

The background of the cover is a photograph of Village Hall. On the left is a prominent clock tower with a red-tiled roof and a yellow stone facade. The tower has a circular clock face with Roman numerals. Below the clock is a small arched entrance with the words "VILLAGE HALL" inscribed above it. To the right of the tower is the main building, also with a red-tiled roof and yellow stone walls. In the foreground, there is a concrete walkway and a landscaped garden bed with various plants, including purple and white flowers, and tall grasses. The sky is a clear, light blue.

Village of  
**Germantown**  
Employee Policy  
&  
Procedure  
Manual

updated June 2022

# VILLAGE OF GERMANTOWN

## EMPLOYEE POLICY & PROCEDURES MANUAL

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# **VILLAGE OF GERMANTOWN**

## **EMPLOYEE POLICY & PROCEDURES MANUAL**

### **INTRODUCTION**

#### **PURPOSE**

This Policy sets forth employment policy guidelines, rules of conduct and guidance regarding general expectations of professional behavior and conduct which employees of the Village of Germantown are expected to follow. This Employment Policy Manual informs employees about what the employer may generally expect from the employees so as to guide the employees in their professional duties and in fulfilling their responsibilities as public servants. None of the statements or policies outlined in this manual are meant to create any contract of employment, nor do they imply that the employer is guaranteeing employment for any person or changing the at-will employment relationship in any manner. This manual is not nor is it intended to be construed as an employment contract or to guarantee any rights to employees.

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

Final interpretation and implementation of any of the policies or rules in this manual are vested solely with the Village Board through the Administrator. The Policies are subject to change at any time by the employer and will be reviewed and revised periodically.

The contents of this manual are not to be used as a substitute for any controlling ordinance, resolution, regulation, state or federal statute, code or regulation, common law or other legally binding authority and which are updated from time to time and are controlling.

#### **COMPLIANCE WITH POLICIES, RULES AND EXPECTATIONS OF CONDUCT**

The Village of Germantown has established these policies and its rules of conduct in furtherance of the effective operation of the Village and to provide high quality service to all Germantown citizens, those persons interacting with the Village, and visitors. The Village of Germantown expects all employees to demonstrate professional, competent and reasonable behavior, and to continually serve as positive examples of the high-quality personnel affiliated with this organization and consistent with the high expectations of the public.

Compliance with the policies, rules and general expectations of conduct is of paramount importance in order to fulfill these objectives and for the employee to have a successful career with the Village of Germantown. Failure to comply with these policies, rules and general expectations of conduct can undermine these objectives, and the trust and confidence that the public, businesses, employees and officers of the Village must have in that employee.

The Village treats all violations of these policies, rules and general expectations very seriously and any violation of such can subject an employee to discipline, up to and including discharge.

## **CHAIN OF COMMAND**

Operation of any government agency depends on an effective chain of command. The ultimate decision concerning policy in the Village resides by law with the Board under the leadership of the Administrator and Village Board President. The Administrator, as the chief administrative officer of the Village, is the primary professional advisor to the Board and head of the management team. Department Directors of the Village are part of the management team, and the Directors report to the Administrator. Supervisors subordinate to the Directors are also members of the management team. This management team concept is the process by which a recommendation for Board action 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 Board to promote effective services for the community.

The Administrator is responsible for the development, supervision, and operation of the Village and its personnel and facilities. Employees have the obligation to further the professional advisement of the Board through the chain of command. The Administrator is given the latitude to determine the best method of implementing the policy decisions of the Board.

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

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

It will be up to the employee's supervisor to assign duties to the employee. Generally, if an employee has a problem with an individual, then the employee is encouraged to approach that person first and attempt to resolve the conflict. If that does not resolve the problem, then the employee must address the problem through the employee's immediate supervisor and onward through the chain of command. In some cases, the employee's supervisor may decide to refer the problem through the chain of command where it can be addressed by another supervisor or the Village Administrator. If an employee feels harassed by another person, then the employee is directed to follow the harassment reporting policy in this manual.

## **DISABILITY ACCOMMODATION**

The Village of Germantown prohibits discrimination on the basis of disability. The Village is committed to providing equal employment opportunities to otherwise qualified individuals with known disabilities, which may include providing reasonable accommodation in those situations where a disabling condition prevents an employee from performing the essential functions of his or her position, as long as such assistance does not cause a hardship for the Village or create a direct threat to the employee's safety or that of others. All accommodation decisions are made on a case-by-case basis, taking into account the qualifications and the particular circumstances of the individual in relation to job-related criteria, as well as the Village's resources.

It is an employee's responsibility to notify Support Services of the need for accommodation. Upon doing so, the employee may be asked for his or her input regarding the employee's functional limitations and the type of accommodation the employee believes may be necessary to enable him or her to perform the essential functions of the job. If an employee will be seeking extended leave upon expiration of FMLA leave, the employee should make such a request as soon as he or she becomes aware of the need for extended leave. Accommodation requests will need to be supported by medical certification provided to Support Services. If the request is for extended leave, the medical information must be provided on or before the date the extended leave is requested. Also, when appropriate, the Village may require the employee requesting accommodation to provide additional medical certification related to the employee's condition or to give his or her permission to obtain additional information from the employee's physician or other medical or rehabilitation professionals.

After it has been provided all necessary information, the Village will work with the employee to determine if it can provide to the employee a reasonable accommodation that will be effective in allowing the employee to perform the essential functions of or to return to the employee's job if the employee has been on a medical absence. All medical information regarding the employee's condition will be maintained in a separate, confidential folder and will, to the extent possible, be kept confidential and be revealed only to those persons the Village has determined have need to know the information.

## **ETHICS CODE**

The Village employees and officials are subject to the Code of Ethics set out in the Village Code. Part of that Code follows here as a reference. The full Ethics Code, including information about the Ethics Board, can be found in Municipal Ordinances 1.064-1.066. 1.064 - CODE OF ETHICS. (Cr. Ord. #16-91; Rep. & Recr. Ord. #8-93)

- (1) **DECLARATION OF POLICY.** The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all Village officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The provisions and purpose of this code and such rules and regulations, as may be established, are hereby declared to be in the best interests of the Village.
- (2) **RESPONSIBILITY OF PUBLIC OFFICE.** Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, State and municipality and to observe in their official acts the highest standards of integrity and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in their official affairs must be and in their private affairs should be above reproach so as to foster respect for all government.

- (3) **DEDICATED SERVICE.** All officials and employees of the Village are expected to give support to official actions and programs of the Village. Appointive officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority as set forth in the Village Code. Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (4) **FAIR AND EQUAL TREATMENT.**
- (a) Use of Public Property. No official or employee shall request or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit.
- (b) Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- (5) **CONFLICT OF INTEREST.**
- (a) Definitions.
1. *Financial Interest.* Any interest which shall yield directly or indirectly, a monetary or other material benefit to the official or employee or to any person employing or retaining the services of the official or employee.
  2. *Personal Interest.* Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
  3. *Person.* Any person, corporation, partnership or joint venture.
  4. *Anything of Value.* Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment for himself or for his immediate family.
  5. *Immediate Family.*
    - a. A person's spouse.
    - b. An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than ½ of his support from the individual or from whom the individual receives, directly or indirectly, more than ½ of his support.
- (b) Financial and Personal Interest Prohibited. No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest contrary to the provisions of this section or would tend to impair his independence of judgment or action in the performance of his official duties.
- (c) Specific Conflicts Enumerated.
1. *Incompatible Employment.* No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is inconsistent or in conflict with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties unless otherwise permitted by law and unless disclosures are made as hereinafter provided.
  2. *Disclosure of Confidential Information.* No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village nor shall such information be used to advance financial or other private interests.

3. *Solicitation or Acceptance Prohibited.*
  - a. No official or employee shall solicit nor accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's or employee's vote, official action or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee. Campaign contributions which are permitted and reported under Ch. 11, Wis. Stats., may be accepted.
  - b. No official or employee, or member of the official's or employee's immediate family, shall accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be expected to influence the official's or employee's vote, official action or judgment. An official or employee should discourage any member of his immediate family from accepting hospitality under such circumstances. Participation in ground breakings, celebrations, grand openings, open houses, informational meetings, voter forums and similar events are excluded from this prohibition.
4. *Representing Private, Personal or Financial Interests Before Village Agencies or Courts.* (Rep. & Recr. Ord. #21-93) No elected official, as defined in section 1.01 of this chapter, nor appointed official, as defined in section 1.02 of this chapter, nor employed official, as defined in section 1.03 of this chapter, shall appear on behalf of any private person other than himself, his spouse or minor children before any agency, board, commission, committee, council or department of the Village or before any court involving a case in which the Village has an interest. However, a Trustee may appear before Village agencies on behalf of the Trustee's constituents in the course of the Trustee's duties as a representative of the electorate or in the performance of public and civic obligations.

(6) DISCLOSURE OF INTEREST IN LEGISLATION.

- (a) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the record of the Board the nature and extent of such interest.
- (b) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official or employee has any influence or input or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

(7) STATUTORY STANDARDS OF CONDUCT. There are certain provisions of the Wisconsin Statutes which, while not set forth herein, are considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) §946.10 Bribery of Public Officers and Employees
- (b) §946.11 Special Privileges from Public Utilities
- (c) §946.12 Misconduct in Public Office
- (d) §946.13 Private Interest in Public Contract Prohibited

## **HIRING OF RELATIVES. (CR. ORD. #9-01)**

- (1) This section governs the hiring, classification, compensation, retention, supervision, management, termination or discipline of individuals who may apply for or be engaged in full-time or part-time work as Village employees and who are members of the immediate family of Village employees or elected or appointed officials. "Immediate family" includes an employee's or official's spouse, and the employee's or official's children, parents, siblings and their spouses.
- (2) No Village official, whether appointed or elected, or employee shall make, take part in, recommend or attempt to influence any decision or action with regard to the hiring, classification, compensation, retention, supervision, management, termination or discipline of a member of the employee's immediate family.
- (3) Village officials and employees are required to comply with §19.59, Wis. Stats.:  
"No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family or organization with which he or she is associated."
- (4) This section does not apply to nonelected officials who are asked to accept appointment as members of a Village board, commission or committee.
- (5) The Village Administrator may waive this section whenever its literal application would be adverse to the Village's best interest or would work an unreasonable hardship on the employee. If this section is waived, the Village Administrator shall do so by setting forth in writing, as a matter of public record, an explanation of his or her finding that the waiver is in the Village's interest.
- (6) Nothing in this section prohibits a Village official, whether elected or appointed, or employee from making decisions or taking actions concerning salaries, salary-related benefits or reimbursement of actual and necessary expenses for officials or employees as a class, category, bargaining unit or other collective group, in circumstances wherein the decision or the action does not result in preferential or favored treatment of a member of the employee's immediate family.

# **PRE-EMPLOYMENT/EMPLOYMENT POLICIES AND PROCEDURES**

## **EQUAL EMPLOYMENT OPPORTUNITIES**

The Village of Germantown is an equal employment opportunity employer. Employment decisions are based on merit and business needs. The Village carefully selects its employees and employs people who are concerned with the success of the Village, 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 team.

It is the Village's policy to seek and employ the best quality and qualified personnel in all positions, to provide equal opportunity for advancement to all employees, including upgrading, promotion and training, and to administer these activities in a manner which will not discriminate against or give preference to any person because of race, color, religion, age, sex, national origin, handicap, genetic information, ancestry, sexual orientation, marital status, arrest or conviction record, or any other basis protected by state or federal law. All employees are required to provide proof of identity and authorization to work in the United States. It is the policy of the Village to comply with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA) and other laws. The Village will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not impose an undue hardship on the Village.

The Village of Germantown is further committed to providing a work environment in which employees are treated with courtesy, respect and dignity. As part of this commitment, the Village will not tolerate any form of harassment, verbal or physical, with regard to an individual's race, sex, national origin or any other protected characteristics. Therefore, all employees are encouraged to bring any concern or complaints in this regard to the attention of management through the chain of command or through the reporting procedures in specific policies. All complaints of sexual harassment, or harassment of any kind, will be investigated promptly and, where necessary, immediate and appropriate action will be taken to stop and remedy any such conduct.

All employees share in the responsibility for assuring that the policies are effective and apply uniformly to everyone. Any employees, including managers, involved in discriminatory practices will be subject to corrective actions up to and including termination.

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 or she has been discriminated against.

## **GENERAL HIRING PROCESS FOR NON-REPRESENTED POSITIONS**

This General Hiring Process for Non-Represented and Represented Public Works Positions applies as a guideline for the hiring of those employees of the Village of Germantown. The processes outlined herein are subject to modification or temporary discontinuance in the discretion of the Village Administrator or the Village Board or applicable Committee. While the Police Department, Fire Department, and Library may utilize some or all of these procedures, their hiring process and guidelines are governed by separate policy documents or processes subject to approval by the governing authority of the Village Board, the Police and Fire Commission, or Library Board.

1. When a position becomes vacant (or notice of vacancy is given), the Department Head reviews and updates the job description along with department needs. If the Department Head determines that the position is still needed and no changes are required for the job description, then the Department Head submits a written request using the Job Requisition Form to Administrative Staff for review. Some requisitions, including Department Heads and non-budgeted positions, may also require review by the committee of jurisdiction or the Village Board. In the event the job description must be updated, then the Department Head, in conjunction with Administrative Staff, is responsible for developing an approved job description before advertising for the position.
2. Approval for filling a position will be based on several factors including department budget, department needs, overall Village budget position, staffing needs, and costs. Positions will not automatically be filled as soon as vacancy occurs.
3. Once approvals are received from the Administrator (and committees, if applicable) the department head and Administrator will determine if the position will be filled through an internal promotion or transfer or through an external recruitment. If the position is filled through an internal promotion or transfer, the Department Head and Administrator will determine if a competitive process will be used to consider multiple internal candidates or if an employee who is uniquely qualified will be promoted or transferred.
4. In the case of an external recruitment, the Administrator will approve the process for recruitment, including whether the position will be advertised for solicitation of applicants or whether an individual candidate or candidates will be targeted.
5. If an external job posting is used, then the job posting ad should be posted in multiple sources, which will be determined by the position's needs. Job will be posted by Administrative Staff with all job application materials, questions, and resumes being submitted to Administrative Staff. Suggestions for posting would include:
  - a. Local newspaper
  - b. Trade Association websites
  - c. League of WI Municipalities website
  - d. Job listing websites
  - e. Recruiters (only in unusual circumstances)
  - f. Village website
  - g. Village social media
6. Application materials will be gathered and assessed by Administrative Staff using pre-determined criteria, as established by the job description.
7. When the application deadline closes, and/or the pre-determined first review date occurs, the applications will be presented in their assigned categories to the Department Head for review and comment. At that time, the Department Head or their designee will contact applicants to schedule interviews. Ideally, 3-5 candidates should be interviewed for each open position.
8. Interview panels should normally be used to evaluate and rank candidates. Interview panels should be standardized as much as possible. In general:
  - a. Non-supervisory positions may require a panel of 1-3 people, with the Department Head serving as part of the panel. Additional interviewers may include Administrative Staff, other Department Heads and front-line personnel. One interview should be sufficient for most of these types of positions. For technical positions, outside experts may be asked to assist in the interview process.
  - b. Higher skill positions or those with supervisory responsibilities should be interviewed by a panel of 3 (including the Department Head, Administrator, other

Department Heads, or front-line staff). A second interview round may be scheduled, including with a different mix of interviewers when needed, as determined by the Administrator.

- c. Department Head positions will require at least two rounds of interviews. The first interview will be with the Administrator and *at least* two Department Heads or Village personnel chosen at the discretion of the Administrator. The second interview will be either with the committee of jurisdiction or the entire Village Board.
9. Interview questions and panel assignments will be made in advance of the interview process. It is imperative that these decisions are not made based on the applicant's identity in order to avoid appearance of favoritism. All interviewers should stay on script as much as possible to avoid unintentional but inappropriate (or illegal) comments and questions. These scripts will be developed by Administrative Staff in collaboration with the Department Head prior to their use. Interviewers should take notes as needed on forms provided by Administrative Staff for scoring. These notes are not part of any permanent record unless otherwise designated by the Administrator or the Administrator's designee.
10. After each interview, interviewers should review their notes and preliminarily score the candidate prior to interviewing the next person, when possible. At the end of each interviewing block, each interviewer should review his or her notes and preliminary scores and finalize the interviewer's scores. The panel should then discuss all the candidates and attempt to determine which candidate(s) should either move forward in the hiring process.
11. After the panel has ranked candidates, the Department Head should select a candidate to move forward in the hiring process.
12. The candidate will move forward through the process, completing any required pre-employment examinations including the background check, drug testing, and medical examinations.
13. Prior to issuing a conditional offer of employment, the Department Head and the Administrator should discuss salary options, if the candidate will not be offered the entry level of the salary range. The salary range for each position will already have been determined, but because some candidates may have higher skill levels than others, not everyone will begin at the bottom of the salary range. This should be approved by the Administrator prior to making a conditional offer to the applicant.
14. The Department Head and Administrator may issue notice to the selected candidate that the candidate is to move forward in the hiring process to the background check and other nonmedical testing phase and, if satisfactorily completed, the candidate will likely be issued a formal conditional offer of employment prior to taking any medical examinations (or to have all medical examinations taken and reviewed only after completion of all nonmedical testing).
15. When a formal conditional offer is to be issued, either the Department Head or Administrative Staff will call and make the offer to the designated candidate. Once the applicant agrees to the offer, an official offer letter should be created that includes terms of employment and mailed (and emailed) to the candidate. They should then sign and return the letter to the Village. This signed letter will be put in the employee file, along with application materials and/or resumes.

16. When all interviews are complete, and a formal conditional offer has been made and accepted, each applicant should be notified that the position has been filled. In general, those who did not receive an interview can be notified by email; those who interviewed should receive an email and phone call, if possible. Timing of the rejection letters may vary, depending on process.

## PROCEDURES FOR CONDUCTING BACKGROUND CHECKS FOR POTENTIAL AND CURRENT VILLAGE EMPLOYEES

The procedures outlined below determine the process for conducting background checks for employees and external hires under the jurisdiction of the Village Administrator and Germantown Village Board.

### GENERAL BACKGROUND CHECK INFORMATION

According to Municipal Code 2.12, "The Village Board shall have the authority to authorize background investigations of applicants for employment with the Village to ascertain an applicant's suitability for employment, and may authorize the appropriate agency, department or committee to conduct such investigation. This investigation may include, but is not limited to, the review of personnel and employment references, criminal history concerning pending charges and conviction record, credit check, fingerprint records, psychological evaluation, drug screening and medical examination. For the purposes of this section, the term "employee" may include persons acting as volunteer representatives or agents of the Village. This policy provides a framework for the process and procedures of such background investigations. The law allows for multiple methods of investigation. For all non-Public Safety employees and Library employees, the background investigation for an applicant will include a criminal check, a driving record check, a reference check, and verification of required credentials. The Village may also conduct drug screening and preemployment medical examinations.

### CRIMINAL RECORD CHECK

The procedures contained herein determine the process for conducting criminal background checks for all positions under the jurisdiction of the Administrator and Germantown Village Board.

Pursuant to the Wisconsin Fair Employment Act (WFEA), Section 111.321, no person may be disqualified from employment with the Village solely, or in part, because of a prior conviction of a crime or crimes unless the crime or crimes for which the individual was convicted substantially relate to the position of employment sought.

The general background check procedures as established here do not apply to:

- Positions in the Village Police Department;
- Positions governed by the Wisconsin Caregiver Program;
- Positions in the Village Fire Department.
- Positions in the Park & Recreation Department

Procedures for Criminal Background Checks for these positions are established elsewhere. Park & Recreation Department procedures are outlined below.

## JOB ANNOUNCEMENT BACKGROUND CHECK NOTICE

Every applicant applying for a position requiring a background check must contain an Authorization for Release of Information which informs candidates of the potential scope of the background check. The failure of an applicant to authorize the background check will disqualify the applicant from further consideration. The failure of a job announcement to include a notice of a background check shall not preclude the Village from conducting these checks.

## RESPONSIBILITIES FOR CONDUCTING BACKGROUND CHECKS

Because there are multiple components of the full pre-employment background check, different employees have responsibilities under this policy. The Village will rely on the services of the Village of Germantown Police Department and the State of Wisconsin Department of Justice and the Department of Transportation or other qualified service providers in conducting and completing criminal background checks and driving record checks. The Village contracts with an outside provider to perform drug tests and medical exams.

Village Administrative Staff will have access to the results of these pre-employment checks including criminal record check information. Administrative Staff will inform the Department Head whether a candidate passes or fails the background check, the criminal background check, reference check, medical exam, or drug test. Specific information obtained during this process will remain within control of the Administration Office and is generally treated as confidential unless otherwise designated by the Administrator.

## REQUIREMENTS FOR A BACKGROUND CHECK

### A. Criminal Checks

1. **Criteria:** It is Village Policy to conduct a background check, including a criminal record check, on all applicants for employment. In addition, the Park & Recreation Department, as established in Section VII, will conduct annual background checks on all employees and coach volunteers.
2. **Timing:** The criminal background check may be completed at any of the following stages of the selection process in accordance with the Wisconsin Fair Employment Act:
  - a) When an applicant has submitted an application for employment; or
  - b) When an applicant has been selected for an interview, or
  - c) When finalists are determined, or
  - d) When a final candidate to whom a nonconditional offer of employment or promotion is expected to be made, including offers of temporary employment, or
  - e) When an employee is considered for transfer or promotion to a position or reassignment to duties that require a criminal background check.
  - f) Before contract personnel or volunteers begin providing services to the Village and before being granted access to Village property, equipment, computer systems, etc.
3. **Frequency:** Criminal background checks for current employees shall be conducted when determined by Village Administrator and generally not more often than once every 12 months. Employees being considered for a transfer, reassignment, new detail, or promotion, who have successfully completed a criminal background check, may be required to complete a second criminal background check in the following 12 months.

4. **Expenses:** The department requesting the background check bears all costs related to the criminal background check.
  5. **Consent Form:** Prior to conducting the criminal background check, the Village will ensure that the hiring authority/Department Head requires applicants to complete and return the Authorization for Release of Information form.
  6. **Conditional Job Offer:** A *conditional* job offer can be made after completion of the criminal background check and all other nonmedical testing. Where a criminal background check is required, the candidate may not begin work, be detailed, transferred or promoted to another position until the background check process has been completed. If a pre-employment medical examination is required, all criminal background checks must be completed prior to the conditional job offer. The definition of medical examination includes a pre-employment alcohol test and pre-employment physical or psychological medical examination.
  7. **Process:** Upon completion of the Authorization for Release of Information form, Village Administrative Staff will direct the Village Police Department or the Department of Justice to conduct a criminal history check for crimes that are substantively related to the position being offered.
  8. **Relation of Conviction or Pending Charges to Position:** Upon receipt of the candidate's criminal conviction history, Village Administrative Staff shall determine the relation of the conviction or pending criminal charges to the position sought. No person shall be disqualified from employment with the Village solely or in part because of a prior conviction of a crime or pending criminal charges, unless the crime or charges substantially relate to the position of employment sought. In determining if a conviction directly relates to the position of employment sought Village Administrative Staff shall consider the:
    - a) Nature and seriousness of the crime or crimes for which the individual was convicted;
    - b) Relationship of the crime or crimes to the purposes of regulating the position of public employment sought;
    - c) Relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.

Nothing herein prevents the Village from investigating the underlying facts of a given situation and drawing conclusions as to whether to consider the applicant for employment based on the Village's own internal investigation.
- B. Contacting of References and Professional and Personal Examination:**  
 Administrative Staff may examine any persons and any sources of information including education information, licensures or certifications, personal history, and professional performance information.
1. During the application process, Department heads or Administrative Staff may contact the provided references and/or past employers to verify information in the applicant's resume or job application.
  2. Because some positions require specific qualifications including college diplomas, certifications, or specialized training, Administrative Staff may also require the candidate to provide proof of or access to the records showing completion and/or contact the licensing board, university, or other provider of credentials.
- Follow-Up with Applicant:** Village Administrative Staff may conduct any other follow up and investigation with the Applicant, with the expectation that the Applicant is

absolutely candid, forthright, and truthful with the Village during the entire hiring process.

- C. Nonconsideration of Prohibited Information:** When determining whether a candidate has successfully completed the background process, Village Administrative Staff shall not base such decision on or consider any prohibited information, including information based on protected status, prior worker's compensation claims, medical history or information, genetic information, and any other information prohibited from consideration by law.
- D. Determination and Notification:** If Village Administrative Staff determines that the candidate is qualified for the position or assignment sought and has successfully completed all nonmedical examinations during the background process, then Staff shall notify the hiring authority and advise them that they may proceed with the hiring process and the issuance of a formal conditional offer of employment. Likewise, should they conclude that the candidate is disqualified from consideration for the position sought, they shall immediately notify the hiring authority. Village Administrative Staff will notify the individual of their disqualification in writing within five (5) business days of the disqualification.
- E. Medical Exams and Drug Testing:**
  - 1. Pre-employment medical exams are meant solely to determine a candidate's ability to perform the position being offered. The examiner will have a copy of the job description and physical requirements when performing the exam, and will only judge related abilities,
  - 2. Prior to the Village's review of the medical examination results, the applicant will be directed to take a screening test for illegal drugs. Results will be provided to Village Administration. Applicants who refuse to provide consent for the test or test positive for illegal drugs or other prohibited substances will no longer be considered for employment.
  - 3. Candidates for a position will only be asked to take a medical examination after a conditional job offer has been made, and both tests must be completed and passed prior to the employee's first day of work.

#### PROCESS FOR CONDUCTING BACKGROUND CHECKS FOR EMPLOYEES SUBJECT TO PROMOTION OR TRANSFER FOR WHICH A BACKGROUND CHECK IS REQUIRED

- A. Process:** Prior to a current employee promoting into or assuming duties which requires a criminal and/or qualifications check, the hiring authority shall notify Village Administrative Staff and request that a check be conducted on the employee. They shall follow the procedures set forth in Section IV above to the extent determined by the Administrator.
- B. Employee Rights:** An employee who is disqualified from the position sought shall not be removed from their current position unless the check reveals information not previously known which is related to their ability to successfully perform the duties of their current job, including information demonstrating the employee was not truthful or forthright during prior background processes or other circumstances that render the employee unfit for the current position.

#### EMPLOYEE RESPONSIBILITY TO NOTIFY ADMINISTRATIVE STAFF (OR THEIR DEPARTMENT HEAD) OF CRIMINAL CONVICTIONS

- C. **Reporting a Conviction:** For positions that require a criminal background check, it is the duty of all employees in such positions to affirmatively and immediately notify their Department Head and/or Administrative Staff of a law enforcement contact, including an arrest, pending criminal charges or civil ordinance charges, or a conviction. For purposes of this policy, conviction includes any conviction which has not been expunged.
- D. **Criteria:** Village Administrative Staff shall follow the above procedures to determine the job relatedness of the criminal conviction to the performance of the duties of the position.
- E. **Potential Sanctions:** Intentional failure of the employee to notify Administrative Staff or their Department Head may be grounds for employment sanctions up to and including suspension and termination, regardless of when the omission is discovered. Such failure may be grounds for suspension and termination of employment regardless of whether it is determined that such conviction or pending charge is of a nature that would have disqualified the employee from the position of employment in question.
- F. **Independent Investigation:** The Village reserves its right to investigate the on-duty and off-duty behavior of Village employees where the interests of the Village may be affected, including as to whether the employee has violated any Village policy rule, or expectation of conduct. The Village will conclude from its own investigation an appropriate employment disposition, and such disposition is not contingent on whether the employee is convicted of the wrongful behavior in a court of law.

#### PARK AND RECREATION DEPARTMENT PROCESSES

- G. **State Statutes:** All applicable laws and procedures that apply elsewhere in this policy will apply for positions in the Park & Recreation Department.
- H. **Department Specific Policy:** Rather than conducting background checks through the Administrative Staff, the Park & Recreation Department facilitates their own background checks through the Department of Justice. All results from such checks are maintained by the Director of Park & Recreation and the Recreation Supervisor. All decisions about eligibility for a position and position related convictions will be made by jointly by the Director of Park & Recreation and Administrative Staff. The Department is responsible for paying all associated costs.
- I. **Timing:** Unlike other Village staff, the Department of Park & Recreation requires an annual background check for all department staff including seasonal staff and volunteers. There are no exceptions to this requirement. Individuals will be notified prior to their annual check.

#### RETENTION AND ACCESSIBILITY OF BACKGROUND CHECK RECORDS

Administrative Staff shall maintain records and related documents compiled by the Village on individuals in response to background checks, and such records are generally treated as confidential staff-management planning documents unless otherwise determined by the Administrator. The Village of Germantown Records Retention policies, the Wisconsin Public Records Board, and applicable Federal and State laws shall govern the storage, use and dissemination of such records. Where the use of such records is not addressed by the foregoing standards, the use and dissemination of such records, such as their availability to hiring authorities, shall be within the discretion of the Village Administrator. The retention period assigned to these records and the Wisconsin Public Records Board classification are identified

in the General Retention Schedule for Human Resources and Related Records. Confidentiality of such records will be maintained as practical, until such time they are destroyed, as determined by the Wisconsin Public Records Board.

## **JOB CLASSIFICATIONS**

Based on the needs of the employer, employees are classified within the following categories:

### **Department Head**

An employee who is responsible for the operation of a Village department under the overall management of the Village Administrator and includes:

1. Chief of Police
2. Fire Chief
3. Director of Public Works
4. Clerk/Treasurer
5. Director of Parks & Recreation
6. Community Development Director
7. Library Director

### **Exempt Employees**

Certain designated Department Heads and other non-sworn employees holding positions that meet the qualifications for exemption under the Fair Labor Standards Act of 1985, as amended, are classified as exempt employees. Exempt employees are paid a salary and are expected to work beyond their normal work hours whenever necessary to accomplish the work of the Village. Exempt employees are not eligible to receive overtime compensation. Employees should consult with the Village Administrator if they have questions regarding their classification as an exempt employee.

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

1. Taking absence for illness without charge to applicable paid leave banks.
2. Pay for overtime hours worked.

### **Full-Time Employee**

A regular full-time employee is an employee who is designated by the Board as a regular full-time employee and who works a regular schedule and is expected to normally work forty or more hours per workweek. Exempt employees are generally classified as regular full-time employees; however, a regular full-time employee may be exempt or non-exempt. Only regular full-time

employees receive benefits of the employer unless specifically identified in the employer's policies or as required by law.

**Regular Part-Time Employee**

A regular part-time employee is an employee who is designated by the Board as a regular part-time employee and works a regular schedule and is expected to normally work less than forty hours per workweek, but greater than twenty-four hours a week to be eligible for Village benefits. A regular part-time employee may be exempt or non-exempt. A regular part-time employee does not receive benefits of the employer unless specifically identified in the employer's policies or as required by law.

**Limited Part-Time Employee**

A limited part-time employee is an employee who is designated by the Board as a limited part-time employee and works less than twenty-four hours per work week. A limited part-time employee does not receive benefits of the employer unless specifically identified in the employer's policies or as required by law.

**Seasonal/Temporary Employee**

A temporary or seasonal employee is hired for a specified project or time frame and may work an irregular schedule or a regular schedule. A temporary or seasonal employee may be exempt or non-exempt. Temporary or seasonal employees do not receive any additional compensation or benefits provided by the employer unless required by law.

# **PAY PRACTICES**

## **COMPENSATION**

It is the policy of the Village to compensate employees at a level sufficient to encourage excellent performance and to maintain the labor market competitiveness necessary to recruit and retain a competent workforce.

## **PAY DAYS**

Employees will be paid biweekly. Each pay period is two weeks long and begins on a Monday and ends on a Sunday. Payday is generally the Tuesday of the next week following the end of the pay period.

Direct Deposit is required by Village Employees. In general, deposits are made available to the employee's account the morning of the designated pay day.

## **COMPENSATORY TIME, FLEX-TIME, & OVERTIME CALCULATION**

Compensatory time may be granted and utilized by all non-exempt Village employees with the approval of their department supervisors or directors.

Hourly non-protective service employees will be granted overtime pay at one and one-half times their normal hourly rate for each hour worked in excess of 40 hours per week. Protective service employees shall follow a 28-day work period for purposes of statutory overtime calculation. Pay for time not worked during a week, such as vacation, compensatory time, sick leave, bereavement leave, does not count toward the calculation of overtime hours for which cash overtime pay or compensatory time off is granted. Time paid for those employees earning compensation for a recognized holiday occurring during that workweek will be counted as hours worked for overtime calculation purposes. Additionally, any prescheduled leave including planned vacation, sick time, or compensatory time will count toward time worked for overtime calculation. To be considered "prescheduled", the time must have been approved by the supervisor at least two weeks in advance. Time taken that is not planned is not considered as time worked. Holiday pay shall not count toward overtime calculations for telecommunicators.

It is generally up to the Village Supervisors or Department Directors to grant either overtime pay or compensatory time. The choice should be based on the staffing needs of the department. Overtime must be pre-authorized by a supervisor and shall be work that is necessary or of an emergency nature. Employees shall not work overtime without the proper authorization of a supervisor. Unauthorized overtime may result in disciplinary action, up to and including termination of employment. Non-protective service hourly employees may accrue a bank of up to 40 hours of approved compensatory time. Hourly protective service employees will follow their respective union contracts with regard to determining maximum accruals of compensatory time.

Employees who have accrued the maximum hours of compensatory time will be paid overtime at the rate of one and one-half times their normal hourly rate for any overtime worked in excess of the maximum compensatory time accruals.

A payout of all or any other portion of an employee's accrued compensatory time may be made at any time at the sole discretion of the employer and shall be paid at the regular rate earned by the employee at the time the employee receives the payment. Payment will be made at the closest next payroll cycle after the request to use compensatory time. An employee may request a payout of their compensatory time bank which will be considered by the department

director.

An employee who has accrued compensatory time shall be permitted to use such time off within a reasonable period after making a request to use such time if the use does not unduly disrupt the operations of the department.

Upon termination of employment, an hourly employee shall be paid for unused compensatory time at the rate not less than the final regular hourly rate of compensation.

At the end of each year, all compensatory time shall be taken or paid, it will not be carried over from year to year. Payment will be made on the last paycheck of the calendar year. It is the employee's responsibility to inform the payroll department if they intend to use any of their accrual to supplement time off during the last few weeks of the year.

Exempt employees may utilize flex time with the knowledge that their job responsibilities demand more than a typical work week. Department Head may receive permission from the Village Administrator to utilize Flex time to supplement an employees' vacation time off, however, it is not the intent to be used as an auxiliary vehicle for direct compensation nor will it be paid out to the employee in cash at any time. The Village Administrator reserves the right to prohibit department heads, either individually or collectively, from utilizing flex scheduling if, in the Village Administrator's sole discretion, the use of flex scheduling is no longer compatible with the Village's operational needs.

## **FLSA SALARY-EXEMPT SAFE HARBOR POLICY**

The Village has created this Safe Harbor Policy for employees who are classified as exempt under the FLSA. This Policy's purpose is to:

- Announce our "good faith" commitment to comply with the regulations and our commitment to reimburse employees for any improper deductions;
- Clearly state and inform our employees of the procedures and exceptions surrounding permissible salary deductions;
- Define "actual practice" in relation to improper salary deductions; and
- Inform our employees of a complaint mechanism if the employee believes that their pay has been improperly deducted.

### **Our Good Faith Commitment**

The Village is committed to complying with the pay practices governed by the Fair Labor Standards Act. If you have questions about this policy or the regulations defining this policy, please see the administrator. The Village will work with you to help you understand how the regulations affect you.

### **Permissible Salary Deductions**

Being an exempt employee means you are not entitled to receive overtime pay regardless of how many hours you work each workweek. Exempt status also means you are guaranteed a salary of a "predetermined amount" for a designated workweek and the amount cannot be reduced because of variations in the quality or quantity of work that you perform in that workweek.

There are certain instances when the employer is allowed to deduct wages from an exempt employee's salary for a designated workweek. These permissible deductions are as follows:

- When an employee is absent from work for one or more full days for personal reasons, other than sickness or disability and the employee has no vacation or personal time

- offremaining for the year;
- When an employee is absent from work for one or more full days due to sickness or disability if the deductions are made under a bona fide plan, policy, or practice of providing wage replacement benefits for these types of absences, such as Long Term Disability, and the employee has no vacation or personal time off remaining for the year;Proportionate part of an employee’s full salary may be paid for time actually worked in the first and last weeks of employment;
- To offset any amounts received as payment for jury fees, witness fees, or military pay; Penalties imposed in good faith for violating safety rules of “major significance;” Unpaid disciplinary suspension of one or more full days imposed in good faith for violations of workplace conduct rules such as insubordination, sexual harassment, workplace violence, or any other violations as stated in this Manual; and
- Unpaid leave taken under the Family and Medical Leave Act; andAs otherwise permitted by law

### **Actual Practice**

Isolated or inadvertent improper deductions will not result in the loss of an employee’s exempt status if the employer reimburses the employee. However, an “actual practice” of making improper deductions from salary will result in the loss of the exemption. During the time period in which improper deductions were made for employees in the same job classifications working for the same managers responsible for the actual improper deductions.

Factors that may suggest an actual practice of improper salary deductions include:

- The number of improper deductions, particularly as compared to the number of employee infractions warranting discipline;
- The time period during which the employer made improper deductions;
- The number and geographic location of both the employees whose salaries wereimproperly reduced and the managers responsible; or
- Whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

### **Filing a Complaint**

Improper deductions are a serious violation of this Safe Harbor Policy. If you feel improper deductions have been made from your paycheck, please contact the Administrator immediately. Once notified, the Administrator will work with you to resolve the issue and reimburse you if an improper deduction had in fact been made.

If you feel the resolution offered by the Administrator is unsatisfactory or unlawful, you may file a complaint with the U.S. Department of Labor, Wage and Hour Division either by mail or in person.

### **CALL-IN PAY**

A non-protective service employee called in to work in the event of an emergency occurring outside the employee’s normal working hours, as determined by the employee’s supervisor or department director, may receive 2 hours of pay as a minimum for work performed by the employee as a result of the call in and only if the employee is required to report to the onsite work location. Employees who are called in and perform authorized work but who do not report to a worksite, employees who respond and work adjacent to normal work hours, or employees performing scheduled work outside of the normal work hours will be paid only as

required by law. The Village's decision as to whether an employee should receive the two-hour minimum pay shall be final. Employees are required to perform any call-in responsibilities in the most-efficient manner possible in the interests of the Village. Employees are required to keep accurate time records of time worked for purposes of determining call-in compensation, if any is required by law. Employees must respond to calls from the Village or as required by the Village in a timely manner.

### **ON CALL PAY**

An employee required to carry a telecommunication device and having on-call responsibility for a full workweek may receive additional compensation if authorized by the Village. The level of compensation, if authorized, will be set by the Village Board and administered by the Department Director. Employees responsible for carrying such device shall be responsible for complying with call-in responsibilities.

### **LONGEVITY PAY**

Department of Public Works employees who received a Longevity Pay benefit prior to December 31, 2011, will have their benefit level frozen at the dollar amount received by that employee in 2011. No other employee shall be eligible to receive longevity pay after January 1, 2012.

## **EMPLOYEE BENEFITS**

### **EDUCATIONAL INCENTIVE PROGRAM**

The Village believes in the personal and professional development of employees. Because of this, an Educational Incentive Program for full-time employees interested in enhancing or further improving themselves through continuing education has been designed.

- 1) The word employee(s) means all full-time, salaried, and permanently appointed employees of the Village including all supervisory, management, technical, clerical, and professional personnel in all Village departments exempting part-time employees, temporary or seasonal employees, elected officials of the Village, appointed officials, or members of the boards and commissions.
- 2) Employees may be reimbursed for up to one-half (1/2) of the per credit and/or tuition amount per semester for courses successfully completed in and enrolled in accordance with the terms of this policy.
- 3) Courses eligible for inclusion in this policy shall be attended in residence at a college, university, or technical college; shall be listed in the current school catalog and class schedule of the respective school; shall be related to the employee's current work duties for the Village and shall be contained within a program of study for which credit is given toward a degree or associate degree from the college, university, or technical college.
- 4) Approval for inclusion of course work under this shall be sought in the following manner:
  - a) Submittal of a request on a form (see attached Educational Incentive Program Form) furnished by the Village to the department director for review relative to course value to the Village and relationship of the course to the employee's current position with the Village.
  - b) The department director shall, upon his/her concurrence as to the appropriateness of the course, submit the request to the Village Administrator for consideration and approval or disapproval. Any such approval must be obtained prior to the employee enrolling in any course for which the benefits of this program are to be applied. The Village retains the sole right of approval and/or disapproval of any and all courses based on individual course relationship to the employee's current position with the Village.

- 5) All such approved courses shall be attended on the employee's own time and not during hours which the employee is scheduled for duty/work with the Village.
- 6) Credits herein referred to shall be defined as the value earned for each semester hour of course work completed (i.e. one credit equals a minimum fifteen semester hours) with a grade as set forth in Section 7.
- 7) All such approved courses shall be completed with a minimum grade of "C" or the numerical equivalent while the employee is employed by the Village for payment to be made under this policy. Payment will be made to the employee with submittal of a copy of a transcript.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Village may offer an Employee Assistance Program to employees and their families. This resource helps employee's take constructive action to resolve personal problems which affect job performance. Through an outside agency, the program provides professional, confidential assistance for problems such as mental, emotional, financial, legal, marital or family distress, career and employment-related difficulties, alcohol or chemical abuse or other concerns.

The EAP program also provides a means by which the supervisor can take action to address unsatisfactory job performance and to prevent the loss of an otherwise good employee. The supervisor's objective in making a referral to the EAP is that the employee may resolve the problem which has affected his or her work so that quality job performance is restored.

From the date of hire, the EAP is available to all full-time and part-time employees of the Village. It may also be utilized by family members, including dependent members of the household. The program provides professional assessment, referral and brief treatment (up to three visits) for a range of individual and family problems. An initial assessment, generally an hour long, is conducted within a day or two of the time the employee calls the EAP. (Crisis calls are handled immediately.) Referral for appropriate services is made to an agency in the employee's community or one nearby.

Any employee who desires assistance with a problem may contact the EAP directly. The local EAP phone number is to be posted at every worksite for that purpose. The posting should also remind the employee to indicate that the contact is being made under the Village's Employee Assistance Program.

In instances where applicable, the Village's leave and health insurance benefits may be utilized for treatment or rehabilitation as provided in the Village's benefit program. Consideration will also be given for the use of personal leave of absence. In an ideal situation, the employee who is experiencing personal or family problems will want to seek assistance before his or her work performance is affected, will be aware of the availability of the EAP and will make a self-referral to it or to another agency. A supervisor may refer an employee to the EAP.

### **EMPLOYEE RECOGNITION PROGRAM**

All full-time employees, regular part-time employees (covered under the Wisconsin Retirement System) and paid-on-call Fire Fighters / EMT's are eligible for the Village's Employee Recognition Program. Eligible employees must be employed with the Village for a minimum of five years continuous service. Fire Fighter / EMT years of service with the Germantown Fire Company counts towards the continuous service requirement. This Employee Recognition Program is for years of service and is not based on merit, quality of work or popularity of an employee. This Program is to recognize employees for their dedication and years of service with the Village. This Program is divided into two (2) areas: Years of Service Recognition and Retirement Recognition.

- 1) Continuous Years of Service Recognition
  - After 7 Years - Value \$25
  - After 15 Years - Value \$50
  - After 20 Years - Value \$75
  - After 25 Years - Value \$100
  - After 30 Years - Value \$125
  - After 35 Years - Value \$150

These awards will be presented to the employee by their Department Director or Supervisor.

- 2) Retirement Recognition

A plaque will be presented to the employee at a Village Board meeting, at or near the employee's retirement date. The Village Board will adopt a resolution recognizing the employee, noting the years of service with the Village.

## **EXPENSE REIMBURSEMENT**

### **Expense Reimbursement – Meal Allowance, Lodging, Mileage**

The Village will use the U.S. General Services Administration Per Diem Rate Guidelines to determine the amount of reimbursement due an employee for meal allowances for each full day of travel when they are engaged in approved training, conferences, or seminars. The meal rates differ by travel location. View the per diem rate for your primary destination to determine which meal rates apply. The meal rate will be the maximum allowance.

For any official travel destination, you must provide a receipt to substantiate your expense for lodging. You will not need a receipt for meals or incidentals as long as the date, location and function are clearly stated on the reimbursement request. Meals provided to the employee by either the place of lodging (example: continental breakfast) or the conference/seminar (example: business lunch) will not be reimbursed.

Meal reimbursements, for overnight travel, will not be taxable to the employee.

Lodging will be paid in full by the Village. It is desirable to have the room paid for directly by the Village per credit card or direct bill. Please contact your direct supervisor or the Administration Office for assistance.

There are some restrictions as to how the allowance relates to breakfast and/or dinner.

Breakfast is only covered if the employee is staying overnight the day before a conference or seminar. Dinner will not be covered the last day unless the employee is not expected home before 7:00 pm. (This extended day includes travel time.) Dinner will be covered for the first travel day if the employee is on route to their destination through the evening hours.

Employees will be reimbursed at the Federal Mileage Rate for the use of their personal vehicle when authorized by their Department Director or Supervisor. Submit your request for reimbursement to your supervisor.

### **Expense Reimbursement – Elected Official**

Elected Officials shall receive a monthly stipend to cover business related expenses as set out by resolution approved by the Village Board. The reimbursement may be an accountable plan or a non-accountable plan. The choice is the officials and can change at will. Accountable Plan – Substantiation of the expense should be turned into the Village Clerk-Treasurer within 60 days of the month of which the check was issued. Accepted types of expenses for substantiation purposes include mileage, business phone expenses or business

meals. Meals must have a clear business relationship and shall not consist of only Village employees. Alcoholic beverages will not be reimbursed. Mileage to and from the Village can be included if the elected official has other employment which is primary. Personal use of a phone should be separated. An expense form should be completed showing the business nature and amount of the expense.

Reimbursement from an accountable plan is non-taxed unless the total of the receipts submitted are less than the monthly stipend. The amount of stipend that is more than the submitted receipt will be taxed through payroll.

Non-Accountable Plan – The elected official may choose not to substantiate the expense check. The monthly stipend will be issued through payroll and income taxes will be deducted.

## **GIFTS AND/OR ACKNOWLEDGEMENTS – EMPLOYEE OR OFFICIAL**

The Village of Germantown will acknowledge the:

Death of Current Employee, Elected or Appointed Official – Up to \$50 plus delivery charge, or in lieu of flowers, a monetary gift to a memorial of choice.

Death of Immediate Family Member – Up to \$50 plus delivery charge, or in lieu of flowers, a monetary gift to a memorial of choice (Immediate family members are considered: spouse, parents, son, daughter, brother, sister, mother-in-law, father-in-law or grandparents)

< Current Employee

< Current Elected Official (President/Trustee)

Death of Former Elected or Appointed Official – Up to \$50 plus delivery charge, or in lieu of flowers, a monetary gift to a memorial of choice.

Employees are free to take up a separate collection for a gift or flowers for current employees for a birth, death, marriage, birthdays, illness or injury.

If anyone becomes aware of a situation described above please contact the Village Clerk's office who will arrange for the sending of flowers and/or memorial.

## **INSURANCE – HEALTH, DENTAL & LIFE**

The Village of Germantown provides eligible employees who are regularly working over 30 hours a week with a self-funded Preferred Provider Option (PPO) Medical Health Insurance Program, and a Dental Plan. Employees are required to contribute an amount or percentage of the monthly premiums as established by the Village Board or collective bargaining agreement. Please refer to the Village of Germantown Specified Plan Document (SPD) for further details. A choice of a family or single plan is available, with a full coverage basic plan as well as a High Deductible Health Plan. New employees shall become eligible for coverage on their first full day of employment.

An employee's health and dental insurance benefits end as of the last date of the month in which termination of employment occurs. Employees may be eligible for continued health insurance coverage after separation of service under the terms of applicable State and Federal law. Employees should contact the Administration Department if they have any questions regarding continuation of health or dental insurance benefits. The Village reserves the right to amend, discontinue, or otherwise terminate any health or dental insurance benefits offered at the Village's sole discretion and with or without notice to the extent permitted by law and to the extent permitted by the applicable plan provider(s).

Life Insurance is administered through and based upon participation in the Wisconsin Retirement System. The Village will pay the Basic Insurance Premium. Basic insurance offers the following benefits:

- Group term life insurance equal to 100% of the employee's previous

calendar year earnings, rounded to the next higher thousand dollars.

- Accidental death and dismemberment benefits equal to the face amount of the Basic insurance, up to age 65 (or age 70, if actively employed).

Information regarding eligibility criteria and additional tiers of insurance coverage, at the employee's expense, is available through the Administration Department.

All application forms and relevant information will be distributed upon hire.

After 10 years of continuous employment through the Village of Germantown, the Village, at its sole discretion and subject to the eligibility requirements of the health care plan, may offer retirees with an option to remain on the Village's health and dental insurance plans, provided the retiree: (1) retires in good standing (*i.e.*, provides the Village with at least two weeks' notice of retirement and does not retire in lieu of termination); and (2) the retiree pays the entire premiums associated with any such coverage equivalent to the applicable COBRA premium rate. The retiree is given 50% of unused sick leave at the date of retirement which is placed in a Retirement Health Account ("RHA") which may be used to pay for any premiums associated with these benefits. The Village reserves the right to amend, discontinue, or otherwise terminate any retiree health or dental insurance benefits offered at the Village's sole discretion and with or without notice to the extent permitted by law and to the extent permitted by the applicable plan provider(s).

## **WELLNESS PROGRAM**

The Village has a Wellness and Health Management Program for its fulltime, and regular part-time employees. The program encourages the overall well-being of our employees by fostering a worksite culture that supports everyone's desire to make healthy lifestyle choices while helping to decrease health care costs.

The employee should contact the Administration department for details.

## **DEFERRED COMPENSATION PLAN**

The Village may offer a Deferred Compensation program that allows the employee to invest their own funds for future retirement. Federal and State income taxes are deferred until your assets are withdrawn. Employee contributions are made through payroll deduction. Several options for investment are presently available; however, the Village reserves the right to amend, discontinue, or otherwise terminate any deferred compensation plan(s) offered at the Village's sole discretion and with or without notice to the extent permitted by law and to the extent permitted by the applicable deferred compensation plan provider(s).

All full-time and regular part time employees are eligible. Please see the Administration Department for further details.

## **WISCONSIN RETIREMENT FUND**

The Village of Germantown is part of the Wisconsin Retirement System administered by the State of Wisconsin. The program is a defined benefit plan with employee and employer contributions. The employee will be required to pay the employee portion as determined by WRS on a pre-tax basis. Employees are eligible as determined by the Department of Employee Trust Funds. Questions regarding eligibility, contribution, or vesting should be directed to the Administration Department.

Employees who are determined to be eligible to participate in the Wisconsin Retirement system will be provided information regarding enrollment upon hire or, if not eligible upon hire, upon achieving eligibility.

## **SECTION 125 PLAN**

This Plan, also known as a flexible spending plan, is available for employees to use pre-tax dollars to pay certain benefit expenses. Qualifying benefit expenses include:

- Medical, dental and vision care, health related supplies and services not covered by insurance
- Daycare for a qualified dependent child or disabled spouse.

All full-time and regular part time employees who work 30 hours or more are eligible. The Village reserves the right to amend, discontinue, or otherwise terminate the Section 125 Plan offered at the Village's sole discretion and with or without notice to the extent permitted by law and to the extent permitted by the applicable plan provider(s). See the Administration Department for more information.

# **CAREER DEVELOPMENT**

## **PERSONNEL RECORDS**

Each employee has a personnel file. Information retained in the personnel file includes personal information such as forms for federal and state taxes, enrollment forms for benefits, address changes, and specific work-related information such as application for employment, resume, performance evaluations, salary adjustments, job changes, and other designated records. An employee may request an opportunity to review the records in his or her personnel file that the employee has a lawful right to review by submitting a written request to the Village Administrator. Requests for inspection will be scheduled at a mutually convenient time and within the timeframes required by law. Employee files contain records maintained by the Village's Custodian of Records. Personnel files may not be taken outside of the custody of the Custodian.

The employer will use employee medical information only in a manner that is lawful, job-related, and consistent with business necessity. Employee medical information will be maintained in separate medical files and will be treated confidentially to the extent required by law. Normally, medical information may be disclosed to someone other than the employee in the following circumstances:

- Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- First aid and safety personnel may be informed, when appropriate, if the employee's medical condition might require emergency treatment; and
- Certain government officials may be provided the information.

Employees should refer all requests for personnel information concerning applicants, employees, and past employees to the office of the Village Administrator. Employees are not permitted to provide references on behalf of the Village of Germantown. Pursuant to requests for references, the employer may choose to release only limited general information such as the position held and dates of employment. The employer may require the individual involved to provide a written consent, release and indemnity agreement before the employer will release additional information unless there are circumstances warranting otherwise.

It is important that each employee's personal information and decisions regarding benefit selection be accurate at all times. It is each employee's responsibility to notify the employer promptly of any changes to the employee's personnel file or personal contact information or family information used for insurance and tax purposes. In order to avoid issues to benefit eligibility, having W-2s returned or any other issue, employees must promptly notify, in writing, the office of the Village Administrator of any change in personal information including name, address, telephone number, marital status (for benefits and withholding purposes), names, addresses and phone numbers of the employee's spouse and dependents (for benefits purposes), beneficiary designations, and emergency contact information.

## **PROFESSIONAL ASSOCIATION MEETINGS/TRAINING/SEMINARS – EMPLOYER RELATED**

All Village employees who attend professional association meetings, conferences, training sessions, institutions, workshops, seminars, or special classes during regular working hours and who receive prior approval, as specified below, will be considered for purposes of time reporting and payroll to be at work during the period of meetings, training and seminars. The hours of work are only for work-related topics and time. All training must be pertinent to the employee's current job with the Village.

Activities that are social in nature and not related to the job are not compensable time. Time spent on a "professional development" training or program will be evaluated by the Village to determine if it is compensable time.

In order to qualify for attendance at any professional association meetings, conferences, seminars, trainings or workshops, the employee must have on file with their supervisor and Support Services an Individual Performance Plan. Additionally, the employee must complete an Employee Training Request form that is submitted to their supervisor.

Prior approval of the department director or Village Administrator must be obtained before any of the association meetings, seminars or training are attended. The Individual Performance Plan must be completed annually prior to the budget process with a supervisor in order to qualify for professional training, association meetings or special classes. The training and seminar program described herein is not part of and shall be considered to be entirely separate from the Village's Educational Incentive Program.

# LEAVES OF ABSENCE

## FAMILY AND MEDICAL LEAVE POLICY

It is the policy of the Village of Germantown to provide family and medical leave as required by state and federal laws. This Policy does not necessarily incorporate all provisions of such laws directly into the Village's personnel policies. Posters summarizing federal and state FMLA laws can be found with other employment-related postings. In addition, you may contact Support Services if you have specific questions.

Leave taken under this Policy may be covered by federal law, state law, or both. The eligibility and entitlements are defined differently under federal and state law. When leave taken by an eligible employee under this policy is governed by both federal and state law, the more generous provisions will control in the event of a conflict. However, when leaves are governed by state or federal law, but not both, the applicable law will control under this policy. You should note that certain leaves may be covered by both state and federal law for only a portion of the leave. To the extent permitted by law, time off that is qualifying leave under the federal FMLA and under the Wisconsin FMLA, will run concurrently (i.e. at the same time) with leave granted under other Village policies.

You may be required to provide advance notice and certain information as set forth below to be eligible for leave under this Policy. You may also be required to submit leave requests in writing when circumstances and applicable law permit. After you provide the Village the required information, the Village will evaluate it and make a determination as to whether the absence qualifies as FMLA leave. The Village will notify you of its final determination. If you fail to provide the Village with the required information within the time specified, your absence will be unexcused. If the time off is FMLA qualifying, the leave will be designated as such and you will receive notice of the designation, along with information on the specifics of the leave, consistent with this policy. Use of other leaves provided by the Village for the reasons covered by law, will be treated as use of leave under this Policy whenever applicable law allows.

If it is determined that the leave does not qualify, then any absence shall be subject to the terms of the Village's attendance policy. The Village has the right to designate qualifying leave as FMLA whether or not the employee specifically requests it.

### SECTION 1 – ELIGIBILITY REQUIREMENTS.

To be eligible for federal FMLA leave, you must have been employed by the Village for at least 12 months, must have worked at least 1,250 hours during the 12-month period immediately prior to the start of the requested leave, and must be employed at a worksite where 50 or more employees are employed by the Village within a 75-mile radius. To be eligible for leave under the Wisconsin FMLA, you must have been employed for more than 52 consecutive weeks and have been paid for at least 1,000 hours.

### SECTION 2 – AMOUNT AND TYPES OF LEAVE AVAILABLE.

Under the guidelines set out in this Policy and in accord with the law, the Village will grant an eligible employee up to twelve (12) workweeks of unpaid federal FMLA leave within a rolling 12-month period for the following reasons:

- the birth or placement of a child for adoption or foster care
- to care for the employee's covered family member suffering from a serious health condition
- for the employee's own serious health condition
- for any "qualifying exigency" arising as a result of the employee's child, parent or spouse serving on active military duty in support of contingency operations.

In addition, if you are eligible for federal FMLA leave as defined in this policy, you may be entitled to take a total of up to twenty-six (26) workweeks of unpaid federal FMLA leave in a single twelve-month period, to care for a covered service member who has incurred a serious injury or illness in the line of duty. ("Military Caregiver Leave") During that twelve-month period, you will be entitled only to a combined total of 26 workweeks of federal FMLA leave for service member care and for any other federal FMLA purpose.

When a husband and wife both work for the Village, they are limited to an aggregate of 12 workweeks of federal FMLA leave for birth, adoption/foster care, care of a seriously ill parent, or a qualifying exigency. Up to a combined total of 26 weeks may be used to care for a seriously ill or injured military service member.

Federal FMLA leave will run concurrently, when applicable, with the total of ten (10) workweeks of Wisconsin FMLA leave which is specifically allocated over a calendar year as follows:

- Two (2) workweeks for an employee's own serious health condition.
- Six (6) workweeks related to the birth or adoption of a child; and
- Two (2) workweeks to allow an employee to care for a parent, parent-in-law, spouse, registered domestic partner or child due to their incapacity caused by a serious health condition.

Applicable Definitions:

"Domestic Partner" for this purpose includes only those individuals who were registered as domestic partners under Wisconsin Law before April 1, 2018.

"Child" under this paragraph includes a biological, adopted or foster child, a stepchild, legal ward, or a child for whom you have assumed the obligations of a parent and who is either under 18 years of age, or is unable to care for him or herself due to a physical or mental disability.

For purposes of Wisconsin FMLA only, "Parent" includes the parent of an eligible employee's spouse or registered domestic partner.

"Serious Health Condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves any of the following:

- 1) Any period of incapacity or treatment connected with inpatient care
- 2) A continuing period of incapacity and/or any subsequent treatment relating to the same condition that also involves continuing treatment by or under the supervision of a health care provider
- 3) Incapacity due to a chronic serious health condition that also involves periodic treatment by a health care provider.
- 4) Any period of incapacity due to pregnancy or prenatal care
- 5) A period of incapacity due to a permanent or long-term condition for which treatment may not be effective, but for which the employee or family member must be under the continuing supervision of a health care provider.
- 6) Any period of absence to receive multiple treatments by a health care provider for a condition that would likely result in a period of incapacity in the absence of medical intervention or treatment.
- 7) In most cases, a short-term condition, such as a cold, flu, earache, upset stomach, or other minor ailment would not qualify as a serious health condition. It also does not include routine treatment, doctor or dental visits. Conditions for which cosmetic treatments are administered are generally not considered to be serious health conditions.

- 8) See Support Services to determine whether your request for leave qualifies under one of the above categories.

#### SECTION 3 – CALCULATING AVAILABLE LEAVE.

(1) To determine the amount of federal FMLA leave to which an employee is entitled for a *specific* leave request, the Village uses a rolling 12-month period looking backward from the start of the new leave to determine how much leave has been used in the preceding 12-month period. Each time an employee takes federal FMLA leave the remaining federal leave entitlement is the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

(2) Entitlement to Wisconsin FMLA leave is calculated based on what specific Wisconsin FMLA has been used in the calendar year.

(3) If an employee experiences a serious health condition and is eligible for benefits under the Village's Short-term Disability Plan, the Village will designate the employee's absence as FMLA leave. If an employee suffers a work-related injury that qualifies as a serious health condition, FMLA leaves provided under this Policy will be considered as taken along with the leave required under the worker's compensation laws.

#### SECTION 4 – LEAVE REQUEST PROCESS.

(1) Except in situations where an employee is unable to provide a written request because of the need for emergency health care, the employee is to provide Support Services with a written application for family or medical leave prior to the requested start of the leave.

(2) In cases where the need for the leave is foreseeable, the request is to be made at least 30 days prior to the beginning of the anticipated leave. In cases where the need for the leave does not become known more than 30 days in advance, the request is to be made as soon as the employee becomes aware of the need for leave. In all cases, the employee must comply with the Village's standard call-in procedures for absences. However, calling in sick, without providing additional information, is not sufficient notice of the need for FMLA leave.

(3) All requests must be submitted on an FMLA Request Form which can be obtained from Support Services. The Form must be fully completed including the beginning and ending dates of the leave. The employee must notify Support Services in advance if the date of return changes.

(4) An employee undergoing planned medical treatment or requesting intermittent or reduced schedule leave, is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Village's operations. Failing to provide reasonable notice or work with your supervisor on the timing of the leave may result in the delay, denial or cancellation of FMLA leave.

(5) The Village may delay the taking of a requested leave until at least 30 days after the date the employee provides notice when the employee fails to provide proper advance notice, unless the employee was unable to comply because of the need for emergency health care or other reasonable excuse.

The employee who does not return to work at the end of the FMLA leave will be considered to have voluntarily terminated unless the employee was unable to return due to a continuing serious health condition, health care emergency, or other reasonable excuse. In that circumstance, the employee must provide advance notification to the Village of inability if practicable.

#### SECTION 5 – CERTIFICATION REQUIREMENTS.

(1) If leave is requested due to an employee's own serious health condition, the serious health condition of the employee's spouse, domestic partner, child or parent, or for military medical leave the Village requires that the leave request be supported by certification

issued by the employee's health care provider or the health care provider of the spouse, domestic partner, child, parent or next of kin. The Village reserves the right to have certified all information permitted by law. The Medical Certification Form can be obtained from Support Services.

(2) The employee must return the fully completed certification to Support Services within fifteen (15) days from the date the employee is provided the medical certification form. Failure to provide the Village with timely and responsive certification from a health care provider within fifteen (15) days of the Village's request for certification may result in denial of the leave. If you submit a certification which is insufficient or incomplete, the Village will require you to provide a corrected certification within seven (7) days.

(3) Where medical leave is involved, the Village may, at its expense, require the employee or a family member to obtain the opinion of a second health care provider chosen by the employer. If a dispute exists, a third opinion may be secured.

(4) The Village will require an employee to recertify the medical condition as allowed by law.

(5) The Village may require an employee to provide a fitness for duty certification prior to returning from a leave for the employee's serious health condition.

(6) Failure to provide timely certifications may result in denial or delay of the leave.

(7) If leave is requested for other non-medical purposes, the Village may require certification or additional documents pertinent to that leave request, such as a copy of the birth or placement documents, confirmation of a family, *in loco parentis* or domestic partner relationship or reflecting the military exigency purpose.

#### SECTION 6 – INTERMITTENT OR PARTIAL LEAVE

(1) An employee may take intermittent leave, whenever certified as medically necessary or otherwise required, to care for a qualifying family member with a serious health condition or their own illness, or for military-related leaves. Also, if the leave is for planned medical treatment and will be taken on an intermittent basis or by a reduced schedule, the employee is expected to schedule the treatment so as to create minimum disruption for the Village. The smallest increment for partial leave is the smallest measure of time that employees are able to take time for any non-emergency leave.

(2) Where the need for intermittent leave or leave on a reduced work schedule is foreseeable based on planned medical treatment, the Village may temporarily transfer the employee to an available equivalent position if the employee is qualified and the position better accommodates the recurring leave.

(3) Federal FMLA leave for the birth, adoption or foster care placement of a child may be taken intermittently or on a reduced leave schedule only with permission of the Village. An employee must request the leave and obtain written approval for such leave before the federal FMLA leave begins. When leave for birth or adoption is taken under the Wisconsin FMLA, the leave may be taken intermittently or on a reduced schedule as long as the employee works with the Village to schedule the leave so as to create minimum disruption for the Village. Federal FMLA leave related to birth, adoption or foster care must be used within one year of the birth or placement of the child. Requested intermittent or reduced schedule leave for any Wisconsin FMLA portion of leave related to birth or adoption must begin no later than sixteen (16) weeks after the actual birth or placement.

#### SECTION 7 – PAY STATUS AND SUBSTITUTION.

FMLA leave is generally unpaid. However, an eligible employee may request use of paid leave – “substitute” – accrued and available paid leave under certain circumstances during the time the employee is on FMLA leave:

(1) An employee may substitute any or all of the employee's accrued and available paid leave of any type provided by the Village during Wisconsin FMLA leave.

(2) When an employee is using solely federal FMLA leave for the employee's own serious health condition, the Village will require the employee to use the balance of the employee's sick, vacation, or personal leave during that period of federal FMLA leave.

When the employee is using solely federal FMLA leave for any leave except leave for the employee's serious health condition, the Village will require him to use accrued vacation or personal time balance. No employee may substitute use of sick accrual for any federal FMLA leave except that for the employee's own serious health condition.

(3) For FMLA leaves governed exclusively under federal law, the employee must meet all notice and eligibility policy requirements governing the paid leave, unless the Village specifically waives the provisions. If an employee fails to meet the paid leave policy requirements, the solely federal FMLA leave will be unpaid.

#### SECTION 8 – CONTINUATION AND ACCRUAL OF BENEFITS DURING LEAVE

(1) Coverage under any group health plan will be maintained for the duration of an eligible employee's leave at the same level and under the same conditions as if the employee continued to work. This means that in order to continue group health coverage during the employee's FMLA leave the employee must continue to pay the same share of the health insurance premiums as the employee did prior to leave. The Village will also continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law.

It is the employee's responsibility to make arrangements with Support Services for making premium payments for group health insurance during leaves. For employees using paid leave during FMLA, the employee's share of premiums will be paid through the Village's normal payroll deduction method. If an employee is on unpaid FMLA leave, the employee must make advance arrangements with Support Services to make timely payments.

(2) To the extent permitted by law, the Village reserves the right to require an employee to place up to eight weeks' health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty days late.

(3) The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

(4) Benefits will not accrue during unpaid FMLA leave. However, if an employee uses accrued paid leave during FMLA leave, benefits will accrue as indicated by Village Policy during use of that paid leave.

#### SECTION 9 – LEAVE STATUS AND RETURN TO WORK

(1) While on continuous FMLA leave, the Village requires an employee to periodically confirm leave status and the employee's intention to return to work. Any employee who decides while on leave that he or she will not be returning to work at the end of the leave should immediately inform the Village.

(2) A returning employee must contact Support Services and his or her supervisor during business hours to confirm the employee's return to work date. Employees returning from FMLA leave should notify their supervisor/manager of their availability immediately upon being released to return to work by their health care provider.

(3) Employees able to return to work prior to their approved leave end date must notify Village Support Services preferably at least one (1) week, but no later than two (2) working days, prior to their new return date.

(4) If leave is due to the employee's serious health condition, s/he may be required to present certification of fitness for duty to Support Services upon returning to work.

(5) An employee returning from FMLA leave, will be entitled to reinstatement to the same job or an equivalent job with the same pay, benefits, and terms and conditions of employment as if the employee had continued working. However, this right to reinstatement will not apply if leave continues after the FMLA leave is exhausted or if the employee indicates that he or she will not return to work at the Village from FMLA leave. This policy does not entitle an employee to any right, benefit, or position of employment other than those to which the employee would have been entitled had the employee not taken leave. The Village reserves all rights concerning restoration of employment or denial of same under state or federal law.

## **FUNERAL – BEREAVEMENT LEAVE**

Regular full-time employees may be authorized up to three (3) days off with pay for time lost in the bereavement of spouse, domestic partner (as defined under Section 40.02(21c), Wis. Stats.), parents, step-parent, son, daughter, step-child, brother, sister, mother-in-law, father-in-law, employees' grandchild or grandparents.

Regular part-time employees that work more than 20 hours a week, or at least 1,040 hours per year are eligible for bereavement leave on a pro-rated basis based on the benefits outlined for full time employees.

## **HOLIDAYS**

Regular full-time employees (other than Library and Police/Fire Union personnel) shall receive the following as paid holidays:

- |                         |                           |
|-------------------------|---------------------------|
| 1) New Year's Day       | 7) Day after Thanksgiving |
| 2) Friday before Easter | 8) Christmas Eve Day      |
| 3) Memorial Day         | 9) Christmas Day          |
| 4) 4th of July          | 10) New Year's Eve Day    |
| 5) Labor Day            | 11) Floating Holiday      |
| 6) Thanksgiving Day     |                           |

Regular part-time employees who work more than 24 hours per week, or at least 1248 hours per year are eligible for holidays on a pro-rated basis based on the holiday benefits outlined for full time employees. The proration is based on prior year hours worked between October 1<sup>st</sup> and September 30<sup>th</sup>.

An annual calendar will be created by the Administrator indicating the specific dates in which the days will be observed. All new permanent full-time employees shall become eligible for holiday pay immediately. If any of the above-mentioned full day holidays falls on a Sunday, the following Monday shall be considered the holiday. If any of the above-mentioned full day holidays falls on a Saturday, the last regularly scheduled workday shall be considered to be the holiday. If the day before Christmas and the Day before New Year's Day fall on a Friday, the previous Thursday shall be considered the holiday; if they fall on a Sunday, the next Monday and Tuesday shall be considered to be the holiday. If the day before Christmas and the Day before New Year's Day falls on a Saturday, the holidays shall be taken on Friday and Monday.

For Police Department Communication Officers who work a holiday, remuneration for that holiday shall be made in the form of one (1) day's wage for each of the aforementioned holidays, paid to the employee on the first payday in November of each year.

To be eligible for holiday pay an employee must work the work day immediately preceding the holiday and the work day immediately following the holiday, unless the employee is already approved to be off such as a scheduled vacation, or pre-approved medical leave. If

an employee calls in sick on a day immediately preceding or following a paid holiday the employee shall present a valid medical excuse to receive pay for the holiday.

The Germantown Community Library Board will determine annually the library closed dates and will attempt to align with the Village paid holidays, including Floating holidays. If the library is open on a Village defined holiday or observed holiday, the eligible library employee will receive a floating holiday as a replacement. Those days shall be scheduled at the discretion and with the approval of the Library Director, taking into account the staffing needs of the department. The floating paid holiday must be taken in the same calendar year in which it is earned.

## **NURSING MOTHERS**

The Village provides a supportive environment to enable mothers to express their milk during work hours. Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

- Reasonable break time to express milk during work hours. Such break time will be provided each time the employee needs to express milk for up to one year after the child's birth. Break time that may be needed beyond the usual break times may be unpaid if permitted by state or federal law, or the employee may elect to use vacation time or make up the time as mutually agreed upon with management.
- A private room to express milk will be provided. The room will be private and clean and have an electrical outlet.

Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date the breast milk was expressed. Any nonconforming products stored in the refrigerator may be disposed of by the Village. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm to such milk, for any reason, including improper storage, refrigeration, and tampering.

It is expected that nursing mothers will provide their own equipment for expressing milk, including breast pump and containers.

Employees who wish to express milk during the work day shall keep supervisors informed of their needs so that appropriate arrangements can be made for the employee and the Village.

## **VOTING LEAVE**

The Village believes that every employee should have the opportunity to vote in any state or federal election (including general and special primary elections). Any employee whose work schedule does not provide him or her three consecutive hours to vote while polls are open will be granted up to three unpaid hours to vote. We reserve the right to select the hours you are excused to vote.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

Notify your supervisor of the need for voting leave as soon as possible, before Election Day. When you return from voting leave, you must present a voter's receipt to your supervisor, as soon as possible. Failure to comply may require the use of paid leave time (to the extent permitted by law)

or may result in disciplinary action, up to and including termination of employment, or both.

### **JURY DUTY**

Any full-time employee required to serve jury duty shall be paid their regular wages for up to one workweek (five calendar days) of service as a juror in a calendar year and shall turn over to the Clerk/Treasurer any monies, excluding mileage allowance, they shall receive as a result of such jury duty. Any jury duty beyond one workweek in a calendar year shall be considered an unpaid leave of absence. In order to receive payment under this Section, an employee must give the Village Administrator notice that they have been summoned for jury duty or subpoenaed as a witness and must furnish satisfactory proof that jury duty or witness service was performed on the day(s) for which they claim such payment. Police officers shall report their information directly to the Chief of Police. Any time an employee's attendance is no longer required for purposes of jury duty or witness service during their regularly scheduled work hours, they must return to work as soon as circumstances will reasonably allow.

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

### **LEAVE OF ABSENCE**

The Village may grant unpaid personal and/or medical leaves of absence to employees. A request for a leave of absence must be made in writing by the employee, granting sufficient notice and shall contain the reason(s) why the employee needs a leave of absence. The request shall also state the date the employee intends to return to work. All requests must be made to the department director, who shall notify the Village Administrator. An employee on an unpaid medical or personal leave of absence may be able to return to his/her most recent position in the department if it is still available. If a similar position is open elsewhere in the Village, the employee may be considered for that opening. Employees may start at the same wage as when they left and will not be entitled to any increase that other employees may have received. No leave of absence shall be granted for the purpose of seeking other employment. Any benefit accrual time such as vacation, personal leave, or compensatory time accrued to the employee shall be exhausted before unpaid time will be allowed for any personal leave. Medical leaves of absence may follow the exhaustion of Family Medical Leave Act provisions with regards to paid and unpaid time allotment.

All leaves of absence shall go through the Village Administrator and General Government & Finance Committee to determine vacation, longevity credits, or pay increases if applicable, and time allotment for leave.

Prior to returning from a medical leave of absence, the employee shall be required to submit from his or her physician, satisfactory medical evidence of his/her ability to return to work.

Employees shall be eligible to maintain participation in the insurance plans offered by the Village during an authorized unpaid leave of absence by applying for and following COBRA provisions.

### **MILITARY LEAVE**

It is the Village's policy that employees will be granted all military leave rights available under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state law.

At the time this Manual was drafted, USERRA rights included the right of any individual who is absent from employment because of a uniformed service obligation (in the Armed Forces,

Military Reserves, or National Guard) to reemployment and all concomitant benefits, as long as the following prerequisites are met:

- a) If the individual was discharged, the discharge was honorable.
- b) The individual provided without delay advance notice for the leave, except when advance notice is not possible due to military necessity.
- c) The leave did not exceed the maximum total absence of a five years from the Village.
- d) The individual has timely applied for reemployment. What is timely depends on the length of the service, as follows:

Service less than 31 days: The individual must notify the Village of his or her return at the start of the next regularly scheduled work period, after having been home eight hours.

Service 31 to 180 days: The individual must submit an application for reemployment not later than 14 days after completion of the uniformed service.

Service more than 180 days: The individual must submit an application for reemployment not later than 90 days after completion of the uniformed service.

If you receive notice that you will be taking military leave, please contact the Village Administrator as soon as possible to discuss that leave

## **PERSONAL DAYS**

Employees of the Germantown Police Department Communication's Officers' may receive three (3) personal days to be used at the employee's discretion, subject to the approval of the Chief of Police, or his designee. All personal leave days must be used within the calendar year. The days are constituted as time off and shall not be paid out nor used as additional compensation.

## **SICK LEAVE**

Regular full-time personnel will be allowed to accumulate one (1) day of sick leave per month cumulative to a maximum of one hundred fifty (150) days. Police Department Management Personnel accrue a (10) hour daily equivalent. Employees shall become eligible for sick leave on the 1st of the month following one full month of employment.

Sick leave may be used if the employee's presence is required to attend to the illness or injury of a member of the immediate family. The immediate family for this purpose is defined as spouse, domestic partner (as defined under Section 40.02(21c), Wis. Stats.), parent or dependent child.

Regular part-time employees who work more than 20 hours per week, or at least 1040 hours per year are eligible for sick leave on a pro-rated basis. The proration is based on prior year hours worked between October 1<sup>st</sup> and September 30<sup>th</sup>.

The purpose of sick leave is to allow an employee to receive full pay while in the need of medical attention in order to get well and return to work. Sick leave may be allowed to be used for doctor or dentist appointments for the employee, if such appointment can only be made or arranged during regular working hours. The Village may require a person using sick leave to submit a doctor's certification of illness or injury, to include diagnosis, prognosis and anticipated date of return to work.

Employees shall be required to furnish a doctor's certificate or other evidence of illness after absence of three (3) consecutive work days. Weekends, vacation and holidays are not

counted either as a break in consecutive work days or as work days. Employees who claim sick leave benefits for reasons other than bona fide illness or injury are subject to disciplinary action, including termination of employment. Sick leave may be applied only to days that the employee is regularly scheduled to work. Employees may not be allowed to accumulate sick leave in excess of the maximum accrual of 150 days. Sick leave will be allowed to be taken after ninety (90) days of continuous employment. The Village reserves its right to require a fitness for duty examination conducted by the employer.

Employees who retire and are eligible to draw a Wisconsin Retirement System Annuity will have 50%, or other collectively bargained percentage, of their unused accumulated sick leave converted into dollars at the time of their retirement and forwarded to a third party to open a Retirement Health Savings Plan (RHS). The RHS is a tax- advantaged investment plan dedicated to funding healthcare costs. Medical expenses eligible for reimbursement consist of all medical expenses eligible under Internal Revenue Code Section 213, other than long term care expenses. Some of the benefits of an RHS include: tax- free contributions and tax-free investment growth; and tax free medical expense reimbursement including health care premiums.

Employees should contact the Administration Department for additional information.

### **SICK LEAVE ANNUAL BONUS**

After an employee has attained the maximum accumulation of one hundred and fifty (150) days of sick leave, the employee will become eligible to accumulate sick leave, on an annual basis of up to twelve (12) days of sick leave. If a required sick day was taken in accordance with this manual, the employee would be able to draw from this annual accumulation, however, for any remaining sick leave accumulated during that year the Village would grant vacation in accordance with the following schedule to be taken during the subsequent year.

|                       |                   |
|-----------------------|-------------------|
| 12 days accumulated   | - 5 days vacation |
| 9-11 days accumulated | - 4 days vacation |
| 7-8 days accumulated  | - 3 days vacation |
| 5-6 days accumulated  | - 2 days vacation |
| 3-4 days accumulated  | - 1 day vacation  |
| 0-2 days accumulated  | - 0 days vacation |

Each year is treated separately, and each year is an accumulation by itself. Further, the vacation calculations start over each year.

## VACATION

All regular full-time employees, (see exception below), are eligible for vacation as such:

| <b>Years of Service</b>     | <b>Vacation Days</b><br>(up to a maximum earned per year) | <b>Vacation hours</b><br>(up to a maximum earned per year) | <b>Accrual Rate</b><br>(Hrs/PP) |
|-----------------------------|---|--|---------------------------------|
| 0-6 full years of service   | 10 work days  | 80 hours   | 3.077                           |
| 7-14 full years of service  | 15 work days  | 120 hours  | 4.615                           |
| 15-19 full years of service | 20 work days  | 160 hours  | 6.154                           |
| 20+ full years of service   | 25 work days  | 200 hours  | 7.692                           |

Vacation is earned by anniversary and will start accruing the day of hire and be calculated according to the chart above, prorating the first accrual based on start date and on a per pay period basis thereafter. No vacation time is accrued during pay periods where the employee uses unpaid leave for the full pay period. Employees may request to use unaccrued vacation during the course of the year. It is possible that an approved vacation request could create a “negative” balance – where an employee requests more hours than they have accrued at the current time. In those situations, that employee is responsible for repayment of any paid vacation hours, should they subsequently leave employment or fail to accrue vacation before those used hours are accrued. (Exception) Part-time employees who work more than 24 hours per week, or at least 1248 hours per year are eligible for vacation on a pro-rated basis starting and capped at (2) two weeks for all employees hired after January 2016.

For all employees, vacation will have a capped accrual of the maximum vacation hours plus 40 hours. If an employee is to reach the capped amount, no further vacation will be accrued until some vacation is used. Once some vacation has been used, the vacation accrual will continue on the next pay period.

At retirement or separation of employment with the Village, the eligible employee will be paid out the vacation they have accrued. The accrual rates have been determine using the following formula: ***Annual Hour Allotment/26 payperiods x # of pay periods from anniversary to retirement/termination date.***

### Example:

Employee Abbie was hired on January 10<sup>th</sup> and her first paycheck is February 1<sup>st</sup>. On that first paycheck, she will see that she accrued 3.077 hours. After 1 year of service, this will come out to 80 hours. This will continue until the day she either resigns or retires at which point the hours documented on her time sheet will accurately state the hours she will be paid out on her last paycheck.

## **GUIDE TO EMPLOYEE RESPONSIBILITIES – WORKERS COMPENSATION**

Report all injuries to your immediate supervisor. Obtain Worker's Compensation Claim Reporting Kit (envelope). Complete form WKC-12 – Employer's First Report of Injury or Disease. Must be completed within 24 to 48 hours and submitted back to your immediate supervisor so that it can be faxed to the worker's comp insurance carrier.

If you seek medical attention for work related injuries, you must tell the treating physician about the Village's "*Modified Duty/Return-To-Work Program*." Cooperate with the treating physician by providing the information necessary to help determine how and when you can return to the job safely.

Give the treating physician the Medical Service Form and Attending Physicians Report (found in the Worker's Compensation Claim Reporting Kit) to complete.

Unless otherwise directed by your physician, you are expected to return to work on the same day as the accident or, if time prohibits, the following day. Provide the Medical Services Form, with restrictions if applicable, to your supervisor. You will not be allowed to perform any work duties without the signed form.

You must be aware of your medical restrictions at all times.

Complete the Modified Duty Work Agreement with your immediate Supervisor.

Do not attempt tasks that exceed your restrictions. If you have a question about the task(s) at hand and your restrictions, talk to your supervisor immediately.

If you feel that you can perform certain tasks that exceed current restrictions, talk to your physician and get new restrictions (in writing) that allow you to perform these tasks.

The medical restrictions are in effect 24 hours per day. Be careful during non-work hours to be sure that the restrictions are maintained. If you have hobbies or outside interests, talk to the treating physician about possible conflicts. Follow your physicians instructions.

Any employee who engages in activities that are inconsistent with medical restrictions and/or treatment patterns, whether on or off the job, is subject to possible disciplinary action.

Obtain Doctor's note for every appointment and submit with any paperwork to the Administration Department.

### **MODIFIED DUTY/RETURN-TO-WORK**

The Village strives to promote a successful recovery from any work-related injury and has set up guidelines when an employee returns to work with restrictions. The opportunity for modified duty is reserved for those employees with temporary restrictions. Any corresponding reduction in job performance expectations is also only temporary.

The Village will accommodate, as much as reasonably possible, an employee's work restrictions for any work-related injury. The decision as to whether there is modified duty work available that is consistent with the employee's restrictions will be made on a case-by-case basis. The Village does not have any permanent modified duty positions. It is the employee's responsibility to be aware of their medical restrictions at all times and to communicate them to their department director or supervisor. Employees should not attempt tasks that exceed their restrictions. If an employee has questions about the task(s) at hand and his/her restrictions, they should talk to their department director or supervisor immediately. Employees must also comply during non-work hours to ensure that restrictions are maintained.

The Village will review a modified duty assignment on periodic basis to determine whether to extend the light duty assignment beyond the initial time period and for how long. Any such decision by the Village will again be made on a case-by-case basis.

The Village counts the time that an employee with a work-related injury spends at a

medical appointment, during their regularly scheduled hours, as time worked and, therefore, compensable. If an employee schedules a medical appointment outside of their regularly scheduled hours for a work-related injury, the time spent obtaining medical care is not considered compensable. However, an employee who is required to schedule a medical appointment outside of their regularly scheduled work hours for a work-related injury because the medical care provider does not have office/clinic hours that coincide with the employee's regular hours of work and not due to the convenience or preference of the employee, will be paid for the time spent obtaining the necessary care. Such time shall not result in the payment of overtime to the employee. Employees must work with and get approval from their department director or supervisors for compensable medical appointments.

When an employee returns to full duty, they must provide a physician's note with a full release to return to normal job duties.

# **EMPLOYEE CONDUCT AND CUSTOMER SERVICE**

## **ATTENDANCE AND WORK SCHEDULES**

Work schedules for employees vary throughout the organization. Scheduled hours of work are set by the Department Directors. Directors or 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.

The employer places great emphasis on good attendance. Absence or tardiness places an extra burden on co-workers and undermines the efficient operation of the Village. 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 to work. Although there are justifiable reasons to take time off from work, each employee's employment assumes his or 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 their 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.

The Village is always open for business, regardless of weather conditions, unless otherwise determined by the Administrator or his or 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 or her shift if he or she is unable to report to work on time. Work time missed due to inclement weather is without regular pay for non-salaried employees. Employees may request to use vacation or personal leave time, but in the event of severe weather or other exigent circumstance, as determined by the employer, the employer's need for the employee's attendance to perform his or her duties will prevail.

Each employee is responsible for and required to accurately record his or her work time and break time each workday and each employee will be held accountable for failing to completely and accurately record his or her time. Each employee should record his or her timecard only. Each employee is responsible for accurately reporting his or her hours of work or use of paid time off. Each employee will be required to verify that the hours on the employee's timecard record are complete and accurate by signing the timecard. Errors must be immediately reported by the employee. Employees should never assume a supervisor or payroll clerk would notice or edit any time discrepancy, as this is the employee's responsibility. Hourly employees must not report in more than five minutes before the start or end of their shift unless such time has been previously authorized by a supervisor

All paid time off must be used before unpaid time off will be considered.

## **ASSOCIATION ACTIVITY – UNION**

Employees shall conduct Association or Union business off duty unless granted permission by the Village Administrator.

## **COMMUNICATIONS AND CONFIDENTIALITY**

Communication is a joint responsibility shared by the Village of Germantown and all employees. No information concerning the internal operations of the Village, including, but not limited to the release of records of the Village, may occur except through and with the permission of the Administrator or Village Clerk. If requests for information are received by employees, whether on or off duty, from any person, then the employee is required to politely decline to provide such information and to direct that individual to the Administrator or Village Clerk.

Because of an employee's responsibilities at the village, an employee may have access to confidential and sensitive information. This may include information concerning a resident's financial status, the Village's business practices including purchasing and negotiating strategies, and employee records. This sensitive information can not be disclosed to any personnel who do not have a legitimate business need to know such information or to persons outside of the Village without the determination of the Village Administrator or Department Directors designated by the Administrator. All employees are responsible for protecting the confidentiality of this information.

The Village's custodian of records is responsible for the disclosure of records pursuant to requests for records under Wisconsin's Public Records Law. Unless directed by the Village's custodian of records, employees shall not act as the Village's custodian of records or disseminate information. The Village's custodian of records is the Office of the Village Clerk.

The Village acknowledges the right of its employees, as citizens in a democratic society to speak out on issues of public concern. When those issues are related to the Village however, the employee's expression must be balanced against the interests of the Village. In situations in which the employee is not engaged in the performance of professional duties, the employee should state clearly that his or her expression represents personal views and not necessarily those of the Village.

## **CONCEALED CARRY**

Possession of a handgun or other weapon will not be allowed in Village Buildings, vehicles or facilities or during the course of Village employment unless permission is granted by the Village Administrator. Employees with a valid concealed carry permit must keep their handgun or other weapon while working in the employee's own motor vehicle, in a case, unloaded and out of sight.

## **CONFLICTS OF INTEREST**

The successful operation and reputation of the Village of Germantown and our employees and leaders is built upon the principles of fair dealing and ethical conduct of our employees. The Village's reputation for integrity and excellence requires careful observation of the spirit and letter of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct, trust and personal integrity. The continued success of the Village is dependent upon maintaining the public's trust and those with whom each employee serves. Employees will conduct business in accordance with the letter, spirit and intent of all relevant laws, and employees will refrain from any illegal, dishonest, or unethical conduct.

No public officer or employee shall use or permit the use of employer property for personal convenience or profit, except when such services are available to the public generally or are provided as policy for the use of such officer or employee in conduct of official business, as authorized by the employer.

No employee shall engage in any business transaction with the employer, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or will tend to impair his or her independence, judgment or action in the performance of his or her official duties. Any employee who has a financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the employer, or as part of his or her official duties will be making an official decision or recommendation affecting a business competitor, client or regular customer, shall disclose such interest to the Village Administrator.

No employee, including persons or firms engaged to provide professional services to the employer, shall represent, for compensation, private interests before the employer without disclosure of the relationship and explicit consent of the employer.

No employee shall disclose or use confidential information of the employer to advance the financial or other private interest of the employee or others.

No employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to the employee's knowledge, had a direct financial interest in any transaction or official business with the employer, which may tend to impair his independence of judgment or action in performance of his official duties.

## **DRESS CODE – PERSONAL APPEARANCE**

Employees are expected to dress in a professional manner befitting their jobs with due consideration to the needs of the employer, the perception of the public, vendors, and fellow employees. All employees must be well groomed, unkempt appearance can offset many other fine qualities and can negatively reflect the employer's image. Department supervisors and directors may establish specific dress code requirements, including uniforms, for each department that are designed to reflect the professionalism of the workplace. All protective clothing must be worn during required activities and removed when leaving the designated work area.

Clothing with messages, other than messages authorized or approved by the employer, sweatpants, low-cut tops, torn or ripped clothing, tank tops, halter tops, "short" shorts, printed t-shirts, flip-flops, and any other clothing that may disrupt the workplace is unacceptable.

Employees who fail to dress in a professional manner will be expected to immediately change their appearance, and which may include returning home to change clothing or to groom and which shall be without compensation.

Specific Departments may establish policies regarding employee attire and possible reimbursement of costs up to a set amount for specific attire and as authorized by the Board. The decision of the Village as to whether reimbursement will occur shall be final.

## **ELECTRONIC MEDIA USE AND ELECTRONIC COMMUNICATIONS**

### **PURPOSE**

To better serve our citizens and give our workforce the best tools to do their jobs, the Village of Germantown continues to adopt and make use of new means of communication and information exchange. This means that many of our employees have access to one or more forms of electronic media and services, including, but not limited to, computers, tablets (iPad), e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, and the Internet (collectively "electronic media"). The purpose of this policy is to express the Village of Germantown's philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy,

it is the Village of Germantown's intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others, or contrary to the best interest of the Village of Germantown.

The Village of Germantown encourages the use of these electronic media and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the Village of Germantown should remember that electronic media and services provided by the Village of Germantown are Village of Germantown property and their purpose is to facilitate and support Village of Germantown business. Inappropriate usage of the Village's electronic media can adversely affect the Village, interfere with the work of its employees, increase its costs, and even expose the Village to damage, liability, and security risks. No expectation of privacy in regard to use of the Village of Germantown's electronic media should be expected by the employee in any respect related to accessing, transmitting, sorting or communicating information via such media.

For purposes of this policy, "use" includes, but is not limited to, any storage, transmission, retrieval, creation, downloading, uploading, and deletion of communications, data, software, files, or other items involving or requiring the use or access of Village electronic media, whether from an on-site or off-site location, whether utilizing a device owned by the employee (i.e., personal laptop, thumb drive, etc.), or otherwise. An employee's use of the Village's electronic media constitutes acceptance of the Village's monitoring and disclosure of such use. Use of the Village's electronic media can be limited by the Village at any time for any reason. The Village may consent to the disclosure of information from use of electronic media or any other property, the Village may consent or authorize a law enforcement agency to search or review the Village's electronic media, and the Village may use such information for the Village's intentions and purposes.

No written policy can list every conceivable circumstance that relates to proper use. Village employees are professionals who are expected to exercise responsible professional judgment. The employer 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 rules. The Village may ask employees to stop any use it believes is improper. In addition, the Village 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 the electronic media use, discipline up to and including termination, and pursuit of any criminal or civil liability. The following procedures apply to all electronic media and services that are:

- Accessed on or from Village of Germantown premises;
- Accessed using Village of Germantown electronic media and services or via Village of Germantown-paid access methods; or
- Used in a manner that identifies the individual as acting for or on behalf of the Village of Germantown; or in any way identifies the Village of Germantown.

#### ORGANIZATIONS AFFECTED

This policy applies to all the Village's employees, appointed and elected officeholders, volunteers, and contracted and consulting resources. When the term employee is used within this policy, the rules and expectations of conduct also apply to these other users.

#### ACCESS and AUTHORITY

Each Department Head shall determine which employees in their department shall have access to the various media and services, based on business practices and necessity and which shall have authority to communicate on behalf of the Village of Germantown.

The provisions of this Policy shall apply to the use of Village of Germantown-owned/provided electronic media and/or services from home or other locations off Village of Germantown premises. Village of Germantown-owned electronic media (e.g. laptops, tablets) may be removed from Village of Germantown premises solely for Village of Germantown work related purposes pursuant to prior authorization from the Department Head.

#### PROHIBITED USES OF VILLAGE ELECTRONIC MEDIA

Employees are prohibited from engaging in the following activities while using electronic media that is owned or provided by the Village:

- Engaging in personal, non-Village related activities, including activities for gain or profit (e.g., consulting for pay or advertising or selling goods or services for personal gain), except as otherwise allowed under “Personal Use” below;
- Copying, disseminating, or printing copyrighted or other protected materials, which can include articles, images, games, and other software, in violation of the law;
- Accessing, sending, soliciting, displaying, printing, or otherwise disseminating material that is reasonably likely to harass, threaten, or embarrass others or that is obscene, defamatory, discriminatory, fraudulent, or otherwise inappropriate in a professional environment;
- Searching for, accessing, or transmitting content that is reasonably likely to be perceived as offensive or disparaging of others, including content that is sexually explicit, profane, pornographic, disrespectful, disparaging based on race, national origin, sex, sexual orientation, age, disability, religious, or political beliefs or any other legally protected basis;
- Engaging in illegal activities or using the electronic media for any illegal purposes, including initiating or receiving communications that would violate any laws or regulations;
- Engaging in activities that interfere with or disrupt the work of other employees or which are otherwise contrary to the Village's business interests;
- Except as specifically authorized, gaining access by using any access control mechanism (e.g., login name, password, etc.) not assigned to the user, or permitting anyone to have access by using another person's access control mechanism;
- Unless first authorized by the Village's Administrator, downloading, transferring to or from, or deleting software or data from electronic media. Employees must never install downloaded software to networked storage devices without the assistance and approval of appropriate personnel.
- Unless first authorized by the Village's Administrator, disabling, tampering with, or otherwise adjusting any anti-virus, anti-malware, or other similar software installed on the Village's electronic media.
- Engaging in any transaction or other conduct that, if done through other means other than through the use of electronic media, would not be authorized or lawful.
  - If an employee has a question about whether a particular use of the Village's electronic media is proper, then he or she should contact his or her Department Head before engaging in such use.

#### PERSONAL USE

Except as otherwise provided, electronic media and services are provided by the Village of Germantown for employees' business use during Village of Germantown time.

Limited, occasional, or incidental use of electronic media (sending or receiving) for personal non-business purposes is permitted as set forth below:

- Personal use is limited to unpaid breaks, lunch or immediately before/after work;

- Personal use must not interfere with the productivity of the employee or his or her co-workers;
- Personal use does not involve any prohibited use set out in this policy;
- Personal use does not consume system resources or storage capacity on an ongoing basis;
- Personal use does not involve large file transfers or otherwise deplete system resources available for business purposes.

Village of Germantown telephones and cellular phones are to be used for Village of Germantown business. However, brief, limited, and incidental personal use is permitted during the workday. Employees should not have any expectation of privacy with respect to personal use of the Village of Germantown's electronic media or services, including use of Village telephones or cellular telephones.

#### ACCESS TO VILLAGE-OWNED/PROVIDED ELECTRONIC MEDIA

Employees utilizing Village-owned/-provided electronic media shall have no expectation of privacy in regard to use of such electronic media. An employee's use of the Village's electronic media constitutes acceptance of the Village's monitoring and disclosure of such use. Use of Village electronic media can be limited by the Village at any time for any reason. The Village may consent to the disclosure of information from use of electronic media or any other property, the Village may consent or authorize a law enforcement agency to search or review the Village's technology, and the Village may use such information for its intentions and purposes.

#### ELECTRONIC COMMUNICATIONS SYSTEM POLICY PURPOSE

In addition to providing employees with electronic media, as defined above, the Village provides employees with access to various means of electronic communication so they may better perform their job-related duties (e.g., e-mail, instant messaging, Intranet, cell phones, pagers, etc.). The Village's electronic communications system includes all messages and data sent through or received through the Village's networks or technology either externally via the internet or internally and through the Village's technology (collectively the "electronic communications system"). The Village's electronic communications system is a valuable business asset. As such, appropriate usage by employees is critical.

Communications sent and received through the electronic communications system which relate to official governmental business, regardless of whether sent /or received during the business day, may constitute records under Wisconsin's Public Records Law and, therefore, constitute property of the Village. Additionally, other records, even personal in nature, may constitute records under Wisconsin's Public Records Law.

Employees shall have no expectation of privacy in their use of the Village's electronic communications system. The Village reserves the right to monitor and/or access its electronic communications system at any time and for any lawful reason. The use of such system constitutes an employee's consent to such monitoring and access, as well as compliance with this policy. Employees are prohibited from deleting any communication, document, or any other transmission of information deemed to constitute a public record under Wisconsin's Public Records Law. This prohibition applies to the deletion of public records contained on an employee's personal devices and accounts (e.g., laptops, cell phones, e-mail accounts, etc.). A safe rule of thumb for any employee is that the employee should presume any communication may be treated as a record for Public Records Law compliance purposes.

No written policy can list every conceivable circumstance that relates to proper use. The Village's employees are professionals who are expected to exercise responsible professional

judgment. The Village 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 rules. The Village may ask employees to stop any use it believes is improper. In addition, the Village 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, restriction of technology use, or discipline up to and including termination.

#### ORGANIZATIONS AFFECTED

This policy applies to all of the Village's employees, appointed and elected officeholders, volunteers, and contracted and consulting resources. When the term employee is used within this policy, the rules and expectations of conduct also apply to these other users.

#### MONITORING AND ACCESS TO EMPLOYEE E-MAIL

Employees should not have any expectation of privacy with respect to messages, files, or data sent, received, or stored on the Village of Germantown's electronic communications system. Electronic communications and files, like other types of correspondence and Village of Germantown documents, can be accessed and read by authorized employees or authorized individuals outside the Village of Germantown. Communications sent or received through the electronic communications system are subject to monitoring, access, auditing, interception, and disclosure by the Village at the Village's sole discretion and as permitted by law.

All communications sent or received through the electronic communications system may constitute a public record under Wisconsin's Public Records Law and, as a result, may be subject to disclosure under the law. Therefore, employees are prohibited from deleting any such communications so as to ensure compliance with the Village's retention requirements.

Electronic communications may reside on the electronic communications 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 Employer records, it is likely that electronic communications will be requested and potentially disclosed.

Except as otherwise noted herein, the electronic communications system should not be used to communicate sensitive or confidential information. Employees should anticipate that an electronic communication might be disclosed to or read by individuals other than the intended recipient(s), since messages can be easily forwarded to other individuals and disclosure may be required or permitted by law.

The confidentiality of any electronic communication should not be assumed. Even when a communication is erased, it is still possible to retrieve and read that message. Employees should understand that electronic communication is a written form of communication, just like a paper letter. Though electronic communication is relatively spontaneous compared with regular mail, employees should take care to use the same level of discretion and forethought before executing electronic communications.

#### PASSWORDS AND ENCRYPTION

Access to certain electronic media and electronic communications systems may require the use of a log-in identification and password. All such log-in identifications and passwords may be assigned to an employee or may be created by the employee using such electronic media and shall be immediately filed in writing with the appropriate Department Head.

Each time an employee changes a log-in identification or password from that which is on file with the Department Head, the employee shall immediately file the new log-in identification and password with the Department Head. Whenever requested, employees are required to

cooperate with the Village for purposes of disclosing the log-in identification and password associated with electronic media or the electronic communication system. Log-in identifications and passwords constitute the property of the Village and, thus, failure to cooperate with the disclosure of such information may subject an employee to discipline, as well as pursuit of criminal or civil liability. Employees have no expectation of privacy in log-in identifications and passwords.

Unless otherwise authorized or consistent with this policy, employees are required to keep log-in identifications and passwords strictly confidential. Log-in identifications and passwords are never to be disclosed through non-confidential sources such as over the telephone, through electronic communications, or otherwise posted in public areas.

Unless otherwise authorized, employees are strictly prohibited from encrypting any data, software, files, or other information stored, received, sent, or otherwise transmitted on or through technology. Employees are likewise prohibited from installing any encryption software or programs on such technology. Employees with a business need to encrypt certain data, software, files, or other information are required to obtain written authorization from their Department Director before engaging in encryption. Any passwords and log-in information associated with an employee's encryption must be immediately filed with the appropriate Department Head, and any changes to such log-in information or passwords must be provided to the appropriate Department Head at the time of such change.

The practice of using passwords should not lead employees to expect privacy with respect to messages sent or received. The use of passwords for security does not guarantee confidentiality. Employees are responsible for creating a strong password and for changing passwords at regular intervals. Employees will be provided with guidelines for creating a strong password and will be expected to follow such rules at all times. Failure to create a secure password may open the Village up to online attacks which are costly and time-consuming. Employees will be provided with training on electronic safety, including password creation and use.

## PROHIBITED USES

Electronic communications should be courteous, concise, focused, and written or spoken in good business English. The same care should be used for drafting electronic communications as used for drafting any other professional written communication.

All electronic communications are unavoidably attributable to the Village. When composing electronic communications, employees should keep in mind that personal comments may be perceived as comments made on behalf of the Village.

Employees are strictly prohibited from engaging in any of the following activities while engaging in the use of the Village's electronic communications system:

- Engaging in personal, non-Village related business or entertainment on Village of Germantown time;
- Engaging in any of the activities outlined in "Prohibited Uses" under the Electronic Media Section above.
- Using another individual's electronic communications system account or identity without explicit authorization;
- Attempting to test, circumvent, or defeat security or auditing systems, without prior authorization;
- Accessing, retrieving or reading any electronic communication system messages sent to other individuals, without prior authorization from the Department Head; or
- Permitting any unauthorized individual to access the Village of Germantown's electronic communications system.

## PERSONAL USE

The Village of Germantown allows limited, occasional, or incidental personal use of its electronic communications system during lunch, unpaid breaks or immediately before or after work. However, personal use must not:

- Involve any prohibited use listed anywhere within this policy;
- Interfere with the productivity of the employee or his or her co-workers;
- Consume system resources or storage capacity on an ongoing basis; or involve large file transfers or otherwise deplete system resources available for business purposes.
- Incur charges or otherwise violate the terms and conditions of any contracts associated with the electronic communications system (e.g., sending pictures when a cell phone does not provide for a data package, etc.)
  - **ONLINE SECURITY:** Ransomware and phishing attacks are becoming more common and employees should be vigilant against such attacks. In addition to regular training about internet and email security, employees should follow general safety rules:
- Employees should not open attachments from mysterious sources and prior to opening attachments from known senders, employees should carefully observe the content of the electronic communication and the spelling of the senders' electronic communication. When in doubt, employees should not open the attachment.
- Employees will never be asked via an electronic communication to wire money to anyone, nor will they be asked to purchase gift cards in bulk.
- Employees must follow the updating schedule for the software on their Village computers, phones, tablets and other electronic media, including system updates, software updates and virus updates.
- Employees should avoid using public wi-fi systems on Village devices as much as possible.

## CONFIDENTIAL INFORMATION

All employees are expected and required to protect the Village of Germantown's confidential information. Employees shall not transmit or forward confidential information to outside individuals or companies without the permission of their supervisor and the Department Director.

The Village of Germantown also requires its employees to use electronic communications in a way that respects the confidential and proprietary information of others. Employees are prohibited from copying or distributing copyrighted material - for example, software, database files, documentation, or articles using the electronic communications system.

## RECORD RETENTION POLICY PURPOSE

If related to official governmental business, all communications sent, received, stored, or transmitted on or through the electronic communications systems, whether through the use of electronic media owned or provided by the Village or personal devices/accounts of a similar ilk, constitute public records under Wisconsin's Public Records Law. Likewise, if related to governmental business, all data, documents, or other information created, stored, or transmitted through or on electronic media owned or provided by the Village constitute public records under Wisconsin's Public Records Law. The retention and disclosure procedure, rules, and requirements surrounding such records are the same as those which apply to other records of the Village.

## ORGANIZATIONS AFFECTED

This policy applies to all of the Village's employees, appointed and elected officeholders, and volunteers. When the term employee is used within this policy, the rules and expectations of conduct also apply to these other users.

## PROCEDURES

Per Wisconsin's Public Records Law, whether a particular communication, document, file, etc. constitutes a public record is determined by its content, not its format. Thus, any communication, document, file, etc. that relates to official government business constitutes a record under Wisconsin's Public Records Law. Communications, documents, files, etc. that relate to purely personal matters may nonetheless constitute a record, either in whole or in part, depending on the totality of circumstances. As such, employees are prohibited from deleting communications, documents, files, etc. from Village- owned/-provided electronic media or the electronic communications system without first obtaining authorization from the Village's Clerk, Chief of Police, or their designees. Likewise, because communications, documents, files, or other types of information that relate to official governmental business constitute records under the Public Records Law, the Village reserves the right to monitor, access, audit, and disclose such communications, documents, files or other types of information to the extent permitted by law. Employees shall have no expectation of privacy with respect to such communications, documents, files, or other types of information, even if purely personal in nature, when using or accessing the Village's electronic media or electronic communications system.

Employees have an on-going obligation to cooperate in the production, inspection, and disclosure of all records in their possession, regardless of where such records are located, stored, or otherwise maintained, including when a public record is stored on an employee's personal electronic device or account. For this reason, employees are strongly discouraged from storing or maintaining records on personal electronic devices or within personal electronic communication systems. Failure to avoid the storage or maintenance of public records on one's personal electronic device or electronic communications system may require the employee to permit inspection of such device or communication system by the Village so that the Village may fulfill its legal obligations under Wisconsin's Public Records Law.

The determination as to whether a particular document, communication, or other piece of information constitutes a public record shall be at the sole discretion of the Village's Legal Custodian(s) (i.e., the Village Clerk, Chief of Police, or their designees). Likewise, the determination as to whether disclosure of a public record, either in whole or in part, is required under Wisconsin's Public Records Law shall be at the sole discretion of the Village's Legal Custodian(s).

If an employee has a question as to whether a particular document, communication, or other piece of information constitutes a record, or as to their obligations under this or the Village's records retention policy, then the employee should contact their Department Head before taking any action with respect to such potential record.

## COMPONENTS OF AN ELECTRONIC COMMUNICATIONS RECORD

An electronic communications record is defined to include the message, the identities of the sender and all recipients, the date, and any non- archived attachments to the message. Any return receipt indicating the message was received by the sender is also considered to be part of the record. Other portions of the message, such as the metadata associated with it, may also constitute a portion of the record.

## **SAVING AND ARCHIVING ELECTRONIC COMMUNICATION RECORDS**

Electronic communication records to be retained shall be archived to an archival media, network drive or printed out and saved in the appropriate file. Any officer, department head, division head, or employee of the Village of Germantown may request assistance from the Legal Custodian of records (the Village of Germantown Clerk or the Clerk's designee, except that the Chief of Police is Legal Custodian of Police Department records) in determining whether an electronic communication is a public record.

## **RESPONSIBILITIES FOR E-MAIL RECORDS MANAGEMENT**

**Legal Custodian:** Electronic communication records of a Village of Germantown authority having custody of records shall be maintained by the Village Clerk or, if a record related to the Police Department, the Chief of Police.

**Information Technology Consultant:** If electronic communications are maintained in an on-line data base, it is the responsibility of the I.T. Consultant to provide technical support for the Village Clerk or Chief of Police as needed. When equipment is updated, the I.T. Consultant shall ensure that the ability to reproduce e-mail in a readable form is maintained. The Information Technology Consultant shall assure that e-mail programs are properly set up to archive electronic communications as required by the Village Clerk or Chief of Police.

## **PUBLIC ACCESS TO ELECTRONIC COMMUNICATION RECORDS**

If a Department receives a public records request for release of an electronic communication, the Legal Custodian of the record shall determine if it is appropriate for public release, in whole or in part, pursuant to law, consulting the Village Administrator and or Village of Germantown Attorney, if necessary. As with other records, access to or electronic copies of disclosable records shall be provided within a reasonable time.

## **POLICY VIOLATIONS**

Employees who do not adhere to any portion of this policy may be disciplined, which can include restriction of use with regard to electronic media or the electronic communications system or discipline up to and including termination or removal from office. Severe violations of this policy may also subject an employee to civil liability and criminal prosecution.

## **GRIEVANCE PROCEDURE**

### **STATEMENT OF PURPOSE**

The Village of Germantown has established this Grievance Procedure for a Village employee to utilize for matters concerning employee discipline, termination, or workplace safety covered by this Grievance Procedure. This Procedure provides each employee with the individual opportunity to address concerns regarding employee discipline, termination or workplace safety matters, to have those matters reviewed by an Impartial Hearing Officer, and to appeal to the Village Board.

An employee shall use this Grievance Procedure for resolving disputes regarding employee termination, employee discipline or workplace safety issues covered by this Procedure. The Village Board expects the employee and management to exercise reasonable efforts to resolve any questions, problems or misunderstandings prior to utilizing the Grievance Procedure. An employee subject to a contractual grievance procedure shall follow the contractual grievance procedure to the extent those procedures cover the matters covered by the Grievance Procedure. An employee subject to statutory dispute resolution procedures shall be subject to those procedures to the extent those procedures cover the matters covered by the Grievance Procedure. This Grievance Procedure does not create a legally binding contract.

The Village of Germantown reserves all rights and this procedure does not create a contract of employment. Employees of the Village of Germantown are employed at-will and may resign with or without reason. The Employer may terminate the employment relationship at any time with or without reason and without violation of applicable law.

#### DEFINITIONS

“Termination”. “Termination” means a separation from employment by the employer for disciplinary or quality of performance reasons. “Termination” does not include layoff, furlough or reduction in workforce, job transfer, non-disciplinary demotion, reduction or position elimination based on failure to meet qualifications, resignation, abandonment, retirement, nonrenewal of contract, death, separation as a result of disability, action taken pursuant to an ordinance created under s. 19.59(1m), or the end or completion of temporary employment, seasonal employment, contract employment, or assignment.

“Employee Discipline”. “Employee discipline” means an employment action that results in disciplinary suspension with or without pay, disciplinary termination, or disciplinary demotion. “Employee discipline” does not include oral reprimands or warnings, written reprimands or warnings, performance improvement plans, performance evaluations or reviews, documentation of employee acts or omissions, administrative leave or suspension with or without pay, non-disciplinary wage, benefit or salary adjustments, changes in assignment, action taken pursuant to an ordinance created under s. 19.59(1m), or other non-material employment actions.

“Employee”. “Employee” shall not include employees subject to a collective bargaining agreement addressing employee discipline, termination and workplace safety, statutorily appointed individuals identified specifically in statute as serving at the pleasure of an appointing authority, elected officials, and independent contractors.

“Workplace Safety”. “Workplace safety” shall be narrowly construed and not construed to include basic conditions of employment unrelated to physical health and safety. “Workplace Safety” means conditions of employment related to the physical health and safety of employees, as long as such conditions are not enforceable under state or federal law, and includes safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk. “Workplace safety” does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, sick, family, or medical leave, work schedules, breaks, termination, vacation, performance reviews, and compensation.

#### TIMELINES AND GRIEVANCE FORMAT

Verbal Grievance and Dispute Resolution. Within fourteen (14) calendar days of the termination, employee discipline or actual or reasonable knowledge of the workplace safety issue and prior to filing a written Grievance, the Grievant must discuss the dispute with the supervisor who made the decision. The supervisor and employee must informally attempt to resolve the dispute. The supervisor shall notify the Village Administrator of this meeting and the results of the meeting.

Written Grievance Submission. The employee must file a written Grievance within fourteen (14) calendar days of the termination, employee discipline or actual or reasonable knowledge of the workplace safety issue. The Grievance must be in writing and must be filed with the supervisor and with a copy to the Village Administrator. The Grievance shall contain a clear and concise statement of the pertinent facts, the dates the incidents occurred, the identities of the persons involved, documentation related to the Grievance in possession of the Grievant, the steps taken to informally resolve the dispute and the results of those discussions, all reasons why the actions of the supervisor should be overturned, if applicable, and the remedy that should be issued. A Grievance alleging a workplace safety issue shall identify the workplace rules allegedly violated, if applicable.

**Administrative Response.** Representatives of the Village's Administration shall meet with the Grievant within fourteen (14) calendar days of receipt of the written Grievance to discuss voluntary resolution of the Grievance. If those discussions do not resolve the Grievance, then the Administration will provide a written response to the Grievance within five (5) calendar days of the meeting. The written response shall contain a statement of the date the meeting between the Administration and the Grievant occurred, the decision to sustain or deny the Grievance, and the deadline for the Grievant to appeal the Grievance to an Impartial Hearing Officer. The written response shall be hand delivered or sent by certified mail to the Grievant.

**Impartial Hearing.** The decision of the Administration shall be final unless the Grievant files a written appeal requesting a hearing before an Impartial Hearing Officer. The written appeal shall be filed with the Village Clerk and Village Administrator within ten (10) calendar days of the date the Administrative Response is sent to the Grievant. The Impartial Hearing Officer shall file the written decision within fifteen (15) calendar days of the close of the hearing.

**Appeal for Review.** Either party may file a written request for review by the Village Board within ten (10) calendar days of receipt of the Impartial Hearing Officer's written decision. Either party may file a written request for reconsideration by the Village Board within ten (10) calendar days after the Village Board acts on the Impartial Hearing Officer's written decision and issues the Village Board's decision.

**Decision of the Governmental Body.** The Village Board shall make a decision regarding whether or not a meeting will be held within thirty (30) calendar days of the appeal or request for reconsideration. A decision by the Village Board will be made within sixty (60) calendar days of the filing of the appeal for review unless the Board extends this timeframe.

**Importance of Timelines and Process.** A Grievance will be processed pursuant to the established timelines. A Grievant may advance a Grievance to the next step if a response is not provided within the designated timeframes. A Grievant may not file or advance a Grievance outside of the designated timeframes. The Administration may advance a Grievance to the next step at the written request of either the Grievant or the Administration. The timelines may be modified by mutual agreement of the Grievant and Administration. The failure of the Grievant to follow the timelines and other requirements in this policy shall result in the Impartial Hearing Officer not having jurisdiction over this matter and shall terminate the Grievance Procedure for that Grievance. The Impartial Hearing Officer shall have the authority to determine whether the Impartial Hearing Officer has jurisdiction, which may be subject to review by the Village Board.

**Scheduling.** Grievance meetings and hearings will typically be held during the Grievant's off-duty hours. Time spent in Grievance meetings and hearings will not be considered as compensable work time.

**Individual claim.** Any Grievance filed regarding workplace safety must relate to issues personal to the Grievant filing the Grievance and may not relate to, without limitation by enumeration, safety or property of third parties. A Grievance filed regarding workplace safety must be filed by the Grievant claiming he or she has been personally affected by the alleged workplace safety violation.

## HEARING PROCEDURE

**Selection of the Impartial Hearing Officer.** Following receipt of the appeal requesting a hearing before an Impartial Hearing Officer, the Administration shall provide the name of the person who shall serve as an Impartial Hearing Officer.

**Pre-Hearing Conference and Timelines.** The Administration, Grievant and Impartial Hearing Officer shall conduct a pre-hearing conference and select a date for hearing not more than forty-five (45) calendar days from the date of the appeal. The Impartial Hearing Officer shall assign dates for preliminary matters that may arise prior to the hearing.

**Conciliation.** Prior to the Hearing, the parties and Impartial Hearing Officer may engage

in conciliation meetings to resolve the dispute. In cases involving allegations of workplace safety, the conciliation meeting shall be mandatory and shall occur not more than ten calendar days after assignment to the Impartial Hearing Officer. The Impartial Hearing Officer's involvement in any conciliation process shall not disqualify the Impartial Hearing Officer from hearing and deciding the merits of any Grievance unless all parties agree to replace the Impartial Hearing Officer.

Representation. The Grievant shall have the right to representation during the Grievance Procedure at the Grievant's expense. The representative must not be a material witness to the dispute.

Record of Proceedings. The Impartial Hearing Officer shall conduct the proceedings and make a record of the proceedings. Following the issuance of the decision, the record shall be provided to the Village Clerk for preservation.

Burdens. The Grievant shall bear the burden of production and burden of proof. The rules of evidence shall not be strictly followed, but no factual conclusions may be based solely on hearsay evidence. Not less than ten days prior to the hearing, the Grievant and the Administration shall exchange lists of witnesses and documentary evidence that they intend to introduce at the proceedings.

Written Response. After receiving the evidence and closing the hearing, the Impartial Hearing Officer shall issue a written decision. The Impartial Hearing Officer may request oral or written arguments and replies. The written decision shall contain findings of fact, analysis and a recommendation for resolution. The Impartial Hearing Officer must answer the following question: Based on the preponderance of the evidence presented, has the Grievant proven the decision of the Administration was arbitrary or capricious?

Powers of the Hearing Officer. The Impartial Hearing Officer shall have the power to issue a written decision to the Grievance. The Impartial Hearing Officer shall have no power to compel any remedy, but the Impartial Hearing Officer may recommend a remedy. Remedial authority shall be subject to the determination and final approval of the Village Board and shall be addressed by the Village Board.

#### DECISION OF VILLAGE BOARD AND APPEAL TO VILLAGE BOARD

Review and Decision by Village Board. Upon appeal or recommendation for implementation of a remedy, a copy of the written decision and record shall be provided to the Village Board. The Village Board may decide, in each situation, whether it will review the record and written response of the Impartial Hearing Officer and make a decision, whether it will assign an Impartial Hearing Officer to create a recommendation for the Village Board's review, whether it will hold a new hearing and make an independent decision, whether it will exercise the Village Board's remedial authority, whether it will reconsider its decision or whether it will exercise other authority within the power of the Village Board. The manner and process of review is the sole choice of the Village Board.

Written Appeal or Request for Reconsideration. Prior to the Village Board making its decision, either party may file a written notice of appeal of the Impartial Hearing Officer's written response. The written notice of appeal shall contain a statement explaining the reasons for the appeal and a copy of the Grievance, the Administration's response to the Grievance, and the Impartial Hearing Officer's written decision. The written notice of appeal may not include information that was not presented at the Hearing. After an appeal to the Village Board is considered or after the Village Board issues the decision, either party may file a written request for reconsideration by the Village Board. The written request for reconsideration shall contain a statement explaining the reasons for reconsideration. The written request for reconsideration may not include information that was not presented at the Hearing. The written notice of appeal or request for reconsideration shall be filed with the President of the Village Board and with a

copy to the other party.

Additional Information. The Village Board may offer the Grievant and the Administration the opportunity to provide information to the Village Board in a meeting duly noticed for closed session or open session discussion. The Village Board may request written or oral arguments from each party.

Decision. All decisions of the Village Board involving the Grievance shall be by simple majority vote and in writing and filed with the Village Clerk within five days of the date of the final decision. A copy of the final decision shall be provided to the Grievant and the Administration and any request for reconsideration shall be filed within ten calendar days of the date the decision is issued. The Village Board's decision is final and is not subject to appeal.

#### LIMITATIONS OF THE SCOPE OF THE GRIEVANCE PROCEDURE

The scope of a Grievance that is subject to the jurisdiction of a governmental body or specific procedure by other Wisconsin Statutes shall be governed by those statutes and not the Grievance Procedure.

The scope of a Grievance that is subject to a grievance procedure in a collective bargaining agreement may not be brought forth under this Policy.

The scope of a Grievance that is subject to other policy or ordinance for formal or informal investigation or dispute resolution procedures may not be brought forth under this Policy.

Employees of the Germantown Community Library, under the direction Library Board, shall have its Grievance Procedure distributed to its employees upon hire or request.

#### **POLITICAL ACTIVITY**

As citizens, Village employees have the right to engage in political activities. Such activities may not take place on work time or Village property or otherwise interfere with the performance of the employee's job. While off-duty, employees may not engage in political activity in uniform.

#### **RULES OF CONDUCT AND DISCIPLINARY PROCEDURES**

Public service as an employee of the Village of Germantown is a privilege and not a right. The Village desires to employ individuals who will serve the public, who will protect and further the trust and confidence the public has placed in its servants, and who strive for 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. The Rules of Conduct apply to all employees

The primary objectives for each employee are 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 subject the offending employee to discipline up to and including discharge. The employer has established these Rules of Conduct and its policies and expectations of conduct in furtherance of the effective operation of the village, to further these objectives, and for the employee to have 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 contrary to the interests of the employer. While it is impossible to list

all types of unacceptable conduct, the employer believes certain acts of misconduct, standing alone, warrant serious discipline up to and including discharge, such as the following:

Dishonest, misleading, or deceptive conduct

Circumventing the chain of command

Undermining the authority of a supervisor

Refusing or failing to follow an order or directive

Theft or misappropriation of employer property or the property of others, including theft of worktime, excessive time at break periods, misuse of sick leave or other designated leave,

misrepresenting work time, or failing to accurately record work time

Failing to completely and accurately document relevant information

Leaving the job without permission

Causing or working unauthorized overtime

Failing to cooperate with others

Engaging in conduct that creates an unsafe work environment

Fighting, threats, intimidation or harassment of others

Damage or defacing of employer or employee property

Misuse or unauthorized use of employer property

Possession, use, or being under the influence of drugs or alcohol while on duty

Unauthorized or unlawful use or possession of a handgun or other weapon

Engaging in immoral conduct

Engaging in illegal conduct

Absence of two workdays without notice

Excessive absenteeism or tardiness

Failing to promptly report absence or tardiness

Working another job while absent

Disclosing confidential information to unauthorized sources

Loafing or sleeping on the job

Misuse of licenses, patents or copyrights while on work time or using work resources

Unauthorized solicitations or distributions

Failure to promptly report defective equipment or safety hazard

Failure to report injury or accident immediately

Horseplay or violation of safety rules

Engaging in conduct or activities which serve to lengthen the healing period for a work-related injury

Substandard quality or quantity of work, including deliberate reduction of output

Failure to complete assignments promptly and accurately

Smoking in unauthorized areas

Unprofessional appearance

Discourteous treatment of others

Profane or disrespectful conduct

Conducting personal business on Employer time or property, including promoting or selling any item or soliciting

Failing to fully comply with policies

Failing to comply with expectations of conduct communicated to an employee

Failing to report a possible violation of the rules or policy through the chain of command

The Employer reserves the right to modify this list at any time or determine whether any other conduct is contrary to the interests of the employer and warranting of disciplinary action up to and including discharge.

## **CORRECTIVE ACTION**

The Employer treats all violations of policy, rules of conduct and general expectations of professional conduct very seriously. Violations of these policies, the rules, and general expectation of conduct can subject an employee to discipline, up to and including discharge.

The employer's corrective action program is designed to encourage individuals to be high quality employees and to remove employees from service who cannot or will not meet that high standard of performance. Some discipline is intended to be corrective in nature to allow the employee the opportunity to rehabilitate his or her conduct, and employee misconduct may call for severe forms of discipline such as suspension, transfer, demotion, terminations or other action.

In some cases, dismissal of an employee is appropriate because of the seriousness or continuation of unacceptable conduct. The appropriate level of discipline is determined by management on a case-by-case basis, and any pre-termination disciplinary measure may be passed over in favor of more severe discipline including termination of the employee. The Employer'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.

### **Investigative and Administrative Leave**

The Village will determine the scope, duration, and strategy of internal investigations. The employer reserves its right to place an employee on administrative leave, with or without pay. The determination of whether leave will be with pay or without pay is reserved to the Village Administrator. The employer may place an employee on administrative leave pending an internal investigation, pending disposition of a criminal matter, or for other reasons determined by management.

## **SECONDARY EMPLOYMENT**

Employment with the Village of Germantown by regular full-time employees and part time employees scheduled to work more than twenty hours per week, should be considered the employee's primary employment. Secondary employment with other entities must not conflict, whether real or implied, with the duties of the employee. Police Department employees must receive permission from the Chief of Police to engage in secondary employment. The Village has prior call upon the services of its employees, regardless of any conflict with secondary employment. An employee who engages in secondary employment must clearly define himself or herself as an employee of the secondary employer and not act or treat himself or herself as an employee or agent of the Village of Germantown. The Village may terminate the employment of an employee whose secondary employment may interfere with the performance of his or her work, where a conflict, whether real or implied exists, where the interests of the Village are impacted as a result or where such employment or conduct negatively affects the image of the Village or employees. An employee shall not be permitted to conduct business of the secondary employer during any hours of which the employee is being paid by the Village or on its premises. An employee shall not be permitted to work for another employer while on a leave of absence or while absent for illness from the Village.

## **SEXUAL AND OTHER UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY**

### **PURPOSE**

A fundamental policy of the Village of Germantown is that the work-place is for performing high quality work and to serve the interests of the Village and the public. All employees, officeholders, interns, volunteers, and paid on call staff must provide a workplace

free from unnecessary tensions and where employees and other persons as described herein behave courteously and professionally at all times. In particular, an atmosphere of tension created by conduct not related to work—including animosity caused by ethnic, racial, sexual, or religious remarks, unwelcome sexual advances, requests for sexual favors, or similar harassing or discriminating conduct—does not belong in the workplace.

The Village Board is committed to providing a professional work environment free from unlawful and unwelcome harassment, discrimination, or retaliation. This means that the Village will not tolerate any form of unlawful harassment, discrimination, or retaliation. This includes inappropriate conduct directed at an employee or applicant for employment because of his or her sex (including sexual orientation, gender identity, transgender status, and pregnancy), race, color, national origin, age, disability/handicap, religion, creed, genetic information or history, marital status, participation in the military reserve and veteran status, arrest and conviction record, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, or any other legally protected characteristic.

The purpose of this policy is to provide procedures for preventing, reporting, investigating and resolving complaints of unlawful harassment, discrimination and retaliation. The Village condemns and will not tolerate, condone or allow unlawful harassment, discrimination or retaliation by any employee, elected or appointed officeholder, or non-employees who conduct business with the Village. The Village considers harassment, discrimination and retaliation of others for any reason based on one's protected status to be forms of serious misconduct worthy of discipline up to and including termination or removal, and other prompt and appropriate remedial response designed to end the prohibited behavior. The Village will take direct and immediate action to prevent such behavior and to remedy confirmed instances of unlawful harassment, discrimination and retaliation. Repeated violations, even if perceived as minor, will also result in significant levels of response. To fulfill this policy, the Village wants employees, applicants for employment and others to report this behavior and to cooperate in the Village's efforts to eradicate this behavior from the workplace.

This policy governs the Village's expectations involving unlawful harassment, discrimination or retaliation based on a protected status. For example, an employee may be dissatisfied with the decisions of supervisors regarding evaluations, compensation, discipline or other management decisions, such conduct that is unrelated to one's protected status is not governed by this Policy. Nonetheless, the Village believes that an unprofessional work environment for any reason is disruptive to the workplace and should not be tolerated. While this policy governs unlawful harassment, discrimination, and retaliation, the Village also cares about the interests of employees in other circumstances where an unprofessional environment exists, and in those circumstances, Employees are expected to raise those concerns directly to the employee's supervisor and work through the chain of command. Individuals protected under this policy include all employees and applicants. Any unwelcome conduct that originates from a non-employee (e.g., elected and appointed officeholders, contractors or visitors) will be investigated in accordance with this policy under the authority of the Village Board issued through this Policy that has been approved by the Board.

## UNDERSTANDING UNLAWFUL HARASSMENT, INCLUDING SEXUAL HARASSMENT, DISCRIMINATION, AND RETALIATION

### *Discrimination*

Discrimination means treatment of a person in an illegal unjust or prejudicial manner based on protected status under the law where no reasonable distinction can be found between those favored and those not favored. For example, discrimination is any policy or action taken

related to recruiting, hiring, promotion, pay or training that results in an unfair disadvantage to either an individual or group of individuals who are considered part of a protected class.

#### *Retaliation*

Retaliation means to discriminate, harass, take tangible employment action against an employee, or otherwise punish or take adverse action against an employee because the employee filed a charge of discrimination, because they complained to the Village about harassment or discrimination on the job, or because the employee participated in an employment harassment or discrimination proceeding (such as an investigation or lawsuit).

#### *Prohibited Harassment, including Sexual Harassment.*

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment; or
- Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's performance or creates an intimidating, hostile or offensive working environment.

Verbal sexual harassment includes, but is not limited to, sexual innuendos, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene or graphic descriptions of an individual's body, or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

Non-verbal sexual harassment includes, but is not limited to, sexually suggestive or offensive sounds, whistling, catcalls, or obscene gestures, sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such communications and actions as a means to express or obtain sexual material, comments, and printed or written materials, including offensive cartoons. This includes any material which inappropriately raises the issues of sex or discrimination or when an employee is treated differently than other employees when they have refused an offer of sexual relations or participation in harassing behavior.

Physical sexual harassment includes, but is not limited to, unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting or regularly brushing against the body of another person.

Other forms of unlawful harassment or discrimination include, but are not limited to, persistent and unwelcome conduct or actions or conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment based on one or more protected statuses according to applicable law. Conduct may be unwelcome despite participation by the offended employee and despite the fact that the offended employee does not tell the accused that the conduct is unwelcome.

Harassment or other inappropriate behavior can range from extreme forms such as violence, threats, or physical touching to less obvious actions like ridiculing, teasing, or repeatedly bothering colleagues or subordinates or refusing to talk to them. For example, harassment or other inappropriate behavior may include the following types of conduct:

- Derogatory or insensitive jokes, pranks, or comments;
- Slurs or epithets;
- Unwelcome sexual advances or invitations;
- Non-verbal behavior such as staring, leering, or gestures;
- Ridiculing or demeaning comments;
- Innuendos or veiled threats;

- Intentionally excluding someone from normal workplace conversations and making someone feel unwelcome;
- Intentionally withholding information from an individual in such a way that impacts their ability to perform their job
- Intentionally including or excluding any individual from workplace activities, assignments, promotions, raises or responsibilities based on their protected status or their refusal to participate in or tolerate sexual harassment
- Displaying or sharing offensive images such as posters, videos, photos, cartoons, screensavers, emails, or drawings that are derogatory or sexual;
- Offensive comments about appearance, or other personal or physical characteristics, such as sexually charged comments or comments on someone's physical disability;
- Unnecessary or unwanted bodily contact such as groping or massaging, blocking normal movement, or physically interfering with the work of another individual; or
- Threats or demands that a person submit to sexual requests as a condition of continued employment or to avoid some other loss and offers of employment-related benefits in return for sexual favors.

This list of examples is not exhaustive, and there are other behaviors that constitute unacceptable harassment under the policy. Any conduct described above may also be inappropriate outside the workplace if the conduct may adversely affect the work environment; this includes both work and personal email, text messages and social media posts. Similarly, a consensual relationship does not justify inappropriate displays of affection or other sexual statements or activities during working hours or any work-related functions. Any questions about whether particular conduct is prohibited under this policy should be discussed with the employee's supervisor or department director.

Harassment may be subtle, manipulative, and is not always obvious. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. Harassment can happen regardless of the individuals' gender, gender identity, or sexual orientation, and can, for example, occur between same-sex individuals as well as between opposite-sex individuals, and does not require that the harassing conduct be motivated by sexual desire. Harassment can be focused on someone's perceived desirability or lack thereof; sexual objectification- favorably or negatively- is unacceptable. Likewise, these same principles hold true for harassment based on other protected statuses where the offending party possesses the same or similar protected status as the target of the offending behavior.

The excuses of the offending party, while important, are not necessarily forgiving or tolerable. For example, "I was joking" or "I didn't mean it that way" are not defenses to allegations of harassment or inappropriate behavior. Nor is being under the influence of alcohol or other substances an excuse for violating this policy.

This policy applies to conduct at work and at work-related social events, office parties, off-site work-related activities, email, text messages, social media and other matters where the work environment is affected by such behavior. Employees and elected and appointed officeholders are expected to be particularly careful about what they say and do in these circumstances and when interacting with one another.

## RESPONSIBILITIES

### *Responsibilities of All Employees and Officeholders*

Each employee and officeholder is responsible for assisting in the prevention of unlawful harassment, discrimination and retaliation by the following acts:

- Refraining from conduct prohibited by this policy as defined above, including the participation in or encouragement of actions that could be perceived as harassment, discrimination or retaliation based on a protected status;
- Behaving courteously and professionally toward others both inside and outside work;
- Reading this policy and fully understanding and complying with its requirements;
- Immediately and thoroughly reporting acts of harassment, discrimination or retaliation or other prohibited conduct through the reporting procedure identified in this policy, whether it is personally experienced or if it is witnessed; and
- Encouraging any person who confides that he or she is being harassed, retaliated or discriminated against to report these acts and reporting these acts if they are observed but not reported.

Employees and officeholders are expected to cooperate fully in any investigation, whether or not they are directly involved in the incident. They shall not take any action that would discourage another person from reporting prohibited conduct or cooperating in an investigation of alleged prohibited conduct.

#### *Responsibilities of Supervisors and Elected and Appointed Officeholders*

Supervisors and elected and appointed officeholders are an essential part of cultivating and maintaining a workplace free of harassment. A higher standard of conduct applies to those in these positions. They are expected to know and enforce the rules and set a good example for all employees. To further the interests of this policy and promoting a harassment-free workplace, they shall be responsible for preventing prohibited activities as defined above by complying with the above-referenced responsibilities and by:

- Monitoring the work environment as practical for signs of harassment, discrimination, retaliation and other prohibited conduct;
- Informing employees of the types of prohibited behavior, and the procedures for reporting and resolving complaints of harassment, discrimination and retaliation;
- Stopping any observed behavior that may be prohibited conduct and taking appropriate steps to intervene and report behavior, whether or not the involved employees are within his or her line of supervision;
- Listening to employees' concerns and complaints. Complaints and questions are an opportunity to take action and correct a situation before it escalates. Ask the reporting employee what he or she wants to see happen next. Do not promise to honor the reporting employee's wishes, but do give them consideration. Do not promise confidentiality, due to the need to investigate properly. However, assure the employee that their complaint will be handled with as much confidentiality as practical for the reporting employee, witnesses and the accused; and
- Taking immediate action to prevent retaliation toward the complaining party or witnesses and to eliminate a hostile work environment where there has been a complaint of harassment, discrimination or retaliation pending the investigation.

Each supervisor and officeholder has the responsibility to assist any employee who comes to them with a complaint of harassment, discrimination or retaliation by documenting and filing a complaint in accordance with this policy. They are obligated to report harassment. Failure to carry out these responsibilities may be grounds for discipline, censure, or removal.

#### PROCEDURES

- A. If the employee feels comfortable doing so, any employee experiencing or observing harassment, discrimination or retaliation is encouraged, but not required, to inform the perpetrator that his or her actions are unwelcome and

offensive and that the person should stop such behavior. This initial contact can be either verbal or in writing. The employee should document in writing all incidents in order to provide the fullest basis for investigation if needed.

- B. Any employee who believes that he or she is being harassed, discriminated or retaliated against (for example, a target of offending behavior and a complainant) or who witnesses such conduct (for example, a witness who becomes a complainant) is expected to report the incident as soon as possible to any of the following persons so that preventative measures may be considered and taken to end any prohibited harassment, discrimination or retaliation, and so that appropriate investigative and corrective actions may be initiated:
1. Village Administrator;
  2. Village Chief of Police;
  3. Village Clerk;
  4. Village Board President or Village Administrator, if such conduct is engaged in by an elected or appointed officeholder of the Village; and
  5. Village Board President, Village Clerk, or Chief of Police, if such conduct is engaged in by the Village Administrator.

A supervisor who receives this information from a subordinate must report the information to the Village Administrator, Village Clerk, Village Board President, or the Chief of Police.

- C. The Village will take appropriate steps to protect the complainant and target from further harassment and retaliation during the investigation process. Actions such as a schedule change, transfer or leave of absence could appear retaliatory, so it is important that the employer and the complainant or target work together to find an appropriate solution.
- D. The Village will determine the appropriate course of action to promptly address the complaint, including any immediate remediation of the behavior. The Village may initiate its investigation or have the parties involved engage in conciliatory efforts to resolve the matter, if acceptable to the target of the offending behavior. The conciliation process is voluntary and seeks to resolve problems by allowing the affected parties to present their issues and then assisting them in arriving at effective, reasonable solutions agreeable to all. The conciliation process is not appropriate for all situations and will not resolve all issues. The conciliation process may be initiated before or after the employee has filed an internal complaint. When solutions have been identified, management will follow up to ensure that the implementation has been carried out and is effective.
- E. The Village Board may initiate an investigation and designate investigators for any matter involving allegations against a Board member, the Board President, the Administrator, or an appointed officeholder who is also not an employee. The Village Administrator, Chief of Police, Village Attorney, or the Board may initiate an investigation and designate investigators in other circumstances.
- F. If an investigation is conducted, then the investigators will meet with the target of the offending behavior and other persons having information and document the facts surrounding the incident complained of, including the specific conduct complained of, the persons performing or participating in the conduct, any witnesses to the incident, the dates on which the incidents occurred, and other factual information. The investigators will immediately notify the Administrator, Village Attorney, or Board President, where applicable, if the complaint contains allegations that may rise to the level of criminal activity, such as battery, rape or

threats. The investigators will maintain appropriate records of the investigation. Upon completion of the investigation, the investigators will inform the complainant and target of the outcome of the investigation and will present a reporting of the investigation and its results to the Village Board and/or the Village Administrator. The confidentiality of the investigation will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

- G. The Village will take prompt and effective remedial action designed to end the prohibited behavior, which may include appropriate responsive and disciplinary action, up to and including termination or removal. Responsive action may include, for example, training, referral to counseling, or reassignment, and disciplinary action may include, but is not limited to warning, reassignment, suspension, or termination or removal. If the Village does not employ the subject involved in the harassing or inappropriate conduct, then that individual will be informed of the Village's policy and appropriate remedial action will be taken. The actions taken cannot have the direct or indirect impacts of hurting the complainant's or target's career by forcing him/her to an inferior role within the organization.

Further, the Village will correct any adverse employment action an employee experienced due to conduct prohibited by this policy. In all cases, the Village will make follow-up inquiries to make sure the harassment, discrimination or retaliation has stopped. If an employee is not satisfied with the results, or if further harassment or other unacceptable conduct occurs, then the employee should promptly follow the reporting process identified above.

The complainant, target, or employees accused of harassment may file an appeal with the Village Administrator or the Village Board President if they disagree with the investigation or disposition.

## RETALIATION

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

Retaliation is a form of misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints. Employees who are found to have retaliated against a complainant, target, or witness will subject themselves to severe discipline which shall be separate from, and in addition to, any discipline determined to be appropriate as a result of the Village's findings on the initial complaint. Because of the Village's commitment to prohibiting retaliatory behavior, employees and officeholders should expect that consequences for retaliation will be severe and likely resulting in discipline up to and including discharge or pursuit of removal.

This policy does not protect employees from being disciplined for filing frivolous or fraudulent complaints, or for untruthfulness, misleading behavior or lack of candor, nor does it protect them from personal sanctions stemming from defamation suits.

## TRAINING

The Village will provide periodic and refresher training concerning the nature of harassment, discrimination and retaliation in the workplace and prohibitions on such actions

defined in this policy. Any employee who has any questions or concerns about this policy should talk with his or her supervisor or the Chief of Police or Village Administrator.

#### **OUTSIDE AGENCIES**

Employees also have the ability to promptly report any violations of law, including assault, rape, battery or other harm to appropriate criminal law enforcement authorities. Employees may also report their harassment, discrimination or retaliation claims to both State and Federal Agencies. Those contacts are as follows: The Equal Rights Division, Department of Workforce Development, 201 East Washington Avenue, P.O. Box 8928, Madison, WI 53708, Telephone: (608)266-6860; and the U.S. Equal Employment Opportunity Commission, 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203, Telephone: (414)297-1111.

#### **SMOKE FREE WORKPLACE**

All employees should be aware of the health hazards which are created by smoking. Therefore, smoking is permitted in designated smoking areas only. No smoking should take place in Village vehicles. The Village will follow all applicable State Statutes regarding smoking.

#### **SOLICITATION**

The solicitation of employees or distribution of materials to employees can often interfere with normal operations of the Village, reduce employee efficiency, annoy employees and citizens; and pose a threat to security. For these reasons, the Village limits solicitation and distribution on the premises.

Individuals who are not employees of the Village of Germantown are prohibited from soliciting employees or distributing materials to employees of the premises. This includes soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of vendors or potential vendors as authorized by the Village Administrator), or any other similar activity. All visitors are strictly prohibited from entering non-public areas unless a supervisor grants permission.

Employees may engage in limited solicitation and distribution of materials to other employees, on the premises, subject to the following guidelines. Solicitation or distribution of materials is prohibited during work time of either of the individuals making or receiving the solicitation or distribution. "Working time" does not include an employee's authorized lunch or rest period. Distribution of literature in a way that causes litter on the Village property is prohibited. Off-duty employees may not return to the premises to solicit or distribute materials to employees. Bulletin boards, newsletters, and other employer-provided group communication system are maintained solely for the Village to communicate information to and from employees, post notices required by law, and for other work-related purposes. Posting of unauthorized notices, photographs, or other printed or written material on those bulletin boards or other communication systems is prohibited. The Village may authorize a limited number of fund drives by employees on behalf of charitable organizations. Employee participation in such drives is completely voluntary. As a part of those charitable fund drives, the Village may permit a representative from the organization to make a presentation to employees. Employees seeking authorization for such a charitable fund drive should contact the Village Administrator. In addition, the employer has the right to monitor any allowed solicitation and distribution, and to modify or add to this policy as becomes necessary to minimize interference from work.

## **SOCIAL NETWORKING POLICY**

### **PURPOSE**

The Village of Germantown (the “Village”) has an overriding interest and expectation in deciding what is “announced” or “spoken” on behalf of the Village through the use of social media. This policy establishes guidelines for the establishment and use of social media by the Village for conveying information about the Village and its events and activities. This policy also establishes guidance for employees acting in a personal capacity when using social media.

The Village’s intent is to create a “government speech forum” or a “limited forum” devoted exclusively to the Village’s postings to the public. Nothing in this policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor laws or other applicable laws.

### **THE VILLAGE’S WEBSITE**

The Village’s website (<http://www.germantownwi.gov>) is the Village’s primary and predominant internet presence. All of the Village’s website content and social media sites that are posted by departments and offices will be subject to approval by the Administrator or designee. Social media use should complement rather than replace the Village’s primary website. Only employees authorized by the Administrator are authorized to post content on the Village’s website.

### **SOCIAL MEDIA PROVIDER TERMS OF SERVICE**

Social media is defined as the various activities that integrate technology, social interaction, and content creation. Through social media, individuals or groups may create, organize, edit, comment on, combine, and share content. Social media providers offer web pages that provide a means for various forms of discussion and information-sharing, and include features such as social networks, blogs, video sharing, podcasts, wikis, message boards, and news media comment sharing/blogging. Social media providers are hosted by websites that authorize multiple users to establish, post content on, and operate their own individual social media profile. Technologies associated with social media often include picture and video sharing, wall postings, e-mail, instant messaging, and music sharing. Examples of websites that host social media profiles include, but are not limited to, Facebook (social networking); YouTube (social networking and video sharing); and Twitter (social networking and microblogging).

Each social media provider maintains a terms of use agreement for users. All posts and comments on any Village social media profile are bound by these terms and conditions. The Village reserves the right to report any user violation under the terms and conditions. This policy does not modify the terms and conditions established by the social media provider. Nor does the Village assume any responsibility or liability for decisions made by the social media provider involving the conduct or absence of conduct by the social media provider or by the user.

The terms and conditions of the social media provider represent a binding contract. No employee may execute such terms of service or enter into an agreement on behalf of the Village without authorization from the Administrator.

### **SOCIAL MEDIA POSTING**

As a public entity, the Village must abide by certain standards to serve all constituents in a civil and unbiased manner. Only employees authorized by the Administrator are authorized to

post content on an authorized Village social media profile on behalf of the Village. The Administrator or their designated representative will maintain a list of social media profiles, including login and password information, approved for use by departments and employees for communicating the Village's business. Any social media profiles used by the Village, including any login information and passwords, are the property of the Village and not the property of an employee or other party. Any social media profile used by the Village must be capable of editing, removing, and archiving content from social media websites. The authorized employee will inform the Administrator or their representative of any administrative changes to existing social media profiles.

For each social media profile approved for use by the Village, the following documentation will be developed and adopted:

- A list of authorized employees who may manage the social media profile
- Operational and use guidelines
- Standards and processes for managing accounts on social media sites
- Branding standards
- Design standards
- Standards for the administration of social media sites

Authorized employees representing the Village on social media must conduct themselves at all times as professional and dignified representatives of the Village and in accordance with all policies, directives, and professional expectations.

Employees posting content on behalf of the Village must follow these guiding principles:

- Communications must be consistent with the goals, branding, mission, vision, and values of the Village.
- Communications must be factual and accurate and not reflect opinions or biases.
- Communicate meaningful, respectful entries that are on topic while also recognizing that postings are widely accessible and not easily retractable.
- Communications must be written in plain business English with proper grammar and vocabulary, and should avoid acronyms and jargon.
- Communications must comply with policy, directives, professional expectations, and respect for privacy, confidentiality, and applicable legal guidelines for external communication.
- Ensure that legal right exists to publish all materials, including photos and articles, and comply with all trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws.
- If identifying yourself, then maintain transparency by using your real name and job title, and by being clear about your role regarding the subject. Write and post only about your area of expertise. Remember that your postings are your responsibility.
- Communications must never be for political purposes or in support of or opposition to political campaigns or ballot measures.
- Communications must never be for purposes of private business activity or commerce, or for personal motivation or sharing of personal opinion or commentary.
- Communications must not promote, foster, or perpetuate discrimination, harassment, or retaliation on the basis of race, creed, color, age, religion, gender, marital status, national origin, disability, or sexual orientation, or other protected status.
- Communications must not compromise the safety or security of the public, public systems, or public services.

Authorized employees posting on behalf of the Village may not post content to the Village's social media profiles or engage in social networking activities related to publishing the Village's

business during personal time. All social media activity must be made as part of the Employees regular work activity.

The nature of social networking promotes a great deal of interactivity, whereby users or organizations “like” or “follow” each other online. Official Village social media sites may “like” or “follow” the social media sites of local, state, and federal government organizations, generally recognized community and/or not-for-profit organizations, and organizations that provide public safety, promote tourism, industry, and economic welfare within the community, and businesses located within the corporate limits of Germantown. Official Village social media should not be used to “like” or “follow” any specific viewpoints, ballot measures, or controversial issues.

The employee’s name and title should be made available in the responsive comment.

#### REPORTING/REMOVAL OF SOCIAL MEDIA ACTIVITY

A post, like, or comment by a member of the public on any Village social media profile is the opinion of the commentator or poster only. Publication of a user’s post, a like, or a comment does not imply endorsement of, or agreement by, the Village or reflect the opinions or policies of the Village. The Village assumes no liability for any comment, like, or post made by another person.

If a forum allowing for two-way or multi-way communication is created, then an authorized employee may, with the approval of the Administrator, regulate comments or posts made by other persons on the Village’s social media profile as provided herein. The Village requires that authorized employee to immediately notify the Administrator or their representative if there is any posted material that may violate this policy, violates the terms of use of the social media provider, is illegal, or that potentially infringes the copyrights or other rights of any persons. The Administrator or their representative will investigate and address the potential violation. If the comment or post violates the terms of use established by the social media provider, then the authorized employee may notify the social media provider and report the post or comment. If a comment or post demonstrates or incites unlawful behavior, then the authorized employee may notify law enforcement authorities. If the comment or post contains any of the following content, the comment may be subject to removal or restriction by the Village:

- Obscene content;
- Content that is threatening or incites violence;
- Solicitation of commerce, including but not limited to, advertising of any non-Village-related event, or business or product for sale;
- Conduct in violation of any federal, state or local law;
- Content that promotes, fosters or perpetuates unlawful activity;
- Content that infringes the intellectual property rights of others;
- Content that is malicious or harmful software or malware;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, gender identity, sexual orientation, lawful source of income or arrest/conviction record
- Comments in support or opposition to political campaigns, ballot measures, referendums, or any organized political activity or political links.

The Village should not deny access to the Village’s social media profile for any individual who violates the Village’s social media policy. The social media provider may, relying their terms and conditions and their discretion, block a user or remove content in violation of the terms and conditions, and nothing herein restrains the social media provider from such actions.

## RECORD RETENTION

The Village must retain all social media content published by the Village for the purposes of public records retention as may be required by applicable law. Records required to be maintained pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the record and is accessible. Any content removed by the Village based on these guidelines must be retained in accordance with the applicable retention schedule including the time, date and identity of the poster, when available.

## OPEN MEETINGS LAW COMPLIANCE

All conduct by officials serving on a governmental body must comply with Wisconsin's Open Meetings Law. Officials should refrain from discussing business or action of the governmental body with one another while using social media. Authorized employees publishing on the Village's social media profile should not engage officials serving on a governmental body when engaging in the Village's social media activity.

## EMPLOYEE PERSONAL CONDUCT

Like other members of the community, employees may use social media profiles not belonging to the Village for the employee's personal social media purposes. Employees must recognize that most uses of personal social media are still part of the public domain regardless of privacy settings and are easily replicated and published.

An employee's personal social media profile or use must remain personal in nature and not be used to share the Village's official government positions or views. In addition, employees should never use their Village e-mail account, login, or passwords in conjunction with a personal social media profile. Regardless of whether an employee identifies on a personal social media account that the employee works for the Village, employment with the Village is public record and members of the public may associate the employee with the Village. As such, employees must exercise care when posting and commenting on social media as personal views can be tied back to employment with Village.

Employees posting personal content on social media must follow these guiding principles:

- When commenting or posting on matters pertaining to the Village, the employee must make clear to other persons that the employee is speaking as a private citizen and not as an employee of the Village.
- Pause and think before posting with the understanding that postings are widely accessible, not easily retractable, easily shared and replicated.
- Personal activity must comport with the Village's policies, directives and expectations.
- Personal activity is the personal responsibility of the employee, including the consequences that flow from such activity.

Nothing in this policy is meant to prevent an employee from exercising his or her right to make a complaint of unlawful discrimination or other workplace misconduct through the proper processes, to engage in lawful protected concerted activity, or to express a personal opinion on a matter of public concern which may be balanced against the interests of the Village.

## COMPLIANCE WITH POLICY

The Village reserves the right to monitor and analyze social media use to ensure compliance with policy, directives and expectations, to evaluate use, and to recommend and implement changes to use of social media, among other legitimate government interests. Failure to comply with this policy by any employee may result in disciplinary action up to and including termination of employment. Failure to comply with this policy by any officeholder may result in pursuit of any lawful action against any official in violation of policy.

## VILLAGE OF GERMANTOWN SOCIAL MEDIA POLICY (FOR POSTING ON SOCIAL MEDIA SITES)

We welcome you and your comments to the Village of Germantown's Social Media pages. The purpose of this site is to present matters of public interest to Village of Germantown residents, businesses, visitors and other interested parties. You may submit your comments, but please note this is a moderated online discussion site. A comment posted by the member of the public on any Village of Germantown social media site is the opinion of the commenter only and publication of a public comment does not imply endorsement, nor reflect the opinions or policies of, the Village of Germantown.

Because communication via social media constitutes a limited public forum, the Village reserves the right to manage, restrict or remove any content, public comments, or other postings that is deemed in violation of this policy or any applicable law. Inappropriate comments are subject to deletion by the administrator of this account. If you do not comply with the terms of use outlined below, your message may be removed.

This forum is NOT monitored at all times but is primarily monitored during business hours. Do NOT use this forum to report emergency situations or time-sensitive issues. All content of this page including comments is subject to public records law. When posting, please remember that if your post violates any of the below rules, it will be deleted:

- Content that is graphic, obscene or explicit.
- Content that is abusive, threatening, hateful or intended to defame anyone or any organization.
- Content that suggests or encourages illegal activity.
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, gender identity, sexual orientations, lawful source of income or arrest/ conviction record.
- Content posted by persons whose profile picture or avatar, username or email address contains any of the aforementioned prohibited content.
- Solicitations or advertisements, including but not limited to, promotion or endorsement of any private, financial, commercial or non-governmental agency.
- Content attempting to defame or defraud any person or private financial, commercial or non-governmental agency.
- Comments in support or opposition to political campaigns, ballot measures, referendums, or any organized political activity or political links.

## TELECOMMUTING POLICY

### Purpose

This policy establishes the guidelines Village of Germantown will use to select and manage those employees approved to telecommute on a limited basis.

### Scope

Our work is focused on serving the residents of the Village of Germantown and requires the full public confidence and trust of members of the community. Various interests including the important irreplaceable gains from physical presence and face-to-face interaction with residents, community members and coworkers, protection and preservation of confidentiality, and furthering cohesive and collaborative efforts to work as a team member of the Village necessitate that there will be no position to work remotely where the employee could legitimately perform the important essential functions of the job. The Village recognizes that unique and narrow extenuating circumstances may arise where employees may temporarily

work remotely involving only certain positions and employees who are trusted and professionally capable to perform such responsibilities. This policy is meant as a guide for those who are temporarily allowed by the Village Administrator or Department Supervisor to telecommute—to work from home or other location—on an irregular basis due to extenuating circumstances.

## **POLICY GUIDELINES**

This policy covers approved telecommuting or working remotely, such as working from a home or other off-worksite location, including using electronic communications, such as the internet, to connect with the primary place of employment.

## **CRITERIA FOR SELECTION**

The Village always strives to provide equal opportunities to all employees when it comes to working situations. In some circumstances, telecommuting is a necessary and expected part of the position such as when a manager attends a conference and must work remotely from the conference, or when a manager is telecommuting when Village offices are closed. However, telecommuting is not conducive to every employee or position.

Keeping this in mind, the Village Administrator and Department Supervisor will review all reasonable employee requests to telecommute using the following criteria:

- Is the employee a good candidate for telecommuting? Do they possess the following characteristics?
  - Dependable
  - Trustworthy
  - Flexible
  - Self-motivated
  - Proven performance
  - Comprehensive knowledge of position
  - Do any performance or disciplinary histories suggest this responsibility is not a good fit for this employee?
- Can the duties of the position be successfully fulfilled through telecommuting? Does the position have:
  - Measurable work activities
  - Little need for face-to-face interaction with co-workers
  - Clearly established goals and objectives
  - Duties can be performed alone and away from a worksite
  - Equipment needed is limited and can be easily stored at the off-site location
  - Position is exempt from overtime requirements
- Are there extenuating circumstances for the request to telecommute? Examples would be:
  - Poor weather inconducive to a long unsafe commute
  - Personal illness or disability
  - Illness of spouse or child
  - Other personal needs that prevent in-person office attendance
- Barriers and distractions faced by the employee that may inhibit the performance of duties and efforts undertaken by the employee to remove or limit those barriers or distractions to ensure work is performed on time and at acceptable standards of quality.
- Disruption to Village operations and interests, disruption to coworkers, and maintenance of balance of assigned or expected workloads.

The ability to work remotely is a privilege, and the Village reserves the right to deny, limit, or revoke telecommuting privileges at the Village's discretion.

## RESPONSIBILITIES

Position requirements and responsibilities will not change due to telecommuting. Workers face the same expectations in relation to professionalism, timeliness, work output and customer service, regardless of where the work is being performed. The amount of time an employee is expected to work in a given day will not lessen, although the exact scheduling of allotted hours will be left up to the discretion of the employee and the employee's direct supervisor. If an employee's physical presence is required at the Village's primary work location, then he or she is expected to report in person.

## CONTACT WITH PRIMARY LOCATION

Employees approved for telecommuting are responsible for maintaining regular contact with their supervisor. The supervisor will act as the employee's primary contact at Village of Germantown. Both the employee and his or her supervisor are expected to work together to keep each other informed of any developments that occur during the workday.

Employees must have approval from their supervisor(s) to:

- Alter their defined work schedules.
- Move Village equipment to a new location.

## OFF-SITE WORK AREAS

The Village has a legal responsibility to provide liability and workers' compensation coverage to its employees. Such legal responsibilities may extend only to authorized, off-site work locations during scheduled work time. The Village is responsible only for injuries, illnesses and damages that result directly from official job duties. As to any legal obligations under these insurance coverages, the Village will comply with applicable law and grants no additional coverage to employees authorized under this policy. The Village accepts no responsibility for employee personal property.

As the Village of Germantown could foreseeably be held responsible for an injury befalling an employee in their off-site work area, the Village reserves the right to inspect off-site locations for safety concerns. Such an inspection will always be planned in advance.

If employees have domestic responsibilities, they must attend to during scheduled working hours, they are expected to do so in a reasonable manner that will still allow them to timely and successfully fulfill their job duties.

## OFF-SITE SECURITY

While positions that regularly deal with confidentiality and highly sensitive information may not be ideal candidates for off-site work, under certain circumstances such employees may be allowed to telecommute. In these situations, it is up to the employee to enforce a rigorous standard for ensuring the security of all sensitive information entrusted to them. Failure to do so will result in loss of telecommuting privileges and could result in disciplinary action. All employees who work off-site are obligated to provide secure network connections and should refrain from using unsecured WI-FI and hotspots. Secure internet connections are required.

## **EXPENSES**

Working primarily off-site could result in expenses not directly addressed by this policy. If such expenses are necessary for their official duties as prescribed and benefit the sole interests of the Village, then the Village may choose to reimburse the employee for pre-authorized expenses. Since reimbursement is subject to management approval and is not guaranteed, potential expenditures should always be approved by the supervisor prior to the transaction being made.

## **EQUIPMENT**

Employees approved for telecommuting will be supplied by the Village of Germantown with the equipment required to perform their duties on Village premises. The Village may, in limited circumstances, authorize additional equipment in order to work remotely. It must be kept in mind that:

- All equipment purchased by the Village remains the property of Village. All equipment is to be returned in a timely fashion should the employee cease telecommuting operations for any reason.
- Hardware is only to be modified or serviced by parties approved by Village.
- Software provided by Village is to be used only for its intended purpose and should not be duplicated without consent.
- Any equipment provided by Village for off-site use is intended for legitimate business use only.
- All hardware and software should be secured against unauthorized access. A secure router or hotspot may be required if one is not already in place at the off-site work location.

## **TELEPHONE PROTOCOL**

Incoming telephone calls need to be answered promptly. Voice mail should only be used if you are away from your workstation or involved in a highly important task. Counter work takes precedence over incoming telephone calls. Personal calls and meetings need to be kept to a minimum and should not deter us from answering the telephone. Personal calls should be local only and will be kept to a minimum. All calls will be answered in a courteous professional manner.

## **VEHICLE USE**

### **PERSONAL VEHICLE USE**

An Employee who must use the employee's private personal vehicle for Village of Germantown use will be compensated at a rate as stipulated in the Village of Germantown's annual Salary Resolution as adopted by the Village Board, consistent with IRS Standards.

Unless otherwise authorized, all employees are expected to utilize Village fleet vehicles for trips while conducting Village affairs. If that is not possible, then permission from an employee's immediate supervisor must be secured in advance of use of one's own vehicle.

Use of one's own personal vehicle on Village business for trips out of the Metropolitan Milwaukee Area and Washington County must be approved by the respective department director and the Village Administrator. Use of Village vehicles for personal use is prohibited.

## VILLAGE VEHICLE USE

Any person using a Village vehicle must have a valid driver's license.

Any person using a Village vehicle may not operate it under the influence of drugs or alcohol.

If an accident occurs the person driving the vehicle must report it and/or any damage done to the vehicle to the Village Administrator, if the Village Administrator is not available the accident shall be reported to the Finance Director, on the day it occurs.

The person using the vehicle is responsible for paying all bills and fines including parking violations.

Village vehicles are not to be used to travel to/from lunch or for any other personal convenience by any Village employee unless so approved by the department director or Administrator.

If an employee is engaged in work activities using a Village vehicle and such activity requires the employee to be in the field during the lunch period, it is permissible for the said employee to use the Village vehicle to travel to and from a restaurant in the nearby vicinity for the purpose of having lunch.

Village vehicles and/or equipment shall not be used for the personal benefit of any employee or organization. Furthermore, family members, friends, citizens or individuals shall not ride in Village vehicles unless approved by the Village Administrator.

Village vehicles/equipment shall not be used for any use other than municipal use unless authorized by the Department Director or Village Administrator.

## 24 HOUR VEHICLE USE

Police Chief, Police Department Motorcycle Officer, Fire Chief, Building, Grounds & Parks Superintendent, Highway Superintendent, Water Superintendent, Wastewater Superintendent, Police Canine Handler & Emergency Scene Response Vehicle

May use a Village vehicle assigned to them twenty-four (24) hours per day for all Village Department activities.

May use said vehicle outside of the Village limits for municipal purposes only

May use vehicle in the case of an extreme situation emergency to pick-up or transfer a family member, an explanation of said use must be forwarded to the Village Administrator within 48 hours.

May use a vehicle to attend conferences, seminars or training with concurrent travel by family members with approval by the Village Administrator

May not be used to take family or other persons to restaurants/recreational activities/school functions. Other means of transportation must be used.

## **Personal use Valuation & Reporting**

1. Personal Use Valuation – Personal use of an employer-provided vehicle is a non-cash fringe benefit, so its value must be determined at least once per year. If the only use of an employee-provided vehicle is commuting to and from work, then the employer can use the commuting rule. The amount shall be reported as ordinary income for federal income taxes, state income taxes and social security taxes.
2. Whenever a Village vehicle is used to commute to and from work a record shall be made daily of each commuting trip on a form issued by the Finance Department. This form shall be submitted monthly to the Payroll Office by the 5<sup>th</sup>

day of the following month. Such logs shall be used to determine the value of using said vehicle, which value will be reported on the individual's W-2 form.

### **Law Enforcement & Fire/EMS Use Exemption – Qualified Nonpersonal-Use Vehicles**

Personal Use Valuation does not apply to employees who are not subject to taxation by virtue of applicable state and federal law and the regulations contained in the Internal Revenue Code, as such may be amended from time to time. The following employees are permitted to drive a Village Vehicle to and from work without a personal use valuation:

Police Chief

Fire Chief

Canine

Handler

Emergency Scene Response Vehicle.

Motorcycle Officer

IRS ruling – A qualified non-personal-use vehicle is any vehicle the employee is not likely to use more than minimally for personal purposes because of its design. Qualified non-personal-use vehicles generally include all of the following:

Clearly marked police and fire vehicles

Unmarked vehicles used by law enforcement officers if the use is officially authorized

### **Other Qualified Nonpersonal-Use Vehicles**

Pickup Trucks – a pickup truck with a loaded gross vehicle weight of 14,000 pounds or less is a qualified non-personal-use vehicle if it has been specially modified so it is not likely to be used more than minimally for personal uses. Any pickup truck which is clearly marked with permanently affixed decals or special painting and meets either of the following requirements:

- 1) is equipped with at least one of the following items:
  - a. A Hydraulic Lift Gate
  - b. Permanent tanks or drums
  - c. Permanent side boards or panels that materially raise the level of the sides of the
    - i. truck bed
- 2) Other heavy equipment (such as an electric generator, welder, boom, or crane used to tow automobiles and other vehicles
- 3) It is used primarily to transport a particular type of load (other than over the public highways) in a construction, manufacturing, processing, farming, mining, drilling, timbering, or other similar operation for which it was specially designed.
- 4) Vans - A loaded gross vehicle weight of 14,000 pounds or less and has been specially modified so it is not likely to be used more than minimally per personal uses. Example- clearly marked with permanently affixed decals or special painting and has a seat for the driver only (or the driver and one other person) and either permanent shelving has been installed that fills most of the cargo area or the cargo area is open and the van constantly carries merchandise, material or equipment used in the employers function.

## **VILLAGE HALL BOARD ROOM USE**

The Village Hall Board Room may be used only for Village Board meetings and Committees of the Village Board. All other uses must be approved in advance by the Village Administrator.

# **WORKPLACE SAFETY**

## **DRIVING RECORD CHECKS**

Driving record checks shall be conducted of all personnel who drive Village-owned vehicles or equipment. These checks shall be conducted annually by the Germantown Police Department. Only licensed drivers shall be permitted to drive Village vehicles. Employees shall immediately notify their supervisor of any restrictions or change in their driver's license status.

## **DRUG AND ALCOHOL TESTING**

The Village recognizes the use or abuse of illegal drugs or alcohol can have a significant impact on the workplace in terms of safety, worker's compensation claims, time off benefits, absenteeism and productivity. The Village is concerned about employees who use or abuse illegal drugs or alcohol. Therefore, the Village has established a drug and alcohol testing policy.

All employees are responsible for maintaining safe, healthy, and productive working conditions. Being under the influence of a drug or alcohol on the job poses serious safety health risks not only to the user, but also to all those who work with the user, and creates unacceptable risks for safe and efficient operations. Accordingly, it is the right, obligation and intent of the Village to maintain a safe and efficient working environment for all of its employees and to protect Village property, equipment and operations. With these objectives in mind, the Village has established the following policy with regard to the use, possession or sale of alcohol or drugs.

### **PRE-EMPLOYMENT SCREENING**

The Village may require candidates for employment to take a screening test designed to prevent the hiring of individuals who presently use illegal drugs or who are under the influence of alcohol or drugs. Applicants for employment who are to be tested for the presence of alcohol or illegal drugs will be informed and will be requested to sign a consent form authorizing the test. If a candidate refuses to provide consent for the test or tests positive for illegal drugs or alcohol, then the candidate will no longer be considered for employment and any conditional offer of employment will be withdrawn.

### **ON THE JOB USE, POSSESSION OR SALE OF DRUGS OR ALCOHOL**

Being under the influence of a drug or alcohol while performing Village business or while in a Village facility or using Village property is strictly prohibited. "Under the influence" means, for the purposes of this policy, that the employee is affected by a drug or alcohol or the combination of a drug and alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misconduct, or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by professional opinion, a scientifically valid test, and, in many cases, by a layperson's opinion.

The use, sale, purchase, transfer or possession of any alcohol, illegal drug, or prescribed drug or narcotic not prescribed to that employee while at a Village facility or while performing Village business is prohibited. The presence of any detectable amount of any illegal drug or alcohol in an employee while performing Village business or while at a Village facility is strictly prohibited.

The use or being under the influence of any prescribed, over-the-counter, or otherwise legally obtained drug while performing Village business, or while at a Village facility or using Village property is prohibited if such use or influence may affect the safety of the employees, co-workers, members of the public, or the safe or efficient operation of the Village. An

employee must report such use of a legally-obtained drug to his or her supervisor. If the employee's supervisor determines that the employee does not pose a threat to his or her own safety or the safety of co-workers, and that the employee's job performance is not significantly affected by the drug, then the employee may continue to work. The Village will take steps necessary and reasonable to accommodate employees whose disabilities require them to take legal drugs.

Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics or alcohol at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on Village premises and work sites. Employees should note that a violation of this policy can result in disciplinary action, up to and including termination, even for the first offense.

### SEARCHES

Employees, their possessions, and Village-issued equipment and containers under their control are subject to search and surveillance at all times while at Village premises or work sites or while conducting Village business. Employees have no reasonable expectation of privacy in these items or areas. Searches of employees and their property may be conducted when there is reasonable suspicion to believe that the employee or employees may be in violation of Village policy, rules or directives. Employees are expected to cooperate in the conducting of such searches. An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including termination, even for a first refusal.

### EMPLOYEE DRUG AND ALCOHOL TESTING

Employees may be asked to take a test at any time to determine the presence of drugs, narcotics, or alcohol when the Village has reasonable suspicion to believe an employee is under the influence of drugs or alcohol. Employees that agree to take the test must sign a consent form, authorizing the test and the Village's use of the test results for purposes of administering its policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol or illegal drugs. Policy violations will result in discipline and may result in termination. The initial test is paid for by and is the property of the Village. Records of specific examinations, if required by law and regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, the employee's doctor, or other persons designated by the Village.

### RANDOM EMPLOYEE DRUG AND ALCOHOL TESTING

Specific departments may have internal policies and procedures regarding random alcohol and drug testing.

### REPORTING REQUIREMENTS

Supervisors should report immediately to the Village Administrator any action by an employee who demonstrates an unusual pattern of behavior, including any traffic stop, complaint or accident by an employee in a Village-owned vehicle or while operating a vehicle while working. The Village Administrator or his designee will determine whether the employee should be examined by a physician or clinic or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics or alcohol will be required to leave the

premises. The Village Administrator or Department Director should be notified to arrange safe transit.

#### **EMPLOYEE COUNSELING, LEAVES AND REHABILITATION**

Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek, counseling help. Participation and counseling, including Village sponsored or required counseling, will not have any influence on performance appraisals. Job performance and the conduct of the employee, not the fact that an employee seeks counseling, are to be the basis of all performance appraisals.

An employee who is abusing drugs or alcohol may request a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the employee's supervisor that the employee is capable of performing his or her job. Failure to cooperate with the agreed upon treatment plan may result in discipline up to and including termination. Participation in a treatment program or a request for leave, even if approved, does not insulate an employee from the imposition of discipline for the employee's conduct or violations of this or other policies and rules.

#### **NON-DISCRIMINATION**

The Village maintains that it will provide a drug free and alcohol-free environment for all of its employees. However, in doing so, it will not discriminate against any employee or applicant for employment as prohibited under Federal, State, or local laws. The Village will not discriminate against any employee or applicant for employment because of their condition as an alcoholic, because of their use of lawful products off duty and off the premises, because the individual was arrested for a drug or alcohol charge prior to becoming an employee at the Village (which arrest did not lead to a conviction), or because the individual was convicted of a drug or alcohol-related crime that is not substantially related to their job duties at the Village.

#### **EMERGENCY CONTACT INFORMATION**

All employees must provide emergency contact information for persons to be contacted in the event of a personal emergency. Emergency contact information is confidential and will not be made available to non-essential staff. Emergency contact information may not be used for any purposes other than its original intention.

All employees are required to supply emergency contact information when hired. It is each employee's personal decision as to whom he or she chooses to have as the emergency contact. In an effort to keep information current should an emergency arise, employees are required to keep their emergency contact information up-to-date.

#### **EVACUATION OF VILLAGE HALL AND LIBRARY**

When the Police Department determines that it is in the interest of the safety of the employees and visitors to Village Hall and the Library to either evacuate said buildings and/or notify employees to not show up for work, the following procedure shall be used.

Step No. 1: Police Chief Notifies Village Administrator or Village Clerk.

The Police Chief, or the officer in charge, shall immediately notify the Village Administrator or Village Clerk if the Village Administrator is not immediately available.

Step No. 2: Village Administrator Notifies Village Hall Department Directors, Library Director and Public Works Superintendents.

The Village Administrator or Village Clerk shall notify all of the department directors in Village Hall, Library Director and at least one of the Public Works

superintendents at the Public Works building who will see that all Public Works are notified.

**Step No. 3: Department Directors Notify Their Employees**

Upon Being Notified, Department Directors shall immediately instruct each of their employees to immediately report to Public Works building. If the employee has not yet reported to work, but will be reporting to work that morning, the employee shall be immediately notified to report to the Public Works building. Advise Village Administrator or Village Clerk if any remaining employees or other persons in the building are unaccounted for. Report any persons refusing to leave or other problems. Assist any physically handicapped individuals.

**Step No. 4: Employees.**

Employees should insure their supervisors are aware of the evacuation order and begin an orderly evacuation from the building. Employees should obey Police Officers at all times. Employees should take personal belongings only.

**GENERAL EVACUATION OF ANY VILLAGE STRUCTURE – EMERGENCY**

When employees are advised to evacuate the building, the employees should

Stop all work immediately

Contact outside emergency response agencies, if needed

Shut off all electrical equipment and machines, if possible

Walk to the nearest exit, including emergency exit doors

Exit quickly but do not run. Do not stop for personal belongings

Proceed, in an orderly fashion, to a parking lot near the building

Do not re-enter the building until instructed to do so

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

**PHYSICALS**

Before beginning employment with the Village of Germantown, all regular employees working greater than 20 hours a week shall be required to have a physical examination by a physician selected by the Village. Department directors, at their discretion, may require other part-time or seasonal employees to take a complete physical examination prior to employment with the Village. The cost of the physical shall be paid by the Village. Failure to successfully complete such a physical may result in the withdrawal of the employment offer.

**WORKPLACE VIOLENCE**

The Village of Germantown prohibits workplace threats or violence. Acts or threats of physical violence, including intimidation, harassment, or coercion, which involve or affect personnel or property or which occur on the employer's property will not be tolerated.

Acts or threats of violence include conduct, which is sufficiently severe, offensive, or intimidating to alter employment conditions or to create a hostile, abusive, or intimidating work environment for one or several employees. Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on Employer premises, regardless of the relationship between the Employer and the parties involved
- All threats or act of violence occurring off Employer premises involving someone who is acting in the capacity of a representative of the employer.
- Examples of conduct that may be considered threats or act of violence in violation of this Policy include, but are not limited to, the following:
- Hitting, touching, or physically harming an individual.

- Threatening an individual or their family, friends, associates, or property with harm. Damaging or threatening to harm employer property or the property of others.
- Making harassing or threatening communications.
- Harassing surveillance or stalking (following or watching someone). Unauthorized possession or inappropriate use of firearms or weapons.

Every employee is required to report incidents of workplace threats or act of physical violence or damage of property.

## **WORKPLACE SAFETY AND REPORTING INJURIES AND ILLNESSES**

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

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

Any employee who is injured or becomes ill while performing service related to his or her employment must contact their supervisor immediately and on the same day the injury or illness occur to report the incident. The report must be in writing and contain relevant facts. The employee should secure the necessary medical attention on the job site to the extent practicable. All employees are entitled to Worker's Compensation coverage as per State Law.

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

# END OF EMPLOYMENT

## EMPLOYEE SEPARATION

There are many reasons an employee may be terminated or chose to terminate his or her employment with the Village of Germantown.

Resignation with Notice: If an employee decides to leave the Village, then the employee is expected to advise their department director in writing at least two (2) weeks prior to his or her date of departure so that an orderly transition can be made. Supervisory and management employees are expected to give four or more weeks' written notice. Department director notice should be made to the Village Administrator or Village President. The employee must return all Village property and records and complete required forms. The employee will be paid all owed compensation up to his or her final day of employment and any accrued but unused vacation. An exit interview may be conducted by the Administrator, a designee of the administrator or the department director. The employer reserves its right to terminate the employee before that date.

Resignation without Notice: If an employee decides to leave the Village and the employee fails to provide timely written notice as described above, then the employee's resignation will not be treated as "Resignation with Notice" and will result in the nonpayment of any accrued but unused vacation benefits. The employer reserves its right to terminate the employee before that date. The employee must return all Village property and records and complete required forms. The employee will be paid all owed compensation up to his or her final day of employment, but the employee will not be paid any accrued but unused vacation. An exit interview may be conducted by the Administrator, a designee of the administrator or the department director.

Termination: If the Village decides to terminate an employee for reasons other than for violating policies or rules, then the employee will be notified of the employer's decision. The employee must return all Village property and records and complete required forms. The employee will be paid all owed compensation up to his or her final day of employment and any accrued but unused vacation. An exit interview may be conducted by the Administrator, a designee of the administrator or the department director.

Termination for a Policy or Rule Violation: Should an employee be terminated for a violation of the policies and rules, then the employee will not be paid for any accrued but unused vacation benefits. The employee must return all Village property and records and complete required forms.

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, and overall record. An employee who resigns or who is terminated will receive his or her final paycheck on his or her next regularly scheduled payday and information regarding insurance continuation and other benefit plans.

## LAYOFFS AND FURLOUGHS

Reductions in the workforce may occur through layoffs or furloughs, in addition to attrition or position elimination or modification. The employer will determine the departments, number of positions and persons impacted by the reduction in workforce. In the event of a reduction in workforce through layoff or furlough, affected employees will be laid off or furloughed based on skills, abilities, qualifications, and the interests and needs of the employer. The employer may choose to solicit volunteers for the reduction in workforce.

**ACKNOWLEDGEMENTS**  
**EMPLOYEE ACKNOWLEDGMENT**

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

After you have read and signed this page, please detach the page from the Manual and return to your supervisor, who will submit to the Administration Department to be placed in your personnel file.

## EMPLOYEE ACKNOWLEDGMENT

### Police & Fire Union Employees

I have received a copy of the Policy Manual. I have read and I understand its contents. I acknowledge that it is my responsibility to ask questions about anything I do not understand. I understand that it is my responsibility to comply with all Employer policies, rules and expectations as set forth in this Manual, as well as policies, rules and expectations that the Employer may otherwise establish or change from time to time. I further understand and acknowledge that this Manual provides guidelines and information, but this Manual is not, nor is it intended to constitute, an employment contract of any kind. I understand that any contract or employment agreement must be authorized and approved by the Village Board at a duly noticed meeting. I acknowledge that I have not entered into any such individual agreement or contract by acknowledging receipt of this Manual or by following any of the provisions of this Manual. I understand that 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 Manual may be changed by the Employer at any time, with or without notice.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

After you have read and signed this page, please detach the page from the Manual and return to your supervisor, who will submit to the Administration Department to be placed in your personnel file.

## **AMENDMENTS AND/OR REVISIONS**

|                  |   |
|------------------|---|
| April 2, 2012    | Funeral- Bereavement Leave for regular part-time employee   |
| April 18, 2016   | Hiring, Promotions, Transfers and Assignments   |
| July 2, 2018     | Sexual and other unlawful harassment, discrimination and retaliation policy   |
| January 7, 2019  | Comprehensive Hiring Policy   |
| March 4, 2019    | Telecommuting Policy  |
| May 6, 2019      | Amendment to Family and Medical Leave Policy  |
| May 6, 2019      | Disability Accommodation Policy   |
| October 7, 2019  | Amendment to Technology Use and Electronic Communications Policy  |
| October 7, 2019  | Social Media Policy   |
| November 4, 2019 | Employee Individual Development Plan  |
| December 2, 2019 | Overtime Calculation  |
| December 2, 2019 | Sick Leave  |
| January 18, 2022 | Job Classification, Compensation, Benefits, Expense Reimbursement, Insurance, Wellness Program, Bereavement, Holidays, Nursing Mothers, Voting Leave, Jury Duty, Sick leave, Vacation, Responsibilities for e-mail records management |

