e.g. Wisconsin Statutes §115.31 defines immoral conduct in the context of teacher licensing)
16. Engaging in illegal conduct
17. Unauthorized possession of weapons or firearms during work time or on City premises or property
18. Absence of two scheduled work days in succession without notice
19. Excessive absenteeism or tardiness
20. Failing to promptly report absence or tardiness
21. Working another job while absent
22. Disclosing confidential information to unauthorized sources
23. Loafing or sleeping on the job
24. Misuse of licenses, patents or copyrights while on work time or using work resources
25. Unauthorized solicitations or distributions
26. Failure to promptly report defective equipment or safety hazard
27. Failure to immediately report injury or accident
28. Horseplay or violation of safety rules
29. Engaging in conduct or activities which serve to lengthen the healing period for a work-related injury
30. Substandard quality or quantity of work, including deliberate reduction of output
31. Failure to complete assignments promptly and accurately

32. Smoking in unauthorized areas such as City buildings and vehicles
33. Discourteous treatment of others
34. Profane or disrespectful conduct
35. Conducting personal business on City time or property, including promoting or selling any item or soliciting
36. Failing to fully comply with Policies
37. Failing to comply with expectations of conduct communicated to an employee
38. Failing to report a possible violation of the rules or policy through the chain of command

The City reserves the right to modify this list at any time or determine that other conduct is contrary to the interests of the City and warrants disciplinary action up to and including immediate termination of employment.

**Corrective Action:** The Employer considers all violations of policy, rules of conduct and general expectations of professional conduct seriously. Violations of these policies, rules, and general expectations can subject an employee to discipline, up to and including termination.

The City's corrective action program is designed to both prevent misconduct before it occurs and to correct problem behavior so that it is not repeated. Occasionally, it may be necessary to remove employees from service who cannot or will not meet the established standards of performance.

The City evaluates all disciplinary matters individually considering a wide range of factors including, but not limited to, the nature of the employee's conduct, the rule, policy, or regulation violated, past disciplinary history, length of service to the City, and any aggravating or mitigating factors surrounding the conduct.

**Types of actions:** Subject to the Grievance Procedure contained elsewhere in this handbook, the City has discretion to impose various types of discipline including, but not limited to, verbal warnings, written warnings, suspensions from work, transfers to another position, demotions, and terminations of employment.

**Documentation:** All corrective action or discipline will be documented with a copy provided to the employee, and a copy placed in the employee's personnel file.

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

The appropriate level of discipline is determined by management on a case-by-case basis, and any disciplinary measure may be passed over in favor of more severe discipline, including termination of the employee. The City's use of any form of progressive discipline does not change any employee's status as an at-will employee or create any additional contractual rights.

## **B. WHISTLEBLOWER POLICY**

The City recognizes that as an employee, you will often be in the best position to observe and report potential violations of City policies or applicable laws by employees, elected officials or other members of the public. To ensure that you are comfortable bringing forward good faith reports of misconduct the City offers protections for “whistleblowers.”

**Policy: The City of Fond du Lac’s policy is to promote openness, honesty and transparency in City government and to encourage good faith reports of alleged misconduct concerning compliance with City policies and State and Federal laws and regulations. As a result, the City prohibits harassment, discrimination, or any other form of retaliation taken against an employee for reporting, in good faith, possible compliance issues.**

The protections of this policy extend to employees who directly report suspected violations of City policy and/or applicable laws as well as employees who provide information or cause information to be provided or otherwise assist in an investigation and who file, testify or otherwise participate in a proceeding related to suspected violations of law or City policy.

**Reporting a Suspected Misconduct:** The City provides various mechanisms to assist and encourage employees to come forward in good faith with reports or concerns about suspected misconduct. An employee who becomes aware of a potential or actual violation of policy or law is expected to report such conduct, regardless of whether the employee is personally involved in the matter.

Generally, reporting misconduct should follow the Chain of Command set forth in the Employee Handbook and applicable Department Work Rules. This makes an employee's immediate supervisor his/her first option for making a report. If the employee feels unable to do so or if there is any reason why this may not be appropriate, the employee may report the issue further up the Chain of Command up to and including the department director, Human Resources Director, or City Manager.

All reports of suspected misconduct will be handled as confidentially as possible, under the circumstances, with appropriate discretion and due regard for the privacy of the reporting employee. An employee may make anonymous reports, with the understanding that any investigation may be hampered due to the inability to identify the employee in order to obtain a full and complete account of relevant and necessary facts, or to ask additional questions or seek clarification as any investigation proceeds.

**Whistleblower Retaliation:** Employees should report suspected retaliation for “whistleblowing” and supervisory employees must report all suspected retaliation violations. Employees may report alleged retaliation to their supervisor, any department director, the Human Resources Department or the City Manager without regard to the Chain of Command policy.

**Investigation and Discipline:** The City will take appropriate steps to respond to all complaints, which may or may not include a full investigation. The City reserves the right to determine what steps are necessary to respond to a complaint. All information disclosed in the complaint and any investigation

will be held in confidence and only disclosed when necessary to fully investigate and/or resolve the matter, subject to applicable public records laws. Anyone who the City determines has willfully neglected to report suspected misconduct, brought forward reports of suspected misconduct in bad faith, or retaliated against a whistleblower may be subject to discipline up to and including termination.

## C. JOB VACANCIES & JOB POSTINGS

The City values its employees and recognizes that in many cases filling vacancies with existing employees is beneficial. Promotion from within is often cost effective because internal candidates are frequently able to fill a position with little or no training. Further, the City is in a better position to consider an internal candidate because of the existing employment relationship. Therefore, the City desires to afford current qualified employees the opportunity to apply for open positions within the City's various departments and divisions.

**Policy:** The City will advertise its available positions internally with its current employees when it advertises a position externally in the labor market. The City's goal is to hire the person who best meets the needs of the City for a position.

**Filling Job Vacancies:** When considering internal candidates for vacant positions, the City will consider job-related standards such as work experience, the employee's past job performance, demonstrated attitude and skill, education, training, overall ability, length of continuous service and other job relevant considerations.



## **D. PROMOTIONS, TRANSFERS & DEMOTIONS**

Employment with the City is dynamic. You should not expect that you will never change positions as an employee of the City. Employees change positions for a variety of reasons including career advancement, operational needs, and performance. Of course, the City recognizes that consistency and continuity are beneficial as well. All situations involving employee movement within the City's organizational structure are subject to review and approval by the City Manager. The following policies are meant to address the various ways that employees may change positions within the City. They cover many of the situations that arise and serve as a valuable background if you are considering a change in your position with the City.

**Promotions:** The City recognizes that career advancement through promotion is an important aspect of most employees' working life. This makes promotion an important recruitment and retention tool for the City. A promotion occurs when an existing employee is competitively selected as the most qualified candidate for an existing vacant position; or as a means to reward an employee who has mastered all elements of the current job and meets the requirement of a higher-level job. When circumstances warrant, the City reserves the right to fill positions by offering promotions to current employees. The City further reserves the right to determine what the appropriate level of compensation and benefits an employee will receive if he/she chooses to accept the promotion. Most employees may anticipate at least a 2.5% increase in pay when accepting a promotion. All promotions will include an orientation period set by the City. If the employee is unable to satisfactorily complete the orientation period in the new position, the City may offer the employee the opportunity to return to his/her previous position if it is still available.

Example:

Clerk Cashier–Grade 3, Step 6, making \$18.62 an hour, is promoted to Administrative Assistant on Grade 4. The employee would be placed no lower than Grade 4, Step 3, making \$19.35 an hour because that is closest step that provides at least a 2.5% increase. However, the City may also place the employee on Grade 4 at a higher step if circumstances warrant a larger increase.

**Transfers:** Occasionally, the City may require an employee to change jobs in order to better meet the needs of City operations and/or the public. In those cases, the City may seek volunteers to transfer to the position. If there are no volunteers or the City determines that the volunteers do not meet the minimum qualifications, the City may choose an employee for an involuntary transfer. Employees may also request to transfer to a vacant position. The City reserves the right to determine the appropriate compensation level for any transfer to a new position.

**Demotions:** Unfortunately, there may be occasions when an employee is demoted due to performance issues, work-related misconduct, or changes in the composition of the workforce. In such cases the City will determine in its sole discretion the appropriate placement of the employee for wage and benefit levels.

Further, employees may voluntarily request a demotion for a variety of reasons such as job satisfaction or personal needs. In those cases the City will work with employees to help with the transition and to ensure that the position is meeting the employees' and the City's needs. As with other demotions, the City reserves the right to determine the employees' level of compensation and benefits in their new positions.

**Reclassifications:** Reclassifications can occur for a variety of reasons including but not limited to changes in job duties or reorganizations of City departments or divisions. A reclassification is used is when there is a substantive change to the duties and responsibilities of a job that may occur due to changes in organization, type of work, staffing requirements, technology; or when the classification (title, grade, or status) assigned to the job is incorrect based on the actual job duties. The City periodically reviews all position descriptions and the overall compensation plan to ensure that employees are classified correctly. When the City determines that a reclassification is necessary, it will review the position's compensation to determine if it is appropriate. The City reserves the sole discretion to determine the appropriate classification and compensation level for each position. Generally, employees in positions that are reclassified will not receive a minimum salary increase. They will be placed on the step in their new grade that is closest to their current wage without being a decrease.

Example:

Clerk Cashier–Grade 3, Step 6, making \$18.62 an hour, is reclassified to Grade 4. The employee would be placed on Grade 4, Step 2, making \$18.82 an hour because it is the closest step to the employee's current wage rate on Grade 4 that does not result in a decrease.

**Temporary Appointments:** From time to time, employees may be temporarily appointed to positions of a higher classification by their supervisor or department head. In those cases, the City reserves the right to offer an incentive such as increased pay to employees that take on the additional responsibilities. Not all temporary appointments will qualify for increased pay. The City reserves the right to determine which temporary appointments will qualify for temporary appointment incentives, and will convey that to the employees prior to making the appointment.

**D. LAYOFF & REHIRE****Layoff**

For any number of reasons including, but not limited to, lack of work or budget considerations, it may be necessary to reduce the number of employees in a specific Department or Division.

**Policy: In the event of a reduction in workforce through layoff, the City will consider the skills, abilities, and other qualifications of employees needed to perform the remaining available work; employees' length of service to the City; and the interests and needs of the City in having the remaining available work performed effectively.**

**The City may choose to solicit volunteers for any reduction in workforce situation.**

**Notification:** When it has been determined to reduce the number of positions and/or the employees in a Department or a Division by means other than attrition, the employees affected will be notified as soon as is practical.

**Rehire**

**Policy: When job openings occur in a Department or Division, qualified employees who are laid off from the Department will be given consideration to fill those openings.**

The City does not offer formal recall rights to employees that have been laid off. However, the City will strongly consider rehiring any former employee who applies for a vacancy in the City. Further, if employees are rehired, the City may consider their length of service to the City for determining benefit levels so long as the break in service does not exceed their previous length of service.

## **E. PERSONNEL FILE ACCESS**

The City maintains a personnel file for each employee. The files are kept in the Human Resources Department. Information retained in the personnel file includes, but is not limited to, personal information such as enrollment forms for benefits, and specific work-related information such as applications for employment, resumes, performance evaluations, salary adjustments, job changes, and other designated records.

**Policy: The City maintains complete personnel records that accurately reflect each employee's record of service to the City. Reasonable access to personnel records will be authorized in accordance with Wisconsin Statutes § 103.13. Further, all personal medical information will be secured in an area separate from the personnel records, with strictly controlled and limited access, in order to protect confidentiality.**

**Procedure for Review:** Employees may request to inspect their own personnel files under Wisconsin Law. Requests to inspect your personnel file must be submitted in writing to the City Human Resources Department. Human Resources staff will review the file to determine if any of the records are not subject to inspection, and will schedule a mutually convenient time for you to inspect the records, generally within seven (7) working days.

You or your designated representative may review and copy items in your personnel file. However, you may not remove or alter personnel records unless agreed to by the Human Resources Director. If you disagree with any information in your personnel file, you may submit a written statement explaining your position which shall be attached to the disputed portion and included in the file.

## F. EMPLOYEE DISPUTE RESOLUTION PROCEDURE

**General Statement:** The City recognizes there may be times when employees disagree with a decision or action that has been taken. In such situations, you are encouraged to raise your concerns with your direct supervisor before resorting to the appropriate dispute resolution procedure in this Handbook. It is expected that many, if not most, issues can be resolved prior to beginning the formal dispute resolution process.

**EMPLOYEE DISPUTE RESOLUTION PROCEDURE.....for all employee disputes not covered by the Formal Grievance Procedure.**

**Purpose:** The purpose of this procedure is to provide a means for promptly addressing employee concerns regarding the City's policies and procedures.

**Policy:** The City of Fond du Lac endeavors to treat all employees equitably within established City and department policies or procedures and state or federal guidelines affecting the workplace. If an employee does not feel that fair treatment within the established policies, procedures, or state or federal guidelines has been applied to a situation, the employee has the right to discuss the matter with representatives of the City and/or to request consideration of his/her dispute under this Employee Dispute Resolution Process.

The Employee Dispute Resolution Process is designed to assist the City and its employees resolve any concerns or disputes within specific parameters. This procedure is intended to resolve disputes about application or administration of existing City policies in light of the existing policy or past application of the policy. This procedure is not intended to consider "grievances" that are otherwise covered by the City's Formal Grievance Procedure or as a mechanism to change an existing policy.

**Exceptions:**

1. This Employee Dispute Resolution process is not intended to hear concerns regarding application of issues related to health, disability or other insurances.
2. This Employee Dispute Resolution process does not in any way limit or modify the City's "employment-at-will" policy.

No retaliatory action will be taken against any employee for proper and good faith use of this dispute resolution process or participation in this process.

Any City employee may seek resolution of an issue or dispute whenever the employee believes the personnel policies have been improperly interpreted or applied or there has been a discriminatory action taken against the employee. Use of this procedure will not result in harassment, reprisal, or prejudicial treatment of the employee presenting the issue. All disputes will be resolved as quickly as possible and at the lowest possible level in the organization.

It is expected that an employee desiring to raise a concern or complaint will utilize each step outlined below before proceeding to the next step. However, employees may bypass a step and move immediately to the next step if they feel that following the steps below would be inappropriate due to the nature of the dispute. If an employee skips a step, the dispute may be referred back to the skipped step if appropriate. The City expects employees to use good faith efforts to resolve all disputes. Likewise, the City will exercise good faith efforts in reaching a resolution with the employee.

**The dispute resolution procedure will generally follow three (3) steps:**

**Step 1:** An employee with a concern shall, within three (3) business days of the occurrence/situation at issue or the employee's awareness of the situation involving the complaint, discuss the issue with his/her immediate supervisor and request its resolution. The Supervisor is expected to respond to the employee within two (2) business days.

**Step 2:** If the dispute is not resolved in Step 1, or the employee wishes to appeal the supervisor's decision, the employee may submit the issue in writing to the Director of the Department in which the employee works requesting a meeting on the complaint. The written communication shall include:

1. The date of the occurrence being addressed;
2. The nature of the dispute or complaint;
3. The resolution sought by the employee;
4. The date and outcome of any attempts to resolve the issue with the Supervisor

A meeting may be arranged by the Department Director with the employee.

The Department Director will communicate its decision to the employee in writing within seven (7) business days.

**Step 3:** If the issue is not resolved in Step 2, or the employee wishes to appeal the Department Director's decision, the employee may submit the issue in writing to the Director of Human Resources requesting a meeting. The written communication shall include:

1. The date of the occurrence being addressed;
2. The nature of the dispute or complaint;
3. The resolution sought by the employee;
4. The date and outcome of any attempts to resolve the issue with the employee's supervisor and the Department Director.

A meeting with the employee may be arranged by the Human Resources Director.

The Human Resources Director will communicate his/her decision to the employee in writing within seven (7) business days. The decision of the Human Resources Director is final.

<b><u>Grievance Procedure Exclusively for issues relating to Employee Discipline, Workplace Safety, or Termination of Employment</u></b>
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**Purpose:** The purpose of this policy is to provide guidance for employees and supervisors concerning discipline of City employees, workplace safety issues or termination of employment and to implement the grievance procedure mandated by Section 66.0509(1m), of the Wisconsin Statutes. Nothing in this policy is intended to create a legally binding contract or to change the at-will nature of employment with the City of Fond du Lac, as the City reserves its management rights to exclusively manage its operations in the best interest of the taxpayers of the City.

**The specific grievance procedure outlined below is available and may be used by City employees only for issues/disputes arising out of employee discipline, workplace safety issue, or termination of employment. All other issues/disputes will be handled within the Employee/Dispute Resolution Procedure outlined above.**

**Definitions:**

1. A grievance under this policy shall mean a dispute regarding the application of City of Fond du Lac policies regarding an employee's discipline or termination of employment, or a dispute concerning workplace safety. No grievance shall be processed under this policy unless it pertains to these topics, is in writing, and contains all of the following:
  - a. the name and position of the grievant;
  - b. a clear and concise statement of the grievance;
  - c. the issue involved;
  - d. the relief sought;
  - e. the date the incident or alleged violation took place;
  - F. the specific section of the Policy Manual or workplace safety rule alleged to have been violated; and
  - g. the signature of the grievant and the date.
2. The term "days" means regular business days, Monday through Friday, other than weekends and holidays regardless of whether the employee or his/her classification is scheduled to work. Timeframes under this policy shall be computed by excluding the first day and including the last day.
3. A "grievant" is an employee as defined by State statutes governing this grievance procedure. At the grievant's cost and request, they may be represented by a person of their choice.
4. "Workplace safety" means those conditions related to employees' physical health and safety enforceable under federal or State law, or City policies related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk.
5. "Discipline" is defined as oral reprimands (where a written record of the reprimand is placed in the employee's file), written reprimands, suspension and demotion. Discipline does not

include comments made in performance reviews, work plans or corrective actions that do not include a reprimand or other adverse employment action.

6. "Termination" means discharge from employment. For purposes of this policy, layoffs (reduction in force) are not considered terminations and are not subject to this procedure.

**The issue/dispute resolution procedure will generally follow four (4) steps:**

**Step 1:** Unless the grievance relates to a termination, grievances under this procedure must be initiated by submitting the grievance form to the Director of the Department in which the grievant is employed within ten (10) business days of when the employee actually became aware of the basis for the grievance. An employee who has been notified of termination may initiate the grievance commencing at Step 3.

The Director shall give a written answer within ten (10) business days of receipt of the grievance, with a copy to the Human Resources (HR) Director.

**Step 2:** If the grievance is not satisfactorily resolved at Step 1, the employee may submit the grievance to the HR Director within five (5) business days of receiving the City's response to the Step 1 grievance. After receipt of the written grievance by the HR Director, he/she or a designated representative will meet with the grievant in an effort to resolve the issue(s) raised in the grievance. This Step 2 meeting will be scheduled as soon as practical but no later than ten (10) business days from date of receipt of the written grievance.

Within ten (10) business days after the meeting, the HR Director or designee shall respond to the grievance in writing. The HR Director shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy and otherwise properly processed as required by this policy. If the HR Director is aware of other similar pending grievances, he/she may consolidate those matters and process them as one grievance. The HR Director will keep the City Manager apprised of all pending grievances and the HR Director's responses to same.

**Step 3:** If the grievance is not satisfactorily resolved at Step 2 or the grievance involves a termination, the grievant may notify the Human Resources Department of his/her request to appeal the decision. The notice of an appeal of a Step 2 decision shall be provided to the Human Resources Department in writing within five (5) business days of receiving the City's Step 2 response. The notice of appeal of a termination shall be provided to the Human Resources Department in writing within ten (10) business days of the employee receiving notice of the decision to terminate. The appeal must specifically describe the basis for appeal.

If the decision at Step 2 is based in whole or in part on failure to follow the grievance procedure timelines, the dispute is outside of the scope of the grievance process or some other failure of the grievant to properly follow the grievance procedure, the matter shall be referred to the City Council and placed on the agenda for a closed session meeting within thirty (30) calendar days of receipt of the notice to appeal. The City Council will determine whether the matter should be processed further.



If the basis for decision at Step 2 is solely on the merits of the situation, the grievance will be referred to an Impartial Hearing Officer (IHO). The IHO will be designated by the City Manager. Any costs incurred by the IHO will be paid by the City. The IHO will convene a hearing in a manner the IHO determines necessary. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and decide if a transcript is necessary. The IHO may require the parties to submit grievance documents and witness lists in advance of the hearing to expedite the hearing.

The burden of proof shall be “a preponderance of the evidence”. In termination and discipline cases, the City shall have the burden of proof. In workplace safety cases, the employee bringing the grievance shall have the burden of proof. The IHO may apply relaxed standards for the admission of evidence, including allowing the admission of hearsay. The IHO may request oral or written arguments and replies. The IHO shall provide the parties a written decision without undue delay but no later than sixty (60) calendar days from the date of the hearing unless extenuating circumstances require more time.

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

**Step 4:** Either party may appeal to the City Council an adverse determination at Step 3 by filing written notice appealing the decision of the IHO. This written notice must be received in the City Manager’s Office within ten (10) business days of the decision of the IHO. Within thirty (30) days after receipt of the appeal of the IHO decision, the City Council shall schedule the review of the IHO's decision. The review will be conducted by the Council during a closed session meeting unless an open session is requested by the employee. The Council may make its decision based on the written decision of the IHO and/or any records, evidence and testimony produced at the hearing before the IHO. The Council may affirm, reverse in whole or in part, or remand for further hearing the decision of the IHO by a simple majority vote. The Council shall notify the grievant of its decision within twenty (20) business days of the last Step 4 Council meeting for the grievance. The Council decision shall be final and binding on all parties.

**Employee Representatives:** Employees may request they be accompanied by a representative (at their own expense) and the City will accommodate an employee’s request to the extent practical. However, unavailability of a specific representative shall not be considered good cause to delay a scheduled grievance meeting, or to extend a timeline set forth in this procedure.

**Timelines:** Failure to process a grievance by the grievant within the time limit set forth, or agreed upon extensions, shall constitute a waiver and the grievance will be considered resolved on the basis of the City's last answer. Failure of a City representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. The time limits set by this policy are intended to be strictly observed and will only be extended upon the express written consent of the parties to encourage that grievances are addressed in a prompt manner. The City will only grant such extensions for good cause.

**Exclusive Remedy:** This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to this grievance procedure with administration, and employees are encouraged to do so. Matters not subject to this grievance procedure that are raised by employees shall be considered by City Administration in accordance with the Employee Dispute Resolution Procedure contained in this Handbook.

## **G. SEPARATION FROM EMPLOYMENT**

There are many reasons an employee may choose to terminate or be terminated from his/her employment with the City.

**City Property & Records:** All voluntarily terminating or involuntarily terminated employees are required to return all City property and records upon termination.

**Resignation with Notice:** If an employee decides to voluntarily terminate his/her employment with the City, the employee is asked to advise his/her supervisor in writing at least two (2) weeks prior to his/ her date of departure so that an orderly transition can be made. Accrued but unused vacation credits will be paid to all employees who resign.

**Resignation without Notice:** If an employee decides to voluntarily terminate his/her employment with the City and fails to provide written notice at least two (2) weeks prior to his/her date of departure, the employee's resignation will be treated as a Resignation without Notice and will result in the nonpayment of accrued but unused vacation benefits. When extenuating circumstances prevent an employee from providing two (2) weeks' notice the City may treat the resignation as a "Resignation with Notice." The City reserves its right to dismiss the employee before the date identified by the employee. The employee will be paid all proper compensation up to his/her final day of employment.

**Involuntary Termination for a Policy or Rule Violation:** Should an employee be involuntarily terminated for a violation of the policies and rules in effect, the employee will not be paid for any accrued but unused vacation benefits.

**Reduction-in-Force:** Any time a selection is to be made among employees for a reduction-in-force, consideration will be given to an employee's performance, knowledge, skill, ability, efficiency, reliability, attendance, overall record and length of service with the City. The employee will be paid all proper compensation up to his/her final day of employment, and any accrued but unused vacation.

**Final Paycheck:** Any employee who resigns or who is terminated will receive his/her final paycheck on the next regularly scheduled payday.

## v. **BENEFITS**

## A. HEALTH INSURANCE

**Policy:** The City provides a comprehensive health insurance plan for employees. Full-time and part-time employees who are regularly scheduled a minimum of 20 hours per week are eligible for benefits with the City of Fond du Lac. Seasonal, Long-term Seasonal, and Temporary employees are not eligible for benefits.

**Coverage:** The City of Fond du Lac currently has a self-insured PPO health plan. The levels of benefits provided and employee participation are determined by the City and applicable state and federal regulations. Employees who enroll in the plan will receive a summary of the plan to use as a reference.

**Eligibility:** Each employee shall be eligible to participate in the City's group health insurance program in accordance with the terms of the program as outlined in the insurance contract.

1. All full-time and part-time City employees are eligible for Single or Family Health Insurance Coverage. Married couples, where both individuals are employed by the City of Fond du Lac and are both eligible for health insurance, may each elect single coverage, or one employee may elect family coverage and enroll the spouse and any dependents under that person.
2. Enrollment is offered at time of hire. Employees hired between the first (1<sup>st</sup>) and fifteenth (15<sup>th</sup>) of the month are eligible to begin coverage on the first (1<sup>st</sup>) of the month following their hire date. Employees hired after the fifteenth (15<sup>th</sup>) of the month are eligible to begin coverage on the first (1<sup>st</sup>) of their second full month of employment.
3. Open enrollment for the health plan is offered in the fall prior to the start of each benefit year. The Plan also gives Special Enrollment rights if there is a loss of health coverage or a change in family status such as marriage, divorce, birth, adoption. Check with Human Resources as soon as possible to determine whether your change is a qualifying life event. Such changes must be made within 30 days of the qualifying life event.

**Employee Contributions:** The City of Fond du Lac pays a significant portion of the health plan monthly premiums. Employees pay a portion of the cost of their health insurance as well. Employees who complete the requirements of the Health Risk Assessment program through the City (currently an HRA and online CHRA) pay a reduced rate for their portion of the monthly premium. Employees who choose not to participate in the HRA program pay a higher monthly premium.

1. Part-time Employees: The City will contribute towards the single coverage plan premiums at the full-time active employee rate for part-time employees who regularly work a minimum of 20 hours per week. Regular part-time employees electing family coverage are responsible for paying the difference between the total monthly family premium and the City's contribution to the single coverage plan premium for full-time active employees.
2. Retiree Coverage: Employees who, upon retirement, have attained the equivalent of 10 years of full-time service to the City and are immediately eligible for a Wisconsin Retirement System annuity may continue to participate in the City's health insurance coverage at the same level i.e. single/family as they received while employed provided they pay the full cost of coverage.

Where not otherwise prohibited by law, the City reserves the right to add to, delete from, or otherwise modify its health insurance plan in its sole discretion including, but not limited to, plan design and premium contributions levels.

**Insurance Continuation (COBRA):** Under state law and the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) and subsequent amendments to the act, employees covered under the City’s group health insurance plan are eligible for continuation of medical coverage under the group plan upon the employee’s termination (except for gross misconduct) or when there is a reduction in hours to a level that does not qualify the employee for benefits under the City’s insurance plan. Under COBRA regulations an employee’s covered spouse and covered dependents are allowed to elect continuation of coverage upon the employee’s death, divorce or legal separation, a covered employee declining coverage due to entitlement to Medicare, or a dependent’s loss of dependent status under family coverage.

All employees, as well as their qualified dependents, will receive notice of mandated insurance continuation benefits at the time of hire or whenever the plan coverage for the employee begins. If a qualifying event occurs which entitles the employee and/or qualified dependents to continuation coverage, the plan administrator will notify the qualified beneficiaries of their right to elect continuation coverage. Continued participation will be solely at the participant’s expense. Details are available in the Human Resources Department.

**Surviving Spouse And Dependent Children Health Insurance Continuation:** Currently, Wisconsin Statutes §66.0137, requires municipalities that contribute towards the health insurance premiums for fire fighters, to continue to pay those premiums for the spouse and/or dependent children of a fire fighter who dies in the line of duty. The City believes that the benefits conferred under Wisconsin Statutes § 66.0137 should be extended to the surviving spouse and dependent children of all City employees who die in the line of duty. Therefore, the City provides the following benefits to the families of City employees who die in the line of duty:

1. The City will continue to pay the premiums for a surviving spouse until the spouse remarries or reaches age 65.
2. The City will continue to pay the premiums for a dependent child until the child reaches the age of 18 unless:
  - a. The child is a full-time student in secondary school or
  - b. The child is a full-time or part-time student in an accredited college or university and has not reached the end of the calendar year in which he or she turns 27.

The City’s intent is to provide the same benefit provided under Wisconsin Statutes §66.0137 as amended to all City employees.

**Disclaimer:** This policy is not intended to give a detailed explanation of insurance benefits, but rather to provide general information. Complete details of insurance benefits are available in the Human Resources Department.

**B. OTHER INSURANCE**

**Term Life Insurance:** Term life insurance is provided for full-time and part-time employees in accordance with the terms of the group life insurance contract. The City pays the full cost of all non-optional premiums during employment with the City.

**Voluntary Insurance:** The City of Fond du Lac provides the opportunity to purchase additional insurance at the employee's expense such as dental insurance, optional life insurance and, in some cases, optional long-term disability insurance. Additional information can be obtained from the Human Resources Department.

**Disclaimer:** This policy is not intended to give a detailed explanation of insurance benefits, but rather to provide general information. Complete details of insurance benefits are available in Human Resources.

## C. RETIREMENT

Retiring employees will be entitled to retirement benefits in accordance with the terms of the Wisconsin Retirement System. Retiring employees must report to the Human Resources Department prior to their retirement to sign and complete the necessary forms.

**Policy:** The City contributes to the Wisconsin Retirement System (WRS) for all eligible employees at the level determined annually by the Department of Employee Trust Funds and in accordance with state law.

**Notification of Intent to Retire:** The City expects employees to give reasonable notice, in writing, of their intent to retire. For most employees, sixty (60) days' notice is considered reasonable. More notice is expected for Department Heads. Where circumstances warrant; however, less notice may be acceptable in individual cases. Employees should also be aware that providing less notice to the City or the Wisconsin Retirement System may create a gap between the end of the retiree's employment and when they start to receive retirement benefits. It is important for employees to give reasonable notice to avoid this from happening.

**Preparation for Retirement:** As retirement represents a major step in the life of a person, it is recommended that retiring employees or employees considering retirement arrange for retirement planning with the Human Resources Department.

**Health Insurance for Retirees:** Employees with ten years of full time service with the City are eligible to remain on the health plan with their current coverage if they retire from the City and immediately qualify for a Wisconsin Retirement System annuity. Retired employees must pay the full cost of their coverage and comply with the provisions of the insurance contract. A retiring employee may keep the same coverage they had immediately before retirement or may switch coverage from family coverage to single coverage. However, coverage cannot be added (from single coverage to family coverage) at retirement.

**Life Insurance for Retirees:** Employees who retire may continue their life insurance contract provided they pay the full cost.

**Unused Vacation:** Accrued but unused vacation credits will be paid to all retiring employees.



## D. EXPENSE REIMBURSEMENT POLICY

**Policy:** The City reimburses employees for reasonable expenses incurred in the performance of City business. These expenses include, but are not limited to, the cost of meals, lodging, travel, and registration fees. All expense reimbursements are processed by the Comptroller's office in accordance with Internal Revenue Service guidelines.

**Advance Payment by the City:** Generally, it is in employees' best interest to avoid using the expense reimbursement policy by having the City pay expenses directly with P-card or through the requisition process. This prevents an employee from having to pay expenses up-front and wait for reimbursement from the City. Where expenses are known ahead of time, employees are encouraged to pay with a P-card or use the requisition process rather than the reimbursement policy.

**Proper Documentation Required:** The City requires original itemized receipts as substantiation for all expenses except meals to be reimbursed. Exceptions to this rule include tolls and parking meters. A credit card receipt that is not itemized or an emailed link to conference brochures/registrations are not adequate expense documentation and will not be paid.

Employee name, ID number and overnight stay must be indicated on the expense report. The Department Director and/or Division Head reviews expense reports to ensure that proper substantiation is submitted. Before submitting expense reports to the Comptroller's office, the employee and the Department Director or Division Head must sign the expense report. By signing the report, each person is indicating that to the best of their knowledge the requested reimbursements were actually incurred and in the performance of City business.

Expenses incurred while in transit (meals, ubers/taxis, fuel, etc) should be paid out of pocket and a travel reimbursement submitted. P-cards should not be used for these expenses.

All required documentation must be submitted prior to the reimbursement being processed. Missing documentation may cause a delay in reimbursement.

Expense and Mileage reports must be turned in within 30 days of travel, except at year end. Any expenses incurred the last week of the year must be turned in the following week.

**Meals:** The City reimburses employees for the cost of meals based on the Federal Per Diem at the location of a seminar, conference or meeting. The allowed Per Diems can be found on the General Services Administration website at [www.gsa.gov](http://www.gsa.gov). The City does not reimburse the daily \$5 incidental expense,

1. The Per Diem is only for the meals not included in seminar or conference fees.
2. The Per Diem rate of individual meals includes the tip.
3. Meals while traveling to/from a meeting, seminar or training will not be reimbursed if the employee is within 50 miles of Fond du Lac.
4. Reimbursements will not be made for meals before and after travel.
5. When traveling out of state, meals on the travel days to and from seminar or conference shall be reimbursed at 75% of the daily Per Diem rate.

6. Meals are nontaxable compensation with an overnight stay. Proof of stay (hotel receipt) is required. Meals are taxable if there is no overnight stay.
7. No reimbursements will be made for alcoholic beverages.

**Lodging:** The City reimburses employees for the costs of lodging subject to the following conditions and limitations.

1. Lodging reimbursement will be the actual cost of lodging not to exceed the rate of a single occupancy.
2. Payments should be made with a P-card, or employees can enter a requisition and process for payment whenever possible.
3. The business event should be more than 40 miles from the employee's usual City work facility or residence (if traveling from home), whichever is closer, to qualify for lodging reimbursement. Special circumstances and inclement weather will be taken into consideration on a case by case basis.
4. The City is exempt from certain sales and room taxes. Employees should notify the hotel that they are traveling on City business so that the City is not improperly charged for taxes. If requested, the Comptroller's office can provide documentation that the employee is traveling on City business and is therefore exempt from sales and room tax.
5. Hotels may also give government employees lower room rates if notified when making a reservation.
6. Laundry fees and hotel tips are not reimbursable.

**Mileage:** Employees who use their personal vehicle for official business will receive the current Internal Revenue Service mileage rate for miles. Mileage computation shall use the employee's usual City work facility or residence (if leaving from home), whichever is less.

A copy of the conference/seminar information stating dates and location of the event must accompany the travel reimbursement request.

When using a personal vehicle for business travel, it is recommended to have a minimum of the following insurance coverages: \$100,000 each person; \$300,000 each accident; \$100,000 property damage.

**Airfare/Long Distance Travel:** The City reimburses employees for the cost of air travel subject to the following conditions and limitations:

1. Employees should pay for airfare with a P-card whenever possible.
2. Employees will be reimbursed for the lowest cost air transportation when air transportation is used for out-of-state travel. Airfare reservations should be made at the earliest date possible to get the best rate. When selecting airfare, reasonable transfers and departure/arrival times may be taken into consideration.
3. An itemized bill or receipt is required for reimbursement.
4. If an alternative form of transportation is used, the employee will be reimbursed at the current Internal Revenue Service mileage rate or the lowest cost of airfare (including airport parking and baggage fees), whichever is less.

5. Paid time on travel days shall not exceed 10 hours/day with a one day allowance for each traveling to and returning from City business.
6. Additional charges, such as over-weight baggage charges, are not reimbursable unless the charges are unavoidable.

**Transportation Costs:** Uber/Lyft/Taxi fares, public transportation, charges for parking and other such incidental transportation expenses will be reimbursed based upon actual costs. Receipts are required for reimbursement. Fines are not reimbursable.

**Conference Registration Fees:** The City reimburses employees for registration fees paid to attend conferences directly related to an employee's job and are subject to the following conditions and limitations:

1. Supervisor approval to attend the conference is required in order to be eligible for reimbursement. Supervisor approval includes the decision to only allow partial reimbursement for the expenses due to budgetary or other considerations.
2. Employees are encouraged to use P-cards or the requisition process to pre-pay for conference fees. If an employee seeks reimbursement for the conference registration fees, registration receipts showing dates, locations and included meals of conference are required.
3. Expenses for optional golf outings, sporting events and tours that are offered in association with a conference are not reimbursable and time spent at such social events is not compensable work time.
4. Expenses for an employee's spouse are not reimbursable.
5. Out-of-state conferences are to be noted in the departmental budget.

**Rewards Points:** Personal reward points programs (airlines, hotels, retail stores, etc) are not to be used and/or accumulated when making purchases or reservations for City business.

**Exceptions to Policy:** Occasionally, circumstances may warrant an exception to the expense reimbursement policy. In those cases, the Department Head should request an exception and provide his/her rationale for the exception to the Director of Administration before the expense reimbursement request is submitted to Payroll.

**E. EDUCATIONAL ASSISTANCE**

Employees of the City are encouraged to increase their education and thus their qualifications for positions of employment with the City of Fond du Lac. While the City will be supportive of additional employee training and education, employees must understand they will be retaining the knowledge and skills obtained and therefore need to show a personal commitment and investment of their own time in gaining this additional education and training.

**Policy: It is the policy of the City of Fond du Lac to encourage education and training in order to improve the qualifications of employees in their positions and to prepare them for advancement in their service to the City.**

Employees interested in educational assistance should discuss it with their supervisor. The supervisor can relate information regarding what educational assistance is available to employees as well as how to apply for assistance.

**Terms & Conditions:** Employees who are eligible for educational assistance must enter into an agreement with the City covering the terms and conditions for receiving educational assistance. The City, through the Human Resources Department as well as individual departments and divisions, reserve the right to determine the appropriate terms and conditions for an employee to receive educational assistance.

**vi. TIME AT WORK &  
TIME AWAY FROM  
WORK**

## **A. WORK SCHEDULES & HOURS OF WORK**

Work schedules for employees vary throughout the organization. Scheduled hours of work are set by the Department and Division Heads. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, days of the week worked, as well as variations in the total hours that may be scheduled each day and week.

**Employee Requests for Temporary Change in Scheduled Hours of Work:** It is recognized there may be instances when employees may desire a deviation from their regular scheduled work hours and thus Division managers and supervisors, at their discretion, may authorize temporary variations in work schedules for employees they supervise in order to accommodate the needs of employees.

Each situation will be on a case-by-case basis determined by the needs of the City operations. (Such authorized temporary variations may be allowable/feasible at one point in time for an employee, but not allowable/feasible for that same employee or another employee at a different point in time based on circumstances existing at the time of each request.)

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

An employee who anticipates being absent or tardy must call in to report the absence or tardiness as soon as possible before his/her shift. Absenteeism or tardiness may lead to discipline, including discharge, and may also be taken into consideration when the employer reviews each employee for wage changes or promotion. Two or more unexcused tardiness incidents constitute habitual tardiness, or a pattern of tardiness, and will be considered excessive.

**Inclement Weather:** The City is always open for business, regardless of weather conditions, unless otherwise determined by the City Manager or his/her designee. Weather conditions may prevent employees from getting to work or cause them to arrive late. Employees are expected to make every reasonable effort to report to work during inclement weather. When severe weather conditions exist, it will be the responsibility of each employee to contact the employee's supervisor before the start of his/her shift if he/she is unable to report to work on time. Work time missed due to inclement weather is unpaid time. However, employees may request to use vacation or personal leave time, but in the event of severe weather or other exigent circumstances, as determined by the employer, the employer's need for the Employee's attendance to perform his/her duties will prevail.

**Payroll Records:** Each employee is responsible for and required to accurately record his/her hour of work or use of paid time off each day in ExecuTime, and each employee will be held accountable for failing to completely and accurately record his/her time. Each employee will be required to verify that the hours on the employee's time records are complete and accurate by electronically approving their timecard in ExecuTime. Each employee should record his/her time only. Errors must be immediately reported by the employee. Employees should never assume a supervisor would notice or edit any time discrepancy, as this is the employee's responsibility. Hourly employees must not clock in more than 7 minutes before the start or after the end of their shift unless such time has been previously authorized by a supervisor.

## **B. PAYROLL**

**Policy:** The City has a standardized payroll system and payroll procedures in accordance with State & Federal Guidelines. Employees are paid biweekly by direct deposit. Please refer to the Payroll Department for the most current payroll schedule.

**Employees are Responsible for Data Changes and Updates:** For the system to be effective, it requires current information for all City employees. Therefore, it is the employee's responsibility to keep all payroll and required Human Resources information current. Employees are to notify their supervisor, and Human Resources, of any changes to their name, home address, telephone number(s), marital status, name or number of dependents, number of tax exemptions, insurance classification, beneficiary changes, or individuals to be contacted in case of emergency. Having all this information current and accurate is necessary as it may affect benefits and other important matters.

**Deductions from a Paycheck:** It is the City's policy to comply with applicable wage & hour laws and regulations. If you have any questions or concerns about your employment status or you believe that any deduction has been made from your pay that is inconsistent with your employment status, you should immediately raise the matter with your Supervisor and/or Human Resources so they can assist you in understanding, as well as obtaining, the information that is required in order to investigate the matter, if an investigation is necessary.



## C. OVERTIME

The work of the City and its departments and divisions has been organized as to the number of employees needed and the work schedules required to meet the commitments to and expectations of the citizens we serve. Whenever possible, it is best to be able to provide those services and activities within a normal scheduled work day and work week for employees. However, from time to time it is necessary to schedule work beyond the normally scheduled work day or work week.

**Policy: The City is committed to providing a consistent system for scheduling and paying for overtime in compliance with the overtime pay provisions of the Fair Labor Standards Act (FLSA).**

### **Eligibility for Overtime:**

1. Eligible: Only employees that are not exempt from the overtime provisions of the FLSA, hereafter described as Non-Exempt, are eligible for overtime payments. Non-Exempt employees will receive overtime pay for all hours worked over 40 hours in a single workweek.
2. Ineligible: Employees who are in classifications considered to be exempt from FLSA overtime provisions, hereinafter described as Exempt, are not eligible for overtime payments.
  - a. Exempt employees are those employees in classifications considered as professional, technical, administrative, or supervisory, and their hours of work are not necessarily limited to the normal weekly work schedule of their department.
  - b. Employees in Exempt positions are expected to work in excess of the normal work schedule when the demands of the position require it, and they shall not be eligible for compensation for the additional hours worked.
  - c. Exempt employees are not eligible for any form of overtime compensation including compensatory time off.

### **Overtime Payment Rate:**

1. Employees eligible for overtime shall be paid at one and one-half (1.5) times their regular hourly rate of pay for all hours worked in excess of 40 hours per week.
2. "Hours Worked" for overtime purposes does not include hours in paid status where no work is performed such as vacation or sick leave unless otherwise stated in this policy.
3. "Hours Worked" shall include paid time off for the nine identified holidays set out in Section VI. D. of this Handbook. However, hours worked on a Holiday will only be counted once as hours worked for determining overtime liability for that workweek.

**Compensatory Time Off:**

1. Eligible employees shall receive compensation for overtime as set forth above. Payment for overtime hours may be in cash or compensatory time off as the employee may request, subject to the supervisor's approval.
2. Compensatory time off shall be considered as one and one-half hours off for one hour worked in excess of 40 hours worked.
3. Use of compensatory time off shall be subject to the approval of the employee's supervisor.
4. Non-exempt employees may accumulate compensatory time during the course of a calendar year.
  - a. All accumulated hours in excess of 40 hours as of Payroll 25 of each year will be paid to the employee at the straight-time rate of pay in effect when the payment is made.
  - b. All accumulated hours under 40 as of December 1st of each year will be paid to an employee who makes a request at the straight-time rate in effect when the payment is made.
  - c. All accumulated hours under 40 that have not been paid out will be carried forward for use in the following calendar year.
5. All accumulated compensatory time and use of compensatory time shall be maintained in written and/or digital form by the payroll clerk. It is the supervisor's responsibility to ensure that the appropriate entries are made in the record.
6. Upon Termination: Employees terminating employment shall be paid for overtime and unused compensatory time at the overtime rate in effect when the overtime is paid.

**Overtime Scheduling:** The process of scheduling overtime will be determined on a department or division basis. Employees should contact their supervisors to learn how overtime is assigned within their department or division.

**Remedy for Errors in Assigning Overtime:** If an employee feels that an assignment of overtime has not followed the established work rules for assigning overtime, the employee is encouraged to raise the concern with his/her supervisor. The supervisor should make reasonable efforts to correct any mistake. If the employee does not feel that the supervisor has addressed his/her concerns, the employee may resort to the Dispute Resolution Procedure contained in this handbook.

**Call-In Pay:** Circumstances may arise where it is necessary to call in employees to perform work that needs to be done, and which is outside of normal scheduled work hours. The procedure for calling-in employees will be determined on a department or division basis in order to accommodate their needs. Further, some departments or divisions may have additional work rules that govern pay for call-ins.

The City recognizes that unscheduled call-ins are an inconvenience to its employees. Therefore, if an employee is called in and physically reports to work at other than his/her normal time, he/she will receive a minimum of two hours pay or comp time for such work, or pay for the actual time worked, whichever is greater. This provision does not apply to hours worked consecutively prior to or subsequent to the employee's normal work schedule.

**D. HOLIDAYS**

**Policy:** The City of Fond du Lac will pay eligible full-time and part-time employees when they are not working on identified holidays at specified rates of pay. Employees who work on an identified holiday will be paid at specified rates of pay as described below.

**Eligibility:** All full-time employees, and part-time employees working at least 20 hours per week, are eligible to receive compensation for holidays; temporary or limited-term employees are not eligible. To be eligible for holiday pay, the employee must work the full shift on his/her last scheduled work day before the holiday and his/her first scheduled work day following the holiday, unless the employee is on an approved form of leave.

**Identified Holidays:**

New Year's Day	Day after Thanksgiving
Memorial Day	Christmas Eve (Half Day)
Independence Day	Christmas Day
Labor Day	New Year's Eve (Half Day)
Thanksgiving Day	

**Observance:** Whenever a holiday falls on a Saturday the preceding Friday shall be considered the observed holiday. Whenever a holiday falls on a Sunday, the following Monday shall be considered the observed holiday.

**Floating Holidays:** Floating holidays are other workdays in the year that may be used as holidays at the choice of the employee, and are subject to department work rules, and the approval of the employee's supervisor. Floating holidays must be used within the year in which they are granted. New employees shall be eligible to use floating holidays after they have completed three (3) months of employment. All eligible employees shall receive five (5) floating holidays per year. However, when the one half (1/2) day Holidays (Day before Christmas & Day before New Year's) fall on either a Friday or a Sunday, they shall be converted to 1 additional floating holiday.

**Holiday Pay Rate:** Holiday pay shall be computed at the employee's regular rate of pay and at the regular number of scheduled work hours. (i.e. Eligible part-time employee regularly working six (6) hours per day would be paid six (6) hours of holiday pay.) No employee shall be compensated more than once for any holiday.

**Work on a Holiday:** The City recognizes that working on the actual identified holiday, or on the day the holiday is observed, is an inconvenience to its employees. However, some City operations must

continue to be performed even on a holiday. Non-exempt employees who are required to work on an identified holiday listed above that is observed by the City on the same day will be paid, or granted compensatory time off, at a rate of time and one half in addition to their holiday pay.

Non-exempt employees who are required to work on an identified holiday listed above that is observed by the City on a different day will be paid at a rate of time and one half for all hours worked on the holiday.

Non-exempt employees who are required to work on a day that is not an identified holiday listed above but is observed by the City as a holiday will be paid at the straight time rate for all hours worked and given the option to receive holiday pay for the day, or an additional floating holiday.

Exempt employees who work on an identified or observed holiday are encouraged to talk to their supervisor about flexing their work schedule in recognition for the inconvenience caused by working on a holiday.

**E. VACATION**

**Policy:** The City believes that employees need time away from work each year and provides eligible employees with paid vacation time according to an established schedule of eligibility while meeting the needs of the City.

**Eligibility:** The City may consider several factors when determining the amount of vacation for which an employee is eligible. The City considers years of continuous service to the City to be a significant factor in making this determination. Therefore, employees will generally be granted paid vacation benefits as of January 1 of each year based upon their length of continuous service with the City in accordance with the schedule listed below. However, the City maintains the sole discretion to determine vacation eligibility for each employee based on factors other than years of continuous service.

**Non-exempt employees**

Years of Continuous Service	Weeks
Less than 8 years	2
8 – 14 years	3
15 – 19 years	4
20 years or more	5

**Exempt employees**

Years of Continuous Service	Weeks
Less than 4 years	2
4 – 14 years	3
15 – 19 years	4
20 years or more	5

Employees are eligible for the new benefit level listed in this schedule on January 1<sup>st</sup> of the year in which the employees’ anniversary date occurs.

**New Employees:** Vacation eligibility for new employees will be established based on their hire date. New employees must be employed for 90 days before any vacation can be approved. New employees who start employment on or before July 1<sup>st</sup> are eligible to use 1 week of vacation during a new employee’s first partial year of employment.

**Part-time Employees:** Part-time employees earn vacation in proportion to the number of hours they are regularly scheduled to work.

**Senior Management Employees:** Employees in Pay Grades 16 and 17 shall be deemed to have completed at least 15 years of continuous service for vacation purposes upon appointment or promotion to such pay grade.

**No Vacation Payout:** Employees must use all their accumulated vacation for the year or it will be lost, unless the employee qualifies for the carryover exception set forth below.

**Vacation Carryover:** In limited instances where a scheduled vacation was canceled and could not be rescheduled, or where vacation could not be scheduled during the calendar year because of pressing operational requirements, employees may be allowed to carryover ten (10) vacation days into the next year. Under no circumstances will vacation be paid out in cash at the end of a calendar year.

To qualify for the carryover provisions, a Personnel Action Form must be submitted prior to December 1 requesting and justifying the carryover of unused vacation. Approval to receive the carryover will be in the sole discretion of the City Manager.

**F. FAMILY MEDICAL LEAVE**

**Policy:** The City grants eligible employees leaves in accordance with the Wisconsin Family and Medical Leave Act (WFMLA) and the Federal Family and Medical Leave Act (FMLA). The City currently contracts with FMLASource to administer its FMLA and WFMLA policy.

The City encourages employees who find themselves in situations where they are contemplating use of this Policy to meet with Human Resources to assure a full understanding of how their particular situation may be handled under this policy. All such conversations and inquires will be treated as confidential.

**Wisconsin FMLA:** Any City Employee who has been employed with the City for more than 52 weeks (for a minimum of 1,000 paid hours) is eligible for unpaid leave under this Act. The employee may, but is not required to, substitute definite and quantifiable paid leave benefits for unpaid leave time (e.g. paid vacation).

The amount of unpaid leave available in a calendar year is:

1. Family Leave

- a. Up to a maximum of six (6) weeks per twelve (12) month period for the birth or adoption of a child. The leave must begin no earlier than 16 weeks before estimated birth or placement and no later than sixteen (16) weeks after birth date or placement of the child.
- b. Up to a maximum of two (2) weeks per twelve (12) month period to care for a child, spouse, parent, parent-in-law, domestic partner or domestic partner’s parent who has a serious health condition.

\*Total maximum time for **a.** and **b.** is eight (8) weeks per twelve (12) month period.

2. Medical Leave

- a. A maximum of two (2) weeks per twelve (12) month period for the employee’s serious health condition.

**Federal FMLA:** Any City employee who has worked for more than twelve (12) months (for a minimum of 1,250 hours) is eligible for unpaid leave under this Act. An employee may substitute paid leave benefits for unpaid leave.

The amount of unpaid leave available during a twelve (12) month period for any covered purpose is twelve (12) weeks. The covered purposes are:

- 1. To care for the employee’s child after birth, or placement for adoption or foster care;
- 2. To care for the employee’s spouse, son, daughter, or parent who has a serious health condition;



3. To address certain qualifying exigencies arising from an employee's spouse, son, daughter, or parent on active duty or call to active duty in the National Guard or Reserves in support of a contingency operation;
4. For incapacity due to pregnancy, prenatal medical care, or post-partum recovery;
5. For a serious health condition that makes the employee unable to perform his/her job.

### **Other particulars under this Policy**

1. Serious Health Condition is generally defined as a disabling physical or mental illness, injury, impairment, or condition which requires inpatient care in a hospital, nursing home or hospice, or outpatient care that requires continuing treatment or supervision by a health care provider.
2. The City, or its agent, may require a certificate from the health care provider indicating the serious health condition, the date this condition started and how long it is expected to last, and the medical facts regarding the condition. The City may also require a second opinion paid for by the City.
3. Intermittent Leave. Leave may be scheduled as a partial absence, but not in less than one-(1) hour increments. The City allows employees to take intermittent leave for any covered purpose under the FMLA or WFMLA.
4. While on family leave, employees are entitled to the same health insurance coverage they receive while working and the City will not require them to pay more for their coverage than they did while they were working.
5. Employees must give advance notice to the City and FMLASource of their intention to use Family Leave whenever possible.
6. In instances where an employee qualifies for leave under both the WFMLA and the FMLA, the City will consider the leaves to run concurrently.
7. Upon return from FMLA leave, the employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

**Please refer to FMLASource (1-877-462-3652) with any questions or concerns as it relates to the Family Medical Leave Act.**

## **G. SICK LEAVE**

The City favors helping protect the income of its employees when they are away from work for reasons not of their own making. The Sick Leave policy is intended to provide a level of income protection for employees when they are unable to report to work due to illness or injury. The level of income protection is determined by the length of their employment with the City.

**Policy:** The City provides employees with a level of income protection through paid sick leave to address their own personal health care needs or the health care needs of an immediate family member. Eligible employees will accrue paid sick leave over time, at the rate and up to the stated maximum based on the normal work schedule for their position.

**Income Protection:** The City views paid sick leave as a sort of insurance providing income protection to employees while they are away from work due to illness or injury. Even if an employee never uses a day of sick leave, the City believes this income protection provides peace of mind to all employees that they are protected in case of unforeseen circumstances. Paid sick leave may not be used for any other purpose and may not to be used as additional paid time off. The City considers it an abuse of this policy to use sick leave in order to extend holiday, vacation or other time off, or to pursue personal interests including, but not limited to, recreational activities or outside employment.

**Accruing Income Protection:** Eligible employees will accrue paid sick leave over time, up to the stated maximum based on their normal work schedule. The objective is to allow employees to accrue enough paid sick leave so that if they encounter any type of serious illness or injury, they will not have their regular income severely impacted.

1. Full-time employees will accrue Sick Leave at the rate of one (1) day per month up to a maximum of 135 days.
2. Sick leave balances and maximum accruals will be tracked in hours with employees receiving their regularly scheduled number of hours for each day. For example, employees who regularly work eight (8) hours per day will have a maximum accrual of 1080 hours (135 days x 8 hours/day) while employees who regularly work six (6) hours per day will have a maximum accrual of 810 hours (135 days x 6 hours/day).

**Use of Sick Leave:** Sick leave is provided for employees to address their own personal health care needs or the health care needs of an immediate family member. For purposes of the sick leave policy, “Immediate Family” is limited to a family member who shares a common residency with the employee or is otherwise classified as a tax dependent of the employee. State and Federal Family and Medical Leave laws may provide broader coverage for use of leave to care for a family member suffering from a serious health condition. Please consult the Family Medical Leave policy in this Handbook or the City Human Resources Department for more guidance on the use of sick leave under FMLA laws. Sick leave may only be used with approval when an employee is too sick or injured to perform the employee’s job responsibilities, when the employee must seek medical attention that cannot be sought outside the work day or for the purpose of visiting doctors, dentists or other recognized medical practitioners when those

appointments and procedures cannot be scheduled outside the work day, or when the employee's attendance is necessary for an immediate family member who has a serious illness or injury, or when required by law.

**Notification of Intent to Use:** Employees who will be missing work due to illness or injury must notify their immediate supervisor as soon as reasonably practical but no later than fifteen (15) minutes prior to the start of their scheduled work day. Employees should consult their immediate supervisor to learn the proper procedure for notifying the City of the need to use sick leave.

**Verification:** The City may require verification of illness or of the estimated time needed away from work due to an illness or injury.

**Incremental Use:** Sick leave may be used in increments of no less than 15 minutes.

**FMLA:** Under State law, employees may substitute accrued paid leave time or choose to take unpaid leave in situations where the law applies.

**Misuse of Sick Leave:** The City treats the misuse of sick leave seriously because misuse subjects the employer to additional costs that harm the financial viability of the employer, misuse is disruptive to coworkers and the services we provide to the public, and because misuse of sick leave undermines the credibility of the employee and the confidence the public and coworkers must have in that employee. For these reasons, the City treats sick leave abuse as fraud, theft and dishonest behavior warranting disciplinary action up to and including termination.

**Catastrophic Leave:** The City recognizes that employees may have a catastrophic need due to a medical condition, illness or injury that incapacitates or is expected to incapacitate an employee or an employee's immediate family member to require additional unpaid time off from work for an extended period of time in excess of their available sick/vacation/floating holiday accruals. To address this need, all benefit-eligible employees will be allowed to donate earned paid leave (sick/vacation/floating holiday) time from their unused balance to their co-workers in accordance with the policy outlined below. This policy is strictly voluntary.

**Eligibility:** Employees must be continuously employed with the City for a minimum of 11 months to be eligible to donate and/or receive donated paid leave time.

**Guidelines:** Employees who would like to make a request to receive donated paid leave time from their co-workers must have a catastrophic need, as defined below.

**Catastrophic Need** is defined as a significant financial hardship due to the exhaustion of all paid leave available that is due to an illness, medical condition or injury that incapacitates or is expected to incapacitate employee or an employee's immediate family member requiring the prolonged/extended absence of the employee from duty including intermittent absences related to the same catastrophic condition. Medical documentation will be required. This definition is intended to meet the criteria of IRS Ruling 90-29.

**Immediate family** is defined as spouse, domestic partner, or child (including stepchild or foster child). Also, if qualified under FMLA; parent (including stepparent), sister, brother, grandparent, mother or father-in-law, sister or brother-in-law, or other relative of employee who resides in the same household as the employee.

**Donation of Sick/Vacation/Floating Holiday Time:** The donation of paid leave time is strictly voluntary. The City will keep the names of donor employees and recipient employees anonymous, except for employees involved in the administration of this program or where the participating recipient or donor employee wishes to be known and waives their anonymity.

An employee may donate paid leave time to a bank for use by eligible recipients.

Recipient identity will not be disclosed to donating employees, unless the recipient employee has waived their anonymity.

The donation of accrued paid leave is on an hourly basis.

**Leave Credit Usage by Recipients:** Donated leave credits will be processed only after a catastrophic leave has been approved and notice provided to payroll and human resources.

1. There is no limit to the number of donated leave credits a recipient may receive, subject to (a) – (f) below.
  - a. A recipient may only use donated leave consistent with the recipient’s regularly scheduled hours per pay period at the time the unpaid leave began.
    - a. Regularly scheduled hours do not include overtime hours or hours worked in excess of the employee’s regular scheduled hours of work.
  - b. Donated leave credits may be used by the recipient retroactively. For a recipient who subsequently leaves the position and is no longer an eligible employee or who terminates employment, donated leave credits may only be used up to the date of ineligibility or termination.
  - c. If a legal holiday falls in a pay period in which a recipient is using paid leave credits, the employee is eligible to receive legal holiday pay provided the employee is otherwise eligible for legal holiday pay.
2. Leave credits donated to recipients are not subject to the carryover provisions and limitations regarding vacation, vacation carryover, and floating holiday. The leave credits must be donated prior to the leave expiration date.
  - a. Example: Vacation and floating holiday hours expire at the end of each calendar year for general employees. An employee can donate unused floating holiday or vacation hours on December 30 of a year and the recipient may use these hours on or after January 1. These hours do not expire provided they are donated before they are lost.
  - b. Donated leave credits will not be reflected on the recipient’s official leave accounting balance until the pay period in which the credits are actually used by the recipient.

- c. The donated leave credits will be paid to the recipient at the recipient's wage rate during the pay period in which the credits are used.
- d. Donor employees cannot borrow against future paid leave time to donate.
- e. Employees who are currently on an approved leave of absence cannot donate paid leave time.
- f. Donor employees may not claim an expense, a tax deduction, or a charitable contribution for any of the leave donated under this policy.
- g. Donor employees may donate paid leave at any time.
- h. At termination (which includes retirement), sick leave is forfeited; there is no right to be paid for unused sick leave; thus, all employees may donate their unused sick hours (up to 40 hours) to the paid leave bank when terminating, if available at time of termination.

**Requesting Donated Paid Leave Time:** Employees who would like to request to use donated paid leave time are required to complete a "Leave: Donation Request" form and submit it to Human Resources. This requires a certification from the employee's or immediate family member's health care provider. "Health care provider" for this form is as that term is defined by FMLA regulation 29 CFR Section 825.125. The request form requires the requesting employee to demonstrate that he or she is on approved leave and specify the amount of donated time requested.

Requests for donations of paid leave time must be approved by the HR Manager and the HR Director.

If the recipient employee has available accrued paid leave, this time must be used prior to using any donated paid leave time. Donated paid leave time may only be used for time off related to the approved request. The employee may request a donation in anticipation of exhausting all other paid time off.

Should the recipient employee return to work prior to the leave payout being utilized, the remaining leave amount will be credited back to the donated paid leave bank.

Approval for FMLA does not guarantee approval for donated paid leave time, nor does approval for receipt of donated paid leave time guarantee that FMLA will be granted. However, if FMLA has been granted, the donated paid leave time will be counted towards FMLA hours used. Donated paid leave time cannot be used to extend FMLA benefits if total FMLA hours have been exhausted by the recipient. Recipient employees are not eligible to accrue vacation, sick leave or any other accrued paid leave benefits while using donated paid leave.

**Eligibility to Receive:** Employees receiving workers' compensation or long-term disability are not eligible to use the paid leave bank. Withdrawals from the donated paid leave bank may be used in increments of no less than 1 hour.

**Health Insurance:** Recipient employees will continue to have the employee share portion of benefit premiums and contributions deducted from their paycheck when the only source of income is through the paid leave bank.

**Taxable Rate of Pay:** Recipient employees will receive the donated leave at their normal rate of pay. All paid donated leave is considered wages to recipient employee and is subject to appropriate tax and other required withholding.

**Criteria and Rules Governing the Paid Leave Bank:** Requests for donated paid leave will be reduced or denied if there are not sufficient hours available in the bank to grant the request. Requests will be granted on a first come, first served basis. Donor employees may designate the recipient employee to whom their donated hours are to be awarded, if they wish. Donor and Recipient employees will be kept confidential unless the employee has waived their anonymity.

Donated paid leave will be awarded without regard to race, religion, color, sex, marital status, national origin, ancestry, disability, political affiliation, age or sexual orientation.

Donations to the paid leave bank are irrevocable, meaning once the time is donated to the bank, it will not be returned to the Donor employee.

The Human Resources Department is responsible for the administration of the paid leave bank. If you have any questions regarding the bank, please contact Human Resources.

This program may be amended from time to time without prior notice by the City Manager and the Human Resources Director.

**Disclaimer for Employees Covered under a Collective Bargaining Agreement (CBA):** The employment terms set out in the policy work in conjunction with, and do not replace, amend or supplement any terms or conditions of employment stated in any CBA that a union has with the City. Employees should consult the terms of their collective bargaining agreement. Wherever employment terms in this policy differ from the terms expressed in the applicable collective bargaining agreement with the City, employees should refer to the specific terms of the CBA, which will control.

## **H. JURY DUTY**

**Policy: All full-time employees of the City shall be granted a leave of absence when serving on a jury.**

The City believes its employees serving as jurors should be 'made whole' while serving on a jury. Therefore, employees will receive their regular rate of pay for the time served as a juror plus any mileage reimbursement; however, this requires employees to relinquish the "per diem" portion of the Court paid portion of their jury duty compensation to the City by sending a copy of the court check to Payroll to have the amount, less mileage, deducted from the next paycheck.

As a condition for the above payments, the employee is required to report for work at his/her scheduled hours both before and after jury duty when reasonably possible. Part-time employees are not eligible for paid time off for jury duty but shall be allowed to modify their work schedule to accommodate such duty when reasonably possible.

## H. MILITARY LEAVE POLICY

**Policy:** The City allows military leave for all employees who temporarily leave employment with the City to join and/or serve in the military forces of the United States. Further, the City's military leave complies with all requirements of State and Federal law including the Family and Medical Leave Act (FMLA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

**Notification:** All employees requesting military leave must notify the Human Resources Department prior to said leave unless precluded by military necessity. The notice must be in writing and, where appropriate, include a copy of the employee's military orders and/or training schedule.

**No Loss of Pay or Benefits:** The City allows employees who take military leave to do so without loss of pay or benefits. Employees who wish to take military leave without loss of pay must submit pay records from the Military substantiating his/her military pay during the period of leave. The City will then pay the difference between the rate of pay from military service and the employee's normal rate of pay from the City.

Employees that are on military leave without loss of pay or benefits for one year must request in writing to have the continuation of their pay and benefits extended beyond the one-year period. Military leave without loss of pay or benefits is not available to employees who volunteer for active duty or voluntarily remain on active duty beyond the period of their initial call to active duty.

**Compliance with USERRA:** All military leave from the City is subject to USERRA. The following is a brief explanation of employees' rights under USERRA. Employees should consult the City's Human Resources Department for answers to more specific questions about military leave and USERRA.

1. Reemployment. Employees have certain reemployment rights under USERRA once their military leave ends. Employee rights to reemployment are generally determined by the length of the employee's military leave.
2. Compensatory Time. Compensatory time is not specifically covered under USERRA. The City reserves the right to pay out an employee's accrued compensatory time prior to leaving for military duty. Requests for payout of accrued compensatory time may be made prior to leaving.
3. Step Increases and Cost-of-Living Increases. Per USERRA, returning veterans are entitled to any rights and benefits that are accrued with length of employment. The City will "credit" employees with time in a pay grade as though they were actively employed, and will increase the pay rate by any pay increases granted while the employee was on leave.
4. Length of Service. Employees continue to accumulate credit for length of service during military leave as if they were an active employee.



## **I. LEAVE WITHOUT PAY**

An employee may request leave without pay. As a general practice, the City will review and evaluate the amount of time off requested, the current workload for the individual or their department, the employee's past history of time away from work and other circumstances as presented by the requesting employee.

**Policy: With prior written approval of the employee's supervisor and Department Director, an employee may take a leave of absence without pay for a period of time specified by the employee's supervisor and Department Director.**

1. In order to maintain and continue health insurance coverage, employees on a leave without pay for more than 30 days will be required to pay the entire premium each month while they are on a leave without pay.
2. Circumstances will vary: It must be recognized and understood that different departments and functions have different workloads at different times of the year, and a leave without pay that is granted at one time for a specific period in a specific department may not be granted for the same person at another time or for a different person at the same time or a different person at a different time. The circumstances of each department and function existing at the time of the request will determine whether a request for a leave without pay may be granted. Each request will be treated independently and the fact a similar previous request was approved is neither a guarantee nor a requirement that any individual request be approved.
3. Employees who take leave without pay will not accrue vacation, sick leave, or other types of leave during their period of unpaid leave.

## **J. BEREAVEMENT LEAVE**

As a general statement, the City recognizes the need for employees to have time to make arrangements, handle family matters and attend funerals when a close member of their family dies. This policy is meant to address the legitimate time needs of employees at these difficult times. Factors to be considered include the relationship of the employee to the deceased, the location, date and time of the funeral, and other facts specific to the deceased and the funeral and/or family arrangements. It is not reasonable for employees to consider Bereavement Leave as an entitlement to three days off with pay when a qualifying relative dies. Employees not involved or attending the funeral may not qualify for Bereavement Leave.

**Policy: An employee is allowed up to three (3) days off with pay, if scheduled to work, in the event of a death in the employee's immediate family. For purposes of this policy, immediate family includes the following:**

1. Spouse
2. Mother/Father/ Legal Guardian/Stepparent
3. Child/Stepchild/Grandchild
4. Brother/Sister

Each employee is allowed one (1) day off with pay, if scheduled to work, in the event of a death in the employee's extended family. For purposes of this policy, extended family includes the following:

1. Mother-in-law/Father-in-law
2. Spouse's Legal Guardian
3. Grandparent
4. Brother-in-law/Sister-in-law
5. Aunt/Uncle

The City realizes that "immediate family" and "extended family" may not recognize people within a family who are cared about deeply. In these instances, other forms of paid or unpaid leave may be available for use by employees. Employees should contact their supervisor to discuss any requests.

Department Managers may request an exception in special circumstances by contacting the Director of Human Resources, who is authorized to grant additional days off if the circumstances warrant.

## **K. EMERGENCY CONDITIONS**

The safety of City employees is a paramount consideration in all situations. It should be recognized that where emergency conditions exist in the City, it is often the expectation of citizens that the City and its employees will be fully involved and engaged in providing assistance to others during these emergencies.

**Policy:** The City will promptly notify employees of any emergency condition that may require the closing of a work site or location, the reassignment of staff to alternative work sites or other emergency measures.

**Inclement Weather:** Weather conditions affecting only the ability to commute to and from work will generally not be considered a reason for closing a facility. Employees who do not report to work will generally be given a choice between use of unpaid leave or use of accrued paid leave to cover the absence.

**Other Emergency Conditions:** In conjunction with local health and/or public safety authorities, the City may decide to close a work site or take other emergency measures in order to safeguard the health and welfare of employees and the public and/or because a situation exists affecting the ability of employees to perform the duties of their job. Examples of emergency conditions might include power outages, a natural disaster, or a quarantine imposed by health officials. Under such circumstances, the City may authorize paid leave status for employees.

**Notification to Employees:** The City will notify employees by reasonable and pre-arranged means of the existence of any such Emergency Conditions. Communication may be different from department to department and function to function.

**vii. EMPLOYEE  
ACKNOWLEDGEMENT**

## EMPLOYEE ACKNOWLEDGEMENT

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

I understand that it is my responsibility to comply with all City policies, rules and expectations as set forth in this Handbook, as well as policies, rules and expectations that the City may otherwise establish or change from time to time. I further understand and acknowledge that this Handbook provides guidelines and information, but this Handbook is not, nor is it intended to constitute, an employment contract of any kind. I understand that any contract or employment agreement must be authorized and approved by the City Council at a duly-noticed meeting. I acknowledge that I have not entered into any such individual agreement or contract by acknowledging receipt of this Handbook or by following any of the provisions of this Handbook. I understand that any contract or employment agreement must be authorized and approved by the Employer and Union to the extent required by law.

I understand that the contents of this Handbook may be changed by the Employer at any time, with or without notice.

\_\_\_\_\_Initials

I have, as part of this Handbook, received the City's Discrimination, Harassment, and Retaliation-Free Workplace Policy. I have read and I understand its contents. I acknowledge that it is my responsibility to ask questions about anything I do not understand in this policy and it is my responsibility to comply with its provisions.

\_\_\_\_\_Initials

I have also reviewed the provisions on the use of Compensatory Time Off in lieu of Cash Payment for Overtime. I knowingly and voluntarily agree that the City, at my election, may provide Compensatory Time Off in lieu of Cash Payment for Overtime in conformance with the Fair Labor Standards Act.

\_\_\_\_\_Initials

After you have read the Handbook, initial and sign this page. Then please detach the page from the Handbook and return it to your supervisor, who will submit it to the Human Resources Department to be placed in your personnel file.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

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