

# VILLAGE OF NEW GLARUS

# PERSONNEL HANDBOOK

Rev. 9/3/24

**PERSONNEL MANUAL  
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# PERSONNEL POLICIES AND PROCEDURES HANDBOOK VILLAGE OF NEW GLARUS

## INTRODUCTION

Like any growing organization, a unit of government reaches a point where it is useful to have its personnel policies and procedures set down, in writing, as part of a manual or a handbook. A good personnel policies and procedures handbook serves several purposes:

It tells employees what to expect of their employer and, in turn, what the employer expects of each employee.

It commits to writing the rules and procedures each employee and the employer are expected to observe in different situations affecting their interests.

It spells out important policies that govern the hiring, advancement, layoff or discharge of employees.

It provides useful information about the organization, how it is governed, and who is responsible for different tasks.

But perhaps most important, a good personnel policies and procedures handbook helps ensure that all employees are treated in a fair, equitable fashion based on policies and rules known in advance.

From time to time new policies and procedures may be adopted while others are changed or dropped, making it necessary to update this handbook.

The contents of this handbook apply to all Village of New Glarus employees, unless it is noted that a provision applies to only certain employees. Many provisions also apply to elected and appointed officials. All officials and employees are encouraged to suggest ways in which this handbook can be improved.

This employee handbook has been prepared for informational purposes only. None of the statements, policies, procedures, rules or regulations contained in this handbook constitute a guarantee of employment, a guarantee of any other rights or benefits, or a contract of employment, expressed or implied. Employment is normally considered to be at will unless the employee is governed by a collective bargaining agreement or given tenure by operation of civil service regulations or laws. The Village may modify or eliminate the provisions set forth in the handbook at any time.

Thank you.

Board of Trustees  
Village of New Glarus

## CHAPTER 1 – ORGANIZATIONAL FRAMEWORK

### 1.1 THE VILLAGE AS A UNIT OF GOVERNMENT

- (A) The Village of New Glarus is part of a very large, complex system of approximately 1,860 units of local government in Wisconsin.
- (B) New Glarus is one of nearly 400 villages in Wisconsin; they range in population from fewer than 80 to more than 27,000 residents, and in *area* from less than *one* square mile to nearly 36 square miles. Other forms of local government in Wisconsin include about 190 cities and more than 1,260 towns.
- (C) Villages and cities differ in how they are organized as units of government. While the differences are sometimes hard to see, they do exist and are important.
- (D) Every city has one official who is designated by state law as its “chief executive officer” with authority to manage the city’s day-to-day affairs; either the mayor or, in the case of about ten cities, the city manager is that official. A common council functions as the legislative arm of city government; it enacts ordinances, adopts resolutions, levies taxes and approves spending measures, but leaves the direct management of city affairs to the chief executive officer. The mayor presides over common council meetings but may vote on matters only when it is necessary to break a tie vote. A mayor also can veto actions taken by the common council.
- (E) Except for nine villages that operate under the manager form of government, Wisconsin villages do not have chief executive officers. The senior elected official is the village president, who presides over meetings of the village board, may vote on all matters that come to a vote, but cannot veto any action taken by the board.
- (F) While the president is charged by state law with maintaining peace and seeing that all ordinances are obeyed, a president does not have the broad authority a mayor or city manager enjoys under state law. A president represents both the village and its board of trustees in ensuring that programs and services provided by the village are managed effectively.
- (G) A board of trustees, usually made up of six trustees and the president, exercises legal responsibility for the “management and control of the village property, finances, highways, streets, navigable waters and the public services.” By adopting ordinances, resolutions and directives, the board can order village officials and employees to act “for the health, safety, welfare and convenience of the public.” Thus, in contrast to a city, the executive and

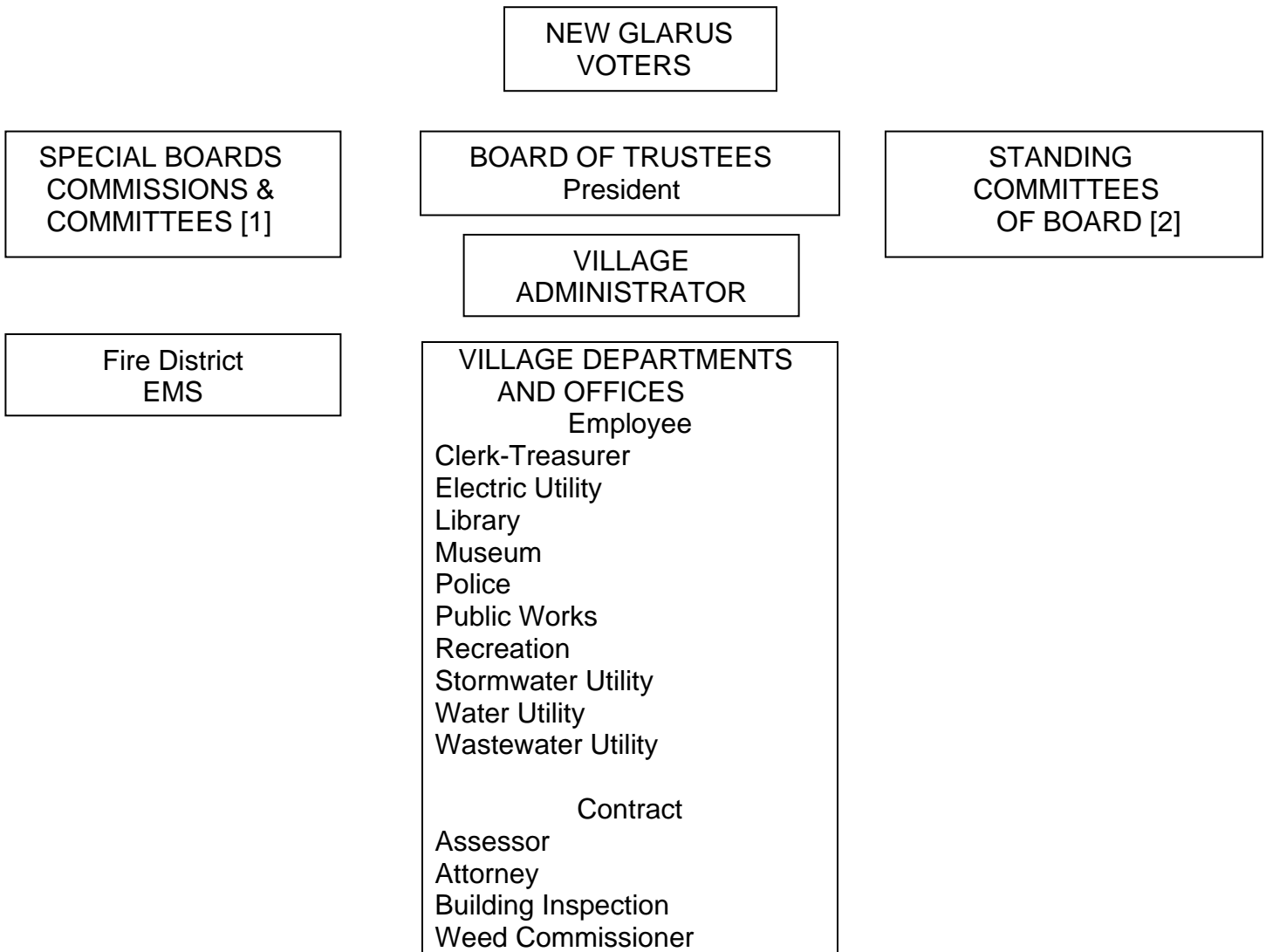
legislative functions that are critical to governing a Wisconsin village are combined and exercised by its board of trustees.

- (H) While villages and cities enjoy a good deal more discretion in managing their affairs than either towns or counties, there are both constitutional and statutory restrictions that limit the degree of “home rule” a village exercise in dealing with important matters. **Chapter 61** of the Wisconsin Statutes is the basic body of law under which villages operate, but additional powers and responsibilities are found throughout the statutes.
- (I) All villages are required to have certain other officers who, unlike the village president and trustees, may be either elected or appointed. The trustees, may be either elected or appointed. The offices of clerk and treasurer are provided for under state law, but may be combined and filled through appointment. An assessor is also required but tasks assigned to an assessor can be performed by any individual hired for the purpose and certified by the State of Wisconsin to serve as an assessor. The office of municipal judge is optional but if created, it must always be filled through election.
- (J) To help manage the day-to-day operations, the position of Village Administrator has been created. The Administrator reports to the Board of Trustees and is responsible for implementing Board policy and procedures. All department heads report to the Village Administrator.
- (K) The organization chart found on the following page offers an overview of how the Village of New Glarus is organized to carry out its responsibilities.

## 1.2 THE VILLAGE AS AN EMPLOYER

- (A) While the Village of New Glarus is a unit of government, it is also an employer and must abide by federal and state laws, rules and regulations governing employers in both the public and private sectors. Such matters as collection of Social Security taxes, participation in the Worker’s Compensation Program and treatment of overtime worked by employees are typical of employment matters in which New Glarus has little or no discretion to act except in ways prescribed by law.
- (B) A village does have discretion in many other matters related to employment, such as deciding what fringe benefits will be provided to its employees and establishing reasonable rules governing employee safety and conduct on the job.

1.3 ORGANIZATION OF VILLAGE GOVERNMENT  
 VILLAGE OF NEW GLARUS, WISCONSIN



[1] BOARDS, COMMISSIONS AND COMMITTEES CREATED BY STATE STATUTE OR VILLAGE ORDINANCE

Board of Review	
Library Board	Zoning Board of Appeals
Plan Commission	Tourism Commission
Historical Preservation Commission	ADA Compliance Committee
Tree Board	

[2] STANDING COMMITTEES OF THE VILLAGE BOARD

Personnel/Finance	Parks & Recreation
Public Safety/Public Works	

## CHAPTER 2 – GENERAL POLICIES AND PROCEDURES

### PLEASE NOTE!

In the event any provision in this handbook conflicts with any collective bargaining agreement, Village ordinance, state or federal law, state or federal administrative rule, the terms and conditions of that agreement, law or rule shall prevail. In all other cases, the provisions in this handbook shall apply.

In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

### 2.1 VILLAGE RIGHTS AS AN EMPLOYER

(A) The Village retains the right to:

- (1) Establish standards and rules designed to advance the efficiency and effectiveness of its employees.
- (2) Require employees to comply with laws and ordinances, and observe rules and regulations.
- (3) Hire, discipline, or discharge employees. The Village will not discipline or discharge employees for arbitrary or capricious reasons.
- (4) Create, combine or eliminate job classifications.
- (5) Evaluate the performance of employees.
- (6) Temporarily assign employees to other duties.
- (7) Introduce new or change existing work methods.

### 2.2 DEFINITION OF KEY WORDS AND PHRASES USED IN THIS HANDBOOK

- (A) Appointing authority: The board or commission exercising lawful authority to appoint or remove a Village of New Glarus employee.
- (B) Board: The Village of New Glarus Board of Trustees. Other boards involved in personnel actions affecting village employees will be cited by their name.
- (C) Department Head: An individual who, by his or her position or classification, is the senior person in an office, department or separate work unit and has supervisory authority over its employees and their activities.
- (D) Employee: Any regular full-time, regular part-time, probationary, or special status employee, serving an indefinite or limited term of employment, who receives compensation from funds administered by the Village.
- (E) A Regular full-time employee is a person appointed to serve either an indefinite or a fixed period of time. The authority to hire an individual as a regular full-time employee is vested in the Board, or other appointing authority, acting on

the recommendation of the department head and Administrator. A regular full-time employee can be discharged, but only for cause; the Village must be prepared to show cause for dismissal.

- (F) A Regular part-time employee is a person appointed to serve either an indefinite or a fixed period of time. The authority to hire an individual as a part-time employee is vested in the Board, or other appointing authority, acting on the recommendation of the department head and Administrator. Part-time employees can be discharged at any time; the Village need not show cause in discharging a part-time employee nor is the employee entitled to appeal the action to the Board or other appointing authority.
- (G) A probationary employee is a person hired to fill a position on the condition the new employee shows evidence of satisfactory performance during a period of time set by the Board, or other appointing authority, and made known to the employee before being hired. As a rule, probationary periods will be six to twelve months but may, if recommended by the department head and approved by the appointing authority, be extended. Probationary employees can be discharged any time before completion of the probationary period; the Village need not show cause in discharging a probationary employee nor is the employee entitled to appeal the action to the Board or other appointing authority.
- (H) A limited-term employee is a person hired to work, either on a full-time or part-time basis, for a limited period of time agreed to by the department head and the employee. This category may include seasonal workers and retired or other former village employees hired to work on a temporary basis. The authority to hire an individual as a limited-term employee is vested in the Board, or other appointing authority, acting on the recommendation of the department head and Administrator.
- (I) A special status employee hired to work for limited period of time during a calendar year. When not actively engaged in work as a Village employee, the individual may remain eligible for certain benefits, such as insurance, open to other employees. The authority to hire an individual as a special status employee is vested in the Board, or other appointing authority, acting on the recommendation of the department head and Administrator.
- (J) Eligible employee: eligible employee shall mean employees eligible to participate in the Wisconsin State Retirement Fund as outlined by the Employee Trust Fund. The definition of "eligible employee" may be changed if eligibility to participate in the Wisconsin State Retirement Fund is re-defined.  
[7/15/14]
- (K) Village: The Village of New Glarus functioning in its capacity as a municipal corporation and unit of government under **Chapter 61**, Wisconsin Statutes.

## 2.3 NONDISCRIMINATION

- (A) In conducting the public's business, the Village will not knowingly engage in any practice that discriminates against an individual or a group on the basis of age, race, ancestry, national origin, gender, marital status, religion, handicap or disability.
- (B) All activities relating to employment, including recruitment, testing, selection, training, promotion and discharge, will be conducted in a non-discriminatory manner. The Village will work to ensure compliance with federal and state laws, rules and regulations governing nondiscrimination, and will cooperate with public agencies and organizations promoting nondiscrimination.

## 2.4 AFFIRMATIVE ACTION

- (A) It is Village policy to fill positions, other than elective positions, based on the merit principle and to engage in personnel actions, including appointment, hiring and promotion, that reflect only a person's ability to perform the duties of a particular position, without regard to age, race, ancestry, national origin, gender, marital status, religion, handicap or disability.
- (B) It is Village policy to take affirmative action in filling positions to eliminate any substantial disparity between the proportion of appointed officials and employees representing racial, ethnic, gender or disability groups and eliminating any present effects of past discrimination in filling positions.

## 2.5 EQUAL EMPLOYMENT OPPORTUNITY

- (A) It is Village policy to ensure equal opportunity for those seeking employment and for employees seeking advancement in their positions. The Village is committed to hiring and promoting the best qualified individuals without regard to age, race, ancestry, national origin, gender, marital status, religion, arrest record, conviction record, or the presence of any sensory, mental, or physical handicap or disability, unless a disability prevents the performance of duties required of a person in the position. This policy also applies to the appointment of individuals to serve on boards, commissions and committees. The Village will work to ensure compliance with all federal and state laws, rules and regulations governing equal opportunity in employment.
- (B) The Village Administrator serves as the Personnel Officer. The Personnel Officer serves as the Equal Opportunity Officer, advising and aiding the Board, other appointing authorities, department heads and employees in matters related to Village compliance with federal and state policies, laws, rules and regulations.
- (C) The following steps will be taken in the event a grievance arises from efforts to ensure equal employment opportunity.

- (1) Employees covered by a labor agreement containing a grievance procedure may use either that procedure in seeking relief from alleged discriminatory practices or the procedure made available to non-represented employees, but not both.
- (2) Employees not covered by a labor agreement may bring their grievance to their department head, who will attempt to determine the validity and cause of the complaint and work with the employee to find a just solution.
- (3) At the option of either party, the services of the Equal Opportunity Officer may be requested. The Equal Opportunity Officer will interview both parties, conduct additional inquiries as necessary, and recommend appropriate action and settlement conditions.
- (4) In the event mutual agreement cannot be reached, written statements detailing the grievance and subsequent actions taken will be submitted to the Personnel Committee; the Committee's recommendations in the matter will be forwarded to the Board for consideration.
- (5) Committee proceedings, reports and decisions related to the resolution of a grievance will be documented.
- (6) An employee or any individual seeking employment is entitled to file a complaint with the appropriate state or federal agency. The Equal Opportunity Officer will provide information concerning procedures for filing such a complaint.

## 2.6 RESIDENCE AND PERSONAL STATUS.

- (A) Residence within the Village of New Glarus is not required as a condition of employment by the Village, but is encouraged.
- (B) The place at which an employee resides will have telephone *access (landline or cellular phone)*. Each employee will make sure their work unit supervisor and the Clerk-Treasurer have a record of the employee's current place of residence, mailing address and telephone number(s).
- (C) In addition to reporting any change in residence, mailing address or telephone number, changes in the number and status of dependents and marital status are to be reported to the Clerk-Treasurer without delay so appropriate changes can be made in the computation of payrolls and in the determination of eligibility for certain employee benefits.

## 2.7 OUTSIDE EMPLOYMENT

Village officials or employees may not engage in employment or provide services incompatible with their official duties, or that lessen their independence, impair their judgment, create a conflict of interest, or diminish their ability to perform their duties, unless such activities are permitted by law or ordinance and full disclosure is made. Employees considering outside employment are expected to obtain permission from the affected department head and the Village Administrator before accepting outside employment. The granting or denial of permission to engage in outside

employment will be noted in writing and made a part of the employee's personnel record.

## 2.8 REST PERIODS AND BREAKS

Each employee may take two rest periods or breaks from work during the normal workday, one during the first half of the workday and another during the second half of the workday. If necessary or appropriate, both breaks may be taken during the second half of the workday, either as separate breaks or combined into a single break. Each rest period or break should not exceed 15 minutes, or 30 minutes if combined into a single break during the second half of the workday. Breaks cannot be saved or combined and taken at the end of normal workday in order to leave early.

## 2.9 ADMINISTRATION OF EMPLOYEE PERSONNEL RECORDS

- (A) The Clerk-Treasurer is responsible for establishing and maintaining an official personnel file for each employee. Department heads are responsible for forwarding documents, pertaining to employees assigned to their department, for inclusion in their personnel file.
  
- (B) Documents in an employee's personnel file will include, but are not necessarily limited to:
  - (1) Permanent documents that are retained throughout an individual's employment by the Village include:
    - (a) Application for employment.
    - (b) Position description.
    - (c) Performance evaluations.
    - (d) Education and training documents.
    - (e) Original copies of personnel actions.
    - (f) Original copies of documents related to compensation and employee benefits.
    - (g) Letters of appreciation, commendation, or reprimand.
  
  - (2) Temporary documents that are normally retained for seven calendar years or less including:
    - (a) Correspondence relating to leave or vacation requests
    - (b) All other administrative documents of limited informational life span.
  
  - (3) Confidential documents, normally retained throughout an individual's employment by the Village, will be maintained in a separate file established for each employee by the Clerk-Treasurer. The file will include:
    - (a) Reports of medical examinations.
    - (b) Psychological profiles.
    - (c) Background investigations.
    - (d) Written examinations taken for the purpose of employment or promotion.
    - (e) Oral interview results.

- (f) Letters of reference.
- (g) Performance plans and evaluations.
- (h) Employment Contracts.
- (i) Records relating to the investigation of possible misconduct or criminal offenses committed by the employee.

## 2.10 ACCESS TO PERSONNEL RECORDS

- (A) The Village treats as confidential all employee information except when requested to verify information relating to job title, department, base salary, and dates of employment.
- (B) Information contained in confidential personnel documents maintained by the Clerk-Treasurer will not be released to the public without written permission of the employee.
- (C) Section 103.13, Wisconsin Statutes, governs access by either an employee or former employee to personnel records. Twice each calendar year, an employee may request access to his or her personnel record; the employee may inspect its contents and request that any information on file be corrected. In certain instances, an employee may designate, in writing, another person to serve as his or her representative.
- (D) No employer may grant an employee access to:
  - (1) Records relating to the investigation of possible criminal offenses committed by the employee.
  - (2) Letters of reference for the employee.
  - (3) Test documents, except scores attained on a test or any portion of a test.
  - (4) Materials used by an employer for staff management planning.
  - (5) Records related to any claim between the employer and the employee that may be discovered in a judicial proceeding.
- (E) An employee's right to inspect certain documents contained in his or her personnel record includes the right to request a copy of the document.

## 2.11 UNION RIGHTS AND ACTIVITIES

- (A) The Village recognizes the following unions as the exclusive bargaining representative for designated employees of the following bargaining units:
  - (1) Village of New Glarus Police Department Employees (with the exception of the Police Chief). Wisconsin Professional Police Association.
- (B) Village employees have a right to form and join labor organizations, unless they are exempt as defined by law or excluded by a labor agreement. Conditions of membership are described in each labor contract.

- (C) Each bargaining unit separately negotiates contracts for its members with the Village. Wages, benefits and conditions of employment will be governed as specified in the respective labor agreement.
- (D) Employees are not granted time off with pay to engage in union activities unless specifically provided for in the labor agreement. Village equipment and facilities may not be used for union activities unless specifically provided for in the labor agreement, or unless approved by the Board.

## Chapter 3 – PRE-EMPLOYMENT POLICIES AND PROCEDURES

### 3.1 HIRING RELATIVES OF OFFICIALS AND EMPLOYEES

- (A) This policy applies to all Village employees, elected and appointed officials; it governs the proposed hiring, for either full-time or part-time work as Village employees, of individuals who are the relatives of Village employees, elected and appointed officials. For the purpose of this policy, relative means a spouse, child, stepchild, parent, stepparent, brother, sister, grandparent, father-in-law, mother-in-law, brother-in-law or sister-in-law.
- (B) Hiring relatives of Village employees, elected or appointed officials is discouraged and will be approved only if the relative has specific work related knowledge, skills, experience or other qualifications that justify special consideration in filling a position. It is expected the Village employees, elected or appointed official to whom a job applicant is related, or the job applicant, will make the relationship known to the department head before any hiring decision is made. The decision will be subject to approval by the Board or other appointing authority.
- (C) An employee shall only be allowed supervision by a department head who is a relative of the employee under the definition of 3.1(c) after approval by the Village Board.
- (D) The marriage of two Village employees, subsequent to being hired by the Village, will not be considered a violation of this policy.

### 3.2 WORK PERMITS FOR MINORS

- (A) New employees who have not completed high school and have not reached their 18<sup>th</sup> birthday at the time they are hired must obtain a work permit issued by the State of Wisconsin.
- (B) Each work permit covers only the position or specific kind of work for which it is issued. A department head desiring to employ a minor, or Village Administrator or Clerk-Treasurer, will provide the prospective employee with a letter stating the Village's intent to employ him or her, the title of the

position in which the minor will be hired, and a description of the duties the employee will be expected to perform.

- (C) The permit authorizing employment of a minor must be received and placed on file with the Clerk-Treasurer before the minor may do any work for the Village. A record of each minor employed must be kept by their department head and will show the employee's name, address, date of birth, the time of beginning and ending work, the time of meals each day, and the total hours worked each day and each week.

### 3.3 FILLING VACANT POSITIONS

- (A) Department heads will request Board approval to proceed with filling a position and will propose the method to be used in filling it.
- (B) One of several methods may be used to fill a vacant position; the method used will usually be selected by the department head, subject to approval by the Board.
  - (1) The Open Competitive Process. Applicants for a vacant position may be selected through a competitive process open to all interested individuals. The process may include one or more of the following elements:
    - (a) A fair evaluation of each applicant's education, training, experience and other work related qualifications.
    - (b) A written examination to measure essential kinds of work related knowledge.
    - (c) A performance test designed to measure essential work related skills.
    - (d) An oral interview of eligible applicants.
  - (2) Promotion. Promotion is the advancement of a current employee from his or her position to a higher position in the same work unit or department.
  - (3) Transfer. Transfer is the movement of an employee from his or her current position to a vacant or new position in a different work unit or department.
  - (4) Reinstatement. Reinstatement involves rehiring a former Village employee without competitive examination to fill the same position held by the individual at the time he or she was separated from Village service.
  - (5) Exceptional Employment. This method may be used to meet a special requirement for hiring an individual who may be qualified for a position, but otherwise less competitive than some other applicants. Exceptional employment is the method most likely to be used in an effort to make the Village's work force more representative of the population living in the Village and will normally be used only with the approval, or at the direction, of the Board.

- (6) Limited Term Employment. Employees hired for limited term employment may be appointed by the appropriate committee under who responsibility for their activities falls or the Committee may delegate the Department head to make such appointments with approval of the Village Administrator. All such appointments shall be reported to the Village Board as soon as possible. Appointment of employees hired under this method shall not exceed 100 hours per year. [4/2/96]
- (7) The Village Administrator will coordinate the process to fill all position vacancies to ensure compliance with contractual, legal and equal opportunity requirements.

### 3.4 RECRUITMENT

- (A) Following Board approval, notice of intent to fill a position will be posted in each Village facility at least ten working days before the position vacancy is advertised or posted elsewhere. The notice will include:
  - (1) Title of the position.
  - (2) Hourly wage or salary.
  - (3) Concise description of duties.
  - (4) Education, training, work experience required.
  - (5) Special requirements (certification or license).
  - (6) Special working conditions, if any.
  - (7) Method to be used in filling the position.
  - (8) How to apply.
  - (9) Closing date for applications.
  - (10) Statement affirming the Village's commitment to equal opportunity in employment and advancement.
- (B) The department seeking to fill a vacancy may be asked to assist the Village Administrator in developing a job announcement and ads, and identifying special recruitment sources.
- (C) The Clerk-Treasurer and/or Village Administrator will screen active job application files for possible applicants. These applicants will be contacted before the closing date listed on the employment notice to determine current interest in Village employment.
- (D) Employment applicants normally will be submitted to the Village Administrator using Village approved forms. Applications will be kept on file for at least six months and may be used to consider an applicant for all positions for which he or she might be qualified.
- (E) No applications for a position, currently in the process of being filled, will be accepted after the announced closing date. The Village Administrator, with the assistance of the affected department, will screen all applications received to determine each applicant's eligibility for the position to be filled.

- (F) Applicants may be disqualified any time during the screening, testing and selection process when it is determined that:
- (1) An applicant lacks the qualifications established for the position.
  - (2) An applicant has an unsatisfactory employment record or personal record, based on information on the employment application form, or by the results of a reference check or a background investigation.
  - (3) An applicant has made false statements or practiced deception in his or her application.
  - (4) An applicant is discovered to be physically, mentally or otherwise incapable of performing the work related duties of the position.
  - (5) An applicant is not within the legal age limits prescribed by law.
- (G) If it is determined that there is not a sufficient number of qualified applicants, recruitment may be reopened.

### 3.5 DISCLOSURE OF APPLICANT'S IDENTITY

- (A) At some point during the process leading to the hiring of Village employees, it may be necessary to disclose the name of applicants under consideration, their address, title or occupation. Other information, obtained in the course of the screening, testing and selection process, will normally be made available only to those involved in the process.
- (B) Unless an applicant informs the Village, in writing, that he or she does not want their identity revealed, the applicants name cannot be kept confidential in the event a request for the names of applicants is made under the Wisconsin Public Records Law. The identity of applicants selected as finalists for a position must be revealed if requested.

### 3.6 TESTING

Some forms of testing, including testing for alcohol, drug or other substance abuse, may be required in filling certain positions. Tests used may include structured questionnaires, practical tests, written tests, and physical aptitude tests. Testing will be work related and used only to determine an applicant's knowledge, skills and abilities for the position.

### 3.7 FORMS OF TESTING PROHIBITED

The Village cannot require applicants for employment to submit to a test administered by means of a lie detector or to undergo testing for the presence of the HIV antibody.

### 3.8 INTERVIEW PROCESS

- (A) An employment interview is part of the selection process; its purpose is to discover any knowledge, skills, abilities, experience or qualities an applicant may have that are not evident through a review of application forms, resumes or test results. Oral interviews will usually be conducted by the department head,

Village Administrator, and the appropriate committee for full time positions. Oral interviews for part time positions will be conducted by the department head and Village Administrator.

(1) Oral interviews will be conducted by the department head, Village Administrator and the appropriate committee for full time positions being filled by promotion of part time positions. [8/19/08]

(B) Oral interviews also may be conducted by a board, commission, committee, or a special panel formed for the purpose. The affected department head will be responsible for developing proposed interview questions. Consistency will be maintained in the questions asked applicants. Certain rules need to be observed to ensure the interview process is conducted within the parameters of federal and state laws:

(1) Questions must be work related and designed to measure job knowledge, experience, education, or to solicit responses that reflect personal qualities that are work related.

(2) Questions which pertain to race, sex, religion, marital status, or other inquiries that directly or indirectly tend to disclose such information, are not permitted.

(3) Inquiries as to date of birth and proof of age are permitted if there is no explicit or implied preference for persons under 40 years of age.

(4) Inquiries concerning sensory, mental or physical disabilities that relate to performing work related tasks or that may affect work performance are permitted. Other general inquiries that would tend to divulge disabilities or health conditions not related to performing work related tasks are not permitted.

(C) A copy of the employment application submitted by applicants and proposed interview questions may be provided to members of the interview panel.

(D) Each panel member should score every applicant. Following the last interview, the panel will attempt to reach consensus and report the results to the hiring authority.

### 3.9 REFERENCE CHECK AND BACKGROUND INVESTIGATION

(A) Before an offer of employment is tendered, a reference check will be completed and on file with the Village Administrator, to verify claims of educational attainment, previous employment, and other information provided by an applicant. Some or all parts of the reference check may be conducted by the affected department head.

(B) Some positions may require a background investigation by the New Glarus Police Department, another law enforcement agency or a qualified individual. Background investigations will be kept on file with the Village Administrator.

### 3.10 OFFER OF EMPLOYMENT

After references are verified and a hiring decision reached by the Personnel Committee and affirmed by the Village Board, the Village Administrator will notify the applicant of his or her selection, tender a written offer of employment, and request that the offer be accepted or rejected within the number of days set by the appointing authority. If an offer is rejected, the appointing authority may choose to offer employment to another qualified applicant or to reopen recruitment to fill the position. Once an applicant accepts an offer of employment, other applicants will be provided with written notification that they were not selected. [4/2/96]

### 3.11 MEDICAL EXAMINATION

Applicants for certain positions may be required to undergo a medical examination to be employed by the Village. The Americans with Disabilities Act prohibits asking an applicant to undergo a medical examination before receiving an offer of employment. In the event a medical examination is required, an offer of employment will be contingent upon successful completion of the examination. In some cases, psychological testing also may be a part of the selection process.

### 3.12 TESTING FOR ALCOHOL, DRUG ABUSE OR OTHER SUBSTANCE ABUSE

(A) Both applicants for employment and current employees can be required to undergo testing for evidence of alcohol, drug or other substance abuse. It is Village policy that testing normally will be limited to situations in which:

- (1) An applicant or an employee may be expected to use equipment that, if operated under the influence of alcohol, drugs or other dangerous substances, could endanger the employee or other persons.
- (2) An employee who will be driving commercial motor vehicles will be subject to the Village's alcohol and drug testing policy, in addition to the other regulations covered in the personnel handbook.
- (3) An employee is required to undergo testing to satisfy federal or state requirements.

### 3.13 APPOINTMENT

An employment confirmation letter will be sent to each new employee outlining the terms of employment. The letter will be prepared by the Village Administrator in cooperation with the affected department head.

### 3.14 APPLICANT EXPENSES

Unless approved by the Board, the Village will not reimburse an applicant for travel expenses incurred as part of the screening and selection process. Relocation costs are paid by a new employee unless reimbursement is approved by the Board.

## CHAPTER 4 – POST-EMPLOYMENT POLICIES AND PROCEDURES

### 4.1 EMPLOYEE ORIENTATION

- (A) On or before the date a new Village employee begins work, the Clerk-Treasurer, Village Administrator and the affected department head will conduct a joint orientation that will, at a minimum, include:
- (1) Salary or wage to be paid.
  - (2) Pay periods and procedures for recording hours worked.
  - (3) Hours of work and procedures for reporting tardiness or absence.
  - (4) Vacation, sick leave and other authorized absences.
  - (5) Insurance, Workers Compensation, retirement and other employee benefits.
  - (6) Work rules.
  - (7) Reporting injuries.
  - (8) Grievance procedures.
  - (9) Performance evaluation.
- (B) Each employee will be given a copy of the current position description and a copy of the personnel policies and procedures handbook. Written evidence that the orientation was conducted and a copy of the handbook provided will be made part of the new employee's personnel file.

### 4.2 POSITION DESCRIPTIONS

- (A) A comprehensive, up-to-date position description serves as a basis for:
- (1) Establishing minimum qualifications to be met by applicants seeking employment or promotion.
  - (2) Deciding what type of tests might be appropriate in screening applicants seeking employment or promotion.
  - (3) Reviewing and screening applications submitted by applicants for employment or promotion to ensure only qualified applicants will receive consideration.
  - (4) Evaluating the performance of the individual appointed to a position; in effect, a position description becomes the yardstick for measuring individual performance.
- (B) Although there is no set format for position descriptions, each needs to have certain elements to satisfy guidelines for employers growing out of enactment of the Americans with Disabilities Act of 1990. These elements include:
- (1) Job Title.
  - (2) Identification of whom the individual in a position is responsible to or reports to.

- (3) A brief description of the position, including the level and type of supervision required.
- (4) Minimum qualifications an individual must have to be considered for employment in the position.
- (5) Knowledge, skills and abilities required to perform functions and duties assigned to the position.
- (6) Essential functions or basic duties performed by an individual in the position.
- (7) Other functions or duties that are not necessarily essential, but routinely performed by an individual in the position.
- (8) The physical environment in which a person in the position usually works, as well as special environmental or physical conditions that person may encounter.

(C) The Village will maintain a comprehensive, up-to-date position description for each position. Department heads are responsible for ensuring that position descriptions are periodically reviewed and, as necessary, modified. One copy of the most current position description will be given to each employee and one copy given to the Clerk-Treasurer for inclusion in the employee's personnel file.

#### 4.3 PROBATIONARY PERIODS

- (A) The Village may require employees to complete a probationary period as a condition of gaining regular part time or full-time employee status. Probation provides time to validate the choice of an individual as the best qualified person for a position and should be viewed as the last stage in the selection process, not as the first stage of employment.
- (B) As a rule, probationary periods for both part time and fulltime employees will be twelve (12) months but may, if recommended by the department head and approved by the appointing authority, be extended. Part time employees promoted to fulltime status shall serve a subsequent twelve (12) month probationary period under fulltime status unless specifically waived by the Village Board. Probationary employees can be discharged any time before completion of the probationary period; the Village need not show cause in discharging a probationary employee nor is the employee entitled to appeal the action to the Board or other appointing authority. Department heads in cooperation with the Administrator shall inform the Board of the satisfactory completion of probationary periods for each employee.

#### 4.4 PERFORMANCE EVALUATIONS

- (A) The performance of each employee is to be periodically evaluated for the following reasons:
- (1) To learn if an employee is meeting the expectations of the employer.
  - (2) To stimulate improved performance by the employee, as well as by the work unit.

- (3) To give employees and their supervisors an occasion to discuss work related problems and work out solutions.
  - (4) To give the employer a basis for objectively deciding matters concerning retention, promotion, compensation and employee training. Without formal written evaluations on which to base these decisions, it is nearly impossible to treat employees fairly and on the basis of merit.
  - (5) To provide a documented source of information about an employee's past performance when, and if, a decision needs to be made concerning discipline or dismissal.
- (B) All regular full-time and regular part-time Village employees, will be evaluated by their immediate supervisor at least once each year, usually during the month of March, using forms or following a format designed for the purpose. Department heads should be evaluated during the same period by the Village Administrator with input by the appropriate committee; input consists of review and approval by appropriate committee prior to finalizing evaluation.
- (C) Probationary Village employees also will be evaluated by their supervisors, but on a more frequent basis until the probationary period is completed.
- | <u>Probationary Period</u> | <u>Frequency of Evaluations</u> |
|----------------------------|---------------------------------|
| Six months or less         | Every 45 calendar days          |
| Six to twelve months       | Every 90 calendar days          |
- (D) If a probationary period is extended, a written evaluation will be prepared every 30 days during the extended period.
- (E) Each employee will be shown the completed evaluation report, after it is prepared by his or her supervisor, and given a chance to meet with the supervisor to discuss the evaluation before being asked to sign the completed form. Employees who believe an evaluation report is unfair or contains biased information may enter written objections on the back of the form or attach a separate statement to the form. Both the evaluation form and any statement added or attached to it will be filed in the employee's personnel file.
- (F) An employee also may request that the supervisor's evaluation be reviewed by the department head or, if the department head is the supervisor preparing an evaluation, by the Personnel Committee.

#### 4.5 PROMOTIONS

- (A) Vacant positions will, to the extent possible, be filled with qualified Village employees before advertising the vacancy to the public. Employees will generally be expected to serve in their current position for at least one year before being considered for a promotion or transfer.
- (B) Selection of an employee for promotion will be based on the employee's past work record, education, knowledge of duties associated with the position, work related skills and time in service. If only one employee applies for a vacant

position and his or her qualifications are known to the department head, the formal selection process may be dispensed with.

- (C) Temporary assignments may be made by a department head for a specified time or until a vacant position is filled. Such appointments will be on an “acting” basis and, unless selected to fill a vacant position on a regular full-time basis, the employee will return to his or her normal duties following completion of the assignment.
- (D) Unless otherwise provided by a labor contract, whenever an employee is promoted to a higher position the employee will enter the new position at the entry level established for the position. If a promotion does not result in a salary increase of five percent or more, the employee will enter the position at a pay level providing an increase of five percent or more. But the new pay rate, upon promotion, may not exceed the maximum for the position.
- (E) Employees who are promoted will serve the probationary period established for the new position, unless specifically waived by the appointing authority. Newly promoted employees who fail probation will normally return to the position held before promotion, unless that position is currently held by an employee who has gained regular full-time status in the position.
- (F) Changes in an employee’s designation, usually occurring as a result of advanced training and regulated by state statute or administrative rule, does not constitute a promotion.

#### 4.6 TRANSFERS

- (A) Vacancies in Village positions will be posted for a minimum of ten working days at each Village facility. Employees interested in applying for a transfer must file a completed Village employment application with the Clerk Treasurer within the ten working days the vacancy is posted. Employees generally are expected to serve in their current position for a last one year before being considered for transfer to another position. All else being equal, current Village employees will be given priority consideration in filling vacant positions.
- (B) The personnel file of the employee seeking a transfer will be made available to the department head responsible for filling the open position. If the employee is selected, his or her current department head will be notified before an offer of transfer is made to the employee.
- (C) If the employee seeking a transfer accepts the position, it will be up to the affected department heads to agree on a transfer date. Every effort should be made to complete the transfer within two weeks of the offer’s acceptance.
- (D) The salary or wage of an employee selected for transfer will be based on compensation and requirements established for the new position. An employee

meeting only minimum requirements for the position will start at the entry level salary or wage, regardless of current salary or wage. A level of compensation more nearly compatible with the employee's level of knowledge, skills and experience may be offered to an employee exceeding the minimum requirements for the position.

- (E) Employees transferred to a new position will serve the probationary period established for the position, unless specifically waived by the appointing authority. Employees who fail probation will normally return to the position held before transfer, unless that position has been filled by an employee who has attained regular full-time status in the position.
- (F) Transfers also may be initiated by the Village in instances where the Village's best interests may be served.

#### 4.7 DEMOTIONS

- (A) The salary or wage of an employee reassigned to a position in a lower classification, regardless of the reason for the demotion, will be reduced to a level compatible with the compensation and requirements established for the position. No employee will be demoted to a position for which he or she does not possess the minimum qualifications.
- (B) Except in an emergency, an employee scheduled to be demoted will be given written notification of the intended action ten working days before the demotion takes effect.
- (C) Employees who are demoted will serve the probationary period established for the position, unless specifically waived by the appointing authority. Demoted employees who fail probation will normally be discharged.

#### 4.8 RECLASSIFICATIONS

When the qualifications, duties or responsibilities of an existing position are substantially changed, a department head may submit a written request to the Village Administrator proposing that the position be reclassified. The request will be reviewed by the Village Administrator to determine the fiscal impact and comparability with other positions. The request and a summary of the Village Administrator's review will be submitted to the Personnel Committee for consideration. If approved, the Village Administrator will take the necessary steps to reclassify the position. The Personnel Committee shall provide reasons for denial of a reclassification.

#### 4.9 LAYOFFS

- (A) Layoffs of Village employees could occur because of changes in department or work unit responsibilities, work methods used, a reduction in workload, or a

reduction in revenues needed to support Village operations. Board approval is necessary to effect all layoffs.

- (B) When the Board has determined employee layoffs are necessary, each employee affected will be notified by a letter citing the reason for the layoff and the effective date; the letter will be delivered in a way that ensures its receipt by the employee a minimum of ten working days before the date a layoff will take effect and will summarize the employee's rights and benefits. An employee designated for layoff will be counseled by the department head and the Village Administrator and/or Clerk-Treasurer, given an opportunity to ask questions concerning the exercise of rights summarized in the letter and help in obtaining any benefits the employee may be entitled to receive.
- (C) Seasonal, other limited-term, regular part-time and probationary employees will normally be laid off before regular full-time employees in the same classification.
- (D) Based on seniority and a demonstrated capacity to do the tasks required, an employee designated for layoff may request that he or she displace, or "bump down," a Village employee with less seniority. If approved by the Board, the employee who displaces another employee will be entitled to the salary or wage established for the position if that position had been filled by an individual with the same length of service in the position.
- (E) The Board retains the right to recall and restore employees to positions held at the time a layoff was ordered.

#### 4.10 DISCHARGE FOR CAUSE

- (A) A Village employee may be discharged for cause.
- (B) The discharge of department heads for cause will be authorized only by the appointing authority based on charges, and supported by evidence, presented by the Village Administrator to the affected board or commission.
- (C) The discharge of law enforcement officers for just cause will be governed by provisions in section 62.13, Wisconsin Statutes.
- (D) The discharge of other employees for cause will be authorized only by the appointing authority based on charges and supported by evidence presented by the department head and Village Administrator.
- (E) All employees will be afforded due process in proceedings initiated to secure their discharge as a Village employee.  
Procedural due process means that:

- (1) The employee is entitled to notice of charges that have been made, or will be made, and actions that will or may be taken against the employee.
- (2) The employee is entitled to hearing for the purpose of responding to the charges.
- (3) The employee is entitled to representation.
- (4) The employee is entitled to confront and cross-examine his or her accusers.
- (5) The employee is entitled to present evidence and argue his or her view of the facts.

#### 4.11 RESIGNATIONS

- (A) Village employees resigning their position *shall* submit a letter of resignation, indicating the date on which the employee wishes to end his or her employment, to the affected department head. A minimum of ten working days notice is desired.
- (1) The designated employment end date shall not be extended with the use of unused vacation hours. Any unused vacation hours shall be paid to the resigning employee in a lump sum.
  - (2) Unused vacation hours earned in the year in which the employee is resigning will be paid out on a pro rata basis, calculated by taking (number of vacation days earned/12) x month number they resign (e.g. 25 days of vacation and resign in February would be  $(25/12) \times 2 = 4.17$ , round to nearest quarter at 4.25).
- (B) Department heads resigning their position will be expected to submit a letter of resignation; indicating the date on which the department head wishes to end his or her employment, to the Village Administrator. A minimum of 20 working days notice is desired.
- (C) The Clerk-Treasurer will meet with a departing employee to arrange payment of compensation and extension of benefits to which the employee may be entitled.
- (D) The Village reserves the right to make the resignation effective immediately, and provide compensation for the approximate ten or twenty day notice period.

#### 4.12 INSURANCE

Upon termination of employment for any reason, employees shall receive Village-funded benefits through the end of the month of their last day of employment. Employees will not be required to pay back the cost of their benefits to the Village for the remaining portion of their last month of employment.

#### 4.13 RETIREMENT

Employees contemplating retirement and expecting to receive an annuity from the Wisconsin Retirement System, the Social Security Administration or another source should notify the Clerk-Treasurer of their intent a minimum of three months before the month in which they wish to retire. The Clerk-Treasurer may be asked to provide information that will aid an employee in obtaining estimates of his or her retirement annuity and information concerning other benefits to which a retiree may be entitled.

#### 4.14 REHIRING OR REINSTATING FORMER EMPLOYEES

- (A) Upon the recommendation of the affected department head and with Board approval, a former Village employee may be rehired without competitive examination to fill the same position held by the individual at the time he or she was separated from Village service.
- (B) The salary or wage authorized will not exceed the amount the employee received when he or she left Village employment. The employee's date of entry into service as a Village employee will be adjusted by the Clerk-Treasurer to reflect the break in service.

#### 4.15 EXIT INTERVIEW

All employees terminating employment with the Village for whatever reason, must complete an exit interview on or prior to the last day of employment. The exit interview will normally be conducted by the Personnel Director. The purpose of this interview is to clarify factors leading up to the termination of employment for the benefit of both employer and employee and to give the employee an opportunity to evaluate the Village as an employer. A summary of the interview will be prepared on the form provided, signed by both parties, and placed as a final document in the employee's personnel record. On or before an employee's last day of employment he shall return all keys, equipment, manuals and other Village property to his respective Department head. [4/2/96]

### CHAPTER 5 - PUBLIC OFFICIAL AND EMPLOYEE CONDUCT

#### 5.1 PUBLIC OFFICIAL AND EMPLOYEE LIABILITY

- (A) The Village of New Glarus could be held responsible for negligent acts by its officials or employees, but only if the acts are a result of what an official or employee does in their official capacity.
- (B) State laws limit what actions, claiming municipal liability, can be taken. One limitation affects members of most boards, commissions and committees: Action cannot be taken against a municipality, or its officers, for acts stemming from the exercise of legislative, quasi-legislative, judicial or quasi-judicial functions.
- (C) It is unlikely members of a Village board, commission or committee would be held personally liable for damages awarded as a result of actions taken in their

capacity as public officials. If a judgment is entered against a municipality, the municipality and its insurer usually share in paying any damages as well as the costs of defending officials named in an action.

- (D) There are exceptions to this rule. One involves payment of forfeitures if Village officials violate the state's open meetings law; in this case the officials, not the Village, must pay any forfeitures ordered by the court.
- (E) There are still other instances in which a public official or employee may bear personal liability for acts that violate state law. These include actions prohibited by Chapter 946, Wisconsin Statutes, such as soliciting or accepting a bribe, having a private interest in a public contract, or engaging in misconduct while in public office.

## 5.2 BRIBERY OF PUBLIC OFFICIALS AND EMPLOYEES

- (A) Section 946.10, Wisconsin Statutes, prohibits anyone from giving, or promising to give, anything of value to a public official or employee in an effort to influence the conduct of that official or employee.
- (B) No public official or employee may directly or indirectly solicit, accept or offer to accept, anything of value with an understanding the official or employee will act a certain way on a matter that is pending or is likely to come before him or her.
- (C) Violations of these provisions in state law are treated as felonies and, if found guilty, a public official or employee could be fined up to \$10,000 and receive up to five years in prison for each offense.

## 5.3 INTEREST IN PUBLIC CONTRACTS

- (A) Section 946.13, Wisconsin Statutes, contains two important provisions affecting all Village officials, both elected and appointed, as well as all Village employees:
  - (1) No Village official or employee, acting in his or her official capacity, may participate in approving a contract with the Village if that individual has a direct or indirect financial interest in the contract. For members of a board, commission or committee taking official action on a contract, abstaining from voting will normally prevent a violation of this provision.
  - (2) No Village official or employee, acting as a private citizen, may negotiate, bid for, or enter into a contract with the Village if he or she has a direct or indirect financial interest in the contract and is "authorized or required by law to participate in . . . the making of that contract." For members of a board, commission or committee responsible for approving a contract, abstaining from voting will not avoid violation of this provision. Even if an official does not vote on the contract, and even if the contract is awarded to another bidder, the official could still be found in violation of this provision in state law.

- (B) Because some elected and appointed officials or employees may own or be associated with firms doing business with the Village, state law allows these individuals to have an interest in public contracts as long as the total value of services or goods provided does not exceed \$7,500 in any one year. This limitation applies to all goods and services provided in any one year, not each contract in which an official or employee has a financial interest.
- (C) Violations of these provisions in state law are treated as felonies and, if found guilty, a public official or employee could be fined up to \$10,000 and receive up to two years in prison for each offense.

#### 5.4 MISCONDUCT IN PUBLIC OFFICE

- (A) Section 946.12, Wisconsin Statutes, prohibits all public officials and employees from engaging in certain kinds of conduct. A public official or employee may not:
  - (1) Intentionally fail or refuse to perform a mandatory, ministerial duty within the time or in the manner required by law.
  - (2) Engage in an act a public official or employee knows exceeds his or her lawful authority or is forbidden by law.
  - (3) Use a discretionary power in a manner inconsistent with the duties of one's office or employment, in violation of the rights of others or to obtain a dishonest advantage.
  - (4) Intentionally falsify an entry in an account, record book, return, certificate, report or statement.
  - (5) Intentionally solicit or accept anything of value for the performance of a service or duty that an official or employee knows is greater or less than fixed by law.
- (B) Violations of these provisions in state law are treated as felonies and, if found guilty, a public official or employee could be fined up to \$10,000 and receive up to two years in prison for each offense.

#### 5.5 ETHICAL CONDUCT

- (A) Section 19.59, Wisconsin Statutes, establishes a code of ethics for all local government officials and employees. Local government officials and employees may not:
  - (1) Use their positions for financial gain or to obtain anything of substantial value for their own private benefit, the benefit of their immediate families or an organization with which they are associated.
  - (2) Accept "anything of value" if it could reasonably be expected to influence how they vote or actions they may be expected to take, influence their judgment in a matter, or could reasonably be considered as a reward for any official action or inaction on their part.

- (3) Take an official action that substantially affects a matter in which they, a member of their immediate family, or an organization with which they are associated has a substantial financial interest.
  - (4) Use their position to produce, or help in the production of, a substantial benefit for themselves a member of their immediate family, or an organization with which they are associated.
- (B) The term “anything of value” means money, property, a favor or service.
- (C) The term “immediate family” means one’s spouse and family members who receive more than one-half of their support from the official or employee.
- (D) The term “organization” means one in which the official or employee serves as an officer, director or trustee, or owns at least ten percent of the organization.
- (E) Village officials and employees who suspect an action they may take could place them in violation of the ethics code for local government officials may ask the Village Attorney for an advisory opinion.
- (F) To ensure the integrity of Village government and foster public trust, Village officials and employees are encouraged to disclose information they may have that might establish reasonable grounds for believing another official or employee has engaged in any of the following:
- (1) Violation of a law, rule or regulation.
  - (2) Gross mismanagement or a waste of public funds.
  - (3) Abuse of authority.
  - (4) Danger to public health or safety.
  - (5) Violation of the ethics codes for local government officials.
- (G) Elected and appointed officials may disclose information to their attorney, the Village attorney, the Village President, or if appropriate, a law enforcement agency. Employees may disclose information to their attorney, supervisor or department head, collective bargaining representative or, if appropriate, a law enforcement agency.
- (H) It is Village policy that no retaliatory action be taken against any employee who discloses information concerning possible wrongdoing on the part of another Village employee or a Village official. Retaliatory action means an act that is intended to punish an employee because he or she has disclosed information, testified or assisted in any action related to wrongful or unethical conduct. Retaliatory actions may include verbal or physical harassment, reprimand, suspension, demotion, dismissal, transfer, reduction in pay, reclassification or another act which has the effect of penalizing an employee for lawfully disclosing information.
- (I) Any communication with the media, other than standard news releases, shall be preapproved by the Village Administrator.

## 5.6 POLITICAL ACTIVITIES

- (A) Village officials and employees may not, either directly or indirectly, solicit or receive money, property, favors, services or anything of value on behalf of a candidate for elective office, or on behalf of a political party or a committee attempting to influence the outcome of an election.
- (B) Village officials and employees may not engage in partisan political activity while on Village property or while engaged in work elsewhere as a Village official or employee. Village officials and employees seeking an elective office may not engage in electioneering while on Village property.
- (C) An employee declaring an intention to seek partisan political office will be expected to use vacation time, or request an unpaid leave of absence, when the amount of time and effort to conduct a campaign for public office interferes with the performance of duties as a Village employee.
- (D) An employee elected to a partisan political office will be expected to end his or her employment with the Village or request an unpaid leave of absence not to exceed two years. If elected to a nonpartisan political office, other than elective Village office, an employee may continue to work for the Village, but will be expected to not conduct business related to his or her elective position while on Village property or while engaged in work as a Village employee.
- (E) An employee may seek nomination and appointment as a polling place official, or serve as an appointed observer at a polling place in any election; however, to avoid what may appear to voters as a possible conflict of interest, the practice is discouraged.
- (F) The circulation of petitions shall be prohibited on village-owned properties without prior authorization of the Village Board.

## 5.7 LOBBYING BEFORE LEGISLATIVE BODIES

- (A) Village officials and employees, acting in their official capacity as representatives of the Village, may appear before a legislative body for the purpose of giving testimony on a matter under consideration by that body.
- (B) Village officials and employees are free to appear before a legislative body as a private citizen, as a member of an organization not affiliated with the Village, or as a representative of an association seeking to influence the outcome of a matter under consideration by that body. In this case, however, Village officials and employees are expected to use vacation time for the purpose.

## 5.8 VILLAGE PROPERTY

(A) The Village does not permit:

- (1) Unauthorized or improper use of Village property, including vehicles, offices, office equipment, telephones and other communications equipment, computers or photocopiers, for their use for personal purposes.
- (2) Unauthorized possession, removal or sale of Village property or the property of another person.
- (3) Unauthorized use, lending, borrowing or duplication of keys providing access to Village property and equipment. Duplication of keys shall be done only by department heads after authorization of Village Administrator.
- (4) Unauthorized entry to Village property, including entry outside of assigned work hours or entry to areas in which an official, employee or the public is not permitted to be without permission.
- (5) Unauthorized removal of notices or signs from Village property, equipment or bulletin boards.

## 5.9 PERSONAL TELEPHONE CALLS

Village telephones are intended to be used for official business. Personal calls received during business hours will be held to a minimum and must not interfere with an employee's work. When a toll call must be placed using a Village telephone, it is preferred that the call be billed to the employee's home number or placed as a collect call. As an alternative, the employee using a Village telephone to place a toll call should inform his or her supervisor; the Village will be reimbursed for the costs incurred. In any event, it is each employee's responsibility to ensure that no cost to the Village results from personal telephone calls.

## 5.10 SUBSTANCE ABUSE

- (A) The Village and its employees share an obligation to ensure a safe and healthy work environment. The Village recognizes that alcohol and drug abuse may be considered treatable illnesses; but, it also recognizes that the use of alcohol, drugs or other substances to the point where an employee is unable to work safely and effectively cannot be tolerated.
- (B) The Village will respect each employee's concern for personal privacy; testing for substance abuse will be used only in cases where impaired job performance becomes an overriding concern. Actions against an employee for conduct outside of assigned working hours will not be taken unless the conduct impairs the employee's ability to perform work related tasks.
- (C) Substances that may impair performance include those whose distribution is regulated by law, including narcotics, depressants, stimulants, hallucinogens, cannabis, alcohol, drugs that require a prescription from a licensed physician or dentist for their use, as well as over-the-counter drugs that may impair job performance and safety.

- (D) Tests showing trace amounts of alcohol, drugs or other dangerous substances will not be used as a basis for disciplinary action unless an employee's ability to perform work related tasks safely is diminished or if the presence of a substance violates an agreed upon treatment program or a return to work agreement.
- (E) If there is reasonable cause to believe an employee's job performance may be impaired by substance abuse, the following steps will be taken:
- (1) The employee's supervisor will observe the employee's behavior and record that behavior in writing. Indications of impaired behavior include, but are not limited to, staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment or unusual behavior. If possible, a second individual will be asked to observe the employee and verify that there is reason to believe alcohol, drugs or other substances may be involved.
  - (2) An initial determination will be made as to whether or not the employee's behavior is impaired to the point of being unable to effectively and safely perform his or her duties; an impaired employee will be relieved of duties and directed to leave the work place.
  - (3) The department head will initiate steps to have the employee tested for substance abuse. Refusal to undergo testing may be cause for disciplinary action. The Village may also order the employee to undergo a medical examination. The Village will pay for the costs of all tests and medical examinations.
  - (4) If test results are negative or inconclusive, the employee may return to work; there will be no loss of pay or benefits. A physician's release may be required by the Village before the employee returns to work. Time lost will be charged to sick leave.
  - (5) If test results prove positive for substance abuse, the employee may be discharged; circumstances warranting discharge would include incidents in which the employee's behavior resulted in a loss of life, serious injury to the employee or others, loss or damage of property. In cases where discharge is not warranted, the employee will be directed to undergo evaluation and to enter any treatment program recommended as a result of the evaluation. An employee will be referred to the Employee Assistance Program, to undergo evaluation and treatment, which would be monitored by the personnel director/resource coordinator. Time lost due to evaluation and treatment will be charged to sick leave.
- (F) If test results prove positive for substance abuse but discharge is not warranted, the Village and the employee may enter into a joint agreement establishing the conditions that will govern the employee's return to the work place.
- (G) An employee who fails to comply with the terms of either a treatment plan or a return to work agreement may be subject to discharge.

## 5.11 SMOKING POLICY

- (A) It is Village policy to protect officials and employees who do not smoke, as well as the public, from the harmful effects of smoking materials while preserving a reasonable degree of freedom for those who choose to smoke.
- (B) Section 101.123, Wisconsin Statutes, prohibits smoking in any enclosed, indoor area of a state, county, city, village or town building. Smoking is defined as carrying a lighted cigar, cigarette or pipe.
- (C) Complaints of violation of state law or Village policy should be directed to the department head responsible for the work area or facility involved. The department head will notify the violator of the prohibition against smoking. Subsequent violations on the part of a Village employee may be a basis for disciplinary action.

## 5.12 FORMS OF HARASSMENT PROHIBITED

- (A) Village officials and employees are prohibited from engaging in the harassment of any person in the course of, or in connection with, the performance of their duties.
- (B) Harassment is defined as the unwarranted and unwanted verbal or nonverbal conduct that threatens, intimidates, annoys, or insults another person, and has either the purpose or the effect of creating an offensive, intimidating, degrading, or hostile environment, interferes with or adversely affects a person's work performance. Harassment does not include the conduct or actions of supervisors intended to manage employees, such as performance evaluations, oral or written warnings and reprimands, or legitimate disciplinary actions.
- (C) Sexual harassment is of particular concern. Section 111.32, Wisconsin Statutes, defines sexual harassment as unwelcome sexual advances, unwelcome physical or verbal contact of a sexual nature including, but not limited to deliberately making unsolicited gestures or comments, or deliberately displaying offensive, sexually graphic materials that are not necessary for business purposes.
- (D) An employee who is harassed should report the incident to his or her supervisor, or, if necessary, to his or her department head. The supervisor or department head will investigate the allegation, determine the facts, document the findings, and present the information to the Village Administrator. The Administrator shall inform the Personnel Committee of all said complaints. A copy of all documents growing out of complaints of harassment will be provided to the Clerk-Treasurer and maintained in a separate file established for the purpose. The contents of the file will be confidential.

## 5.13 PERSONAL APPEARANCE

Village employees should always be groomed and dressed in a manner suitable for the work place and in a way that reflects well on the Village as an employer and a unit of government. An employee's supervisor will discuss the subject of personal appearance with the employee if it is felt the employee's appearance or dress is not appropriate.

#### 5.14 GRIEVANCE PROCEDURE [revised by Resolution 11-14 adopted 9/6/11]

- (A) Any Village employee or group of employees, claiming unfair treatment or dissatisfaction with working conditions beyond their ability to change, including concerns with work place safety, or an employee's discipline or termination under Section 5.15, may seek to resolve a problem through the grievance procedure described here.
- (B) The grievance shall be in writing and shall contain the name of the grievant, a clear statement of the nature of the grievance, the issue involved and shall be dated at the time of presentation. The granting or denial of merit increases shall not be the subject of the grievance procedure. All time periods laid out herein are deemed of the essence and shall not be extended except by the express agreement of the Village. The parties may mutually agree to waive any step in the grievance review process with the exception of the final level of review to the Village Board.

When an employee wishes to file a grievance, the employee shall first perform his or her assigned work task and grieve the complaint later.

- (C) Initiation of the Grievance Process. An employee who believes he or she has been treated unfairly or finds working conditions to be unsatisfactory should first discuss the matter with the work unit supervisor within ten (10) days of the occurrence of the event giving rise to the grievance. Work unit supervisors will be expected to make a good faith effort to determine the facts and, if the employee's complaint appears to be justified, to promptly act in resolving the matter. A written summary of actions taken by the supervisor regarding the grievance shall be submitted by the supervisor to the Department Head within five (5) days of receipt of the grievance.
- (D) First Level of Review: The Department. If an employee's complaint concerning treatment or working conditions is not resolved to the employee's satisfaction through informal discussions with the work unit supervisor, a written grievance may be filed with the department head. Said written grievance shall be signed and dated by the grievant and shall contain a clear statement of the grievance, the issues involved and the date of the incident or action which the grievant is seeking resolution of, and the date upon which they first became aware of the incident or issue. In no case, shall this grievance be filed any later than 15 days of their knowledge of the occurrence of the event or incident in question.
  - (1) If the employee's work unit supervisor is a department head, the written grievance will be filed with the Village Administrator.

- (2) Upon receiving a written grievance, a department head will document all the facts bearing on the problem, the extent to which efforts have been made to resolve the problem, and what additional actions he or she intends to take. The department head may meet with the employee and other parties involved to hear the arguments of all parties.
  - (3) Within 21 calendar days after receiving a written grievance, the department head will provide the employee with a written response explaining what steps, if any, will be taken to resolve the problem.
- (E) Second Level of Review: The Village Administrator. If dissatisfied with the written response provided by the department head, an employee may submit a written request asking that the Village Administrator review the grievance and departmental response. The request, accompanied by a copy of the grievance and departmental response, should be forwarded to the Village Administrator by the employee within 14 calendar days after the employee received the department head's response.
- (1) The Village Administrator will attempt to verify the facts and resolve the grievance; the Village Administrator may meet with the employee and the department head to hear arguments in the matter. The Village Administrator will provide a written response to the employee within 28 calendar days of the date an employee's written request for review was accepted by the Village Administrator.
  - (2) An employee may designate another individual to represent his or her interests at any time in the grievance procedure.
- (F) Third Level of Review: Impartial Hearing Examiner. If dissatisfied with the written response provided by the Village Administrator, an employee may submit a written request asking that an impartial hearing examiner review the grievance and departmental response. The request, accompanied by copies of all documents pertaining to the grievance, including the departmental and Administrator's response(s), should be filed with the impartial examiner within 14 calendar days after the employee received the Second Level Review response.
- (1) The impartial examiner will attempt to verify the facts and resolve the grievance, said examiner may meet with the employee and the department head to hear arguments in the matter. The hearing examiner will provide a written response to the employee within 21 calendar days of the date that the employee's written request for review was presented for review. Any hearings conducted as part of the review of an employee's grievance will be public unless a closed hearing is requested by the employee.
  - (2) An employee may designate another individual to represent his or her interests at any time in the grievance procedure.
- (G) Final Level of Review: Village Board. If dissatisfied with the decision of the impartial hearing examiner, an employee may request that the Village Board review the grievance and all responses. Such request shall be in writing and

be accompanied by copies of all documents pertaining to the grievance, including all departmental and administrative responses and informal hearing officer's decision, and shall be filed with the administrator's office within 7 calendar days after the employee has received the third level review response.

- (1) The Village Board will attempt to verify the facts and resolve the grievance. The Board may meet with the employee and the department head to hear arguments in the matter. The Board will provide a written response to the employee within 28 calendar days of the date that the employee's written request for review was presented for review. Any hearings conducted as part of the review of an employee's grievance will be public unless a closed hearing is requested by the employee.
- (2) An employee may designate another individual to represent his or her interests at any time in the grievance procedure.

## 5.15 DISCIPLINARY ACTIONS

- (A) A Village employee may be disciplined for cause. The forms of discipline available to the Village as an employer include verbal or written reprimand, suspension, reduction in pay, demotion, or discharge.
- (B) Discipline imposed for a first offense will normally be the least severe form of discipline available to a department head; given the nature of the employee's conduct or actions, a more severe form of discipline may be imposed. The forms of discipline, in ascending order of severity, include:
  - (1) Verbal reprimand
  - (2) Written reprimand
  - (3) Suspension without pay
  - (4) Demotion
  - (5) Discharge from Village employment
- (C) An employee facing discipline will be entitled to procedural due process before any disciplinary measure is imposed. Except in the case of a verbal or written reprimand, the following guidelines will be observed before discipline is imposed:
  - (1) The employee will be given written notification that disciplinary action is being considered and the conduct or actions of the employee considered to be cause for imposing discipline.
  - (2) A department head will give the employee facing discipline a fair opportunity to hear and respond to each charge considered cause for imposing discipline.
  - (3) An employee will be entitled to confront his or her accusers and to have a personal representative present during discussions with the department head or hearings conducted by the Board.
  - (4) Any disciplinary action to be taken will not take effect until at least ten calendar days following receipt of written notification to the employee. An

employee electing to appeal the intended action must submit a written request to the Board not later than ten calendar days following receipt of notification from the department head. It is the employee's responsibility to provide the department head with a copy of the employee's appeal to the Board; the department head will delay the effective date of the disciplinary action until the Board acts on the appeal.

- (5) Discipline imposed or intended by a department head and/or Village Administrator may be reviewed by the Personnel Committee. In reviewing a department head's decision to impose discipline, the committee may choose to approve, modify or set aside the action. All hearings conducted as part of the committee's review of an employee's discipline will be public unless a closed meeting is requested by the employee.
  
- (D) In the event an employee's behavior in the work place threatens his or her safety, endangers the safety of others, disrupts work, or results in damage to Village property, a department head and/or Village Administrator may direct the employee to leave the work place and place the employee on suspension with pay. Suspension with pay is not a form of discipline and the department head retains the right to permit the employee to return to work while disciplinary action is being considered.

#### 5.16 EMPLOYEE USE OF COMPUTER / INTERNET / EMAIL [R07-30 approved 7/3/07]

- (A) Computer resources are extremely important to the operation and success of the Village of New Glarus. The Village requires all employees with computer access to use the computer systems carefully and responsibly.
  
- (B) This policy applies to all employees and officials of the Village of New Glarus.
  
- (C) Computer Use: Computer systems, especially the Internet access and email systems, facilitate access to information, rapid communication with other employees, clients, and suppliers. Access requests will be granted individually, depending on need, resource availability and management approval.

Computer systems, including electronic mail and Internet access, are Village owned resources and are provided as business communication tools. These systems are Village assets as are desks and telephones. To ensure security of systems, users should not share User Ids and passwords and should always log off or secure workstations when away from them.

- (D) Electronic Communications and Intranet Use: Electronic communications systems access and use are intended for business purposes. However, the Village permits its employees some incidental personal use of its email and Internet systems subject to the following conditions and restrictions:
  - (1) Personal use must be infrequent and must not:
    - (a) Involve any prohibited activity

- (b) Interfere with the productivity of employees or their co-workers
  - (c) Consume system resources or storage capacity on an ongoing basis
  - (d) Involve large file transfers or otherwise deplete system resources available for business purposes
  - (e) Using email or Internet access to participate in any newsgroup, mailing list, bulletin board, or other type of discussion forum that is not job-related is not incidental personal use and is strictly prohibited
- (2) Employees should not have any expectations of privacy. Employees should delete personal messages as soon as they are read or replied to. Employees should not store copies of the personal messages they have sent. Employees should not assume that any documents that are stored on the computer system, any records of Internet access activity, any voice mail messages or any e-mail messages that are received or sent are confidential. Because email is not private, employees should avoid sending personal messages that are sensitive or confidential.
  - (3) Management of e-mail messages, including archiving and deleting messages, is the responsibility of the user. It is the responsibility of the employee who uses e-mail to be aware of the retention requirements for public records and to be aware of the exemptions that ensure the privacy of certain documents. If the retention period is more than a few days, the e-mail message should be printed and filed in the same manner as other paper documents relating to the same subject matter. If the e-mail you send/receive falls within the realm of official business and public record as defined by state statute, it must be retained for the specified time period before being destroyed.
  - (4) E-mail correspondence routed between Village employees and Village Board Trustees is considered a “draft” document and is intended for informational purposes only. “Draft” documents will not be archived. Trustees should not use E-mail correspondence to discuss village issues. E-mail between Village Trustees and Village Staff should be used to distribute information only, not for discussion purposes.
  - (5) E-mail correspondence routed between Village employees and citizens shall be archived and retained based upon the New Glarus record retention policy.
  - (6) Users shall utilize signature files in messages sent to third parties that make it clear which user has sent the message as well as any limitations on the extent to which the messages from the user may be understood to have been sent on behalf of the Village.
  - (7) When questions regarding public access of electronically stored data arise, the Village Attorney should be consulted.  
Any questions regarding what might be considered inappropriate use or a prohibited activity should be brought to the employee’s supervisor.
  - (8) Use of Social Media For Village Matters [Policy adopted by Village Board on 5/4/2010]
    - (a) **PURPOSE.** The Village of New Glarus seeks to use social media tools to provide ways to build community and to officially and rapidly communicate with the public and media as part of online communications. The Village of New Glarus believes that a thriving online community and social network is a valuable component of

shared media. These guidelines have been developed for Village Departments and their employees to follow when using social media tools.

- (b) SCOPE. Social media sites refer to a collection of online services such as, but not limited to, the Village website, Facebook, LinkedIn, MySpace, Flickr and Twitter. Social media provides opportunities to engage residents through information sharing, customer service, and community building.

The following are examples of legitimate Village usage of public social networks:

- Post registration deadlines & reminders that a deadline is approaching
- Post program cancellations/weather issues
- Post changes to existing programs
- Post reminders about upcoming programs and events
- Place to display pictures from events, programs and facilities
- It is not a two way communication device, but is used to provide updated information as an alternative to using group emails.

Use of the Facebook by Village employees shall be restricted to Fan Pages where people join as “Fans” and receive updates about Village programs and announcements. Facebook shall not be used as a “Friends” page with on-going two way communication. If persons need to have two way communications, they should be encouraged to do this via email.

- (c) POLICY. All official Village of New Glarus presences on social media sites or services are considered an extension of the Village’s information networks and are also governed by other related policies such as the Computer Usage Policy and Records Retention Policy. Employees should be aware than any items posted to social media sites may be considered public records.

- 1) To provide a consistent message, the Village will maintain one account for the desired social marketing applications, except that the Police Department shall be allowed an account. All other departments and the utility shall continue to use the existing Village account. The application will serve as an outlet for information for all of its departments and the utility.
- 2) All requests for use of social media shall be submitted to the Village Administrator and shall include an explanation of the intended use of social media and which employees will need access to specific websites and applications. The Village Administrator shall review such requests and make a determination on whether or not the request is approved and what level of access will be provided. Use of social media sites is a privilege and not a right. The Village may adjust or remove access to social media sites at its discretion.

- 3) Village accounts shall be established for the use of social media by Village employees. Employees are not allowed to access personal social networking sites from Village computers or during work hours. Since some professional organizations have gone to LinkedIn for email networking, employees that are approved may access LinkedIn for work purposes only.
  - 4) Employees using social media for Village purposes shall clearly identify that it is a Village of New Glarus site and identify themselves as a Village employee. Employees are encouraged to use user names that include their position title or department.
  - 5) Departments are responsible for establishing, updating, and monitoring the content relevant to their department on the Village's social media sites. The Village Administrator shall review and approve all postings prior to be made public, unless urgency requires posting sooner. Appropriate business decorum shall be used in all communications on social media sites. Users of social media are responsible for complying with applicable federal, state, and Village laws, regulations and policies. Employees shall not post material that is illegal, sexually explicit, obscene, defamatory, derogatory, related to alcohol or drug use, or in violation of copyright laws. It is also prohibited to post confidential information such as personnel records. Employees violating these standards are subject to discipline and may be held personally liable for their comments.
  - 6) Access to Village social media sites shall be controlled by a secure username and password. Departments shall maintain login information with at least one back-up in the Village. It is the responsibility of all users to ensure that unauthorized persons are not allowed to make changes to official Village social media sites.
  - 7) Village Administration may modify the policy for social media usage and access granted to employees as necessary. Violations of the standards in this policy may result in the removal of department pages from social media sites, limitations on employee access to social media, and disciplinary action as deemed necessary.
- (d) **BEST PRACTICES.** These four recommendations provide a roadmap for constructive, respectful, and productive use of social networking sites:
- **Be Respectful:** Respect your audience and your co-workers. Take care not to engage in any conduct that would not be acceptable in the workplace. All Village staff can be viewed (correctly or incorrectly) as representatives of the Village of New Glarus, which can add significance to your public reflections on the organization (whether you intend to or not).
  - **Get Your Facts Straight:** To ensure you are not misrepresenting the Village or its work or positions, consider reaching out to the respective Department Director or their designee and Village Administrator before posting material.

- **Be Mindful of Your Public Image:** Consider the image you want to portray to the public. Be mindful that what you post may be viewed by residents, parents, students, administrators and various community members and may stay public for a long time.
  - **Use Your Best Judgment:** Remember there may be consequences to what you post. Consider your content very carefully prior to posting. If you are about to post something that makes you the slightest bit uncomfortable, review these guidelines and think about whether to post the material.
- (e) **PROHIBITED ACTIVITIES:** Employees are strictly prohibited from using the Village's computer systems in connection with any of the following activities:
- (1) Engaging in illegal, fraudulent, or malicious activities.
  - (2) Engaging in activities on behalf of organizations with no professional or business affiliation with the Village.
  - (3) Viewing, sending, or storing material that could be considered offensive, obscene, harassing or defamatory.
  - (4) Annoying or harassing other individuals.
  - (5) Sending uninvited email of a personal nature.
  - (6) Using another individual's account.
  - (7) Attempting to test, circumvent, or defeat security or audit systems, or store software intended for this purpose.
  - (8) Permitting any unauthorized individual to access the Village's systems.
  - (9) Distributing or storing chain letters, solicitations or offers to buy or sell goods, or other non-business material of a trivial or frivolous nature.
  - (10) Using pseudonyms, anonymity and impersonation.
  - (11) Downloading software, including shareware and freeware for use on Village laptops, workstations, or servers.
  - (12) Modifying laptops, workstations, or servers except by authorized personnel.
  - (13) Using desktop modems, especially to connect to ISPs, without written approval from the Village.
  - (14) Using or storing unapproved encryption software or software designed to circumvent security systems ("hacking" or "cracking" software) without written approval from the Village.
  - (15) Accessing chat rooms or subscribing to free e-mail services such as Yahoo mail.
  - (16) Transmitting electronic images, video clips or photographs, unless approved by Village Administrator.
- (f) **Copyright:** All users must adhere to the rules of copyright and respect all copyright issues regarding software, information, and authorship. The unauthorized copying, storage, and or transfer of copyrighted materials violate federal and state laws and are strictly prohibited.
- (g) **Software Use:** All software installed on company owned laptops, workstations, or servers, must have prior approval of the employee's supervisor and Village for the approving business unit. Unauthorized

software can make a machine inoperable, cause network conflicts, spread computer viruses, and take up valuable computer space. Only software purchased by or licensed to the Village may be used on computers. The equipment is **not** to be used to:

(1) Reproduce in any manner including any software including Shareware or Freeware

(2) Make copies of any software that is owned by the Village.

Use of licensed software must conform to the terms of the agreement. Specifically, if the software is licensed to a specific computer serial number, use of the software is restricted to that specific computer. If the software is licensed on a single-use basis, the software can be used on any computer but only by one user at a time.

(h) Malicious Code (Viruses): One of the most common threats from the Internet or other electronic communications is malicious code. Employees may unknowingly expose their computer or the network to these problems when downloading information from these systems. All files downloaded from the Internet, received from email outside the company or brought in on transportable media should be scanned for malicious code using a Village owned and approved malicious code scanner. Employees should not use or store tools that can be used to create malicious code.

Deliberated attempts to degrade or disrupt system performance of Village networks or any other computer system or network system by spreading malicious code is considered criminal activity under state and federal law.

The Village reserves the right to delete any information to protect itself from malicious code.

(i) Monitoring: Any activity an employee does on, or while connected to, a Company computer is subject to monitoring or review by the Village. Employees should have no expectation of privacy in any computer-related activities.

(j) Obscenity and Harassment: To the greatest extent possible, users of computer systems will be protected from harassment. Users who receive threatening or unwelcome communications should bring them to the attention of their supervisor. Profanity, obscenity or harassment will not be tolerated in electronic communications.

(k) Violations: Violations of this policy are subject to discipline up to and including discharge. Additionally, employees who use Village assets, including computer equipment and engage in illegal or fraudulent activity may be subject to criminal prosecution. The Village will cooperate fully with any investigation of alleged illegal or fraudulent activity sponsored by the Village by government officials.

System users have full responsibility for the use of their Internet and email accounts. All violations of this policy that can be traced to an individual account name will be treated as the sole responsibility of the owner of that account. Village employees have the responsibility to report possible violations on the part of other people using Village computer systems.

(9) Personal Use of Social Media [adopted 8/2/11 Resolution 11-06]

- (a) **PURPOSE.** The Village recognizes the importance of online social media networks as a communication tool. However, public social media networks, outside of those sponsored by the Village, may not be used for Village activities without the prior authorization of the Village Administrator.

The Village takes no position on employees' decision to participate in the use of social media networks for personal use on personal time. However, use of these media for personal use during work time or on Village equipment is prohibited. In addition, employees must avoid posting any information or engaging in communications that violate state or federal laws or Village policies. The line between professional and personal relationships is blurred within a social media context. When employees choose to join or engage with Village constituents, families or fellow employees in a social media context that exists outside those approved by the Village, they are advised to maintain their professionalism as a Village employee and have responsibility for addressing inappropriate behavior or activity on these networks, including any requirements for mandated reporting.

- (b) **SCOPE.** Social media sites refer to any of a number of online services, including but not limited to Facebook, Myspace, LinkedIn, Flickr, blogs, and Twitter.

- (c) **PRECAUTIONS AND PROHIBITIONS.** Barring state law or binding employment contracts to the contrary, Village personnel shall abide by the following when engaging in the private use of social media:

(1) Village personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the Village for which loyalty and confidentiality are important. Further, employees shall not post untrue, derogatory, defamatory, or inflammatory statements about the Village, its employees, residents, vendors, or those with whom the Village has a substantial working relation.

(2) As public employees, Village personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Village. Village personnel should assume that their speech and related activity on social media sites will reflect upon their office and the Village.

(3) Village personnel shall not post, transmit, or otherwise disseminate any private or personal information regarding Village constituents or

Village employees or elected officials, to which they have access as a result of their employment without written permission from the Administrator or his or her designee.

- (4) For safety and security reasons, Village personnel are cautioned against disclosing information pertaining to any other employees of the Village without their permission. This includes posting personal photographs or providing similar means of personal recognition causing them to be identified as an employee of the Village. Officers who are or who may reasonably be expected to work in undercover operations shall not be identified without prior permission of the Chief of Police or his or her designee. As such, Village personnel are cautioned not to do the following:
  - (a) Display Village logos, uniforms, or similar identifying items on personal web pages without prior permission of the Village Administrator or his or her designee.
  - (b) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as an employee of the Village. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
- (5) Given the nature of electronic communications, it is important that employees remember that the use of social media is easily disseminated and viewed by wide audience. Therefore, it is important to be mindful of the Village's Code of Conduct as described in its Personnel Manual when engaging in personal use of social media. The Village does not condone the use of obscene or sexually explicit language, images, or acts or statements or other forms of communication that ridicule, malign, disparage or otherwise express bias against any race, any religion or any protected class of individuals. The use of such speech may form the basis of discipline if it creates, or tends to create, a hostile work environment or otherwise negatively impacts the efficiency and productivity of Village personnel.
- (6) Engaging in prohibited speech, noted herein, may provide grounds for undermining or impeaching an employee's testimony in criminal or civil proceedings. Village personnel thus sanctioned are subject to discipline up to and including termination.
- (7) Village personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Village without express authorization.

- (8) Village personnel should be aware that they may be subject to civil litigation or criminal penalties for:
- (a) Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - (b) Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
  - (c) Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose;
  - (d) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- (9) Village personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- (10) Village personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Village at any time without prior notice.
- (11) Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.
- (12) Village personnel shall not post any information, pictures, or other data on a personal social media site while on duty. This provision is both for productivity reasons, as well as to protect the Village's image.

#### 5.17 PRIVACY IN LOCKER ROOMS

(A) The purpose of this policy is to communicate Wisconsin law relating to individual's right to privacy while in an area operated as a locker room facility. The further purpose of this policy is to fulfill the statutory requirement that any person that owns or operates a locker room in the State of Wisconsin adopt and implement a written policy that conforms with the provisions of §175.22 of the Wisconsin Statutes.

(B) Definitions. The following definitions shall apply to this policy:

- (1) "Recording device" means a camera, a video recorder, a cellular phone, or any other device that may be used to record or transfer images.
- (2) "Nude or partially nude person" means any human being who has less than fully and opaquely covered genitals, pubic area or buttocks, any female human being who has less than a fully opaque covering over any portion of a breast below the top of the nipple, or any male human being with covered genitals in a discernibly turgid state.
- (3) "Surveillance device" means any device, instrument, apparatus, implement, mechanism or contrivance used, designed to be used or primarily intended to be used to observe the activities of a person. "Surveillance device" includes a peephole.
- (4) "Representation" means a photograph, exposed film, motion picture, videotape, other visual representation, or data that represents a visual image.
- (5) "Captures a representation" means take a photograph, makes a motion picture, videotape, or other visual representation, or records or stores in any medium data that represents a visual image.

(C) Policy.

- (1) All persons who utilize a locker room may reasonably expect a high level of privacy, which includes being safe from being observed or having their image captured by a recording or surveillance device without his or her knowledge and consent. The following is expressly prohibited in a locker room:
  - (a) Use of recording device, which includes a cellular phone, to capture a representation, record, or transfer an image of a nude or partially nude person in a locker room.
  - (b) Use a surveillance device, which includes a cellular phone, to observe the activities of a nude or partially nude person in a locker room.
- (2) The following is not prohibited in a locker room:
  - (a) If the person depicted nude in a representation or reproduction is a child and the capture, possession, exhibition, or distribution of the representation, or making, possession, exhibition, or distribution of the reproduction, does not violate §948.05 or 948.12 of the Wisconsin Statutes, a parent, guardian or legal custodian of the child may distribute or exhibit a representation captured or possessed or distributed or exhibit a reproduction made or possessed if the distribution or exhibition is not for commercial purposes.
  - (b) This section does not prohibit a person who received an image of a child from receiving a representation or reproduction depicting a child from a parent, guardian or legal custodian from possessing, exhibiting, or distributing that depiction, if that depiction or distribution is not for commercial purposes.
- (3) Notwithstanding anything stated in this policy to the contrary, the following individuals or agencies may, with the permission of the Village of New Glarus and the consent of the persons present, take actions otherwise prohibited by this policy if such actions are for the purposes indicated:

- New Glarus Aquatics Director for the purpose of investigating a violation of this policy
  - An officer on duty with any bona fide law enforcement agency, including the Village of New Glarus Police Department, for the purpose of investigating a violation of this policy or a violation of §948.05 or 948.12 of the Wisconsin Statutes.
- (4) Recording devices that may be used in locker rooms with permission from the Village of New Glarus:

The following recording devices may be used in this locker room for recording or transferring images **if the permission of the Village of New Glarus and the consent of the person whose image is to be recorded or transferred as been obtained:**

- Digital camera
  - Conventional camera
  - Analog or digital camcorder
  - Cell phone camera
- (D) PENALTIES: This policy prohibits actions that are also prohibited by Section 942.09 of the Wisconsin Statutes and that statute is incorporated into this policy by reference herein.
- (E) REPORTING VIOLATIONS: Anyone who is or becomes aware of the use of a recording or surveillance device, which may be in violation of this policy, should immediately report the use to the Village Administrator.

## CHAPTER 6 – COMPENSATION

### 6.1 WORK WEEK AND HOURS OF WORK

- (A) The normal work week for regular full-time employees is a 40 hour work week; work is performed during the seven day period beginning 12:01 a.m. Monday and ending at midnight the following Sunday.
- (B) Normal hours of work for Village offices and departments normally will be set and changed, if necessary, by the Board; department heads may change work hours and set a lunch period to meet unexpected or unusual requirements.
- (C) Employees are expected to report for work on time. If unable to report on time for work, the employee should notify his or her supervisor by telephone of the unanticipated absence or late arrival. An absence from work will normally be charged to vacation or another appropriated form of leave, or the employee may elect to take time off without pay.

### 6.2 PAY PERIODS

- (A) Wages will be paid for hours worked for the two-week period beginning on the Sunday following the last complete pay period in the month of December and for each subsequent two week pay period throughout the calendar year.
- (B) Generally accepted accounting and auditing practices, as well as a concern for the Village's liability in the computation and preparation of public employee payrolls, requires that employee pay not be computed, pay vouchers prepared and direct deposit issued, until after the end of the last calendar day in a pay period. On the following business day the Clerk-Treasurer will audit individual employee time records and, if necessary, verify or correct the hours reported before computing the amount of compensation due.
- (C) All pay for full-time and part-time employees shall be via direct deposit to the Financial Institution(s) of their choice. A maximum of two Financial Institutions may be used by each employee.

### 6.3 OVERTIME AND THE GRANTING OF COMPENSATORY TIME

- (A) The Federal Fair Labor Standards Act (FLSA) sets the minimum wage, overtime pay, equal pay, record keeping, and child labor standards for covered employers. Under this rule, employees are classified into exempt and non-exempt status to determine eligibility for overtime. The State of Wisconsin also has Wage and Hour Laws to establish state overtime rules, minimum wage, record keeping, and child labor regulations. The Village of New Glarus is covered by both the federal FLSA and Wisconsin laws, and must comply with both by meeting the more stringent requirement of each law.
- (B) Non-exempt employees covered by the Fair Labor Standards Act, or the Wisconsin overtime laws, shall receive time and one-half (1 ½) their hourly rate of pay for all hours worked in excess of their normal work day. The standard "normal work day" is 8 hours, Monday through Friday, unless otherwise dictated by an employee's supervisor. Holidays, vacation, sick leave, or other non-worked hours shall not be considered in computing overtime pay. All hours worked on weekends shall be paid at overtime rates, unless that is an employee's normal work day. Hours worked on Village recognized Holidays listed in Section 8.1 are eligible for overtime paid at 2 times their regular rate. There shall be no pyramiding of premium pay (e.g. overtime worked on holidays will only qualify for the holiday rate and will not also be paid at overtime rates).
- (C) In lieu of overtime pay, employees may receive compensatory time off at a rate of one and one-half (1 ½) hours for each hour of overtime worked up to a maximum accumulation of 60 hours of compensatory time. Compensatory time off with pay may be used by employees at their discretion with the approval of their supervisor. Any unused compensatory time shall be paid out annually on the last pay date of the calendar year or at the time of an employee's termination, resignation, or retirement. There shall be no carry over.

- (D) Employees are only allowed to work overtime when such work has been authorized by the employee's Department Head or the employee's immediate supervisor. Sworn non-exempt employees' overtime will be governed by their respective Employment Agreement. Where possible, the Department Head shall make every effort to adjust work week schedules in anticipation of overtime exposure.
- (E) Using compensatory time earned requires prior approval of the department head. A department head need not approve a request if the employee's absence will clearly impair the department's ability to meet its responsibilities or requires other employees to work overtime and be compensated at the rate of one and one-half hours pay or compensatory time for each hour of overtime worked because another employee is taking compensatory time off.
- (F) Since a federal law is involved, it is important that the Village maintain accurate records of overtime credits earned, used or compensated with cash payments; time reports prepared for each employee are used both as a basis for computing the payroll and updating the vacation and compensatory time records maintained for each employee. These records will reflect the number of hours of compensatory time credited to an employee and carried forward to the new pay period, the amount of compensatory time earned, taken or paid during the period, and the new balance at the end of each pay period. It is the responsibility of each department head to advise employees when they are reaching the limit allowed by law if it is the employee's intent to take compensatory time off in lieu of a cash payment for overtime worked during a pay period.

#### 6.4 TIME AND ATTENDANCE REPORTING

The Village establishes procedures for reporting the hours each employee works, or is absent, and computing amount of compensation due; it is a joint responsibility of the employee and the employee's supervisor to truthfully and accurately report regular hours worked, overtime hours worked, and the number of hours to be charged to compensatory time or various kinds absences such as vacation or sick leave, to which an employee is entitled.

#### 6.5 COMPUTATION OF YEARS OF SERVICE

- (A) The Clerk-Treasurer shall establish, and maintain as part of each employee's personnel record, the date on which an employee begins service as a Village employee and the years of service used to determine longevity, vacation, and other benefits. All employees will have an anniversary date of January 1 for purposes of salary adjustments.
- (B) The date of entry in to service as a Village employee for a former employee who is rehired or reinstated will be adjusted to the rehire date by the Clerk-Treasurer to reflect a break in service.

## 6.6 DEFERRED COMPENSATION

Any fulltime employee may elect to participate in the Wisconsin Deferred Compensation Plan. However, the Village does not make a contribution to the plan on behalf of employees. The employee may elect to contribute a portion of their gross income, up to a limit established by the plan. That amount is deducted each pay period and forwarded to the Wisconsin Deferred Compensation Plan.

## 6.7 FLEXIBLE SPENDING

Eligible Village employees may elect to participate in a special plan, which allows an employee to pay for certain expenses from the employee's pre- taxed income. This increases the employee's net earnings because less federal and state income taxes and social security contributions are withheld from payroll checks. Examples of expenses which qualify include medical, child and dependent care. A complete copy of the Flexible Benefits Plan can be obtained from the Village. All required regulations of this Plan shall be identified by the carrier of the Plan and followed by the Village.

## 6.8 PAYMENT OF TRAVEL EXPENSES

- (A) Village officials and employees, authorized to travel outside of New Glarus in an official capacity are entitled to claim reimbursement for reasonable expenses incurred. Receipts must accompany claims for reimbursement. The requirement to furnish receipts is waived for expenses under \$5.00 or incidental expenses that generally do not involve a receipt. All travel related reimbursement shall be submitted to the Village Clerk no later than ten (10) business days after the completion of the travel.
- (B) Travel advances may be requested when payment of necessary expenses will create a personal hardship to minimize the need to request a travel advance. Officials and employees are encouraged to arrange either prepayment by, or direct billing to, the Village of major expenses such as air travel, lodging, conference registration fees, or tuition costs.
- (C) Specific policies govern the payment of certain expenses:
  - (1) Mileage payments for the use of personal cars will be reimbursed at the established IRS reimbursement rate. Requests for mileage reimbursement shall be submitted to the Village Clerk within ten (10) business days of incurring the mileage.
  - (2) When the rental of a car becomes necessary, only the usual and customary costs of renting a compact or subcompact model will be reimbursed, unless the non-availability of a car in either class can be documented. Discounts or special rates are often available if proof of employment by a unit of government is presented to the rental agent.
  - (3) Air travel will be reimbursed on the basis of fare actually paid or the lowest coach class fare, available at the time travel arrangements were made, if

the individual chooses business or first class. Flight insurance is not a reimbursable expense.

- (4) Lodging should be at a hotel or motel reasonably close to the place where and individual is expected to conduct business or attend a conference so additional transportation costs are not incurred. First consideration should always be given to hotels and motels offering government rates to public officials and employees.
- (5) Lodging expenses will be reimbursed for conferences and business meetings held outside a 60 mile radius of the Village. For conferences and business meetings held within a 60 mile radius, employees will not be reimbursed for lodging expenses, but rather for mileage to and from.
- (6) Meal expenses will be reimbursed, along with state and local taxes and, if appropriate, a gratuity not exceeding 15 percent; receipts are not required for meals costing less than \$5.00, including taxes and gratuity. Meal reimbursement shall follow the State rate; and will be adjusted annually. No reimbursement shall be made where meals are provided with training or other functions. If a meal is scheduled as part of an instructional program, conference, convention or professional meeting being attended, and each person attending is charged and amount for the meal that exceeds the maximum rate set by the Board, the full amount will be reimbursed if the cost is documented.

## 6.9 UNIFORM ALLOWANCE

Uniformed personnel of the police department are entitled to be compensated for the purchase and maintenance of uniforms and equipment related to their employment. Compensation for the purpose is governed by the agreement entered into by the Village and the association representing the police department employees. The Police Chief will be entitled to compensation for the purchase and maintenance of uniforms and equipment at the same prevailing rate as provided in the Union Contract provided the Police Chief is a fulltime employee. All part time officers will be reimbursed for \$100.00 of uniform allowance on an annual basis. Vouchers for uniform expenses shall be submitted to the Clerk-Treasurer for payment. Public Works/Utility fulltime employees shall be entitled to reimbursement of \$150 annually for the purchase of ANSI 75 workboots. The Village currently contracts for uniforms for the Public Works/Utility personnel.

## 6.10 REPORTING CHANGES IN STATUS

- (A) Changes in the status of an employee or the employee's family can have a direct effect on payroll deductions, entitlement to benefits or the level of benefits which an employee may be eligible to receive. Changes in any of the following should be reported without delay to the Clerk-Treasurer:
  - (1) Marital Status
  - (2) Birth of Adoption of a child
  - (3) Legal guardianship
  - (4) Death of a spouse or child
  - (5) Change in student status of a child over 18 years of age

- (B) In addition, changes in an employee's current place of residence, mailing address or telephone number should be reported promptly both to the Clerk-Treasurer and the employee's work unit supervisor.

#### 6.11 LONGEVITY PAY

Annually with the last paycheck of the year employees shall receive a payment based on years of continuous service to the Village. Annual longevity payments will be as follows, 5-12 years - \$250, 13-18 years - \$450, 19-24 years - \$650 and 25+ years - \$850. The payment will be subject to all applicable payroll taxes. Employees terminated employment with the Village prior to year-end (12/31) shall forfeit their longevity payment for that year.

#### 6.12 STANDBY DUTY, WEEKEND/HOLIDAY DUTY, & CALL INS

(A) **Standby Duty:** A Public Works/Utility Department employee assigned to standby duty shall be paid standby pay for the time period set forth below which shall be equal to 8 hours of pay at the employee's regular pay rates. Public Works/Utility Department employees on standby are expected to have the "on-call" cell phone, supplied by the Village, in their immediate possession at all times. The Public Works/Utility Department employee will be required to respond to a phone call within 10 minutes of receipt of the phone call and shall respond to the site, if required, as soon as possible.

(B) **Weekend & Holiday Duty:** Public Works/Utility Department employees on standby duty will be expected to perform the regular wastewater treatment plant duties and well checks on Saturday and Sunday mornings, and any holidays that occur while on standby duty and will be compensated according to overtime and holiday pay rates. Weekend & holiday duty will commence at 3:30 p.m., on Friday and shall terminate at 3:30 p.m. the following Friday. Weekend & holiday duty shall be rotated among the frontline employees in the Public Works/Utility Departments. One employee in the Public Works/Utility Department is scheduled and compensated for five hours (more if needed) each day of the weekend or holiday, and is eligible for overtime if they have met the overtime requirements in Section 6.1. Such rotation may include the Director of Public Works if no front-line employees are available and qualified to do the work.

(C) **Call Ins:** A minimum of 2 hours of pay at shall be allowed to all employees who are called back to work outside of normal working hours. Overtime rates shall apply if requirements in Section 6.1 are met.

### CHAPTER 7 - BENEFITS

#### 7.1 HEALTH/DENTAL INSURANCE

(A) Health Insurance. Comprehensive health insurance is provided for eligible Village employees under terms of a plan certified by the State of Wisconsin.

The Village currently contributes at maximum an amount equal to that allowable under existing law which at the time of this amendment was 88% toward the premium of the average premium cost of the qualified Tier 1 health plans within the County as certified by the Employee Trust Fund beginning with the Plan year starting 1/1/12. Part-time employees covered under the WSR System shall be eligible for health insurance benefits paid as provided through the State of Wisconsin program. The Village shall pay 25% of the average premium cost of the qualified Tier 1 health plans within the County as certified by the Employee Trust Fund from year to year for employees working less than 1044 hours per year and shall pay 50% of the average premium cost of the qualified Tier 1 health plans within the County as certified by the Employee Trust Fund from year to year for employees working between 1044 hours and 2080 hours per year. Health insurance plans, their cost and benefits provided are subject to change. NOTE: The Village acknowledges that as changes occur in the health insurance program through the State of Wisconsin, those changes are incorporated into this Personnel Handbook by reference and if in conflict with the Handbook, the program regulations will supersede.

- (B) Dental Insurance. The Village will provide dental insurance benefits for full-time employees. This benefit will be provided through Delta Dental as outlined in the Maximizer Plan (\$0 Deductible and without orthodontics.) The Village agrees to pay the premium for single or family coverage.

## 7.2 LIFE INSURANCE

Eligible Village employees may participate in term life insurance plan open to public employees covered under the Wisconsin Retirement System. The amount of coverage provided is twice an employee's annual earnings. The Village currently pays the entire amount of each employee's life insurance premiums. Employees may elect to purchase up to an additional three (3) times their annual earnings as well as spouse and dependent life insurance as provided by the plan. Payment for those premiums shall be by payroll deduction.

## 7.3 SOCIAL SECURITY

Each Village employee needs to have a Social Security Account Number at the time they are hired or will be expected to apply for one on the day they are expected to begin work. Employees will have Social Security contributions deducted from their pay, whether they participate in the Wisconsin State Retirement Fund or not. The maximum amount of earnings against which the Social Security tax is levied is set by Congress and usually increases each year. The Village matches the required contribution of each employee.

## 7.4 WISCONSIN STATE RETIREMENT FUND

- (A) The Village of New Glarus participates in the Wisconsin State Retirement Fund. The program calls for contributions from both the employee and the employer; the Village of New Glarus shall contribute the employer required contribution, including the employer duty-disability contribution when applicable pursuant to 2011 Wisconsin Act 10. If the union contract with the Wisconsin Professional

Police Association does not provide for the same contribution rate, the union contract shall supersede this Handbook.

- (B) Eligibility for Wisconsin State Retirement Fund participation shall be:
- 1) When initially employed
  - 2) When expectations change
  - 3) On their one-year anniversary date of employment
  - 4) During a 12-month rolling look back

**WRS participating employee prior to July 1, 2011**

To qualify for participation in the WRS, employees covered under the WRS prior to July 1, 2011, must meet both the following eligibility criteria:

- 1) Employee is expected to work at least one-third of what is considered full-time employment, as defined:
  - 600 hours for non-teachers and non-school district educational support personnel, or
  - 440 hours for teachers and school district educational support personnel (not including educational support personnel for technical colleges and other educational institutions).

And

- 2) Employee is expected to be employed for at least one year (365 consecutive days, 366 in leap year) from employee's date of hire.

**WRS participating employee after July 1, 2011**

To qualify for participation in the WRS, employees covered under the WRS on or after July 1, 2011 must meet both of the following eligibility criteria:

- 1) Employee is expected to work at least two-thirds of what is considered full-time employment, as defined:
  - 1,200 hours for non-teachers and non-school district educational support personnel; or
  - 880 hours for teachers and school district educational support personnel (not including education support personnel for technical colleges and other educational institutions).
- 2) Employee is expected to be employed for at least one year (365 consecutive days, 366 in leap year) from employee's date of hire.

Once the employer sets the expectation that the employee will work the applicable required hours or more, the employee is enrolled in the WRS and does not need to work the required hours every year to remain in the WRS.

## 7.5 WORKER'S COMPENSATION

- (A) All Village officials and employees are covered under the provisions of the Wisconsin Worker's Compensation Act. This program provides benefits in the event an individual, while performing duties or travel directly related to their work, becomes temporarily or permanently disabled, or dies as the result of a work related injury or disease.
- (B) Benefits under Worker's Compensation include compensation, death benefits, reasonable and necessary medical and hospital costs. Normal compensation is approximately two-thirds of the injured individual's full-time wages or salary,

but actual amounts. As well as the length of time an individual can receive benefits, may be based on the nature of the condition or disability involved.

- (C) Coverage under Worker's Compensation is automatic, and begins on the first day of work, and is paid for by the Village.
- (D) A Village official or employee who is injured or is likely to be disabled as the result of a work related injury or disease should notify the Clerk-Treasurer as soon as possible. The Clerk-Treasurer will initiate the administrative actions required by the State of Wisconsin.

## 7.6 INCAPACITY TO PERFORM NORMAL DUTIES

- (A) A Village employee who becomes unable to perform his or her normal duties because of physical, mental, emotional, or related condition, but does not qualify for benefits under Worker's Compensation, may:
  - (1) Use unused vacation and sick leave until the capacity to work is regained.
  - (2) Ask to be placed on part-time status.
  - (3) Request transfer to a vacant position for which he or she is qualified and is physically, mentally, or emotionally capable.
  - (4) Request an unpaid leave of absence for health reasons.
- (B) As a last resort, an employee unable to perform his or her normal duties because of physical, mental, emotional or other condition that is not work related may be terminated. The Village will first require the employee to undergo medical or other appropriate examinations to determine fitness; if a required examination cannot be paid for under the provisions of the employee health care plan then in effect, the Village will pay the costs. The final decision to involuntarily terminate employment will be made by the Board. Termination will not affect the benefits the employee would otherwise be entitled to at the time of separation from Village employment.

## 7.7 UNEMPLOYMENT COMPENSATION

- (A) Unemployment compensations benefits may be paid to eligible individuals under a program established by the State of Wisconsin. The program provides cash payments for a limited period of time to workers who lose their job through no fault of their own. An individual who voluntarily terminates his or her own employment, or is discharged for cause, normally will not be eligible for benefits.
- (B) An individual who files a claim for unemployment benefits is required to register for work at the nearest Wisconsin Job Service Office, be physically able to work and willing to accept appropriate employment if a job offer is made.
- (C) Coverage is automatic and there is no cost to the individual employee to participate in this program.

## CHAPTER – 8.0 LEAVES AND ABSENCES

### 8.1 – HOLIDAYS

- (A) Regular Full-time employees are entitled to a full day of paid leave on the following holidays: New Year's Eve Day, New Year's Day, Martin Luther King, Jr. Day, the Friday before Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Eve Day, Christmas Day.
- (B) If a holiday falls on a Saturday, Sunday or another day is designated for the official observance of a holiday, the designated day will be treated as a paid holiday. If a holiday falls on an employee's scheduled day off or the employee is scheduled to work on a holiday, the employee will be entitled to another day off in lieu of the holiday.
- (C) It shall be the policy of the Village that all holidays identified in the Village Employee Handbook and in all applicable union contracts shall be days on which the Village Offices, with the exception of the Police Department, will remain closed to the public. Consideration of exceptions to this policy will be made by the Department Head in conjunction with the Village Personnel Director.

### 8.2 - VACATION

The Village shall grant regular full-time employees vacation with pay. Employees can use vacation time within their first year; however, employees who leave during their first year of employment and have not used all of their vacation time, will not receive any compensation from the Village for those days unused.

Employees shall be placed on calendar year accrual system as defined below:

<b>Years of Service:</b>	<b>Vacation Days:</b>
Start (After June 30)	5 days
Start (Before July 1)	10 days
After 1 Year	15 days
At Beginning of 5 Year	20 days
At Beginning of 10 Year	25 days
At Beginning of 15 Year	30 days

- (A) If a holiday occurs during the period an employee is scheduled to be on vacation, the employee will receive an additional day of vacation for each holiday in the period.
- (B) Vacation must be taken during the calendar year immediately following the year during which vacation was earned. Vacation days may only be carried from year to year if the employee is denied the opportunity to use the vacation during the current year due to a department emergency or with authorization by the Department Head or the Village Administrator.

- (C) Except in an emergency, a request to take vacation requires approval of the employee's supervisor. A supervisor need not approve a request if the employee's absence will clearly impair the department's ability to meet its responsibilities. Vacation requests exceeding 10 consecutive days require a written request from the employee to be submitted to both their supervisor and Village Administrator for approval.
- (D) Vacations will normally be taken at times that are convenient to the department in terms of time of year, workloads and the availability of other employees to fill in, if necessary, for an absent employee. Because the Village as an employer must take precedence over the preferences of an employee when it comes to scheduling vacation time.
- (E) Time lost in excess of 15 working days, during any one calendar year, as a result of suspension without pay will not be credited in the computation of vacation earned.
- (F) Upon recommendation of the Village Administrator and approval of the Village Board, newly hired employees may be credited with additional years of service placing them at a higher accrual rate of vacation days. However, new employees who start after June 30 are only eligible for half of the corresponding vacation days for the remainder of that year. For example, a new employee starting August 1 who is credited with 5 years of service, would receive 10 days of vacation for the rest of that calendar year, and would receive 20 days of vacation the next calendar year.

### 8.3 - SICK LEAVE

- (A) Regular full-time Village employees earn sick leave credits from the day they begin work and are entitled to twelve (12) days of sick leave for each calendar year worked. Each regular full-time employee may use five of these sick days as personal days each year of employment. These personal days are non-accumulative and shall be forfeited upon retirement or termination of employment. No compensation shall be paid to the employee for unused personal leave at any time. Sick leave will be accrued, computed and recorded on a monthly basis.
- (B) Unused sick leave credits may be accrued up to a maximum of 120 days; sick leave credits accrued in excess of the maximum allowed will be recorded for informational and statistical purposes only. At the end of the calendar year, employees with a minimum of 20 years of employment with the Village that have reached their maximum sick time accumulation may elect to have unused sick time over 960 hours converted to their Health Account through North Shore Bank. Employees must notify the Village Clerk prior to December 1<sup>st</sup> each year to make this election or the hours will be forfeited.

- (C) Time lost in excess of 15 working days, during any one calendar year, as the result of suspension without pay will not be credited in the computation of sick leave earned.
- (D) Sick leave is intended to be used when an employee is ill, injured, or has been exposed to a contagious disease. Any sick leave of 3 consecutive days or more shall require that the employee provide to the employee's supervisor or Village Administrator a physician's statement of the reason for the leave. Willful misuse of sick leave or false reports regarding illness will subject the employee to disciplinary action.
- (E) Up to three consecutive days of sick leave may be used to care for a member of an employee's immediate family [defined as spouse/partner, children or any relative residing with the employee for a period of not less than one year] residing with the employee or dependent on the employee for one-half or more of the family member's support. A request to use more than three consecutive of sick leave for this purpose shall be submitted to the Village Administrator, who will forward the request for an extension of time to the Personnel Committee and Village Board. The Village may request a physician's statement attesting to the necessity that the employee contribute to the care of a family member.
- (F) Employees retiring or resigning after 10 or more years of service shall have one-half of their accrued sick leave at their current rate of pay paid into a Health Account with North Shore Bank on behalf of the Employee. Employees retiring or resigning after 20 or more years of service shall have their accrued sick leave at their current rate of pay paid into a Health Account with North Shore Bank on behalf of the Employee, up to 960 hours. Employees retiring or resigning with less than 10 years of service shall forfeit any accrued sick leave credits.
- (H) If an employee dies prior to retirement, a lump sum payment of accumulated sick leave of not more than one hundred twenty (120) days shall be paid out according to the following formula: number of eligible days times 8 hours per day of accumulated sick leave times the employee's regular hourly rate of pay at the time of death. [was included in Resolution]

#### 8.4 –FUNERAL LEAVE

Regular full-time employees are entitled to three days of paid leave in the event of a close relative's death. For the purpose of administering this policy, a close relative is defined as a spouse/partner, child, step-child, grandchild, step-grandchild, mother, father, step-mother, step-father, grandmother, grandfather, sister, brother, mother-in-law, father-in-law, sister-in-law, or brother-in-law. Regular full-time employees are entitled to one day per year of paid leave in the event of a death occurring outside the immediate family. Employees shall notify the Village Clerk or the Village Administrator, prior to use of funeral leave.

## 8.5 – MILITARY LEAVE

- (A) Employees who are members of the National Guard or any of the recognized reserve components of the Armed Forces are entitled to military leave for the purpose of attending military course of instruction, annual training, or performing active duty for training.
- (B) Military Leave will be in addition to other vacation or paid leave to which an employee is entitled. Military leave will not exceed 15 days in a calendar year, excluding Saturdays, Sundays and holidays; vacation, compensatory time or unpaid leaves of absence will be used for military service in excess of 15 days in a calendar year.
- (C) If the employee's base pay as a member of the Armed Forces, excluding allowances for housing and subsistence and special duty pay, is less than his or her current compensation as a Village employee, the employee will be entitled to receive added compensation from the Village in an amount equal to, but not exceeding, the difference between the two rates of compensation for the period of time the employee is absent from work. Added compensation will be limited to the 15 days in a calendar year the employee is entitled to military leave. A copy of the military pay voucher will be submitted to the Clerk-Treasurer to determine the amount of base pay earned as a member of the Armed Forces.
- (D) An employee on military leave will not be compensated by the Village for travel time needed to accommodate the employee's personal preference for a mode of travel when travel exceeds the amount of time authorized for travel in military orders issued to the individual or reflected on the military pay voucher; such as additional time away from work will be charged to vacation, compensatory time, or leave without pay.
- (E) An employee intending to use military leave is expected to give the department head reasonable advance notice of the period during which military duty will be performed.

## 8.6 – PARENTAL LEAVE

The Village of New Glarus recognizes that employees must balance work obligations with providing care for their families. To assist in this effort, the Village provides their employees with paid time for Parental Leave beyond leave required under the State and Federal Family Medical Leave Acts.

Specifically, this policy provides paid time in addition to accumulated time off (sick, vacation, compensatory time, etc.). This policy is not intended to extend time away from work beyond absences outlined under the Federal Family Medical Leave Act.

- i. Employees who meet the eligibility criteria and have a qualifying event, shall receive 12 days of parental leave.

- ii. Definitions:
  - (1) Child(ren) – Parental Leave shall apply to all children under the age of 18. For the purposes of this policy, the child’s parent must be an employee of the Village of New Glarus.
  - (2) Paid Parent Leave – is defined as 12 days of paid leave to enable an employee to care for and to bond with their newborn, or a newly foster-placed or adopted child.
  - (3) Parent – is defined as a person identified on a child(ren)’s birth certificate, adoption certificate, certified copy of a foreign adoption order that has been registered with the State of Wisconsin, or other legal document certifying an adoption.
  - (4) Qualifying Event
    - i. Parental Leave: A qualifying event is defined as the live birth of adoption of a child on or after September 1, 2022. For foreign adoptions the qualifying event is the date the child enters the United States. (*Parent Leave*)
    - ii. Foster care placements are included; however foster child placement is limited to one occurrence per year, independent of the number of children placed.
    - iii. Additional limitations:
      - i. Sperm donors do not incur a qualifying event under this policy.
      - ii. Still births are not covered under this policy.
    - iv. Surrogacy clarified: Employees receiving a child from a surrogate incur a qualifying event under this policy. An employee serving as a surrogate does not incur a qualifying event under this policy.
    - v. Multiples: In the case of multiple births (twins, triplets, etc.), all children are treated as one qualifying event. In the case of multiple children being adopted, all children are treated as one qualifying event.
    - vi. One qualifying event per year. In the case of multiple qualifying events by an employee in the same year, the eligible employee will be entitled to only one instance of paid parental leave.
  - (5) Eligible Employee – is defined as a full-time non-represented employee employed for a minimum of 6 months of the Village of New Glarus who is entitled to accrue leave balances and experiences a qualifying event. Part time, Limited term, and Seasonal employees are excluded from this policy. Represented employees are excluded unless stated otherwise in the relevant collective bargaining agreement.

(C) General Provisions:

- (1) Paid Parental Leave may be used with other forms of leave. Paid Leave may be used consecutively with sick leave, vacation leave, unpaid leave, and other forms of leave available to the employee.
- (2) Paid Parental Leave shall run concurrently with leave provided under the Family Medical Leave Act, if an employee is eligible for FMLA. Employees not eligible for FMLA may apply for this leave.

- (3) Eligible Employees must use all of their Paid Parental Leave within twelve months of the qualifying event. Any portion of the Paid Parental Leave remaining twelve months after the qualifying event is forfeited. The state date of an employee's Paid Parental Leave is at the employee's discretion, as long as the employee's Paid Parental Leave has not year been forfeited.
- (4) Employees may use Paid Parental Leave intermittently, with the approval of their supervisor.
- (5) Employees on Paid Parental Leave will continue to receive fringe benefits (dental insurance, health insurance, disability insurance sick leave accrual, vacation accrual) provided under the Personnel Manual or union contract (if included) on the same basis as if working. Employees on Paid Parental Leave will also continue to receive compensation for holidays on the same basis as if working.
- (6) Employees may only be approved for Paid Parental Leave once during a year.
- (7) If both parents of a qualifying event are Village employees, each employee receives a Paid Parental Leave benefit.
- (8) Employees must provide documentation in a timely manner. At the time of application, employees must provide documentation of the upcoming event. Eight weeks after the event, the employee must provide documentation that names the employee as a parent or foster care assignment.

(D) Procedures

- (1) Employees who are eligible and anticipate experiencing a qualifying event must fill out and complete the Request for Paid Parental Leave form. This request form must be completed at least 30 days in advance from the anticipated date of the qualifying event. The Paid Parental Leave Request form must include the employee's expected start and end date of the employee's leave of absence.
- (2) Eligible employees must provide timely documentation of the upcoming qualifying event. Forms of documentation may include: a health care certification from a medical doctor, a certified copy of an adoption order listing the eligible employee as a parent, a certified copy of a foreign adoption order, or verification of foster care placement.
- (3) Employees must sign the request form acknowledging that they understand the policy, accepting that they intend to return to work and agreeing to provide proper documentation.
- (4) Administration will review the request and determine if the individual is eligible. If the request qualifies for Paid Parental Leave, Administration will approve the request and notify the employee and department.
- (5) Payroll will credit the appropriate amount of time into a parent or leave bank available to the employee after the qualifying event.
- (6) Full-time employees who qualify will receive 12 days of Paid Parental Leave, depending on regular work schedule.
- (7) Employees are only able to use this time after the qualifying event.

- (8) If the date of the qualifying event is different from the anticipated date submitted on the application, it is the responsibility of the employee to notify Administration.
- (9) For Parental Leave, no later than eight weeks after the qualifying event, the employee shall provide a certified copy of a birth certificate, adoption certificate, certified copy of a foreign adoption order, verification of foster care placement, or other legal document that names the employee as a parent to Administration.
- (10) If an official Village holiday occurs while the individual is on an approved Paid Parental Leave, the employee will receive holiday pay. (Official Village holidays do not count against an approved Paid Parental).
- (11) If an employee has any unused Paid Parental Leave twelve months after the qualifying event, the amount of Paid Parental Leave shall be forfeited.

(E) Policy Interpretation: Questions regarding the application and interpretation of this policy should be directed to the Village Administrator and/or Clerk-Treasurer.

#### 8.7 – FAMILY & MEDICAL MATERNITY LEAVE

- (A) Regular full-time employees with less than one year of service may request an unpaid leave of absence to care for a child, spouse, or parent who has a serious health condition. Family leave for this purpose is limited to two weeks per calendar year and is subject to approval by the department head.
- (B) Regular full-time employees with more than one year of service may request up to 12 work weeks of unpaid job-protected leave in a 12-month period for the following: the birth of a child and to care for a newborn child within one year of birth; the placement of a child for adoption or foster care and to care for the newly placed child within one year of placement; to care for a spouse, child, or parent who has a serious health condition; a serious health condition that makes the employee unable to perform the essential functions of their job; or any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty.” This policy is in accordance with the Family and Medical Leave Act (FMLA).

#### 8.8– EXTENDED LEAVE OF ABSENCE

- (A) Any regular full-time employee may request an extended leave of absence, without pay or benefits, for periods exceeding 14 calendar days. The length of an absence will be jointly determined by the employee and the department, and approved by the Board.
- (B) An extended leave of absence will normally not exceed three months.

- (C) An extended leave of absence may be granted for the following purposes:
- (1) For medical reasons
  - (2) To work in other employment, or serve as a full-time elected official for a period of time not exceeding two years, if the experience gained is likely to benefit both the employee and the Village.
  - (3) To participate in a partisan political campaign, either as a candidate seeking elective office or a member of a candidate's campaign staff.
  - (4) To attend a course of instruction expected to benefit both the employee and the Village.
  - (5) Exceptional personal reasons.
- (D) An extended leave of absence will be granted only if the employee's absence is not likely to impair a department's ability to meet its responsibilities.
- (E) The Board may consider any appropriate criteria in granting or denying a requested leave of absence, including the following:
- (1) The length of employment of the employee prior to requesting a leave of absence. An employee should have five (5) years of service before asking for a leave of absence for other than medical or family leave reasons.
  - (2) Whether the employee has requested and been granted a prior leave of absence.
  - (3) The length of the leave of absence requested.
  - (4) Past satisfactory performance evaluations for the employee requesting leave.

#### 8.9 – POLICIES GOVERNING UNPAID LEAVES OF ABSENCE

- (A) The following policies govern all unpaid leaves of absence and military leaves in excess of 15 days.
- (1) The employee must use any unused vacation time at the start of the requested leave of absence, so that the employee will not have unused vacation time upon return to full-time employment.
  - (2) Holidays and other non-work days occurring during an unpaid leave of absence will be considered part of the approved period of absence; the absent employee will not be entitled to compensation for holidays occurring during that period.
  - (3) An employee on an unpaid leave of absence will not earn vacation or sick leave credits during the period of absence.
  - (4) With the department head's approval, an employee may return to work before the expiration of unpaid leave of absence; early return from an extended leave of absence granted for medical reasons will require a physician's approval.
  - (5) An employee has the right to return to the position held at the time an unpaid leave of absence was granted. If the position is abolished during the employee's absence by Village action or the duties associated with the position are significantly changed so that the

returning employee is no longer qualified to perform the duties associated with the position, the employee may invoke the same rights extended to a regular full-time employee facing layoff.

- (6) The position is temporarily vacated by an employee on an unpaid leave of absence may, at the department head's option, be filled on a temporary basis.
- (7) Failure to return from an unpaid leave of absence on the date agreed will not be grounds for the employee's immediate discharge. Five working days will be allowed before any action to terminate employment is initiated; the additional time will be used by the department head to contact the absent employee and determine the employee's intent. Efforts made to contact the absent employee will be carefully documented by the department head.

#### 8.10 JURY DUTY AND COURT APPEARANCES

- (A) When a village employee is summoned for jury duty, the department head will be notified and will make arrangements for the employee's absence. Employees serving as jurors will receive a paid absence and may retain fees and mileage received for jury duty. Employees on call for jury duty, but not actually impaneled as jurors, are expected to report to work as Village employees.
- (B) Village employees making a court appearance in conjunction with duties performed as a Village employee will be granted a paid absence for the purpose, but any fees received by an employee in their official capacity or as an expert witness, exclusive of mileage, parking or other related expenses, will be deposited with the Clerk-Treasurer.
- (C) Village Employees required to make court appearances in cases unrelated to their duties as a Village employee will be expected to use vacation or an unpaid leave of absence for the purpose, but may retain fees and expenses received in conjunction with their appearance in court.
- (D) A paid absence is not authorized when employees are summoned to appear in court as a result of charges related to official or personal misconduct on their part.

#### 8.11 ABSENCE FOR THE PURPOSE OF GIVING BLOOD

A reasonable amount of time off without loss of pay will be granted an employee who is asked or chooses to donate blood.

#### 8.12 DONATION OF TIME OFF

- (A) An employee wishing to donate vacation, sick time or compensatory time shall state his/her intention in writing on a prepared form submitted to the Village Administrator. Any donation of time off may be granted at the

discretion of the Village Administrator. No employee may donate more than forty (40) hours of combined time for all employees per calendar year.

- (B) The maximum number of hours donated by an individual shall be twenty-four (24) hours. The maximum number of hours donated to one employee for his/her use shall be eighty (80) hours, unless approved by exception by the Village Administrator.
- (C) The recipient of the donated hours shall use the hours to extend paid leave time. The recipient, under no circumstances, shall be paid cash for the hours donated. Before receiving donated time, the recipient must first exhaust all paid time including vacation, random days, compensatory time, and sick leave, including that under the Family Medical Leave Act.
- (D) The donation of hours shall be on an hour-for-hour basis without calculation of dollars between the accrual amounts of either the donating and/or receiving employee(s). Recipient employees shall be paid at their regular wage rate. Donation transfer shall not result in overtime for the recipient.
- (E) A qualified absence shall include, but will not be limited to, an absence for medical and/or other catastrophic emergency needs of the employee's immediate family members, as defined by the Family and Medical Leave Act, or in the aftermath of a family member's death. The application and use of the donated time in the case of death shall be limited to the death of the spouse and up to thirty (30) days after the date of death. Exceptions to this limitation must be approved by the Village Administrator based on special or unusual circumstances.
- (F) Any donated time not used by the recipient for the catastrophic illness or injury in question shall be credited back to the donor.
- (G) Part-time employees will have the above-described donated time prorated.

## CHAPTER 9 - TRAINING AND PROFESSIONAL DEVELOPMENT

### 9.1- CONTINUING EDUCATION AND TRAINING

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

- (1) The course of instruction is work related and approved by the department head before the first day of class.
  - (2) The employee provides evidence of having successfully completed the course.
  - (3) The employee is not eligible for full or partial reimbursement of costs from any other source. In the event partial reimbursement is received from another source, the Village may pay the difference between the amount received and the full costs of the program.
- (B) Consideration of employee requests for reimbursement of costs related to their continuing education and training is dependent upon budgetary constraints, the recommendation of an employee's department head and Board approval.
- (C) If, as a condition of participation in programs for their continuing education and training, Village employees must attend a program on days and during hours they are normally scheduled to work, they will be provided with necessary time off to attend and need not use vacation time or unpaid leaves of absence.
- (D) Employees who participate in and complete programs of instruction on their own time and at their own expense are encouraged to notify their department head and the Clerk-Treasurer so the information can be made a part of the employee's personnel file.

## 9.2 ATTENDANCE AT CONFERENCES AND CONVENTIONS

- (A) Employees who chose to belong to professional organizations that promote individual professional development as a Village employee will be granted time off with pay to attend local and state meetings subject to approval by the department head and the appropriate committee of the Board. Collective bargaining units that negotiate for Village employees are excluded from coverage under this policy.
- (B) Elected and appointed officials who belong to organizations representing the interests of local government or providing training opportunities for local government officials are encouraged to participate in conferences, conventions, workshops, and seminars offered by these organizations. Reimbursement of costs incurred is subject to Board approval and budgetary limitations.

## 9.3 MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

The Village will pay the cost of annual dues or fees for an employee who is required by ordinance, or state or federal law to be a member of a professional organization or who must maintain a certification or license as a condition of employment. Examples of such certifications include, but are not limited to CDL, Notary, CPR, 1<sup>st</sup> Aid, Wastewater Operator License, Bonds, and/or other

certifications or licenses applicable to employee's position as determined by the Village Board from time to time. Village will also pay cost of professional organizations as determined by Village Board from time to time.

#### 9.4 REIMBURSEMENT FOR TRAVEL TIME

Employees shall be reimbursed for travel time to and from approved training at their regular hourly rate of pay or will be granted one hour of compensatory time for each hour of travel time. Reimbursement shall be made in the manner requested by the employee.

### CHAPTER 10 - RISK MANAGEMENT AND SAFETY

#### 10.1 - USE OF VILLAGE OWNED MOTOR VEHICLES

(A) Village owned motor vehicles will be used only for official business. No person who is not an employee of the Village shall operate village vehicles without the consent of the Village Administrator.

(B) Village vehicles normally will not be taken home overnight, unless an employee is designated to be on call 24 hours a day and expected to respond to emergencies.

(C) Village vehicles may be used for travel at mealtime if an official or employee is in a location where driving to recover use of his or her personal car would result in extra and unnecessary use of fuel.

(D) Transporting family members in Village vehicles will be allowed only when the family member is accompanying a village official or employee to a business meeting or official function.

(E) Village vehicles will be legally operated and parked at all times. Citation issued to the driver of a Village vehicle will be the responsibility of the driver, not the Village.

(F) Seat belts will be used by the driver and all passengers when a vehicle is in motion. It is the driver's responsibility to ensure passengers use seat belts.

(G) Department heads may establish supplemental policies for the use of vehicles used by their employees.

(H) Smoking in village owned vehicles is prohibited.

#### 10.2 QUALIFICATIONS FOR OPERATING VILLAGE OWNED VEHICLES

(A) Employees are encouraged to use Village vehicles instead of their own for official Village business whenever possible. Although employees will

not be required to provide their own vehicles for conducting Village business, personal vehicles may be used for conducting Village business with the approval of an employee's department head. Employees using their personal vehicles will be reimbursed at the prevailing rate established by the IRS.

- (B) All officials and employees whose duties require the operation of a Village owned vehicle or who operate a privately owned vehicle while conducting Village business must possess a valid motor vehicle operator's license issued by the State of Wisconsin. Prior to being employed by the Village in a position requiring the operation of a motor vehicle, evidence that a job applicant has a valid operator's license may be requested by the Village. If it is learned that a job applicant has been charged with three or more moving violations within three years of the date of review, the applicant may be denied employment; if it is learned that a current employee has been charged with three or more violations within three years of the date of review, the employee may be denied authorization to operate a vehicle while representing the Village.
- (C) Any employee performing work that requires the operation of a motor vehicle must inform his or her immediate supervisor if the employee's operator's license has expired, been suspended or revoked. If the employee fails to report the expiration, suspension or revocation of his or her operator's license, the employee may be subject to disciplinary action. The Village shall perform record checks on all employees operating village-owned motor vehicles on an annual basis.
- (D) If the operator's license of an employee has been revoked and the employee performs work that requires the operation of a motor vehicle, or the Village's insurer denies coverage for that employee, the employee may be discharged.
- (E) If an employee exhibits a disregard for acceptable safe driving procedures, the affected department head may deny authorization to operate a vehicle while representing the Village; if the employee performs work, which requires the operation of a motor vehicle, the employee may be discharged.
- (F) Officials or employees who operate privately owned vehicles while conducting official business for the Village must have motor vehicle liability insurance, providing coverage for bodily injury or death and destruction or damage to property, that meets or exceeds the minimum requirements established under section 344.33, Wisconsin Statutes.

### 10.3 ACTIONS AT THE SCENE OF AN ACCIDENT

It is the responsibility of Village officials and employees, while traveling in Village owned vehicles, to stop at an accident scene and render whatever

assistance is within their capacity to provide. At a minimum, an official or employee should ensure that police, fire and emergency medical personnel, if needed, have been notified. The official or employee should remain at the accident scene until emergency personnel arrive and then render assistance if needed.

#### 10.4 REPORTING ACCIDENTS

All accidents, including motor vehicle accidents, will be reported promptly to the department head who will then report said accident to the Clerk-Treasurer. Accident forms prescribed by the Village or its insurers may be used for the purpose.

#### 10.5 ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT

- (A) When an accident occurs in which defective equipment may be at fault, the following steps should be taken by employees:
- (1) Attend to injuries incurred by any employees or others.
  - (2) Turn any equipment suspected to be at fault over to the department head.
  - (3) Write a detailed report describing the circumstances surrounding the incident. This report should be submitted to the department head within 24 hours after the incident and a copy provided to the Clerk-Treasurer.

#### 10.6 RESPONSES TO INJURY OR ILLNESS

- (A) It is recognized a Village Official, employee or member of the general public could be injured or become ill while on property owned, rented or leased by the Village. Individuals in need of medical treatment should be transported to the nearest clinic of health care facility as soon as possible.
- (B) Any injury or illness involving a Village official, employee or member of the general public should be reported to the Clerk-Treasurer as soon as possible. The Clerk-Treasurer will take the necessary steps to gather other information and initiate reports needed to satisfy requirements of insurers and the State of Wisconsin.

#### 10.7 ACCIDENT INVESTIGATIONS INVOLVING VEHICLES AND EQUIPMENT

- (A) If a Village official or employee, while operating a Village owned vehicle, piece of equipment, or a privately owned vehicle, is involved in an accident, he or she will:

- (1) Request that all parties remain at the scene.
- (2) Summon police, fire or emergency medical personnel as required.
- (3) Render assistance to injured parties.
- (4) Refrain from making statements regarding the accident to anyone other than investigating officers, Village officials, or representatives of firms insuring vehicles and equipment operated by the Village officials and employees; any statements made should be restricted to factual observations.

## 10.8 SAFETY AND ACCIDENT PREVENTION

(A) The Village recognizes the need for developing safe work practices and encourages promotion of on-the-job safety. Safety and accident prevention are responsibilities of work unit supervisors and department heads. Employees are expected to:

- (1) Observe safe practices.
- (2) Not operate, modify, adjust or use equipment in an unauthorized manner or for an unauthorized purpose.
- (3) Use protective equipment as required in designated areas and while using machinery or tools.
- (4) Not remove guards or other protective devices from machinery and equipment.
- (5) Notify supervisors of unsafe conditions.
- (6) Attend safety training programs as required.
- (7) Promptly report all job related injuries or illnesses.
- (8) Cooperate with supervisors investigating any accident of which an employee has knowledge.

(B) The Village maintains Worker's Compensation Insurance to cover accidents or illnesses incurred by Village officials and employees in the performance of their duties. Liability insurance is carried to cover accidents involving members of the public if it is determined that an accident involved negligence on the part of a Village official or employee.

## CHAPTER 11 - SPECIAL LAW AFFECTING MUNICIPAL OFFICIALS, EMPLOYEES AND GOVERNING BODIES

### 11.1 WISCONSIN OPEN MEETINGS LAW

- (A) Governmental bodies must give notice each time they intend to meet, state what matters they intend to take up, and then meet at a place that is accessible to the public. These rules apply to Village boards, commissions and committees.
- (B) Under normal circumstances a governmental body must give written notice that it intends to meet at least 24 hours before the meeting is

scheduled to begin; a governmental body may meet with only two hours notice if the meeting is in response to a bona fide emergency.

- (C) Except for specific purposes spelled out in state law, a commission must conduct its meetings in open session. Anyone may attend an open meeting and record the proceedings on audio or video tape, providing they do not interfere with the conduct of business.
- (D) Matters not included in the agenda can be taken up under the heading of "other business." As a rule of thumb, if a matter is taken up under this heading and any decisions need to be made, consideration of the matter should be limited to its discussion; any formal action should be deferred to a later meeting when the matter can be treated as a scheduled item on the agenda.
- (E) Section 19.85, Wisconsin Statutes, permits certain exemptions to the requirement that a governmental body, conduct its business in open session. A commission may meet in closed session for any of the following purposes:
  - (1) Deliberating on a matter that was the subject of a hearing before the Governmental body.
  - (2) Consideration personnel matters, including charges against an employee, which, if discussed in public, might harm the reputation of any person involved in the matter.
  - (3) Investigating charges against, or considering the demotion or dismissal of, an employee.
  - (4) Considering the employment, promotion, compensation or performance evaluation of any employee under the governmental body's jurisdiction.
  - (5) Conferring with legal counsel concerning litigation in which a governmental body is or likely to become involved.
  - (6) Deliberating on matters related to purchasing or selling property, investing public funds or other matters where competitive reasons require a closed session.
- (F) The open meeting law requires that certain procedures be followed when a closed meeting is planned.
- (G) If a closed session is planned at the time a meeting notice is prepared, the notice must announce the intent to meet in closed session and cite the specific statutory authority permitting it. The agenda should be structured in a way that lets a governmental body begin its meeting in open session, move into closed session at the appropriate time, then return to open session to take up other matters.
- (H) If the intent to meet in closed session is part of the meeting notice, but if during a meeting it is determined a closed session is appropriate, a

motion to go into closed session may be made by a member of the body. The nature of the matter to be taken up in closed session, and the specific statutory authority for doing so, must be stated as part of the motion; the name and the vote of each member on the motion must be recorded.

- (I) In this case, once the governmental body moves into closed session, it cannot return to open session for at least 12 hours. Consequently, it is wise to postpone taking up a matter in closed session until all other items on the agenda have been dealt with in open session.
- (J) The minutes of a closed session need not report what was discussed; but any formal action taken by the governmental body while in closed session, including each motion made, the identity of the members offering or seconding a motion, and how each member present voted on the motion, must be recorded and treated as an open record. Documents related to matters taken up in closed session may be closed to public access; once the purpose for closing a meeting and shielding documents from disclosure have been served, the documents should be open to public access.
- (K) Exactly who is entitled to participate in a closed session and who may be invited to be present are two separate matters. All members of a governmental body are entitled to be present, including any member objected to or voted against a motion to meet in closed session. Individuals who are not members of the governmental body are not entitled to be present during a closed session unless invited by the body present.
- (L) Members of all Village boards, commissions and committees should be aware of an important presumption made under the open meetings law: Whenever one half or more members of a governmental body are present at one time in the same place, it is presumed they are conducting business as a governmental body, even if a meeting has not been called or notice given. State law recognizes the likelihood of chance gatherings or attendance at social functions that are not intended to circumvent the law. Attendance at conferences or programs of instruction by one half or more members of a governmental body also are exceptions to the basic presumption made under the Wisconsin open meetings law.
- (M) A court can impose penalties on members of a governmental body who violate the open meetings law. Forfeitures of between \$25 and \$300 can be imposed on each member found in violation of the law. Forfeitures are treated as a personal liability and cannot be reimbursed by a municipality.
- (N) A potentially more costly penalty stems from an option to a court that finds a governmental body has violated the open meetings law: The court can

void any action taken by a body found in violation of the open meetings law.

## 11.2 WISCONSIN OPEN RECORDS LAW

- (A) A public record is defined as any written, printed or recorded information created or held by a public official, agency or body. Excluded are drafts, notes or preliminary computations prepared for the originator's personal use, materials that are personal in nature, and materials to which access is limited by copyright, patent or bequest.
- (B) Each public employee has a legal custodian, even if no formal action has been taken to appoint one. At least one deputy custodian should be appointed act on requests in the event the custodian is absent or unavailable when access to a governmental body's records is requested.
- (C) Any person, regardless of age or residence, may request access to, or copy of a public record held by the Village. A person seeking access to records has the statutory right:
  - (1) To know who the legal custodian is.
  - (2) To know the place, days and hours established for gaining access to Village records.
  - (3) To inspect a public record and obtain a copy of it, within any limitations set by federal or state law.
  - (4) To withhold their name for the reason for seeking access to a record.
  - (5) To have their request for access to a public record acted on within a time period described in state law "as soon as practicable and without delay."
  - (6) To have reasons used for denying access to a record put in writing and to be given a copy of the denial.
  - (7) To use legal remedies provided in section 19.37 Wisconsin Statutes, if there is a reason to think a custodian violated the state law by delaying action on a request, denying access without sufficient reason, or imposing fees that exceed direct, reasonable costs.
- (D) But, a person seeking access to a public record also has certain statutory obligations; these include:
  - (1) Being reasonably specific in describing, by subject matter and time period covered, the public record or information to which they are seeking access.
  - (2) Complying with reasonable restrictions, set by the custodian, for inspecting or copying a record.
- (E) Legal custodians of public records have statutory authority:
  - (1) To appoint one or more deputy custodians.
  - (2) To insist that a request be reasonably specific in terms of subject matter and the time period covered by a public record.

- (3) To impose reasonable restrictions for handling and making copies of records.
  - (4) To collect a fee, not exceeding direct, reasonable costs in copying a public record, and to require that a fee be prepaid if it will exceed five dollars.
  - (5) To limit access to only those records, or portions of a record, the public is legally entitled to inspect or copy.
- (F) Legal custodians of public records also have certain obligations; these include:
- (1) Providing access to records under the conditions set and posted ahead of time.
  - (2) Providing a copy of the record requested that is as good as the original or, in the case of computerized records, extracting the data requested.
  - (3) Acting on a request “as soon as practicable and without delay.”
  - (4) Giving specific reasons why a request for access to a record is being denied, either in whole or in part.
- (G) Unintentional violations of the public records law are common; intentional violations are probably less common, but in either case can lead to unwanted problems, including litigation. It is vital that each person appointed to serve as a public records custodian be familiar with what state law requires.
- (H) Whether a request for access to a public record is made orally or in writing, the custodian should record each request that is made and the action taken. If a request must be denied in whole or in part, the reason for denying the request should be put in writing with one copy given to the requester, another to the Village Attorney, and one retained by the custodian.
- (I) There is a basic rule every Village official and employee should observe: If it is believed there is a legitimate basis for denying a request for access to a public record, legal counsel should be contacted before acting on the request.

## CHAPTER 12 – INCLEMENT WEATHER CONDITIONS

### 12.1 CLOSING VILLAGE HALL

Village hall will be closed to the general public by the Village Administrator when safe access to the building cannot be maintained due to inclement weather conditions. The decision by the Village Administrator to close Village Hall should be made in conjunction with the New Glarus Public Library in response to a weather warning or current weather conditions.

In the event of a closure of Village Hall, all non-union Village staff who are issued a laptop and are able to work from home, will be expected to work remotely. All other non-union Village staff will be expected to report to work at their normal time, and will be credited one (1) personal day per calendar year.